

Digital gender-based violence from the experience of actors in the delivery of justice

Violência digital de gênero a partir da experiência de atores da administração da justiça

La violencia digital por razón de género desde la experiencia de los actores en la impartición de justicia

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The study contributes to the discussion and understanding of a serious and latent social problem in Mexican society. Enhanced victim support, legal policy reform, and perpetrator intervention strategies are vital for combating digital gender-based violence effectively

Originality/value:

This study offers original empirical evidence and insights into underexplored experiences of public servants, informing targeted interventions and policy frameworks for addressing digital gender-based violence.

ABSTRACT

Gender-based violence is one of the problems that most afflict Mexican society, and the most affected are women; with globalization and increased access to technology for many people, it has crossed the boundaries of the physical environment to manifest itself in digital spaces. There is a lack of literature approaching this problem, justifying the relevance of this research. The general objective of this paper is to analyze the current context of gender-based digital violence from the experience of public servants who currently provide care to women victims of gender-based digital violence in Nuevo León, Mexico. To carry out this research, a qualitative design was used in which 15 interviews were conducted with people who currently work as public prosecutors in the state of Nuevo León. For the analysis of the information, we opted for a thematic analysis based on the proposal of Braun and Clarke (2006), and for the treatment of the data we used the qualitative software Maxqda. In general terms, it was detected that many of the cases are not reported and involve bureaucratic and administrative problems that limit and hinder attention and resolution.

Keywords: Digital violence; gender-based violence; Justice; Mexico.**RESUMO**

A violência de gênero é um dos problemas que mais aflige a sociedade mexicana, e as mais afetadas são as mulheres; Com a globalização e o aumento do acesso à tecnologia para muitas pessoas, ela ultrapassou as fronteiras do ambiente físico para se manifestar também nos espaços digitais. Há pouca literatura sobre esse problema, por isso é importante realizar pesquisas sobre ela. O objetivo geral deste documento é analisar o contexto atual da violência digital de gênero a partir da experiência de servidores públicos que atualmente prestam atendimento a mulheres vítimas de violência digital de gênero em Nuevo León, México. Para a realização desta pesquisa foi utilizado um desenho qualitativo no qual foram realizadas 15 entrevistas com pessoas que atualmente trabalham como agentes do ministério público no estado de Nuevo León. Para análise das informações optou-se pela análise temática baseada na proposta de Braun e Clarke (2006) e, para o tratamento dos dados, foi utilizado o software qualitativo Maxqda. Em linhas gerais, observou-se que muitos dos casos não são denunciados e envolvem problemas burocráticos e administrativos que limitam e dificultam a atenção e resolução do caso.

Palavras-chave: Violência digital; Violência baseada no gênero; Justiça; México.**RESUMEN**

La violencia de género es una de las problemáticas que más aquejan a la sociedad mexicana, y las más afectadas son las mujeres; con la globalización y el aumento del acceso a la tecnología de muchas personas, ha traspasado las fronteras del entorno físico para manifestarse también en los espacios digitales, es poca la literatura acerca de esta problemática, es por ella la importancia de realizar investigaciones en torno a ella. El presente documento tiene como objetivo general analizar en el contexto actual de la violencia digital por razón de género desde la experiencia de los servidores públicos que actualmente brindan atención a las mujeres víctimas de violencia digital por razón de género en Nuevo León, México. Para la realización de esta investigación se utilizó un diseño de corte cualitativo en el que se realizaron 15 entrevistas a personas que actualmente se desempeñan como agentes del ministerio público en el estado de Nuevo León. Para el análisis de la información se optó por un análisis temático apoyados en la propuesta de Braun y Clarke (2006) y, para el tratamiento de los se utilizó el software cualitativo Maxqda. En líneas generales se observó que muchos de los casos no son reportados e involucran problemas burocráticos y administrativos que limitan y dificultan la atención y resolución del caso.

Palabras clave: Violencia digital; violencia de género; Justicia, México.

INTRODUCTION

Gender violence is one of the problems that most afflict Mexican society, studies by Echeverría, Paredes & Kantún (2017); Buquet et. al., (2013); Trigg & Wittenstrom (1996); Fineran & Bolen (2006) and Cortázar (2019) have shown that those most affected by gender violence are women.

Such violence, with globalization and increased access to technology for many people, has crossed the boundaries of the physical environment to manifest itself in digital spaces as well. According to Harris & Vitis (2020), digital violence is part of the spectrum of harm to which women are exposed throughout their life, and the digital platforms not only reflect but reinforce inequalities and facilitate the violence. In that regard, Araujo et al (2022) inside the digital environment, sexual violence is the most common aggression, being frequent mainly against women.

Barrera (2017) points out that this digital violence against women can manifest itself in different forms, for example: unauthorized access to email accounts or social networks; control and manipulation of information; impersonation or identity theft; monitoring and stalking the victim; discriminatory expressions; harassment; threats; extortion; discrediting in addition to dissemination of intimate personal information or without consent. We have focused our attention on this last type of violence. In the recent context, some studies suggest that the exacerbation of digital life due to phenomena such as the COVID-19 pandemic has been representing an increase in the forms and intensity in which digital violence is exercised against women (Fornari, et al., 2021).

At the global level, a study by the Association for Progressive Communications (2014) highlighted that, out of 1,126 cases studied from seven different countries, 40% of women between 18 and 30 years of age were the population most violated in digital spaces by people known or close to them, while 30% were digitally assaulted by strangers. This situation, clearly negative for women, leads us to reflect on the relevance of an international legal framework, so far absent, that establishes specific criteria for gender-based digital violence.

