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**EXPLORING THE FORENSIC GAPS IN FEMICIDE DIGITAL EVIDENCE: A
CASE STUDY OF NIGERIAN CRIMINAL JUSTICE SYSTEM**

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Abstract

The rising incidence of femicide in Nigeria points to a critical failure of both legal response and forensic preparedness. Despite increased awareness and media coverage, justice remains elusive for many victims due to significant gaps in the collection, preservation, and admissibility of digital and forensic evidence. This paper interrogated the structural and institutional barriers that hinder effective prosecution of femicide through a literature-based analysis of Nigeria's criminal justice system. Situated in a socio-legal framework, the study explored how outdated investigative protocols, lack of digital forensic infrastructure, and insufficient legal clarity around digital evidence compromise the ability to hold perpetrators accountable. The study also draws comparative insights from jurisdictions where forensic and digital tools have been effectively integrated into gender-based violence cases. It argued that the evidentiary deficit is not merely technical, but a deeply systemic one rooted in institutional neglect and a lack of gender-sensitive justice mechanisms. The study found out how that, outdated investigative protocols, lack of digital forensic infrastructure, and insufficient legal clarity around digital evidence compromise the ability to hold perpetrators accountable. The paper concluded that meaningful reform must go beyond legal provisions, requiring investment in forensic capacity, updated legal standards for digital evidence, and interdisciplinary training for law enforcement and judicial officers.

Keywords: Femicide, digital evidence, forensic gaps, gender-based violence, Nigeria, criminal justice

Introduction

In certain regions, domestic violence, when it escalates to homicide, takes on a pattern that is troubling. Ogbe, (2023, p. 4) reports that during the COVID-19 lockdown, “the incidence of femicide rose sharply in media accounts across Nigeria, exposing deep failures in legal response”. That surge did not just reflect heightened violence but also signalled structural inadequacies in the criminal justice system. Gender-related killings are not only a socio-moral crisis but also a forensic one. The UNODC (2019, p. 17) meaning, UN Office on Drugs and Crime defines gender-related killing of women and girls as “gender-based homicide where the victim is female” and notes that globally such killings occur at a rate of 2.3 per 100 000 women, with Africa showing higher prevalence. Nigeria, though under-measured, reflects that pattern, especially where intimate partner violence or domestic abuse turns deadly. The lack of comprehensive data hints at the knowledge gap of the problem in official statistics.

Though Nigeria updated its Evidence Act in 2011 to include digital records as admissible, the implementation remains weak. This perhaps prompts Onwubiko & Eboibi, (2020, p. 12) to point out that “there is still no standard operating procedure for forensic digital evidence collection,” and the chain of custody is inadequately maintained, resulting in most digital information being lost at the prosecutorial stage. That means potential evidence like phone messages, social media posts, or digital health records often fail to convince courts. Meanwhile, femicide as a distinct social and legal category remains obscure in Nigeria’s discourse. Most cases end up categorized under domestic violence or murder, obscuring gender motivation. Ojibara, (2023) notes that even the Violence Against Persons Prohibition (VAPP) Act is often treated as a domestic relations law, with little attention to its potential in framing gender-motivated killings. As a result, investigators and prosecutors do not flag cases where technology-based evidence might establish intent or pattern.

Stanley and Khadija (2021, p.5) explain that forensic DNA profiling and awareness of its benefits remain limited in practice despite academic advocacy. They write that, “most law enforcement officers do not receive training on STR-based forensic methods; DNA evidence is not routinely collected at crime scenes”. Without forensic DNA, even violent death scenes get processed based on confession, witness testimony or circumstantial inference not robust technical proof. Digital evidence poses its own complexity just as Mohammed and Mohammed (2020 p.7) observe that law enforcement often lacks both capacity and legal clarity, noting that “the gap between emerging cybercrime phenomena and procedural law enforcement response in Nigeria undermines the admissibility of digital evidence, especially in gender-based violence cases”. As a result, digital traces are not seen as vital.

