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Digital Gender-Based Violence Perpetrated by AI in Latin America: Between a Legal Vacuum and the Lack of Protection for Women in Public Life

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ABSTRACT
This research analyzes digital gender-based violence facilitated by artificial intelligence (AI) against women politicians, journalists, and human rights defenders in Latin America, with particular attention to Mexico and Argentina. Using a documentary and comparative legal analysis approach, the study examines academic research, legal frameworks, electoral case law, and the MESECVI Inter-American Model Law to Prevent, Punish, and Eradicate Gender-Based Digital Violence against Women. The study proposes understanding the protection gap not as an absolute absence of legislation, but as identifiable failures throughout the response chain: the definition of conduct, the protection of legally protected interests, attribution and evidence, urgent measures, institutional responsibility, platform intervention, and reparation. The findings show that evidence on digital violence is more robust in the case of politically active women, whereas specific evidence on AI-generated attacks against journalists and women human rights defenders remains limited. Mexico provides legal recognition of real or simulated intimate content, but its framework is characterized by subnational fragmentation and insufficient coverage of non-sexual synthetic attacks; Argentina has a broad framework for protection against digital violence, although it lacks a specific criminal offense addressing deepfakes involving adults. The study concludes that the regional response requires institutional coordination, rapid protection, differentiated responsibility, and comprehensive reparation, in accordance with the framework proposed by the MESECVI Model Law.

Keywords *Artificial intelligence; Deepfakes; Digital gender-based violence; Women in public life; MESECVI Model Law; Latin America*

1. Introduction

Generative artificial intelligence (AI) has transformed the way digital violence is perpetrated. The democratization of this technology has made it possible to create realistic images, videos, or audio recordings from public photographs, brief recordings, or material extracted from platforms such as social media. The aggressor does not need to have had physical contact with the victim; nevertheless, the resulting synthetic content can be disseminated as if it were real. In attacks against women, the

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manipulation of this content is often sexual, degrading, or designed to suggest incompetence, sexual availability, or humiliation.

It is easy to overlook the political impact of this form of violence if the analysis is limited to privacy or image rights. Women who work in public life are targeted not only as individuals, but also as participants in institutions that depend on their credibility and visibility. A manipulated sexual video can discredit a candidate; a fake audio recording can associate a journalist with a position she never expressed; a manipulated image can expose a woman human rights defender to threats and force her to reduce her public activity.

This research addresses three issues related to the above. First, it analyzes how digital gender-based violence perpetrated through AI affects women politicians, journalists, and human rights defenders in Latin America. Second, it examines the gaps that persist in national legal frameworks regarding synthetic content generated through AI, and how these gaps produce impunity or insufficient protection. Finally, it addresses what the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) Inter-American Model Law contributes, or should contribute, to closing the protection gap.

Likewise, this research makes two contributions to the literature on technology-facilitated gender-based violence in Latin America. First, it develops an analytical framework that understands the protection gap as a failure at specific and identifiable points in the enforcement chain, such as definition, protected interests, attribution, remedies, institutional responsibility, and guarantees of protection and reparation, rather than as a single missing legal provision. Second, it applies this framework to demonstrate that Mexico and Argentina fail at different points in the chain, which implies that the region needs a coordinated reform covering the entire chain, rather than a single model provision copied across all jurisdictions.

The argument unfolds in four steps. First, generative AI must be understood as an amplifier of digital violence against women, not as a gender-neutral technological risk. Second, the strongest evidence in the region primarily identifies politically active women; evidence concerning women journalists and human rights defenders is more limited and often refers to technology-facilitated violence in general, rather than to specific AI-driven attacks. Third, Mexico and Argentina present two distinct forms of legal gaps: Mexico recognizes intimate and simulated digital content relatively explicitly, but its implementation is fragmented and its coverage remains uncertain outside sexualized material; Argentina has a broad framework on gender-based violence and important protection measures, but it does not have a clearly defined adult deepfake offense in its Criminal Code. Fourth, the MESECVI Model Law provides a valuable regional architecture, but its legal function must be precisely defined: it is a model law and an interpretive resource, not a treaty. Its strength lies in translating binding Inter-American principles into concrete legislative and institutional duties.

The analysis is deliberately limited. The term “AI-driven” refers to images, audio, video, and other forms of automated manipulation, whether generative or synthetic. Earlier forms of online harassment are used as a reference point, given that the current literature does not yet isolate the AI component. This distinction is important because evidence that digital gender-based violence produces self-censorship does not, by itself, prove that a particular consequence was caused by a deepfake.

2. Method and Analytical Framework

The study combines documentary analysis with comparative legal analysis. The documentary analysis consists of academic studies, systematic reviews, legal commentaries, and research conducted by regional organizations and civil society actors. The legal analysis examines the current federal

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framework in Mexico, the national framework in Argentina, relevant Mexican electoral case law, and the MESECVI Model Law. The core legal texts govern matters related to the enactment and drafting of the law; academic literature is used to interpret their legal meaning, document their effects, and identify problems linked to implementation. Bills are understood as evidence of debates on reform, and not as enacted laws.

The analytical framework understands the protection gap as a failure at several points in the enforcement of the law. From this perspective, the analysis is not limited to determining whether an applicable legal provision exists, but rather examines whether the legal framework is capable of responding comprehensively to the different stages of AI-driven digital gender-based violence.

First, the analysis considers the dimension of definition and legality. This involves examining whether the law clearly covers conduct such as the generation, alteration, simulation, dissemination, and amplification of content, or whether, by contrast, it is limited to sanctioning only the disclosure of authentic material. This distinction is important because AI systems make it possible to produce synthetic content that can cause harms similar to, or even more serious than, those resulting from the dissemination of real images.