This measure would complement the recognition of the right, already existing in the framework of international legal protection, of women to a life free of violence in public and private spaces. It cannot be overemphasized that this measure would greatly contribute to guaranteeing the right to a safe cyberspace for women.

In the Mexican case, according to the results of the National Survey on the Dynamics of Household Relationships (ENDIREH) 2016, out of a surveyed population of 46.5 million, 66% of women aged 15 and over have suffered some type of violence. Likewise, the Module on Cyberbullying (2017), pointed out that out of a population between 12 to 59 years of age, 17.7% of women suffered violence through social networks in Mexico in the last 12 months, of which 19.3% suffered this violence while in higher education.

In addition, this same survey highlighted that only 5.4% of victims report these aggressions to the public prosecutor's office, which suggests that the perpetrators of such violence act with complete impunity. In the same context, phenomena are observed that clearly harm the female gender more frequently, such as the case of sextortion in the Mexican public service (Ramírez Sirgo; Moreno Rodríguez; Casas Cárdenas, 2021). Another study by Salgado-Espinosa & Salgado-Espinosa (2022), carried out in Mexico with women with an average age of 26 years, confirms these trends and suggests that 82.7% have experienced insults through the internet, the main aggressors for different types of violence were their partner and/or ex-partner. Helplessness and anxiety were the most identified emotions, and 82.1% did not report the incident.

From an temporal and empirical perspective and specifically in the Mexican context, the evidence show an increase in gender violence in the online digital space of social networks. To get an idea of the dimensions of this phenomenon, the study by Reyes Gozalez & Cantu-Ortiz (2021) shows that in 10 million Mexican tweets analyzed, approximately 20.1% can be classified as violent directed against women.

Moreover, digital violence against women has been on the rise, occupying a position of major concern for citizens and organized civil society who have designed different campaigns, proposals and legislative amendments to address this problem that for a long time was abandoned by the authorities. Such is the case of the well-known Olimpia Law, which arises as a result of Olimpia Coral Melo will promote in 2018 a reform in the Penal Code of the state of Puebla to criminalize the behaviors that violate sexual intimacy in digital media after having been a victim of such abuse and the inaction of the authorities (Tellez, 2022). This law represents a great step forward, because according to the principle of legality, no one may be judged except by the law in force at the time the conduct was committed, and it would be totally illegal to initiate a process, or worse, to issue an arrest warrant against a person who has not committed any of the pre-existing criminal offenses. The Olympia law represents a step forward in the proper criminalization of the dissemination of intimate content without the victim's authorization. From 2019 to date, 29 states of the Mexican Republic have criminalized conduct against sexual intimacy in digital media, as can be seen in Table 1.

Table 1. States that have criminalized conduct against sexual privacy in digital media

State	Ordering	Sanction
Aguascalientes	Penal Code for the State of Aguascalientes Article 181 b	1 to 4 years imprisonment 300 to 600 days fine, as well as the full payment of the reparation of the damages caused
Baja California	Penal Code for the State of Baja California Article 175 SEXTIES	1 to 6 years imprisonment fine of 500 to 1500 times the daily value of the unit of measure and current update
Baja California Sur	Penal Code for the Free and Sovereign State of Baja California Sur Article 183 Quater	3 to 6 years imprisonment fine of 1000 to 2000 days fine at the time the offense or crime is committed
Campeche	Article 175 Bis	3 to 6 years imprisonment fine of 500 to 1000 units of measurement and updating
Chiapas	Penal Code for the state of Chiapas Article 343 Bis	3 to 5 years imprisonment 100 to 200 days fine
Chihuahua	Penal Code of the State of Chihuahua Article 180 Bis	6 months to 4 years imprisonment 100 to 200 days fine 90 to 180 days of work for the community
Mexico City	Penal Code for the Federal District Articles 181 Quintus, 209 and 236	4 to 6 years imprisonment fine of 500 to 1000 units of measurement and updating
Coahuila	Penal Code of Coahuila de Zaragoza Article 236, fraction III	3 to 6 years imprisonment fine of 1000 to 2000 units of measurement and updating
Colima	Penal Code for the State of Colima Article 152 TER	4 to 6 years imprisonment fine of 500 to 1000 units of measurement and updating
Durango	Penal Code for the free and sovereign state of Durango Article 182b	4 to 8 years imprisonment fine from 288 to 566 Unidades de Medida y Actualización (U.M.A.U.)
State of Mexico	Penal Code of the State of Mexico Articles 211 Ter and 211 Quater	1 to 5 years and 3 to 7 years imprisonment fine from 200 to 500 and from 200 to 400 units of measurement and updating
Guanajuato	State Penal Code of Guanajuato Article 187-e	2 to 4 years imprisonment 20 to 40 days fine
Guerrero	Penal Code for the Free and Sovereign State of Guerrero Article 187	3 to 6 years imprisonment fine of 200 to 1000 times the daily value of the Measuring Unit and Updating
Hidalgo	Articles 183 Bis, 183 Ter and 183 Quater	3 to 6 years imprisonment 200 to 500 days fine
Jalisco	Penal Code of the State of Jalisco Article 176 Bis 1 and 176 Bis 2	1 to 8 years imprisonment fine of 1000 to 2000 units of measurement and updating
Michoacán	Penal Code for the state of Michoacán de Ocampo Articles 195 and 195 bis	4 to 8 years imprisonment fine of 1000 to 2000 times the daily value of the Unit of Measurement and Updating and from 1000 to 2000 times the daily value of the Unit of Measurement and Updating for the repair of the damage
Morelos	Penal Code for the State of Morelos Article 150 BIS	4 to 8 years imprisonment fine of 1000 to 2000 units of measurement and updating
Nuevo León	Penal Code for the State of Nuevo León Article 271 bis 5	6 months to 4 years imprisonment fine from 800 to 200 installments
Oaxaca	Penal Code for the Free and Sovereign State of Oaxaca Article 249	4 to 8 years imprisonment fine of 1000 to 2000 times the daily value of the measurement unit and update in force at the time the crime is committed
Puebla	Penal Code of the Free and Sovereign State of Puebla Article 225	3 to 6 years imprisonment a fine of 1000 to 2000 times the unit of measurement and updating at the time the offense or crime was committed
Querétaro	Penal Code for the State of Querétaro Articles 167 Quáter and 167 Quinquies	3 to 6 years imprisonment 1000 to 2000 times the daily value of the UMA, and from 1000 to 2000 times the daily value of the UMA for repairs of the damage
Quintana Roo	Penal Code for the Free and Sovereign State of Quintana Roo Articles 130 SEXIES and 130 SEXIES 1	4 to 8 years imprisonment 200 to 500 days fine
Sinaloa	Penal Code for the state of Sinaloa Article 185 BIS C	1 to 3 years imprisonment 300 to 600 days fine
Sonora	Penal Code for the State of Sonora Article 167 Ter	4 to 6 years imprisonment and from 150 to 300 units of measurement and updating.
Tamaulipas	Penal Code for the State of Tamaulipas Article 276 SEPTIES	4 to 8 years imprisonment fine of 1000 to 2000 times the daily value of the measurement unit and update
Tlaxcala	Penal Code for the Free and Sovereign State of Tlaxcala Article 295 Bis	3 to 5 years imprisonment fine of 200 to 500 times the value of the unit of measurement and updating
Veracruz	Penal Code for the Free and Sovereign State of Veracruz de Ignacio de la Llave Articles 190 Quincecies, 190 Sexdecies and 190 Septendecim	4 to 8 years imprisonment fine of 1000 to 2000 Measurement and Actualization Units, at the time the crime is committed.