How this compares with other countries matters because it shows the law and infrastructure can evolve. In South Africa, intimate partner femicide research, such as that of Abrahams *et al.*, (2013) demonstrates how systematic forensic investigation coupled with data collection can reveal patterns and motivate policy reform. In contrast, Nigeria lags both in legal recognition and forensic capacity. Globally, the UNODC (2019 p.22) urges improved gender homicide surveillance systems, noting that “law enforcement agencies often fail to record or investigate gender-related motives adequately”. Many survivors’ families abandon the pursuit of justice because evidence was mishandled, lost, or never collected. Further, victims of Gender-Based Violence who escape homicide face trauma without institutional recourse. In Osogbo, Adeleke and Olowookere (2021) found that sexual assault cases rarely translate into meaningful prosecutions, in part because forensic evidence such as hospital documentation or digital communication is not secured or admitted. That means even where violence is confirmed, the system fails them again.

Relying on eyewitness or confession-based investigations worsens problems as Uduma *et al.*, (2020, p. 9) note that “the criminal justice system in Nigeria overemphasizes confession and eyewitness accounts, which are unreliable, especially in cases of GBV,” yet rarely integrates forensic or digital corroboration. The absence of interdisciplinary training means police, prosecutors, and judges often undervalue technical evidence. All these factors create a structural evidentiary deficit. Femicide, as a gender-based crime, requires investigative rigor that integrates forensic science, digital records and gender-sensitive protocols. Without investment in digital forensic labs, training, and legal clarity, femicide remains under-prosecuted and often invisible. On the basis of the above, this study seeks to interrogate how the institutional neglect of forensic capacity and digital evidence undermines the effective prosecution of femicide in Nigeria moving beyond technical diagnostics to uncovering the socio-legal forces that de-emphasize digital proof in gender-based violence cases.

Objectives of the Study

The growing reality of femicide in Nigeria, compounded by the weaknesses of digital evidence handling and forensic practice, occasioned this study to:

- i. Examine the prevalence and character of femicide in Nigeria and how it is reflected in the criminal justice system.
- ii. Analyze the legal framework governing digital evidence in Nigeria, with emphasis on Section 84 of the Evidence Act 2011.
- iii. Investigate the institutional and infrastructural challenges in Nigeria’s forensic capacity.
- iv. Explore how digital forensics could strengthen the prosecution of gender-based crimes in Nigeria.
- v. Draw comparative insights from jurisdictions where forensic and digital evidence are systematically applied in femicide and gender-based violence cases.
- vi. Contribute to scholarly and policy debates on gender-sensitive justice by proposing reforms that extend beyond law into practice.

Literature Review

The rising incidence of femicide in Nigeria has recently gained sharper attention, particularly with media reports capturing it as a national emergency. In February 2025, *The Guardian* reported that Nigerian activists demanded the government declare a state of emergency over gender-based violence after a series of femicides sparked protests in major cities. The report stressed that despite decades of advocacy, systemic barriers to justice persist, including poor documentation, weak law enforcement, and inadequate legal recognition of femicide as a distinct crime. Such accounts show that while the problem is socially acknowledged, the institutional response remains fragmented.

Nigeria’s main statutory framework on gender violence is the Violence Against Persons (Prohibition) Act (VAPP Act), passed in 2015. While the Act introduced important legal protections against domestic violence, sexual assault, and harmful practices, it applies directly only in the Federal Capital Territory. States are expected to domesticate it, but adoption has been uneven. The VAPP Act also does not explicitly define femicide, meaning killings of women motivated by gendered violence are prosecuted under general homicide provisions (Wikipedia, 2025a). This creates a conceptual gap, since international bodies such as UNODC (2019) emphasize that femicide requires distinct recognition to properly track and address patterns of killing.

Survivors of gender violence often avoid formal channels because they do not believe justice will follow. Studies in Nigerian law journals confirm that prosecutions are rare even where evidence exists, with many cases collapsing due to weak investigative practice (Awobiye, 2021). This results in femicide being undercounted, misclassified, or hidden in official homicide statistics. While qualitative reports and media coverage captures femicide, there remains no reliable quantitative system for tracking gender-motivated killings in Nigeria. The 2011 Evidence Act brought Nigeria into line with global standards by recognizing electronically generated documents as admissible in court. Section 84 specifically governs the admissibility of digital evidence, requiring conditions such as proof of reliability of the computer system used and certification by an appropriate authority. In practice, however, these requirements have generated significant controversy.