Second, the analysis addresses the interests protected by the normative framework. It examines whether legislation adequately recognizes legal interests such as dignity, privacy, sexual autonomy, identity, reputation, psychological integrity, political participation, and professional activity. Protection against these forms of violence cannot be reduced to the removal of content, since their effects extend across multiple dimensions of victims' personal, social, and public lives.

The method also considers problems of attribution and evidence. At this point, the analysis examines whether authorities have the legal and procedural tools to identify the creator, distributor, coordinator, or amplifier of the content, as well as to preserve the evidence necessary to prove their participation. This dimension is especially relevant in digital environments, where the circulation of material may be rapid, anonymous, coordinated, and technically complex.

Another important aspect concerns assistance and response times. The analysis seeks to determine whether the victim can access fast, accessible, and reviewable protection measures before the dissemination of the material becomes practically irreversible. In cases of digital violence, institutional delay can aggravate the harm, since each reproduction, download, or redistribution of the content contributes to expanding its effects.

The analytical framework also incorporates institutional responsibility. It examines whether digital platforms, electoral bodies, prosecutors' offices, courts, and victim support services are connected through clear procedures. The absence of coordination among these institutions can deepen the protection gap, leaving victims facing fragmented, slow, or insufficient responses.

Likewise, the analysis considers the relationship between the legal response, freedom of expression, and due process. It evaluates whether the normative framework adequately distinguishes between gender-based violence, legitimate criticism, satire, journalism, and political disagreement. This distinction is essential to avoid disproportionate responses while also ensuring that freedom of expression is not used as a justification for reproducing forms of violence, intimidation, or silencing.

The documentary and comparative method also analyzes the dimension of reparation. The central question is not only whether the remedy allows one copy of the content to be removed, but whether it contributes to restoring the victim's autonomy, dignity, and participation. In this sense, an adequate response must include measures that address the harm produced and allow women to recover, as far as possible, their presence, voice, and agency in digital and public spaces.

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Finally, this framework also imposes limits on the argument. A model law cannot, by itself, establish binding contractual obligations, and the existence of a legal remedy does not prove that such a remedy works in practice. Similarly, a specific offence related to AI does not constitute a complete solution if victims cannot file complaints, authorities cannot preserve evidence, or platforms cannot prevent the content from being republished.

3. AI-Driven Violence in the Public Sphere

3.1 Synthetic Representation as Scalable Gender-Based Violence

Deepfakes intensify older forms of digital gender-based violence by making falsification scalable, personalized, and visually persuasive. Misogynistic stereotypes are materialized as concrete evidence through face replacement, voice synthesis, photo manipulation, and fabricated sexual scenes. The distinction between real and fabricated material does not eliminate the harm. In sexualized deepfakes, the victim loses control over her image and sexual identity, even when the scene never occurred.

In political disinformation, false audio or video may continue to circulate even after it has been debunked. Synthetic media also generate what Westerlund (2019) refers to as the “infocalypse”: an environment in which it is no longer possible to distinguish what is real from what is not. The development of hyperrealistic artificial images may contribute to consolidating this condition, in which it becomes highly complex to differentiate the fictional product from the genuine one, and in which a woman’s identity and conduct can be manipulated with relative ease and impunity due to the difficulty of identifying the falsehood and of combating the uncertainty and confusion generated by these synthetic productions (Soler, 2023).

This technology also reduces access costs. A perpetrator can use public photographs, voice samples, or simple consumer tools instead of obtaining private files or possessing advanced technical knowledge. Therefore, the relevant legal question is not only who disclosed an authentic intimate image, but also who generated, requested, altered, disseminated, monetized, or algorithmically amplified a synthetic representation that causes harm to women.

3.2 Women Politicians

The strongest evidence on digital gender-based violence in Latin America concerns women in politics. A study conducted by UN Women (2026) in Argentina revealed that digital violence appears as the area of highest prevalence: 89.3% of national legislators and 66.9% of councilwomen reported having experienced situations of violence in this sphere. Monitoring of the 2021 legislative campaign in the City of Buenos Aires showed that women candidates received Twitter, now X, messages containing expressions of violence at a frequency more than twice that of men: 3.55% of messages addressed to women were classified as violent, compared with 1.73% of those addressed to men (Gandulfo & Santamarina, 2025, p. 192).

The feminist NGO Corporación Humanas (2021) analyzed gender-based political violence on X against women and sexually diverse persons who were candidates for Chile’s Constitutional Convention, during the period between candidate registration and the close of the electoral campaign. Based on the analysis of 257,792 posts, the study identified 23,967 as containing explicit violence, equivalent to 9.2% of the total. The main manifestations were discriminatory expressions, which represented 69% of cases, and discrediting messages, which accounted for 31%. Among the former, the study highlighted the belittling of candidates’ abilities, allusions to their bodies and sexualities, classist insults, and references to gender roles, while the latter sought to undermine their trajectory, credibility, and political legitimacy. This

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study predates the current wave of generative AI, but it identifies the communicative patterns that synthetic media can intensify.

Likewise, across 48 studies on technology-facilitated gender-based violence against politically active women, 62% documented changes in political messaging, 39% reported reduced online participation, 29% reported withdrawal from online presence, and 20% reported withdrawal from political roles (Koch et al., 2025). These findings do not demonstrate that every withdrawal was caused by AI. However, they do show why synthetic media must be considered a problem of participation rather than an isolated insult.

AI adds at least three specific risks to this pattern. It can fabricate evidence of misconduct with the appearance of documentary proof, personalize attacks at scale, and coordinate multiple variants of the same defamation across different platforms. The immediate harm is reputational, but the institutional effect is exclusion. A candidate who spends campaign time debunking a falsified recording has fewer resources for political communication. A candidate who withdraws from a platform reduces her visibility.