Source: own elaboration (2024)

This modification to the state penal codes, derived to that, in June 2021, the General Law of Access of Women to a life free of violence, recognized digital violence as one of the modalities in which violence against women can occur in its

article 20, as:

Digital violence is any malicious action carried out through the use of information and communication technologies, by which real or simulated images, audios or videos of intimate sexual content of a person are exposed, distributed, disseminated, exhibited, transmitted, commercialized, offered, exchanged or shared without their consent, without their approval or without their authorization and that cause them psychological or emotional harm, in any area of their private life or in their self-image. As well as those malicious acts that cause damage to the intimacy, privacy and/or dignity of women, which are committed by means of information and communication technologies. Digital violence will be punished in the manner and terms established by the Federal Criminal Code.

Currently, only 16 states recognize gender-based digital violence as a form of violence against women in their specific laws, as shown in Table 2.

Table 2. States that recognize gender-based digital violence.

Entity Federative	Ordering	Recognizes digital violence by gender-based
Aguascalientes	Law on Women's Access to a Life Free from Violence for the State of Aguascalientes	No
Baja California	Law on women's access to a life free of violence in the state of Baja California.	Yes Type of violence Art. 6, VII. It is any act of harassment, harassment, threats, violation of data and private information, disclosure of information, hate messages, dissemination of sexual content without the express consent of the affected person, texts, photographs, videos and/or personal data or other graphic or sound impressions, true or altered, or any other action that is committed through information and communication technologies, internet platforms, social networks, email, applications, or any other digital space, that threatens, damages or affects the integrity, privacy, freedom, life, health and safety of the affected person private, or women's human rights.
Baja California Sur	Law on women's access to a life free of violence of the state of Baja California Sur	Yes Type of violence Art. 4. VIII TER. Digital violence. - It is any act that occurs through the Information and Communication Technologies, internet platforms, social networks or email, which violates the integrity, dignity, intimacy, freedom, private life of women or causes psychological, physical, economic or sexual harm or suffering both in the private and public sphere; as well as moral damage to them or their family. It is manifested through cyberstalking, harassment, harassment, threats, extortion, stalking, insults, dissemination of apocryphal information, hate messages, dissemination without consent of intimate content, texts, photographs, videos and/or personal data or other true or altered graphic or sound impressions, impersonation and identity theft, control and manipulation of information, discriminatory expressions, affectations to channels of expression, unauthorized access or control. Cyber-sexual violence is identified as that which includes virtual trafficking, sextortion, dissemination of intimate content without consent, pictures and nudes taken without authorization and under anonymity.
Campeche	Law on women's access to a life free of violence in the state of Campeche	Yes Type of violence Art. 5. VIII. Digital Violence. acts of harassment, harassment, threats, insults, violation of data and private information, disclosure of apocryphal information, hate messages, dissemination of sexual content without consent, texts, photographs, videos and/or personal data or other graphic or sound prints, true or altered, or any other action that is committed through Information and Communication Technologies, internet platforms, social networks, email, applications, or any other digital space that violates the integrity, dignity, privacy, freedom, private life or violates any human right of the victims.
Colima	Law on Women's Access to a Life Free from Violence for the State of Colima.	No
Durango	Women's Right to a Life Without Violence Act	Yes Areas of violence Art. 7, XIII. Digital violence: Any act that occurs through Information and Communication Technologies (ICT), internet platforms, social networks or email, or any other digitalized space that violates the integrity, dignity, intimacy, freedom, private life of women or causes psychological, physical, economic or sexual harm or suffering in both the private and public spheres; as well as moral damage to them and/or their families. It is manifested through harassment, harassment, threats, insults, dissemination of apocryphal information, hate messages, dissemination without consent of intimate content, texts, photographs, videos and/or personal data or other true or altered graphic or sound impressions.
State of Mexico	Women's Right to a Life Free of Violence Act for the State of Mexico	No
Guanajuato	Law for Women to a Life without Violence for the State of Guanajuato	Yes Types of violence Art. 5, XII. Digital Violence: action or omission that occurs when a person causes or performs physical or psychological harm to a woman, using information and communication technologies. communication, violating mainly their dignity, intimacy and privacy, freedom and privacy;
Guerrero	Law No. 553 On Access of Women to women to a life free of violence of the free and sovereign state of Guerrero	No
Hidalgo	Law on women's access to a life free of violence in the state of Hidalgo.	Yes Type of violence Art. 5, XI. Digital violence: Any malicious act carried out through the use of information and Communication Technologies that violates the integrity, dignity, intimacy, freedom, private life of women or causes damage both in the private and public sphere, in their self-image; as well as moral damage to them and/or their family. It is manifested through harassment, harassment, threats, insults and by those who disclose, expose, distribute, disseminate, exhibit, transmit, market, offer, exchange or share apocryphal information, hate messages, dissemination without their consent, without their approval or without their authorization of texts, images, audios or real or simulated videos of intimate sexual, erotic or pornographic content, of a person and/or personal data or other true or altered impressions. For the purposes of this Chapter, information and communication technologies shall be understood as those resources, tools and programs used to process, manage and share information by means of various technological supports
