

DIGITAL TECHNOLOGY IN COMPLEMENTING THE LAWS IN CURTAILING DOMESTIC AND GENDER BASE VIOLENCE IN NIGERIA AND UGANDA

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ABSTRACT

In Nigeria and Uganda, domestic and gender-based violence (DGBV) remains a widely entrenched problem, undermining the very fabric of society, the dignity of human beings, and development. Despite several laws and institutional frameworks in place to address this issue, several challenges often hinder the prosecution and enforcement of cases of DGBV. It is in this regard, that this study aims to examine the role that digital technologies can play to complement the legal or institutional frameworks in Nigeria and Uganda in addressing a case of DGBV. The study adopts a doctrinal method relying on primary and secondary sources of research material. Data obtained from the findings were analysed through descriptive methods and analytical approaches. The findings of this study suggest several deficiencies in the existing legal and institutional frameworks, which include reporting mechanisms, limited access to justice for victims, protracted bureaucracy in prosecuting DGBV cases, and low public awareness. Integration of digital tools relative to mobile apps for anonymous reporting, use of AI-driven data analytics to identify trends in DGBV, and online platforms for legal support, can significantly enhance speedy accessibility, efficiency, and effectiveness in addressing DGBV. Similarly, technology could create community engagement and bolster capacity building for early warning systems. The study concludes that digital technology provides potential advantages that could complement the legal and institutional framework that could aid in combating DGBV. Hence, successful integration would require investment in digital infrastructure, with associated capacity building and public awareness initiatives. The study suggests that multi-stakeholder engagement for the integration of digital tools should be subject to social, cultural, and societal contexts.

Keywords: Digital Technology, Laws, Domestic, Gender Violence, Nigeria, Uganda

1. Introduction

Domestic and gender-based violence (DGBV) remains a deep-seated anthropological manifestation in society in two nations, Nigeria and Uganda, that violates the fundamental rights and dignity of individuals¹. Such epidemic violence crosses boundaries of social,

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¹ Ikechukwu Stephen Okolie et al, 'The Causes and Implications of Gender-Based Violence on the Socio-Economic Status and Development of Women in Maiduguri Metropolis, Borno State, North-East Nigeria' (2023) 2(3) International Journal of General Studies.

cultural, and economic, assuming forms of physical, sexual, emotional, and economic abuse². Access to justice for victims of DGBV is undermined by social isolation, stigmatization, and restricted avenues for seeking justice, ultimately compounding the long-standing effects of DGBV in terms of their economic, mental, and overall well-being³. It must be noted that domestic and gender-based violence finds this social evil rooted in cultural, patriarchal systems, and economic inequalities. In Nigeria, entrenched gender stereotypes, cultural relegation of females, religious beliefs, and societies' acceptance of men as dominant over female counterparts persistently promote DGBV⁴. For that matter, in Uganda, there is also a connection between poverty, traditions, and poor access to education for women that also aggravates the situation further⁵. Thus, both countries see themselves with an important challenge that should seek to respond to DGBV at a deeper level of causation, with a multi-dimensional perspective of intervention⁶. Cultural practices, therefore, discourage victims from reporting the abuses committed against them, making it difficult to attain justice for victims⁷.

Although there are laws against domestic and gender-based violence in both Nigeria and Uganda, however, several challenges such as legal, social, cultural, and economic exist to mitigate notable lapses in their enforcement and implementation, which make them ineffective. For instance, Nigeria's Violence Against Persons (Prohibition) Act (VAPP) of 2015 provides substantial legal backing for the fight against torture, but it only exists in limited states and areas, giving it no national power⁸. Uganda's Domestic Violence Act of 2010 and other legislative measures are commendable; however, some funding, awareness, and enforcement challenges stifle their implementation⁹. These loopholes in the way that cases are tried, as well as impunity, are adverse forces against justice for the victim. Closing the gaps regarding such laws and institutions would be an important step towards a comprehensive and inclusive approach to ending DGBV¹⁰.

The advent of digital technologies has opened up new horizons in the fight against domestic and gender-based violence and is now providing innovative means and opportunities to support legal and institutional frameworks¹¹. These digital platforms allow victims to access information on various services, report the violence they are experiencing, and connect with

² Eronmwon Joyce Iroque, 'The Role of NGOs Managing Domestic Violence in Sub-Saharan Africa; Using the Case of Nigeria' (2020) 2(2) *Akdeniz Havzası ve Afrika Medeniyetleri Dergisi* 70.

³ Ishmael Mugari, 'Gender-Based Violence Trends and Triggers During Public Health Emergencies in Africa: The Case of COVID-19 and Beyond' (2023) 21(1) *Gender and Behaviour* 21260.