Mexican electoral doctrine offers a useful legal response to this problem. An analysis of 49 decisions by the Superior Chamber of the Electoral Tribunal distinguishes protected criticism from gender-based political violence by examining the communicative context, the gender component, multimodality, repetition, and the functional effect on political-electoral rights (Herrán & Pazos, 2025). This approach is important for synthetic content because it does not treat falsity as the only legal threshold. It asks how representation operates within gendered power relations and whether it restricts equal participation.

3.3 Journalists

Direct evidence on AI-generated attacks against women journalists in Latin America is less conclusive than the evidence concerning women politicians. However, the available literature establishes a relevant basis. The data show a worsening of the effects of digital violence against women journalists and media workers, particularly in relation to self-censorship and the pursuit of institutional responses. In 2025, 45% of them reported having self-censored, representing a significant increase from the 30% recorded in 2020 (Posetti et al., 2026). Furthermore, there has also been an increase in the reporting and prosecution of these incidents, as female journalists were twice as likely to report incidents to the police, rising from 11% in 2020 to 22% in 2025, and were more willing to take legal action against perpetrators and enablers of digital violence, with an increase from 8% to 14% (Posetti et al., 2026).

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Focus groups with Latin American women journalists revealed that violence on social media permeates the stages of news production and involves various actors, including political or governmental provocateurs who encourage coordinated harassment and collective censorship (Harlow et al., 2022). This violence affects professional routines, perceptions of safety, and coping strategies.

Synthetic content can intensify these harms without creating an entirely new mechanism. A manipulated audio recording can attribute a partisan statement to a journalist, a sexualized image can divert attention from an investigation to her body, a fake video can circulate to portray her as corrupt or professionally incompetent. The result is an attack on credibility directed at the conditions under which journalism operates: trust, access to sources, and the ability to address the public.

A journalist may be targeted for retaliation because of her reporting, which raises heightened concerns regarding democratic information and reprisals. Moreover, measures intended to protect her must not become instruments for suppressing information or legitimate criticism. The MESECVI Model Law

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expressly recognizes this tension by protecting journalists and women communicators, while also requiring legality, proportionality, and legal reasoning for restrictions on freedom of expression.

3.4 Human-Rights Defenders and Feminist Activists

Research on women human rights defenders and feminist activists also contains less AI-specific evidence, but it documents a very similar pattern. Interviews with 22 feminist women in Colombia and Costa Rica revealed that all had experienced technology-facilitated gender-based violence, including misogynistic hate speech. Most combined deterrent responses, such as reducing online activity, with resistance and collective coping strategies (Guntrum et al., 2025).

Some 43% of them have experienced unsolicited sexual advances via private messages, 15.3% have been subjected to the nonconsensual sharing of personal images, and 8.4% have been targeted by deepfakes or manipulated content (Posetti et al., 2026). This harassment causes severe psychological consequences and limits their freedom of expression; 26% of them have been diagnosed with or received treatment for anxiety or depression, and 15% for post-traumatic stress disorder, leading to self-censorship on social media and silence in the workplace. However, despite these obstacles, women human rights defenders are the group most likely to seek formal redress by reporting incidents to the police and taking legal action (Posetti et al., 2026).

For this group, the situation is unique, as their public role is to defend rights. A woman defender who withdraws from digital platforms loses the ability to document abuses, mobilize supporters, or reach affected communities. A campaign against a feminist activist can also have a chilling effect on an entire movement by making participation seem dangerous. Therefore, the legal response must take into account the public role played by the victim and the collective rights affected by her silencing.

3.5 A Common Harm Pathway

Across these groups, AI-driven digital violence tends to follow a common sequence:

1. A woman is represented through a sexualized, criminalized, degrading, or politically discrediting fabrication.
2. The content is amplified through networks that reward novelty, outrage, and repetition.
3. The victim must disprove the content while the original creator or coordinator remains difficult to identify.
4. Platforms, authorities, and courts respond through separate and sometimes contradictory channels.
5. The victim changes her conduct, withdraws, or bears the cost of continued exposure.
6. The public sphere loses information, participation, professional diversity, and trust.

This sequence explains why removal alone is inadequate. The harm begins with production, grows through amplification, becomes difficult to prove as copies proliferate, and continues through reputational and professional effects after the original file is removed.

4. The Legal Problem: A Protection Gap, Not a Simple Vacuum

4.1 Where National Frameworks Fail

The phrase “legal vacuum” is rhetorically powerful but legally imprecise. Both Mexico and Argentina have laws that can be applied to certain attacks involving synthetic agents. The underlying problem is that these laws do not consistently cover the entire process of harm, as summarized in Table 1.

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Table 1. Recurring weaknesses along the synthetic-media harm pathway in Mexico and Argentina

Stage of the harm	Recurring legal weakness	Consequence
Generation	Statutes may focus on capturing or disclosing authentic material	Synthetic creation may be difficult to classify under strict legality principles
Dissemination	Rules may cover the first upload but not coordinated re-uploading or amplification	Copies and mirrors remain available after removal
Attribution	Anonymous accounts, foreign platforms, and missing logs impede proof	Investigations end without identifying the responsible actors
Emergency protection	Judicial or administrative channels may be slow, fragmented, or inaccessible	Remedies arrive after reputational and safety harms have escalated
Platform responsibility	Notice, preservation, moderation, and algorithmic duties may be unclear	Victims bear the cost of detection and repeated reporting
Public-life harm	Privacy or defamation categories may not capture political exclusion	Damage to participation and democratic equality disappears from the analysis
Reparation	Removal and punishment may be treated as sufficient	Professional, psychological, symbolic, and economic harms remain unrepaired

The legality problem is particularly urgent in the field of criminal law. A law drafted around the "recording," "photographing," or "capturing" of an intimate event may not clearly address a synthetic representation created without any physical act. The Penal Code of the State of Hidalgo, in Mexico, highlights this concern, as the provision was designed from a "biographical record" paradigm, that is, it assumes that the content is the result of an actual capture of a person's privacy (López-Cerón, 2026, p. 7689). Therefore, when comparing this to deepfakes, it becomes clear that the generated material is not a "capture" of reality, but rather a "creation" of it. This could make it difficult for a judge to impose sanctions for the creation of a synthetic recording in which the body does not belong to the victim, even though the face does (López-Cerón, 2026, p. 7689).