Jalisco	State law on women's access to a life free of violence of Jalisco.	No
Michoacán	Law for a life free of violence for women in the state of Michoacán de Ocampo.	Yes Type of violence Art. 9, VIII. Digital violence. It is any act that is presented through information and communication technologies, internet platforms, social networks or email, or any other digitalized space that violates the integrity, dignity, intimacy, freedom, and private life of women or causes psychological, physical, economic or sexual harm or suffering in both the private and public spheres, as well as moral damage to women and their families. It is manifested through harassment, harassment, threats, insults, dissemination of apocryphal information, hate messages, dissemination without consent of intimate content, texts, photographs, videos and/or personal data or other true or altered graphic or audio impressions
Morelos	Law on women's access to a life free of violence in the state of Morelos.	Yes Types of violence Art. 20, IX.- Digital violence. - It is any act that is presented through information and communication technologies, internet platforms, social networks or email, or any other digitalized space that threatens integrity, dignity, privacy, freedom, private life of women or cause moral harm to them and/or their family. It is manifested through harassment, harassment, threats, insults, disclosure of apocryphal information, hate messages, dissemination without consent of intimate content, texts, photographs, videos and/or personal data or other graphic or sound impressions, true or altered.
Nuevo León	Law on women's access to a life free of violence	Yes Types of violence Art. 6, VIII.- Digital violence: Are those acts of gender violence committed in part or in whole, when using information and communication technologies, social networking platforms, email, text messages or calls via cell phone, which cause psychological or emotional damage, reinforce prejudice, damage reputation, cause economic losses, pose barriers to participation in public or private life. of the victim or may lead to forms of sexual or physical violence.
Oaxaca	State Law on Access to women to a life free of gender-based violence genre	No
Puebla	State law on women's access to a life free of violence of Puebla	No
Querétaro	State Law on Women's Access to a Fair and Equitable Life Free of Violence	No
Quintana Roo	State law on women's access to a life free of violence of Quintana Roo	No

Sinaloa	Law on women's access to a life free from violence of violence in the state of Sinaloa	No
Sonora	Access to Information Act women to a life free of violence in the state of Sonora.	Yes <i>Type of violence</i> Art. 5, VIII.- Digital violence. Are acts of harassment, harassment, threats, deception, abuse of trust, violation of data and information, disclosure and dissemination of texts, images, audios, videos, personal data or other elements, whether of a true, altered or apocryphal nature of intimate sexual content, inciting to hatred and/or infringing integrity, dignity, privacy, intimacy, freedom, private life, causing moral damage, infringing psychological health or violating any human right, and carried out through telephone messages, publications in social networks, e-mail, messaging systems, applications, etc., and which may be used in the following ways technology, digital platforms or any other technological means.
Tamaulipas	Law to prevent, address, punish and eradicate violence against women	Yes. <i>Type of violence</i> Article 8 Ter. Digital violence against women is any act that occurs through information and communication technologies, by means of disclosure, without consent, of texts, audio, videos, or other graphic impressions, of intimate content, erotic or sexually suggestive images, real or altered, whether their own or those of another person, that causes harm or damage and that threatens the integrity and dignity of women.
Tlaxcala	Law guaranteeing women's access to a life free of violence in the state of Tlaxcala.	Yes. <i>Types of violence</i> Art. 6, VIII. Cyber violence: Any action that harms, denigrates or endangers the dignity, safety, freedom and integrity of women and girls, through the use of information and communication technologies, social networks, web pages, e-mails, blogs, text messages, videos, or any other similar means.
Veracruz	State law on women's access to a life free of violence of Veracruz de Ignacio de Llave	No
Yucatan	Law on women's access to a life free of violence in the state of Yucatan.	Yes. <i>Modalities of violence</i> Art. 7, VII. Digital violence: Is any act carried out through the use of information and communication technology (ICT), digital media, social networks, or other data transmission technology that directly or indirectly facilitates the exchange of information between people, through behaviors such as harassment, bullying, threats, disclosure without consent of private information, as well as photographs, texts, videos, sensitive personal data, graphic or sound impressions regardless of whether they are true or apocryphal, violating human dignity, image, integrity, privacy, freedom, honor, security or any other right and causing psychological, physical, economic or sexual suffering to both women and their families, within any public or private sphere.
Zacatecas	Law on Women's Access to a Life Free of Violence in the State of Zacatecas	Yes. <i>Modalities of violence</i> Article 14 Ter. - Digital Violence. Any fraudulent act that is presented through the technologies of information and communication technologies, through the disclosure without consent, of texts, videos or other graphic images with a high erotic content or images that are suggestively sexual, true or altered, whether it is their own or someone else's, that causes damage to or harm and that undermines the integrity and dignity of women.