Akinwumi and Lawal (2019, p. 89) argue that while Section 84 was intended to modernize Nigerian law, it has created a “rigid evidentiary bottleneck” because many investigators and lawyers lack the technical expertise to comply with its demands. Similarly, Okpara *et al.* (2023, p. 15) show that Nigerian courts often apply Section 84 inconsistently, with some judges insisting on strict technical compliance while others take a more flexible approach. This uncertainty undermines the credibility of digital evidence in criminal trials. Several scholars also note that Section 84’s scope does not adequately cover the complexity of emerging digital environments. Obamanu (2023) points out that the law does not fully address how to authenticate evidence derived from social media, encrypted messaging apps, or cloud storage, all of which are now central to femicide investigations. As a result, potentially crucial evidence such as threatening WhatsApp messages or GPS logs is either discarded or contested in court.

To address these problems, legislative reforms were introduced in 2023 to digitize and mechanize the filing and authentication of electronic documents. According to Mondaq (2023), the amendments allowed affidavits, depositions, and even signatures to be digitized in line with modern practices. While this represents progress, scholars such as Oluwajobi and Fatimehin (2024) caution that without technical training and proper infrastructure, statutory amendments will remain symbolic. They note that courts continue to rely on oral testimony because prosecutors cannot meet evidentiary standards for electronic material. Nigeria has recognized digital evidence in principle but has not yet created the institutional or procedural capacity to integrate it into gender-based violence prosecutions. Research into how judges interpret digital evidence in femicide cases remains thin, reflecting an urgent need for empirical studies of court practices.

Even when the law allows digital or forensic evidence, Nigeria’s infrastructural deficits hinder its use. The Lagos State DNA Forensic Centre, opened in 2017, was hailed as Nigeria’s first modern forensic laboratory (Wikipedia, 2025b). However, its impact has been limited by underfunding, lack of coordination with police investigations, and the absence of similar facilities across the country. The reliance on a single state-run lab reveals the systemic fragility of Nigeria’s forensic ecosystem. Most police officers lack training in evidence preservation, leading to contamination or outright loss of potential forensic material. Idhiarhi (2019, p.6), observed that “electronically generated evidence is frequently mishandled due to ignorance of best practices in chain of custody.” This means that even when evidence is available, courts often reject it because authenticity cannot be established.

The integration between medical institutions and the justice system is also weak. Forensic medical records, such as autopsy reports or documentation of prior abuse, rarely enter into court proceedings in an admissible form. This disconnect undermines femicide prosecutions where establishing both the cause of death and the context of repeated violence is essential. The gap here lies in the absence of systemic forensic capacity. Comparative experience shows that Nigeria's challenges are not inevitable. Countries such as South Africa, where femicide rates are also high, have systematically integrated forensic evidence into GBV cases. Abrahams *et al.* (2013, p. 415) demonstrates how consistent autopsies and profiling have exposed patterns of intimate partner killings, shaping policy responses. In Latin America, jurisdictions have gone further by codifying femicide as a distinct legal category, improving data collection and prosecution.

Internationally, technical standards for digital evidence stress the importance of the chain of custody and authenticity. The *Digital Evidence* entry on Wikipedia (2025c) explains that courts in many jurisdictions apply the Best Evidence Rule and require metadata analysis to confirm authenticity. Nigeria's legal system recognizes these principles in abstract but lacks the infrastructure and judicial expertise to apply them rigorously. Nigerian studies often analyze statutory texts but rarely benchmark Nigeria's practices against these international forensic and digital standards. There is little work exploring how reforms in countries with similar socio-legal contexts could be adapted locally.

From the above, femicide remains legally invisible in Nigeria, hidden under general homicide statistics, with little empirical research on its prevalence. Courts apply digital evidence rules inconsistently, and studies have yet to systematically track how judges interpret Section 84 in practice. Also, Nigeria's forensic science capacity is limited to a few institutions, but research into how this affects GBV prosecutions remains minimal as there is limited Nigerian scholarship that draws lessons from international jurisdictions where digital and forensic evidence have improved femicide prosecutions. These are the areas this study shall be interrogating with regards to filling these research gaps.

Theoretical Framework

The subject of femicide, digital evidence, and forensic gaps in Nigeria's criminal justice system requires an interdisciplinary theoretical foundation. Feminist jurisprudence provides the normative critique of patriarchal structures that marginalize gendered violence. Criminological theories of gender-based violence explain the socio-cultural roots of lethal violence against women. Evidentiary theories such as the chain of custody illuminate why forensic processes break down in practice. Finally, digital forensic frameworks points at the technological and institutional barriers to integrating electronic evidence into legal processes. Together, these frameworks guide the analysis of why femicide persists as a largely under-prosecuted crime in Nigeria and how systemic reforms may be conceptualized.