A related distinction concerns the scope of criminalisation across different forms of technology-facilitated sexual abuse. As Yusifli (2026) argues in a policy commentary on Azerbaijan, criminalising the creation or dissemination of non-consensual AI-generated sexual deepfakes does not necessarily address cyberflashing, which involves sending unsolicited sexual images to recipients. Although these forms of abuse are legally and conceptually distinct, the comparison illustrates a broader issue relevant to the present analysis: legal protection depends not only on whether digital sexual abuse is recognised in law, but also on whether the applicable definitions cover the specific conduct through which harm occurs.

4.2 Due Diligence and Private Actors

The Inter-American standard of due diligence serves as a bridge between private digital abuse and public liability. States are not automatically liable for every harmful act committed by a private user. Liability depends on factors such as knowledge of a real and immediate risk to an identifiable person or group, the existence of reasonable preventive measures, and a failure to act with due diligence (Abi-Mershed, 2009; Clérico & Novelli, 2014). In cases of gender-based violence, the requirement for due diligence is reinforced by the structural and discriminatory nature of the harm.

Applied to synthetic media, this standard has three implications. First, authorities must treat repeated attacks against women politicians, journalists, and women human rights defenders as a structural risk, rather than as a series of isolated disputes between users. Second, prevention must be practical and specific, through user-friendly reporting channels, trained personnel, monitoring during electoral periods, coordination among platforms, digital security measures, and protocols for preserving evidence. Third,

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timing is decisive for effectiveness. A remedy that is only available after the content has been published, shared, copied, and stored may be legally available in practical terms, but it is insufficient.

The standard does not eliminate guarantees of due process or freedom of expression. It requires the State to intervene in response to gender-based discrimination, acting in accordance with legality and observing the criteria of necessity, proportionality, privacy, and the possibility of judicial review. For this reason, the most consistent framework integrates immediate provisional measures with reasoned scrutiny, the preservation of evidence, and subsequent avenues for challenging restrictions.

5. Mexico: Formal Recognition and Fragmented Protection

5.1 The Current Federal Framework

The General Law on Women's Access to a Life Free from Violence (LGAMVLV), currently in force in Mexico, provides one of the clearest legal bases in the region for addressing synthetic intimate content. Article 20 Quater defines digital violence as any intentional act carried out through the use of information and communication technologies, by which real or simulated images, audio, or videos of a person's intimate sexual content are exposed, distributed, disseminated, exhibited, transmitted, commercialized, offered, exchanged, or shared without that person's consent, approval, or authorization, causing psychological or emotional harm in any sphere of their private life or to their self-image. It also includes intentional acts that cause harm to women's intimacy, privacy, and/or dignity when committed through information and communication technologies (Cámara de Diputados, 2026a).

Article 20 Sexies of the LGAMVLV provides that, in cases of digital or media violence, in order to guarantee the integrity of the victim, the Public Prosecutor's Office or the judge shall immediately order the necessary protection measures. These may include ordering, electronically or in writing, digital platform companies, media outlets, social networks or websites, as well as natural or legal persons, to interrupt, block, destroy, or remove images, audio, or videos related to the investigation, once the legal requirements have been satisfied. In such cases, the online service provider responsible for administering the computer system, website, or Internet platform where the content is hosted must be fully identified, as must the precise location of the content on the Internet, including the Uniform Resource Locator (Cámara de Diputados, 2026a).

The current Federal Criminal Code typifies a related federal offence. Article 199 Octies provides that the offence of violation of sexual intimacy is committed by any person who discloses, shares, distributes, or publishes images, videos, or audio of the intimate sexual content of an adult without that person's consent, approval, or authorization. The same applies to anyone who video-records, audio-records, photographs, prints, or produces images, audio, or videos with intimate sexual content of a person without that person's consent, approval, or authorization. Article 199 Nonies applies the same penalties when the material does not correspond to the person identified in it (Cámara de Diputados, 2026b). Taken together, these provisions could provide a legal avenue for prosecuting at least some sexual deepfakes, addressing both unauthorized production and the discrepancy between the person represented and the person identified.

However, the importance of this avenue should not be overstated. The federal provisions do not explicitly use the terms "artificial intelligence" or "deepfake." They focus on intimate sexual material and do not criminalize, as a general offence, non-sexual synthetic impersonation, fabricated political statements, or gender-biased disinformation. Moreover, the Federal Criminal Code, by itself, does not indicate who commissioned the content, who coordinated its dissemination, or at what point a platform's omission becomes legally relevant.

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5.2 State Fragmentation and Proof

Mexico's main weakness lies in the uneven application of federal recognition across state criminal legislation and practice. As of September 2026, only thirteen of the thirty-two states expressly address AI or deepfakes in their criminal codes: Aguascalientes, Baja California, Durango, the State of Mexico, Jalisco, Morelos, Nayarit, Oaxaca, Quintana Roo, San Luis Potosí, Sinaloa, Tamaulipas, and Zacatecas.

Although most of these criminal codes now recognize the problem, many remain structured around the logic of "disseminating" content, rather than the entire chain of production, circulation, storage, and consumption of sexualized synthetic material, or the use of AI as a means of producing the content. A law that punishes dissemination but not generation may exclude from sanction the person who produced or created the material. Likewise, a law that overlooks consent may weaken the link with sexual autonomy. A law that omits storage or re-uploading may fail to address the persistence of the harm.