⁴ Arit Oku, 'Girls, Sexuality, and Gender-Based Violence in Africa' in Olajumoke Yacob-Haliso and Toyin Falola (eds), *The Palgrave Handbook of African Women's Studies* (Palgrave Macmillan 2021) 891.

⁵ Endurance Uzobo and Aboluwaji D Ayinmoro, 'Trapped Between Two Pandemics: Domestic Violence Cases Under COVID-19 Pandemic Lockdown: A Scoping Review' (2023) 43(3) *Community Health Equity Research & Policy* 319.

⁶ Chiemezie S Atama and Obinna J Eze, 'COVID-19 Lockdown and "Shadow Pandemic" of Gender-Based Violence in Nigeria' in Martin Nnamdi and Jolly Okoro (eds), *COVID-19 Syndemics and the Global South* (2023) 173.

⁷ Cecy Edijala Balogun and Olubiyi Peter Tomoloju, 'Gender Budgeting Responses on Gender-Based Violence (GBV) in Sub-Saharan Africa (SSA): Lessons from Selected Countries' in *Gender-Responsive Budgeting in Africa: Access and Future Measures* (2024) 7.

⁸ Jimmy Ben Forry et al, 'Gender-Based Violence and Its Determinants During the COVID-19 Lockdown in a Low-Income Country: A Cross-Sectional Survey' (2022) *Journal of Gender-Based Violence* 1.

⁹ Ikechukwu Stephen Okolie et al, 'Domestic Violence Against Women in Maiduguri Borno State Nigeria' (2021) 7(1) *Journal of Humanities and Social Policy*.

¹⁰ Obi et al, 'Gender-Based Violence Among Pregnant Women in Benin City, Edo State: Prevalence, Categories, Patterns and Associated Factors' (2023) 16(3) *Ibom Medical Journal* 257.

¹¹ Paul Atagamen Aidonjje et al, 'Curtailling Male Rape in Nigeria: Legal Issues and Challenges' (2024) 2(3) *Journal of Sustainable Development and Regulatory Issues* 287.

supportive services confidentially. Mobile applications, social media campaigns, and data-driven solutions have been instrumental in raising awareness, documenting cases, and holding perpetrators accountable¹². In this regard, as digital technology continues to develop in Nigeria and Uganda, it will provide a good opportunity to use digital technology to operationalize justice for victims-a necessity in rural and marginalized communities¹³. Technologies not only empower victims; they also improve the ability of law enforcement to monitor, respond to, and prevent violence¹⁴. Although the influence of digital technology on existing legal frameworks offers an avenue for reinforcing actions targeted at the curtailment of domestic and gender-based violence in Nigeria and Uganda¹⁵, it also takes cognizance of the gaps present in extant laws, promotes inter-stakeholder collaboration, and applies digital technology to provide a more wholesome approach to DGBV¹⁶.

Concerning the above, this study addresses the adoption of digital technology in complementing the legal framework regarding the fight against DGBV, providing an analysis of the existing laws, their weakness, and how digital innovations can close systemic gaps. It therefore highlights viable and sustainable measures geared towards curtailing domestic and gender-based violence in Nigeria and Uganda.

2. Conceptual Issues as it concerns DGBV in Nigeria and Uganda

One of the most widely accepted explanatory viewpoints in the literature on marital violence is a specifically gender based one. Frequently understood to be the “cycle of violence” or “intergenerational transmission theory”¹⁷. According to the hypothesis, people imitate behaviors they were exposed to as youngsters when it comes to their families. The family's role models, parents, siblings, relatives, and boyfriends/girlfriends, can teach violence either indirectly or directly (i.e., being exposed to violence), which is reinforced during childhood, and persists into adulthood as a stress-reduction strategy or a means of resolving conflicts¹⁸. Furthermore, based on communal training theory, money, stress, and alcohol misuse can all lead to assault, an act that may be taught. From an early age, we pick up behavior from our parents. The individuals who most significantly impact our connections, behavior, as well as disposition are those of the parents, while caregivers. We maintain the acquired behavior until maturity¹⁹. “One hypothesized mode of intergenerational transmission is modeling. There is evidence that witnessing and/or experiencing violence are related to different patterns of abusive behavior.”

¹² David Muuro Nkaabu, 'Examination of the Role of Church Leaders in Averting Gender-Based Violence in Imenti South Sub County, Meru County, Kenya' (2019) KeMU.

¹³ Ayub K Wafula, 'The Status of Compliance with the International Gender Related Legal Instruments in Africa: A Case Study of Kenya' (2015) University of Nairobi.

Usman Mika'il Usman, 'Implementation of NAPTIP Policy in Nigeria' (2020) PQDT-Global.