Source: own elaboration (2024)

Despite the legislative efforts made by the authorities of the different state entities to provide women with a violence-free cyberspace, it should be noted that the criminalization of conduct against sexual intimacy in digital media and the recognition of digital violence are relatively new in Mexico and in the state of Nuevo León (Escalera et al., 2023). Given this novelty, it should be noted that there has not been an account of the complaints that have been made both in the country and in this entity; likewise, there is no statistical data and information on digital violence exercised against women on the basis of gender. In this framework, the importance of asking about the experiences that public servants have had when dealing with this problem, the information will contribute to the knowledge of a phenomenon that requires urgent and immediate interventions in the search for justice and reparation of the damage.

METHODOLOGY

This research has a qualitative approach, with the purpose of discovering from the professional experience of the subjects those conceptions about gender-based digital violence, in addition to identifying the care provided to victims who are part of this by representatives of government institutions, specifically people who serve as public prosecutors in the state of Nuevo Leon.

To obtain the information, the semi-structured interview data collection technique was used, since they present a degree of flexibility because they start from planned questions, with the advantage or possibility of adjusting to the interviewees that can be adjusted to the interviewees (Diaz et al, 2013). This technique is intended to deepen the experience of the subjects of study and access their consciousness (Lopez and Deslauriers, 2011).

We used purposive sampling based on criteria (Hernández et al., 2010), with people who work as public prosecutors in the state of Nuevo León. For the analysis of the information obtained, we used Braun and Clarke's (2006) thematic analysis proposal. For the organization of the information, we used the categorization and codification of the data collected. The data was processed using the Mxqda 2020 information processing software.

RESULTS AND DISCUSSION

Knowledge of the concept of gender-based digital violence

According to the General Law on Women's Access to a Life Free of Violence (2021), digital violence implies malicious actions through the use of information and communication technologies to expose, distribute, exhibit, transmit, commercialize, offer, exchange or share images, audios or real or simulated videos of intimate sexual content without consent, approval or authorization, causing psychological and emotional damage to the life and image of the persons who

suffer it. Furthermore, those actions that harm the intimacy, privacy and/or dignity of women are specifically considered.

Within the analysis of the general concept of gender-based digital violence, we can see in Figure 1 that the main aspects identified are: women, digital media, gender and people; that is, there is no broad and clear concept of all aspects involved in this problem, such as exposure, distribution or marketing of images, audios or real or simulated videos.

Figure 1. Concept of gender-based digital violence



Source: own elaboration (2024)

The concept of gender-based digital violence mentioned by the study participants can be separated into those with general but limited aspects of the concept:

- P.1 It is the violence that is exercised against women and girls through digital media by means of activities carried out without their consent, such as sexting, grooming, doxing, etc.
- P.3 When using insulting comments on digital platforms, as well as misuse of images and threatening to disseminate or misuse them
- P.7 Sending messages or making publications with threatening or hateful words or phrases towards people because of their gender (women, trans, etc.).

Within this category, only one participant mentions any harm or consequence for the people who have suffered or are suffering from this problem:

- P.2 It is violence that is carried out or generated through social networks and is harming or affecting either women, girls or any other gender of sexual diversity because of hatred towards this gender or a particular person.

On the other hand, there are those who have a very limited concept of digital gender-based violence, who were the majority compared to those who had a general concept:

- P.4 Exposing intimate data without consent because she is a woman.
- P.8 Dissemination or exhibition of sexual content.
- P.11 Infringement of rights through digital services.
- P.14 Invasion of privacy against someone's will.
- P.15 Display on social networks photos where women's rights or dignity are violated.

Process of reporting in cases of gender-based digital violence

There is a route to file a complaint that consists first of all, in making a backup of photographs, messages, videos that have been made to cause any damage, you can take screenshots, save the links (URL) or IP address; in addition to locating the medium through which the material was disseminated (page, social network, application, virtual channel, among others).

Secondly, if the person who is sharing the material or content is identified, the name, telephone number, address or any other important information that can be provided to the authorities must be recorded. If the person is not identified, as much information as possible must be provided and, finally, the person must go to the prosecutor's office to file a complaint; in the case of Nuevo León, this can also be done virtually.

In the speeches of the participants interviewed, it could be seen that they are not clear about the route to follow to file a complaint (Figure 2), i.e. they do not talk about what they have to do before going to the prosecutor's office, they only talk about going to the public prosecutor's office and filing the complaint physically or virtually.