The analysis of the Criminal Code of the State of Hidalgo makes the legality problem more concrete. Article 183 Bis, as examined in that study, uses verbs such as video-recording, photographing, or capturing. The author argues that these verbs presuppose a biographical event and may not encompass a synthetic image without a physical referent (López-Cerón, 2026). This conclusion refers to the specific local provision examined, not to all Mexican laws. Its broader significance lies in the fact that "simulated" language in a general law on violence and concrete criminal-law coverage cannot be treated as equivalent.

The problem of law enforcement also lies in the evidence. The case of Diego "N," a student at the National Polytechnic Institute (IPN) who obtained photographs from his female classmates' social media accounts and used AI tools to create deepfakes, which he stored, distributed, and sold through Telegram groups, demonstrates the difficulty of linking a person to specific AI-generated acts, even when authorities possess large amounts of material as evidence. The judge found that there was insufficient evidence and no witness who could corroborate that Diego "N" personally manipulated the images with AI. Diego "N's" legal defense argued that finding the deepfakes stored on his iPad and cellphone proved that he possessed them, but did not prove beyond dispute that he had produced them. It was argued that, in the absence of direct records of the rendering process, he could have downloaded or received them from a third party, which generated the "reasonable doubt" on which the judge relied to acquit him (see Editorial, 2024; Maza, 2023).

5.3 Political Expression and Electoral Protection

Mexican electoral case law offers a useful safeguard against the excessive application of the law. An analysis of 49 decisions by the Superior Chamber of the Electoral Tribunal of the Federal Judiciary (TEPJF) during the 2023–2024 electoral process shows that judicial authorities protect political criticism when it focuses on public performance, but impose restrictions when messages rely on stereotypes of subordination or sexualization against women (Herrán & Pazos, 2025). Social networks and digital platforms are the spaces in which these conflicts most frequently arise, requiring an analysis of symbolic violence—which is established when discourse seeks to delegitimize women through representations of inferiority or lack of political agency—and of the impact on political-electoral rights (Herrán & Pazos, 2025).

This contextual approach is especially valuable for synthetic media. Falsity alone should not transform satire, journalism, or political criticism into gender-based violence. The decisive questions are whether the content is presented or amplified in a deceptive manner, whether it reproduces gender subordination, whether it attacks a woman on the basis of her gender or public role, and whether it seeks or produces the effect of undermining her political rights. Multimodality and repetition may increase the risk, since a fabricated audiovisual message can have a greater symbolic impact than an isolated text.

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The lesson from Mexico is therefore ambivalent. The country needs clearer and more specific coverage of AI, together with improved implementation. However, it also has a doctrinal basis for protecting freedom of expression: a contextual test that analyzes gender, form, repetition, reach, and political effect, rather than uniformly equating all offensive or false speech with violence.

6. Argentina: Broad Protection, Incomplete Criminal Specificity

6.1 Ley 26.485 and Ley Olimpia

Argentina's Law 26.485, amended by Law 27.736, known as Ley Olimpia, recognizes digital violence within a comprehensive framework on gender-based violence. The amended law protects women's digital rights and their ability to remain in and participate in digital spaces. Its definition of digital or telematic violence includes conduct that uses information and communication technologies to cause physical, psychological, economic, sexual, or moral harm. It specifically covers intimate or nude material, whether real or edited, attributed to a woman without her consent; misogynistic hate speech; sexist stereotypes; harassment; threats; extortion; surveillance; unauthorized access; disclosure of data without consent; and future forms of cyberattack that affect the protected rights (Congreso de la Nación Argentina, 2023).

The Argentine legal framework is significant because it is not limited to the disclosure of intimate images. It recognizes the digital environment as a space in which dignity, identity, reputation, freedom, participation, and security may be affected. It also creates several procedural tools. The law requires access to public resources to obtain computer forensic expertise, specialized legal assistance, and the diligent preservation of digital evidence. It allows a judge to order the alleged aggressor to cease digital disturbance or intimidation, prohibit digital contact, and order platforms or websites to remove specific content through a reasoned order identifying the corresponding URL. Such an order may require the preservation of traffic, subscriber, and content data for 90 days, renewable only once, subject to the applicable rules on confidentiality and cooperation (Congreso de la Nación Argentina, 2023).

These provisions emphasize recognition and protection. However, they do not automatically establish an adult deepfake offence in the Criminal Code. Their practical effectiveness depends on the willingness and capacity of courts, prosecutors, platforms, and victim support institutions to apply them quickly and consistently.

6.2 The Criminal-Law Gap

The current Argentine National Criminal Code contains provisions concerning sexual representations of minors, privacy, threats, extortion, and other offences that may be relevant in particular cases. Article 128, the provision most directly related to synthetic sexual content, concerns representations of minors. The national code does not provide for a specific offence addressing the creation of deepfakes involving adults.

Although bills have been introduced in Congress to address this omission, this study understands them as indications of an ongoing debate on reform, rather than as criminal codification already in force. Therefore, the legal analysis must avoid describing these bills as if they had already amended the Criminal Code.

6.3 Access to Justice and Institutional Dispersion

Argentina also shows how a progressive legal framework may fail at the level of access. Research on violence in the media identifies responsibilities distributed among the Public Defender's Office, communications regulators, institutions linked to gender-based violence, the prosecutor's office, the

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courts, and other bodies. The Public Defender's Office may receive complaints, provide training, and issue recommendations, but it does not have the same sanctioning powers as a regulator. Information on cases and precedents is difficult to obtain, and administrative procedures may be excessively formal or geographically inaccessible (Rodríguez, 2024).