The feminist-intersectional framework emphasizes how women's vulnerability to violence is intensified by intersecting factors such as poverty, ethnicity, and religion. A recent Nigerian study notes that "structural patriarchy continues to shape the experience of violence against women," arguing that intersectional identities deepen marginalization and reduce access to justice (Makinde *et al.*, 2022, p. 4). This theoretical perspective helps explain why many femicide victims in Nigeria, particularly in rural and marginalized communities, are excluded from both legal and forensic attention. Feminist criminology adds a further dimension by critiquing how criminal justice institutions respond to female victims and offenders. Research

shows that women in Nigeria face “a paradox of justice” where they are either treated paternalistically through the so-called chivalry hypothesis or punished more harshly when they violate social norms (Ogunrinola, 2024, p. 12). Such gendered biases affect how femicide cases are handled, with some dismissed as domestic disputes or private family matters rather than serious crimes requiring forensic investigation.

Several criminological theories help explain the roots of femicide. Control theory for instance, emphasizes how perpetrators use violence as a mechanism of power to assert dominance, especially in patriarchal societies. Resource theory suggests that men who lack other forms of power, such as economic status, may resort to violence to reassert authority (Law and Social Justice Review, 2020). These theories align with Nigerian realities, where intimate partner killings often follow conflicts rooted in control or resource insecurity. Family violence theory points at the cyclical nature of abuse, where repeated acts of domestic violence escalate into femicide.

The principle of chain of custody is central to evidentiary theory. It refers to the chronological documentation that establishes the collection, transfer, analysis, and presentation of evidence (StatPearls, 2023). Without a proper chain of custody, evidence loses its probative value, regardless of its material truth. This principle is particularly relevant in Nigeria, where poor handling of forensic and digital evidence often renders it inadmissible in court. Idhiarhi (2019) observed that Nigerian police officers frequently mishandle electronically generated evidence due to a lack of training. According to a review in *Healthcare* (MDPI, 2022), electronic data is uniquely vulnerable to contamination, alteration, and loss. Maintaining its authenticity requires not only documentation but also technical safeguards such as metadata preservation and secure storage. Nigerian courts recognize these principles in abstract through Section 84 of the Evidence Act, but practical compliance remains limited.

Digital forensic theory emphasizes the technical and procedural standards required to ensure that electronic evidence is admissible and credible. Casey (2011) explains that digital forensics must meet two conditions which are reproducibility of analysis and verifiability of authenticity. These conditions align with evidentiary theories but require specialized infrastructure. Obamanu (2023) stressed how courts often reject social media messages or call records because prosecutors cannot authenticate them. This demonstrates a misalignment between digital forensic theory and Nigerian practice. Innovative approaches such as blockchain-based chain of custody systems have been proposed to address these challenges. Liang *et al.* (2018, p. 4) argue that blockchain offers a “tamper-resistant and auditable mechanism” for managing digital evidence, ensuring transparency and authenticity. While such technologies may seem distant in the Nigerian context, they offer theoretical models for how digital forensic gaps could be addressed in the future. At the same time, scholars point out systemic barriers such as backlogs in forensic processing, limited personnel, and a lack of interagency coordination (Rogers & Seigfried-Spellar, 2016). These global findings resonate with Nigerian challenges, suggesting that forensic delays and underfunding are part of broader institutional problems rather than purely technical ones.

Methodology

Methodology is central to situating this study within the larger body of socio-legal scholarship on gender-based violence and forensic practice. The study adopts a qualitative, doctrinal, and literature-based methodology situated within a socio-legal analytical framework. The study does not generate primary empirical data through surveys or interviews but instead critically

examines existing literature, legal texts, policy frameworks, and judicial decisions. This approach is particularly suited to exploring femicide in Nigeria, where gaps in digital and forensic evidence are primarily structural and institutional.

Doctrinal Method

The doctrinal approach in legal research involves the systematic study of statutes, case law, and judicial practices (McConville & Chui, 2007). It asks what the law “is” rather than what it “ought to be.” In this study, doctrinal analysis focuses on the Nigerian Evidence Act (2011), particularly Section 84 on electronic evidence, as well as the Violence Against Persons (Prohibition) Act (2015) and other gender-based violence statutes. It also examines reported Nigerian case law where the admissibility of forensic or electronic evidence was contested. This approach is necessary because femicide in Nigeria remains under-theorized within statutory and case law frameworks. The analysis of legal texts bridges the gaps between legislative provisions and judicial enforcement. For example, while Section 84 provides for digital evidence, courts often dismiss such evidence on technical grounds. The doctrinal approach allows a systematic exploration of these inconsistencies.