Figure 2. Route to file a complaint for digital gender-based violence



Source: own elaboration (2024)

The only aspects mentioned by the survey participants about the route to file a complaint for this problem is that it can be filed physically:

- P.1 The indictment must be filed with the Public Prosecutor's Office.
- P.3 Declaration to the Nuevo León State Attorney General's Office either by virtual complaint or by physical presentation
- P.5 File a report at the prosecutor's office or virtually
- Or virtually:
- Q.2. It can be done virtually, from a device with internet access.
- Q.6 Video call takes 15 min. and if it is answered
- Q.11 Currently, the Nuevo León Public Prosecutor's Office has an application that allows you to file a complaint via Internet or telephone.

Only one interviewee mentions providing evidence about

- Q.7 You connect to the prosecutor's office in virtual complaint, the AMPO attends you and collects your complaint. He reads you your rights, asks you to send him the evidence if you have any.

On the obstacles faced by victims of digital gender-based violence when filing a complaint, the results show two main aspects, those that are victim-centered such as increased violence, re-victimization or intimidation:

- P.1 Being exposed to increased violence
- Q.3 Being reproached for allowing images of sexual content to be taken, which does not give the right to disseminate them
- Q.6 If you do not feel confident that you will be listened to
- P.7 Intimidation due to ignorance of the process
- P.9 Revictimization

And those that have to do with administrative or bureaucratic processes.

- P.2 No follow-up on investigation and protection orders
- P.4 Notification is only made physically, so the victim must know the aggressor's address or the ministerial office searches for him, but this takes a long time, while the victim remains in fear.
- P.12 Ignorance of the procedures, lack of officiousness on the part of the authorities, despair at not seeing results in the timeframe they thought they would.

One of the interviewees mentions the fact that not all people who experience this problem file a complaint, in addition to pointing out the lack of interest of the authorities in this problem:

The first obstacle is that not all people report this type of violence and when the complaint is made, the first obstacle I think is the lack of interest in the cases on the part of public officials, since they generally mention that for it to be violence, physical evidence of the violence must be presented, so that many times the complainants feel more violated (P.12).

Only one interviewee mentioned that in spite of the obstacles, there have been results to impart justice when this type of violence is committed:

- Q.15 The hours in line, but in the end if you are referred to therapy, and as far as I know, if the responsible parties have been found.

Regarding the obstacles faced by victims of digital gender-based violence during the criminal process when filing a complaint, those involving the victim and the administrative and bureaucratic aspects are mentioned in the same way as in the complaint process.

Victim implications:

- P.1 Revictimization and delays in proceedings
- P.2 Being exposed to increased violence and social rejection.
- P.12 Women are not aware of their rights or the process involved in filing a complaint.
- P.9 Embarrassment or feeling singled out by the complainants

Administrative and bureaucratic obstacles:

- P.3 Poor advice from pro bono legal counsel, lack of follow-up in investigations and deficient protection orders.
- P.5 the evidence is not sufficient to reach a resolution of a case.
- Q.6 Many times, the time it takes in the investigation, the butts in the evidence presented.
- Q.7 The bureaucracy and the backlog that is often found in the prosecutors' offices dedicated to this area of violence.
- P.10 Lack of credibility, little attention on the part of those who attend to the victims.

Also mentioned is the lack of equipment to deal with cases of digital gender-based violence:

- Q.4 How complicated it is to trace where the broadcast comes from, since specialized technical equipment is required.

Most of the interviewees consider that the resolutions on cases of gender-based digital violence have not been fair or have not been reached, and those that you mention that they have emphasized that it has only been in some cases:

- Q.8 Yes, those of judges, in general, but we cannot say what is fair and what is not until we see the specific case.
- Q.11 Yes, the ones that are issued condemn those who commit this crime, but probably not all the complaints reach this point.

Recommendations for women victims of digital gender-based violence who seek justice

Regarding the recommendations to women victims of gender-based digital violence seeking justice, the interviewees expressed the denunciation as one of the most important aspects, in addition to not giving up on the process and finally the search for other means or instances for the resolution of the case:

Image 3. Recommendations of agents who deal with cases of digital gender-based violence seeking justice



Source: own elaboration (2024)

Complaint:

- P.1 File a complaint, cooperate with the investigation, and provide all the evidentiary material they consider necessary to clarify the facts.
- P.5 Reporting, because many times victims do not do it.
- Q.7 That they always file a complaint

Do not desist in the process:

- P.4 Constantly go to the prosecutor's office in charge of the investigation file, cooperate in any request from the prosecutor, provide as much information as possible to integrate the investigation file.
- Q.7 First of all, that they make the decision to file a complaint because if they do not do so, they run the risk of continuing to be violated, as well as to follow up even if the process takes a long time, but not to give up and to reach a resolution.
- Q.12 That they should not give up, that justice will come and that they should not give up.

Support in other instances or by other means:

- Q.2 Approach collectives and seek good legal advice from them, look for ways to mitigate the accusations of "defamation", which is the main argument with which the aggressor seeks impunity to avoid being exposed in social networks.
- Q.13 That they also turn to the media to get more help in the case.
- P. 14 That they come forward to denounce and build a support network that accompanies them emotionally and psychologically in the process; in addition to reducing the use of social networks.
- P.15 Directly follow up on the process and if necessary gather evidence on their own or by other means.

CONCLUSIONS AND FINAL REMARKS

As we could observe in this research, the interviewees who during their professional practice have attended many cases of digital gender-based violence, although most of them emphasize that many of the cases are not reported and involve bureaucratic and administrative problems that limit and hinder the attention and resolution of the case (which should be the main purpose).

The fact that filing a complaint of digital gender-based violence has different implications, depending on factors such as local laws, jurisdiction and the seriousness of the situation, is evident.