The survey of legislators reinforces this institutional diagnosis. Most respondents recognized the problem, but many did not know how to report it (Koch et al., 2025). During an electoral campaign, a remedy that depends on interaction with several institutions may arrive only after the attack has already affected visibility, campaign resources, or public credibility. Therefore, the relevant protection gap lies not only in the absence of a criminal provision, but also in the lack of a single, rapid, and understandable mechanism connecting reporting, preservation, removal, investigation, support, and reparation.

7. Comparative Synthesis

Mexico and Argentina should not be ranked simply as a stronger and a weaker system. They reveal different points of failure, summarized in Table 2.

Table 2. Comparative synthesis: Mexico and Argentina

Issue	Mexico	Argentina	Comparative significance
Gender-violence framework	Federal framework expressly includes real or simulated intimate content; state implementation varies	Comprehensive Law 26.485 expressly includes digital violence and edited intimate material	Both recognize more than ordinary defamation, but scope and implementation differ
Criminal specificity	Federal Articles 199 Octies and 199 Nonies provide a textual route for some sexual deepfakes but do not expressly mention AI; state texts vary	No clearly tailored adult deepfake offense in the national Penal Code reviewed	Mexico has greater formal specificity for sexual content; Argentina relies more heavily on combined legal categories
Non-sexual synthetic attacks	No dedicated general offense for fabricated political or professional content	Broad gender-violence definition may cover harms, but criminal classification remains dispersed	Public-life harms risk disappearing into defamation or generic harassment
Emergency measures	Article 20 Sexies provides for interruption, blocking, destruction, or elimination and evidence preservation	Ley Olimpia permits reasoned platform-removal orders, no-contact measures, and data preservation	Both have remedies; effectiveness depends on speed, access, and institutional coordination
Attribution and evidence	State fragmentation and technical proof remain major obstacles	Law 27.736 recognizes computer expertise and preservation, but institutional routes are dispersed	Legal entitlement does not equal investigative capacity
Political expression	Electoral jurisprudence supplies contextual safeguards based on gender anchor, multimodality, repetition, and political effect	The broad framework requires similar safeguards but lacks an equally developed AI-specific electoral pathway in the sources reviewed	The Model Law can connect protection and expression across both systems
Platform responsibility	Duties remain largely tied to individual orders and sectoral rules	Platforms may receive judicial removal orders, but general intermediary duties are limited	The regional model supplies a more systematic co-regulatory approach
Reparation	Removal and sanctions are more visible than comprehensive repair	Courts and agencies have used deletion, rectification, publication, fines, and training, but access is uneven	Both need remedies that restore participation, income, dignity, and agency

The comparison supports three conclusions. First, statutory recognition is necessary but not sufficient. Second, synthetic sexual content and non-sexual public-life disinformation should not be collapsed into

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one offense: they involve overlapping but distinct protected interests and expression risks. Third, the decisive gap lies in coordination. The victim needs a system that can act across criminal, civil, administrative, electoral, and platform domains without requiring her to solve the jurisdictional and technical problems herself.

8. The MESECVI Model Law as an Inter-American Response

8.1 Status and Legal Function

The MESECVI adopted the Inter-American Model Law to Prevent, Punish, and Eradicate Gender-Based Digital Violence against Women at the XXII Meeting of the Committee of Experts, held in Fortaleza, Brazil, on December 10, 2025. This instrument is a model law, not a treaty. It does not replace the binding obligations arising from the American Convention on Human Rights, the Convention of Belém do Pará, or other ratified instruments. Its importance lies in its legislative and interpretive character: it establishes how those obligations can be translated into national norms, institutions, procedures, and remedies (MESECVI, 2025).

The Model Law is more specific than a general declaration on the harms caused by digital violence. It identifies AI-generated or AI-altered intimate material, coordinated attacks, the algorithmic amplification of discriminatory bias, false or malicious content, harassment campaigns, threats against women in politics, and gender-biased disinformation. It also expressly includes women's public and political participation, including women's rights defenders (MESECVI, 2025).

Its contribution should be understood as an integrated architecture, rather than as the requirement of a new offence. The sections of the Model Law reinforce one another: definitions make harms visible; State obligations generate prevention and support; intermediary obligations address amplification; procedural rules safeguard evidence and enable urgent measures; provisions on liability distribute responsibility; and reparations address the consequences that removal alone cannot undo (MESECVI, 2025).

8.2 Prevention and Public Participation

Articles 8, 10, 12, and 13 link digital violence to citizen participation, prevention, elections, and data. The Model Law requires the training of justice officials, electoral bodies, political parties, security forces, and other professionals; monitoring and risk assessment during elections; summary complaint procedures; specialized support; and data disaggregated by gender, age, ethnicity, disability, economic status, and territory (MESECVI, 2025).

This represents a significant advance over victim-centered advice that shifts onto women the responsibility to protect their accounts or avoid hostile platforms. Prevention becomes a public obligation. For Mexico, this means connecting federal and state gender-based violence institutions with electoral authorities and digital forensic services. For Argentina, it means transforming the broad rights enshrined in Law 26.485 into an accessible response system, with clear institutional responsibility and published performance data.

8.3 Rapid and Reviewable Remedies

Articles 39 to 42 establish multiple avenues for filing complaints, including prosecutors' offices, police, specialized units, electoral authorities, courts, and cybercrime agencies. Authorities receiving complaints may order or request urgent precautionary measures in cases of imminent harm. Article 41 provides for the temporary and controlled removal of digital content, while preserving the material as evidence, restrictions on profiles or digital interactions, and other measures necessary to prevent irreparable harm or revictimization (MESECVI, 2025).

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The legal design is important because it separates provisional protection from final adjudication. A victim should not have to wait for a criminal conviction before requesting removal or safety measures. At the same time, the Model Law requires reasoned decisions and immediate judicial review when fundamental rights are restricted. Article 47 prohibits prior censorship and blocking without a reasoned judicial order and requires legality, suitability, necessity, and proportionality (MESECVI, 2025).