Socio-Legal Analysis

Doctrinal analysis alone would be insufficient for a subject like femicide, which is deeply embedded in social and cultural contexts. Therefore, this study incorporates a socio-legal perspective. Socio-legal methodology extends beyond the formal law to examine how legal processes interact with social norms, institutional practices, and power relations (Banakar & Travers, 2005). In the Nigerian context, this means interrogating how patriarchal cultural values shape the collection and presentation of forensic evidence. For instance, when law enforcement dismisses intimate partner killings as “domestic issues,” it reveals how cultural biases undermine the law’s capacity to protect women. Similarly, when forensic evidence is mishandled due to a lack of infrastructure, the socio-legal method allows for a connection to these failures to broader issues of institutional neglect and governance.

Literature-Based Analysis

Since the study does not generate new empirical data, it relies on an extensive literature review of scholarly works, reports, and comparative legal studies. Literature-based analysis is a recognized qualitative method for developing conceptual insights from existing knowledge (Snyder, 2019). It involves synthesizing diverse sources to identify patterns, contradictions, and research gaps. This study draws on three main categories of literature:

- i. Feminist legal and criminological theory (e.g., feminist legal theory, intersectionality, GBV frameworks).
- ii. Forensic and evidentiary literature on the chain of custody, admissibility of digital evidence, and forensic capacity.
- iii. Comparative jurisdictional studies showing how other countries have successfully integrated forensic science and digital evidence into GBV cases.

Through this method, the study identifies gaps in Nigerian practice and situates them within global debates on forensic justice.

Comparative Method

Comparative legal methodology enables researchers to identify both similarities and divergences across jurisdictions. Zweigert and Kötz (1998) argue that the comparative method is particularly useful when a domestic system is underperforming, as it points at alternative

legal and institutional models. This study employs selective comparison with jurisdictions where forensic and digital tools have been effectively integrated into GBV prosecutions. For example, South Africa's femicide crisis has prompted reforms in forensic capacity (Abrahams *et al.*, 2013). Similarly, common law jurisdictions such as the United Kingdom and India provide examples of how digital evidence has been codified and judicially enforced. Situating Nigeria within this comparative lens makes the research generates insights into potential pathways for reform.

Analytical Approach

The analysis proceeds in four stages viz:

- i. Identification of Legal and Institutional Gaps: Using doctrinal analysis, the study maps existing Nigerian laws relevant to femicide, forensic evidence, and digital admissibility
- ii. Theoretical Interpretation: Feminist legal theory and criminological frameworks are applied to interpret why femicide remains under-recognized in law and why forensic gaps persist.
- iii. Synthesis of Literature and Comparative Insights: Findings from Nigerian literature are compared with international scholarship and practice to identify missed opportunities and potential reforms.
- iv. Normative and Policy Recommendations: Based on the synthesis, the research develops proposals for improving forensic infrastructure, evidentiary standards, and gender-sensitive judicial practice. This analytical approach ensures that the study remains both context-specific and globally informed.

Limitations of the Methodology

The reliance on secondary literature means that findings are constrained by the availability and quality of existing research. Nigeria's forensic and legal systems are under-researched, and this creates a potential data gaps. Second, the absence of empirical fieldwork means that the study cannot capture first-hand experiences of victims, law enforcement officers, or judicial officers. Third, comparative analysis has contextual limits so that solutions that work in South Africa or the UK may not directly transfer to Nigeria due to socio-political differences. Recognizing these limitations ensures that conclusions are drawn cautiously and that recommendations are presented as context-sensitive rather than universal prescriptions.

Ethical Considerations

Although the study does not involve human subjects, ethical considerations remain relevant. Gender-based violence research requires sensitivity in framing issues to avoid reproducing victim-blaming narratives. Furthermore, reliance on feminist legal theory commits the researcher to an ethical stance that centres women's rights and dignity in both analysis and recommendations.