It is important to note that, despite the possible positive implications, the reporting process can also be challenging for the affected person. As this study has shown, stigma, fear and possible re-victimization are important considerations; therefore, it is important that victims have access to comprehensive support, which may include legal advice, psychological assistance and community resources.

In situations of digital gender-based violence, it is recommended that those affected contact local authorities, organizations specialized in women's rights or counseling services to obtain specific guidance and support according to their location and circumstances, however, greater commitment is needed from the State and government agencies that deal with this problem and thus reduce the damage to the victims.

Limitations of the study and future research agenda

Limitations of the study include its narrow focus solely on the perspectives of public servants in Nuevo León, Mexico, which may not fully represent the diversity of experiences of women affected by digital gender-based violence across different regions or demographic groups. Additionally, the qualitative design, while valuable for exploring insights, may lack quantitative data for broader generalizations. Moreover, reliance on self-reporting in interviews might introduce biases or lead to underreporting of certain aspects of digital gender-based violence. In any case, it may be interesting to replicate this study in contexts within other areas of Mexico and also in regions with similar levels of development in Latin America or even in Asia and Africa. Given the complexities of digital gender-based violence, future research should aim to address the following areas:

Table 3. Proposed research agenda

Research Area	Directions for future research
<i>Comparative analysis of legal frameworks</i>	Investigate and compare the legal frameworks addressing digital gender-based violence across different regions or countries to identify gaps and best practices for effective policy implementation and enforcement.
<i>Longitudinal study on victim support mechanisms</i>	Conduct a longitudinal study to assess the effectiveness of various victim support mechanisms, such as helplines, counseling services, and legal assistance, in addressing the needs of women affected by digital gender-based violence over time.
<i>Exploration of perpetrator profiles and motives</i>	Explore the profiles, motives, and behaviors of perpetrators of digital gender-based violence to develop targeted intervention strategies and preventative measures, considering factors such as anonymity, online disinhibition, and psychological drivers.

Source: own elaboration (2024)