For synthetic media, a rapid remedy system should include at least four elements:

1. a complaint channel that does not require the victim to identify the original creator;
2. temporary removal or de-indexing with preservation of the content and relevant technical data;
3. protection against obvious re-uploading and coordinated amplification;
4. a rapid and reasoned review that distinguishes unlawful gender-based harm from legitimate expression.

8.4 Intermediary and Algorithmic Accountability

The Model Law adopts a co-regulatory framework. The state sets binding obligations and principles, while intermediaries develop implementation mechanisms subject to public oversight. Large-scale intermediaries operating for profit and serving users in the territory are subject to differentiated duties regardless of their principal place of business.

The instrument goes beyond notice-and-takedown. It requires public points of contact, access to human representatives, clear moderation rules, complaint and appeal procedures, internal evaluation teams with qualified human personnel, risk assessment, transparency, and periodic review. It also addresses algorithmic accountability. Intermediaries must prevent amplification of unlawful or harmful content, audit adverse gender effects, incorporate human-rights and intersectional perspectives into recommendation systems, and apply safety by design and by default.

This framework addresses a weakness visible in both national cases: the platform often controls the most important evidence and the mechanisms of continued circulation, but national law may treat it only as a passive host responding to an individual court order. The Model Law does not make every platform automatically liable for every user post. It uses a graduated approach tied to the intermediary's role, duties, technical capability, and conduct. That is more compatible with proportionality than either blanket immunity or automatic liability.

8.5 Investigation, Jurisdiction, and Responsibility

Articles 17, 36, 46, and 48 recognize the transnational character of digital violence. The Model Law supports expedited cooperation, joint investigative arrangements, preservation and transfer of electronic evidence, mechanisms for resolving jurisdictional conflicts, and cooperation with intermediaries subject to legality, proportionality, judicial oversight, and safeguards against politically motivated prosecution (MESECVI, 2025).

It also requires specialized units, trained personnel, technological tools, adequate budgets, institutional coordination, and preservation of evidentiary integrity. Jurisdiction may arise where the offense occurs in whole or in part, where the victim is a national, resident, visitor, or migrant, where the perpetrator is a national or resident, or where the relevant service is accessed from the territor (MESECVI, 2025)y.

The responsibility provisions are equally important. The Model Law permits concurrent criminal, civil, and administrative liability; recognizes civil liability of legal entities; provides for platform liability where an intermediary facilitates, tolerates, or fails reasonably to prevent the violence in light of its role and technical capacity; and creates electoral consequences for attacks in political processes. These

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provisions operationalize the idea that responsibility should be allocated across the actors best positioned to prevent or reduce the harm, without erasing individual culpability (MESECVI, 2025).

8.6 Transformative Reparation

Article 62 treats reparation as comprehensive, adequate, effective, and transformative. It includes removal where possible, restoration of digital identity, repair of honor and reputation, compensation for material and non-material harm, psychological and social services, public acknowledgment, symbolic measures, and institutional, legislative, educational, and technological reforms. The Model Law also allows funds to support reparation when the perpetrator cannot be identified or lacks the capacity to pay (MESECVI, 2025).

This approach reflects the inter-American understanding that gender violence is connected to structural inequality. The goal is not simply to return the victim to the conditions that made the attack possible. Reparation should restore agency and rebuild the conditions for participation (Clérico & Novelli, 2014). For a politician, that may include support to resume public activity and correction of a fabricated claim. For a journalist, it may include professional and reputational repair. For a defender, it may require digital security, protection against retaliation, and support for continued advocacy.

8.7 Freedom of Expression

The Model Law's protection of expression is not a peripheral safeguard. Article 64 protects journalists, communicators, activists, human-rights defenders, and others engaged in legitimate reporting, investigation, or communication. Any restriction must be based on a reasoned judicial decision and comply with legality, necessity, proportionality, and the inter-American three-part test. The Model Law also recognizes the digital environment's special effect on circulation of ideas and democratic participation (MESECVI, 2025).

This framework supports a narrower and more defensible theory of liability. The trigger should not be falsity alone, because public debate includes error, parody, interpretation, and contestation. The stronger case for intervention arises when synthetic or manipulated content is combined with gender bias, lack of consent or deceptive attribution, coordinated amplification, threats, sexual humiliation, or a credible effect on safety, dignity, journalism, or political participation.

9. Discussion

The findings of this study largely confirm the international literature on technology-facilitated gender-based violence (TFGBV), while the Mexican and Argentine evidence adds two elements that remain underdeveloped in that literature: a legality-based explanation of why criminal statutes fail to reach synthetic content, and a doctrinal test for distinguishing gender-based violence from protected political expression.

9.1 Where the Regional Evidence Confirms Prior Research

The costs of political participation identified in Section 3.2 echo Koch et al.'s (2025) systematic review of 48 studies on technology-facilitated violence against politically active women, which found that a substantial proportion of victims changed their political messaging, reduced their participation, or withdrew entirely from political roles. The campaign-monitoring study in Buenos Aires (Gandulfo & Santamarina, 2025) reproduces this pattern at the national level: self-censorship, disproportionate attacks against women's bodies and private lives rather than their platforms, and low trust in reporting channels. This regional evidence therefore corroborates, rather than contradicts, the international pattern, and

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suggests that generative AI is intensifying a pre-existing dynamic rather than creating an unprecedented one.

Similarly, the "agent provocateur" dynamic documented by Harlow et al. (2022) among Latin American journalists is consistent with the Mengolini-type pattern, in which political actors themselves amplify or legitimize abusive content. Both point to violence that is not merely peer-to-peer, but may be linked to the State, which is relevant for interpreting due diligence obligations within the Inter-American system. The due diligence analysis developed in Section 4.2, based on Abi-Mershed (2009) and Clérico and Novelli (2014), likewise confirms the broader Inter-American doctrine that State responsibility for private harms online depends on foreseeability and preventive capacity, rather than on the State itself being the author of the content. This doctrine was developed outside the digital sphere but, as this study shows, extends consistently to it.