Justification of Methodological Choice

The combination of doctrinal, socio-legal, literature-based, and comparative approaches is justified because femicide in Nigeria is both a legal and social problem. A purely doctrinal study would risk abstracting from lived realities, while a purely sociological study would risk neglecting the legal technicalities of evidence. Combining these methods, the study is better positioned to offer a unique, interdisciplinary contribution that speaks to both legal scholarship and policy debates.

Findings

The findings of this study are drawn from doctrinal analysis of Nigerian laws, socio-legal literature, and comparative insights from other jurisdictions. They reveal that while the legal framework on gender-based violence and digital evidence has expanded in recent years, the practical enforcement of these laws remains fraught with systemic and institutional deficiencies. Four major findings emerged from the analysis:

Femicide Is Under-Recognized in Nigerian Law

One of the most significant findings is that femicide is not legally recognized as a distinct category of crime in Nigeria. Nigerian criminal law treats the killing of women under general homicide provisions, without acknowledging the gendered motivations and structural factors that differentiate femicide from other forms of homicide. This legal lacuna has profound consequences. Okoh (2024) explains that, the Nigerian justice system often fails to interrogate crimes against women through a gender-sensitive lens, which means that patterns of intimate partner violence or serial killings targeting women are not systematically tracked. Instead, such cases are treated as isolated incidents. The absence of a distinct legal recognition of femicide contributes to what feminist criminologists describe as the “silencing” of women’s experiences in law (Feminist school of criminology, Wikipedia, 2023). The implication is that femicide statistics remain unreliable, hindering both policy formulation and judicial responses requiring legal reform that specifically names and addresses femicide within Nigeria’s statutory framework.

Weaknesses in Forensic and Digital Evidence Management

Despite the incorporation of electronic evidence provisions under the Evidence Act (2011), practical enforcement remains limited. Akinwumi and Lawal (2019) note that Nigerian courts frequently dismiss digital evidence on technical grounds, such as failure to meet authentication standards required under Section 84 of the Evidence Act. Similarly, Oluwajobi and Fatimehin (2024) stresses that poor training among law enforcement officers’ results in frequent mishandling of electronic evidence, particularly in cases involving mobile devices and social media records. StatPearls (2021) emphasizes that the chain of custody is crucial in ensuring that evidence remains admissible. However, in Nigeria, evidence is often not properly logged, labelled, or preserved, leading to contamination and inadmissibility. This contrasts with practices in jurisdictions like the United States and South Africa, where rigorous chain-of-custody protocols are standard in femicide and GBV prosecutions (Abrahams *et al.*, 2013). The absence of functional forensic laboratories compounds these challenges because without adequate infrastructure, cases rely heavily on eyewitness testimony, which is often unreliable and vulnerable to intimidation.

Cultural and Institutional Barriers Undermine Enforcement

Socio-legal analysis revealed that forensic gaps cannot be explained by technical issues alone just as deep-rooted cultural and institutional barriers weaken enforcement. Patriarchal norms in Nigeria normalize violence against women and often lead to its trivialization (Okoh, 2024). Law enforcement officers frequently dismiss femicide cases as “domestic matters,” delaying investigations and undermining evidence collection. Banakar and Travers’ (2005) argue along this line that legal systems must be studied within their cultural context, since the law often mirrors prevailing social hierarchies. Institutionally, Nigeria’s criminal justice system suffers from underfunding, corruption, and a lack of gender-sensitive training. Feminist criminological perspectives suggest that such systemic neglect is not accidental but reflects the low priority

accorded to crimes against women (Feminist school of criminology, Wikipedia, 2023). These institutional deficiencies perpetuate impunity for perpetrators of femicide.

Comparative Jurisdictions Alternatives

In South Africa, femicide is legally recognized and systematically monitored. Abrahams *et al.* (2013) demonstrate how forensic data collection and centralized crime statistics enabled South Africa to quantify and track femicide trends over a ten-year period. While challenges remain, this has strengthened public policy and advocacy around gender-based killings. In the United Kingdom, digital evidence has been increasingly accepted in domestic violence and sexual assault cases, supported by robust chain-of-custody protocols and judicial training (Zweigert & Kötz, 1998). Similarly, Indian courts have expanded the admissibility of electronic evidence, with procedural reforms addressing authentication challenges (Aderibigbe & Sholaja, 2025). These jurisdictions show that integrating forensic science and digital evidence into GBV cases is not only possible but achievable within common law systems similar to Nigeria's. The Nigerian context thus reflects a governance and institutional gap rather than a structural impossibility.