REFERENCES

- Araújo, A. V. M. de., Bonfim, C. V. do., Bushatsky, M., & Furtado, B. M. A. (2022). Technology-facilitated sexual violence: a review of virtual violence against women. *Research, Society and Development*, 11(2), e57811225757. <https://doi.org/10.33448/rsd-v11i2.25757>
- Association for Progressive Communications (2014). End violence: Women's rights and safety online Analysis of incidents of technology-related violence against women reported on the "Take Back the Tech!" Ushahidi platform.
- Barrera, L. (Coord.) (2017). *La Violencia en línea contra las mujeres en México*. México: Luchadoras, Fundación Heinrich Böll México y El Caribe y Asociación para el Progreso de las Comunicaciones, disponible en junio de 2021 en https://luchadoras.mx/wp-content/uploads/2017/12/Informe_ViolenciaEnLineaMexico_InternetEsNuestra.pdf
- Bertaux, D. (2005). *Los relatos de vida. Perspectiva etnosociológica*. Barcelona, España: Ediciones Bellaterra.
- Buquet, A., Cooper, J., Mingo, A., & Moreno, H. (2013). *Intrusas en la Universidad*. México: UNAM.
- Cámara de Diputados del H. Congreso de la Unión (2007). *Ley General de Acceso de las Mujeres a una Vida Libre de Violencia*. México
- Congreso de la Ciudad de México (2008). *Ley de acceso de las mujeres a una vida libre de violencia de la Ciudad de México*. México.
- Congreso del estado de Aguascalientes (2007). *Ley de Acceso de las Mujeres a una Vida Libre de Violencia para el Estado de Aguascalientes*. México.
- Congreso del estado de Baja California (2008). *Ley de Acceso de las Mujeres a una Vida Libre de Violencia para el Estado de Baja California*, México.
- Congreso del estado de Baja California Sur (2008). *Ley de acceso de las mujeres a una vida libre violencia del estado de Baja California Sur*. México.
- Congreso del estado de Campeche (2007). *Ley de acceso de las mujeres a una vida libre violencia del estado de Campeche*. México.
- Congreso del estado de Chiapas (2020). *Ley de desarrollo constitucional para la igualdad de género y acceso a una vida libre de violencia para las mujeres*. México.
- Congreso del estado de Chihuahua (2007). *Ley Estatal del Derecho de las Mujeres a una Vida Libre de Violencia*. México.
- Congreso del estado de Colima (2008). *Ley de Acceso de las Mujeres a una Vida Libre de Violencia para el Estado de Colima*. México.
- Congreso del estado de Durango (2008). *Ley de las Mujeres a una Vida sin Violencia para el Estado de Durango*. México.
- Congreso del estado de Guerrero (2008). *Ley número 553 De acceso de las mujeres a una vida libre de violencia del estado libre y soberano de Guerrero*
- Congreso del estado de Hidalgo (2007). *Ley de acceso de las mujeres a una vida libre de violencia del estado de Hidalgo*. México.
- Congreso del estado de Jalisco (2008). *Ley de acceso de las mujeres a una vida libre de violencia del estado de Jalisco*. México.
- Congreso del estado de Michoacán (2013). *Ley por una vida libre de violencia para las mujeres en el estado de Michoacán de Ocampo*. México.
- Congreso del estado de Morelos (2007). *Ley de acceso de las mujeres a una vida libre de violencia del estado de Morelos*. México.
- Congreso del estado de Nuevo León (2007). *Ley de acceso de las mujeres a una vida libre de violencia del estado de Nuevo León*. México.
- Congreso del estado de Oaxaca (2009). *Ley estatal de acceso de las mujeres a una vida libre de violencia de género*. México.
- Congreso del estado de Puebla (2007). *Ley de acceso de las mujeres a una vida libre de violencia del estado de Puebla*. México.
- Congreso del estado de Querétaro (2008). *Ley Estatal de Acceso de las Mujeres a una Vida Libre de Violencia*. México.
- Congreso del estado de Quintana Roo (2007). *Ley de acceso de las mujeres a una vida libre de violencia del estado de Quintana Roo*. México.
- Congreso del estado de Sinaloa (2007). *Ley de acceso de las mujeres a una vida libre de violencia del estado de Sinaloa*. México.
- Congreso del estado de Sonora (2007). *Ley de acceso de las mujeres a una vida libre de violencia del estado de Sonora*. México.
- Congreso del estado de Tamaulipas (2007). *Ley para prevenir, atender, sancionar y erradicar la violencia contra las mujeres*. México.
- Congreso del estado de Tlaxcala (2007). *Ley que garantiza el acceso a las mujeres a una vida libre de violencia en el estado de Tlaxcala*. México.
- Congreso del estado de Veracruz (2007). *Ley de acceso de las mujeres a una vida libre de violencia del estado de Veracruz de Ignacio de Llave*. México.
- Congreso del estado de Yucatán (2014). *Ley de acceso de las mujeres a una vida libre de violencia del estado de Yucatán*. México.
- Congreso del estado de Zacatecas (2007). *Ley de acceso de las mujeres a una vida libre de violencia del estado de Zacatecas*. México.
- Congreso del Estado del Estado de México (2008). *Ley de las Mujeres a una Vida sin Violencia para el Estado de México*. México.
- Congreso estatal de Coahuila (2016). *Ley De Acceso de las Mujeres a una Vida Libre de Violencia para el estado de Coahuila de Zaragoza*. México.
- Congreso estatal de Guanajuato (2008). *Ley de las Mujeres a una Vida sin Violencia para el estado de Guanajuato*. México.
- Cortázar, F. (2019). Acoso y hostigamiento de género en la Universidad de Guadalajara. Habla el estudiantado. *La Ventana. Revista de estudios de género*, 175-204.
- Díaz, L. Torruco, U., Martínez, M. y Varela, M. (2013). La entrevista, recurso flexible y dinámico. *Investigación en educación médica*, 2(7), 162-167.
- Díaz-Bravo, L., Torruco-García, U., Martínez-Hernández, M., & Varela-Ruiz, M. (2013). La entrevista, recurso flexible y dinámico. *Investigación en educación médica*, 2(7), 162-167. Disponible en: http://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S2007-50572013000300009&lng=es
- Echeverría, R., Paredes, L., & Kantún, C. (2017). Acoso y hostigamiento sexual en estudiantes universitarios: un acercamiento cuantitativo. *Enseñanza de investigación en psicología*, 15-26
- Escalera Silva, L.A., Amador Corral, S. R., Silva Morín, L. A., & Lara Hernández, Y. M. (2023). Violencia digital por razón de género en la educación superior. El caso de una escuela en trabajo social en Nuevo León, México. *LATAM Revista Latinoamericana de Ciencias Sociales y Humanidades*, 4(1), 2165-21.
- Finerarn, S., & Bolen, R. (2006). Risk Factors for Peer Sexual Harassment in Schools. *Journal of Interpersonal Violence*, 1169-1190
- Fornari, L. F., Lourenço, R. G., Oliveira, R. N. G. D., Santos, D. L. A. D., Menegatti, M. S., & Fonseca, R. M. G. S. D. (2021). Domestic violence against women amidst the pandemic: coping strategies disseminated by digital media. *Revista brasileira de enfermagem*, 74.
- Harris, B., & Vitis, L. (2020). Digital intrusions: technology, spatiality and violence against women. *Journal of gender-based violence*, 4(3), 325-341.
- INEGI. (2016). *Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares (ENDIREH)*. México: INEGI
- INEGI. (2017). *Módulo sobre ciberacoso (MOCIBA)*. México: INEGI
- López Estrada, R. E., & Deslauriers, J. P. (2011). La entrevista cualitativa como técnica para la investigación en Trabajo Social. *Margen*. 61

Reyes González, G. A., & Cantu-Ortiz, F. J. (2021, November). Digital Violence Against Women: A Time Series Analysis. In Proceedings of the 2021 European Symposium on Software Engineering (pp. 156-162).

Salgado-Espinosa, L. A., & Salgado-Espinosa, M. L. (2022). Violencia digital contra las mujeres en México: caracterización, efectos, experiencias y redes. *FEMERIS: Revista Multidisciplinar De Estudios De Género*, 7(3), 29-42. <https://doi.org/10.20318/femeris.2022.7150>

Sirgo, L. E. R., Rodríguez, V. M. M., & Cárdenas, E. C. (2021). La sextorsión como nueva modalidad de corrupción en el servicio público. *Sapienza: International Journal of Interdisciplinary Studies*, 2(1), 208-226.

Téllez, D. L., Fernández-Cuevas, M. P., & Callejas-Téllez, A. (2022). La ley Olimpia: Un punto de inflexión en la regulación normativa penal de la violencia digital y mediática en México. *DIVULGARE Boletín Científico De La Escuela Superior De Actopan*, 9(18), 28-38.

Trigg, M., & Witternstrom, K. (1996). Tat's theway the world goes: Sexual harassment and New Jersey teenagers. *Initiatives*, 55-65.

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