9.2 Where the Regional Evidence Extends the Literature

Most of the international literature on gender-based violence documents its prevalence and psychological or political repercussions, but tends to treat the applicable law as background rather than making it an object of analysis. By contrast, the comparative legal study presented here –particularly the case of the Criminal Code of the State of Hidalgo analyzed by Cerón (2026)– reveals a concrete doctrinal mechanism through which protection gaps are generated: legislative language based on verbs that refer to physical apprehension, such as "recording" or "photographing," cannot be directly transferred to synthetic production without risking non-compliance with the prohibition of analogy in criminal law. The gap is not due simply to a lack of political will or resources, as much of the general literature suggests, but may also be a structural feature derived from the way criminal statutes are drafted around a physical-evidentiary paradigm that the technology no longer requires.

Second, the Mexican electoral case law synthesized from Herrán and Pazos (2025) provides a contextual criterion that analyzes gender anchoring, multimodality, repetition, and the functional effect on political participation, elements that rarely appear in the broader literature devoted to deepfake regulation. That literature often frames the problem as a dilemma between removal and freedom of expression. This criterion also offers a way to operationalize the graduated responsibility required by the MESECVI Model Law itself. In this sense, a regional doctrinal approach could help support the Inter-American standard, rather than merely receive it.

Third, the article's main empirical conclusion –that AI-specific evidence concerning journalists and human rights defenders remains substantially scarcer than evidence concerning politicians (Sections 3.3 and 3.4)– is itself a relevant finding for the literature. It suggests that research on gender-based violence at work has developed unevenly across professional groups, and that claims about the effect of AI on journalists' safety are currently based more on documented mechanisms (Harlow et al., 2022) than on group-specific quantitative evidence comparable to that available for politicians (Gandulfo & Santamarina, 2025). Future research focusing specifically on AI-generated attacks against journalists and defenders, rather than on online harassment in general, would strengthen claims that are currently made by extension.

Finally, the implementation gap documented in both countries confirms and provides legal support for the broader literature on institutional dispersion. Rodríguez's (2024) analysis of dispersed responsibility among Argentine institutions addressing violence in the media, together with evidence on Mexican state-level fragmentation (Flores & García, 2025), describes the same underlying problem in two different institutional frameworks: legal recognition, without a single, defined, and viable institutional pathway, does not by itself protect victims. The articulated reading of these two national literatures, as carried out in this study, reveals a regional pattern that single-country studies cannot identify on their own.

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10. Conclusions

Main Findings. Generative AI turns gender-based violence into a problem of scalable representation, and it does so through a common and traceable pathway of harm across the three groups examined. The empirical literature is strongest for politically active women, while direct evidence on specific AI-driven attacks against journalists and defenders remains limited. Mexico and Argentina demonstrate why the "legal gap" is an incomplete diagnosis. On the one hand, Mexico's federal framework expressly recognizes real and simulated intimate content, but leaves non-sexual synthetic attacks less clearly classified and depends on uneven state-level implementation. On the other hand, Argentina's Law 26.485 provides broad recognition and protective tools, but lacks a clearly defined adult deepfake offence in the Criminal Code. In both countries, the decisive gap lies in coordination across the entire chain of harm: generation, dissemination, attribution, platform responsibility, safeguards for expression, and reparation.

Scientific Contribution. This study contributes an analytical framework that understands the protection gap as a failure at specific and identifiable points in the enforcement chain, rather than as an undifferentiated absence of law, and applies it consistently across two national systems. It also identifies a specific legality mechanism, the use of capture-based verbs that conflict with the prohibition of analogy in criminal law, which helps explain why Mexican prosecutions involving synthetic content may fail even when recognition exists. In addition, it shows that Mexican electoral case law provides a transferable doctrinal test for separating gender-based violence from protected freedom of expression. Finally, it argues that the MESECVI Model Law, adopted on December 10, 2025, should be interpreted as a coherent regional architecture connecting prevention, elections, specialized services, rapid and reviewable remedies, intermediary accountability, algorithmic governance, investigation, international cooperation, responsibility, and transformative reparation, rather than as an isolated provision to be copied into domestic law.

Limitations. This is a documentary and comparative legal study, not primary empirical research, and it relies on existing studies with varying sample sizes and degrees of representativeness. AI-specific evidence concerning journalists and human rights defenders is scarcer than evidence concerning politicians, which reduces confidence in the claims made about these groups without excluding them from the legal analysis. The legal materials were current as of September 2026 and remain subject to reform, especially as Mexican state legislatures and the Argentine Congress continue to debate AI-specific provisions. Finally, the comparative scope is limited to two countries; extending the framework to other Latin American jurisdictions is a task for future research, not a claim made here.

Policy Implications. Mexico's priority is to harmonize and implement existing recognition rather than starting from scratch; Argentina's priority is to connect its broad rights-based framework with criminal specificity and operational capacity; and both States share a minimum standard of prevention, rapid protection, specialized investigation, graduated responsibility, cross-border cooperation, transformative reparation, and safeguards for expression, following the structure of the MESECVI Model Law.

The protection gap will not be closed simply by adding the word "deepfake" to the criminal code. It will be closed only when the law can operate across the entire chain of synthetic harm: before production, where feasible; immediately after detection; during the investigation; across platforms and borders; and after removal, through reparation and guarantees of non-repetition. That is the contribution that the MESECVI framework should bring to Mexico, Argentina, and the Inter-American system more broadly.

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Declarations

Conflict of Interest

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Data Availability

Not applicable, this article is a documentary and comparative-legal analysis and does not generate a new primary dataset.

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