Nigerian scholarship on femicide, forensic evidence, and digital admissibility remains limited. Most works focus on general gender-based violence without specifically addressing femicide. Similarly, forensic scholarship is still underdeveloped, often imported from foreign contexts rather than domestically generated. Snyder (2019) stresses that literature-based analysis can only go as far as the available scholarship allows. Thus, while this study identified critical institutional gaps, there is a pressing need for more empirical and field-based research on femicide investigations in Nigeria. Such research would enrich future reform proposals and provide stronger evidence for advocacy.

Discussion

The findings of this study underscore that the problem of femicide in Nigeria cannot be understood solely as a matter of individual crime but as a systemic failure rooted in law, forensic science, and culture. This discussion situates the identified gaps within the theoretical framework of feminist criminology, socio-legal scholarship, and comparative legal analysis. It also interrogates the practical implications of these findings for reforming Nigeria's criminal justice system.

Legal Invisibility of Femicide

The absence of femicide as a distinct legal category in Nigeria reflects the limitations of a criminal justice system shaped by patriarchal legal traditions. Feminist criminologists argue that when the law fails to name gender-specific crimes, it "reproduces the invisibility of women's victimization" (Feminist school of criminology, Wikipedia, 2023). Okoh (2024) observed that Nigerian law subsumes femicide under general homicide, thereby neglecting the gendered power dynamics that underpin these killings. This lack of recognition undermines both statistical monitoring and prosecutorial effectiveness. Abrahams *et al.* (2013, p. 5) demonstrate in South Africa that, once femicide was framed as a distinct phenomenon, it became possible to generate reliable data, mobilize public health strategies, and strengthen legal responses. Nigeria's failure to follow a similar path suggests a structural reluctance to confront gender-based violence as a systemic issue. From a socio-legal perspective, Banakar and Travers (2005) argue that laws are embedded in social norms. Thus, Nigeria's legal silence on femicide mirrors the broader cultural trivialization of violence against women. Reform must therefore begin with legal recognition, not just for symbolic reasons but to create accountability mechanisms that force the state to respond systematically.

The Fragility of Digital and Forensic Evidence

Although the Evidence Act of 2011 marked a significant step by admitting computer-generated evidence, the practical handling of such evidence remains deeply problematic. Akinwumi and Lawal (2019) show that Nigerian courts continue to dismiss electronic evidence on technical grounds, especially when lawyers or police officers fail to meet the strict authentication requirements of Section 84. Similarly, Oluwajobi and Fatimehin (2024) points at the widespread ignorance among investigators about how to preserve and present digital materials such as text messages, call records, or social media interactions. This points to a paradox which is that the law formally permits digital evidence, yet institutional weaknesses render that provision ineffective. The problem is compounded by chain-of-custody failures just as StatPearls (2021) notes that, the admissibility of evidence depends not only on legal provisions but also on meticulous documentation of every handover. In Nigeria, however, poor record-keeping and under-resourced forensic units make such documentation rare. Comparatively, jurisdictions such as the United Kingdom have developed detailed evidentiary protocols to ensure digital integrity (Zweigert & Kötz, 1998). Nigeria actually possesses the statutory tools but lacks the operational discipline to apply them effectively.

Cultural and Institutional Resistance

The findings also show that technical deficiencies cannot be separated from broader cultural and institutional barriers. Nigerian society remains heavily patriarchal, and violence against women is often normalized. Okoh (2024, p. 46) notes that police officers frequently downplay femicide cases as “private family disputes,” which delays investigations and prevents evidence collection at critical stages. This emphasizes feminist criminology’s argument that legal systems are not gender-neutral but actively reproduce gender hierarchies (Feminist school of criminology, Wikipedia, 2023). The trivialization of women’s deaths within Nigeria’s justice system demonstrates how culture shapes the enforcement of law. Banakar and Travers (2005) would argue that this is a classic case of law reflecting social order rather than challenging it. Without adequate forensic laboratories or gender-sensitive training, the police cannot realistically handle the complexities of femicide investigations. The situation becomes a vicious cycle with lack of capacity to justify weak enforcement, which in turn sustains impunity and reinforces cultural norms of male dominance.

Lessons from Comparative Jurisdictions

The comparative perspective shows that alternative route exists. South Africa’s recognition of femicide, coupled with systematic data collection, has strengthened both public awareness and policy responses (Abrahams *et al.*, 2013). While South Africa still struggles with high rates of gender-based killings, the institutional acknowledgement of femicide has provided a foundation for more targeted interventions. In the United Kingdom, the integration of digital evidence into domestic violence and femicide prosecutions reflects not just legal provisions but a strong culture of judicial training and forensic investment (Zweigert & Kötz, 1998). Similarly, India’s gradual expansion of electronic evidence admissibility (Aderibigbe & Sholaja, 2025) demonstrates that common law jurisdictions can adapt to digital realities when courts and legislatures work in tandem. These comparisons reveal that Nigeria’s challenges are not inevitable but reflect choices about resource allocation, cultural priorities, and political will. Other countries with similar colonial legal legacies have made significant progress by entrenching gender-sensitive and forensic-conscious reforms into their systems.

Snyder (2019) had stressed that literature reviews are constrained by the availability of scholarship. Hence, in Nigeria, most existing research focuses broadly on gender-based violence or forensic challenges, with little empirical work specifically addressing femicide investigations. This absence perpetuates the veil of femicide, both academically and legally. Future research must move beyond doctrinal analysis to include field-based studies of police practices, forensic infrastructure, and survivor experiences. Only then can reform proposals be rooted in the lived realities of Nigeria's justice system and this study is a way of bringing about that consciousness.

Conclusion

The direction of this study makes it clear that femicide in Nigeria is not merely the tragic outcome of isolated criminal acts but the predictable result of systemic gaps in law, forensics, and institutional response. What emerges from the analysis is an entrenched failure of the criminal justice system to provide adequate recognition, investigation, and prosecution of femicide. These failures are not abstract but directly contribute to impunity for perpetrators, deny victims and their families justice, and reinforce a culture in which women's lives remain undervalued. The absence of femicide as a distinct legal category constitutes a foundational policy problem. Nigerian criminal law continues to subsume these killings under general homicide provisions, ignoring their gendered dynamics. This has profound consequences as it undermines statistical monitoring, obscures the motivations behind killings, and prevents targeted policy interventions.

The Evidence Act of 2011 formally expanded admissibility, but its promise has been undermined by weak implementation. Akinwumi and Lawal (2019) explain that, Nigerian courts frequently exclude digital evidence on technical grounds, while Oluwajobi and Fatimehin (2024) points at the widespread ignorance among investigators about how to authenticate and preserve such evidence. The policy implication is that reform cannot stop at statutory language. It must extend into operational protocols and resource allocation. This means funding forensic laboratories, standardizing chain-of-custody documentation, and equipping police with the tools to handle electronic evidence. Without such measures, the law's recognition of digital evidence remains a wild goose chase.

Policy reform must also confront cultural and institutional resistance. Okoh (2024, p. 46) observes that police often dismiss femicide cases as private disputes, delaying evidence collection and weakening prosecution. This tendency illustrates how cultural attitudes toward women infiltrate institutional practices, leading to systemic neglect. If policy responses focus only on formal law while ignoring these cultural underpinnings, they will fail. What is required are gender-sensitive training programs that reshape how law enforcement and judicial officers view violence against women. Policy must also ensure accountability mechanisms for officers who trivialize or mishandle femicide cases.

Recommendations

For Nigeria, these two urgent policy are imperatives:

1. Codify femicide as a distinct category in the criminal code.
2. Build forensic and digital capacity through state funding, judicial training, and operational protocols.



This is to be done through:

- i. Legal Reform: Amend the Criminal Code and Penal Code to define and criminalize femicide as a distinct offense.
- ii. Forensic Infrastructure: Establish properly resourced forensic labs and ensure digital evidence can be preserved, authenticated, and admitted consistently.
- iii. Capacity Building: Provide mandatory gender-sensitive training for police, prosecutors, and judges.
- iv. Accountability Mechanisms: Introduce oversight structures to ensure law enforcement takes femicide investigations seriously.
- v. Data Systems: Create national databases to track femicide cases, ensuring evidence-based policymaking.

Such a comprehensive approach would move Nigeria closer to international best practices and reaffirm the state's commitment to protecting women's lives. Any meaningful change will require sustained political will, financial investment, and cultural transformation within the criminal justice system. Anything less risks reproducing the status quo where femicide is rendered invisible, evidence collapses in court, and justice remains beyond reach for victims and their families.



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