¹⁴ Dimpho Kgakgamatso Oganetse and Dines Phiri, 'Gender-Sensitive Literacy Policies in Distance Education: Overcoming Barriers to Women's Education in Sub-Saharan Africa' in *Literacy Policies for Equity and Inclusion* (2025) 233.

¹⁵ Catherine Grant et al, 'Inverse Relationships Between Cultural Sustainability and Human Rights: The Counterintuitive Cases of Nigerian Avu Udu Dance and White-Power Music' (2024) *International Journal of Cultural Policy* 1.

¹⁶ Seve Loudon et al, 'Gender Equality and Fragility' (2021) OECD Development Co-operation Working Papers.

¹⁷ Obagboye Tomi Grace, 'Addressing Gender-Based Violence in Africa (Nigeria and Botswana)' (2021) 6(10) *Saudi Journal of Humanities and Social Sciences* 405.

¹⁸ Catherine Pauline Anena and Solava Ibrahim, 'Revisiting Economic Empowerment as a Sufficient Remedy for Gender-Based Violence: The Case of Jinja District in Uganda' (2020) *Gender and Research*.

¹⁹ Sarai Chisala-Tempelhoff and Monica Twesiime Kirya, 'Gender, Law and Revenge Porn in Sub-Saharan Africa: A Review of Malawi and Uganda' (2016) 2(1) *Palgrave Communications* 1.

Another hypothesis put forth was the “learned helplessness” theory. American psychologist Lenore Walker researched how women who remain in abusive marriages behave²⁰. Walker postulated that women remain in violent relationships due to the ongoing. However, the learned helplessness theory failed to take into consideration the various social, economic, and cultural factors that could affect a woman's choice to stay in a violent relationship²¹. Women frequently have very good reasons for remaining, such as fearing reprisals against either themselves or their kids, or they might not have the resources to sustain them. When they depart, they run the risk of being rejected by their community and family. Furthermore, ladies who survive abusive relationships frequently try to leave and frequently take very deliberate actions to try to lessen the abuse they endure to protect their kids, which is inconsistent with the notion of learned helplessness²². "Women are typically persistent and often tenacious in their attempts to seek help, but pursue such help through channels that prove to be most useful and reject teasing".

Although Nigeria's Federal Republic, 1999 Constitution, the VAPP Act/Laws, the Child Rights Act/Laws, along with other constitutional instruments other laws prohibit actions that could result in the denial of human rights and are discriminatory in terms of race, gender, or circumstances of birth, harmful practices are widespread and vary throughout Nigeria. The rights to dignity, liberation from prejudice, as well as protection against harsh actions, humiliating treatment, and punishment, are all violated by harmful practices. According to detrimental to the Committee on the Rights of the Child and the Committee on Discrimination Against Women, customs have their roots in societal beliefs that view women and girls as less valuable than men and boys. It jeopardizes the female or girls' reproductive health and dignity. Negative widowhood customs Widowhood is one of the harmful traditional practices in Nigeria where the woman is forced to do things like shaving hairstyle, sitting either on a mat or the ground that has been tossed to the ground, wearing white or black clothing, or sleeping within identical space as her husband's corpse to prove that he loves her or that she is not to blame for his death²³. Given that there exist cultural customs, some of these traditional activities are still followed even though they have diminished over time. Refusing to allow women to inherit. The denial of female inheritance is another example of a damaging traditional practice. When a husband or father dies, the man's family makes sure the spouse plus any woman offspring receive nothing out of the man's property. The fact that the mother had no male child for her late husband made matters worse. She loses the property and is left to take care of the daughters by herself. In other words, denying women the opportunity to express themselves, own landed assets, receive an education, and choose how they want to reproduce²⁴. FGM, child marriage, forced marriage, or mistreatment of women and girls are all caused by harmful behaviors. The Commission and its allies documented 38 incidents of disinheritance and 13 instances of different detrimental customs from the past in Plateau State, including tactics that deny entry to property²⁵.

Religion plays a complex role in gender-based violence (GBV), acting as both a potential source of oppression and a means of empowerment. The impact of religious beliefs, practices, and institutions on GBV can be analyzed in several ways. Some religious doctrines, when misinterpreted or taken out of context, have been used to justify GBV, including domestic

²⁰ Ibid

²¹ Ibid

²² Michael Addaney and Onuora-Oguno Azubike, 'Education as a Contrivance to Ending Child Marriage in Africa: Perspective from Nigeria and Uganda' (2017) 9 Amsterdam Law Forum 110.

²³ Ibid

²⁴ Ibid

²⁵ Ibid

violence, honor killings, and marital rape²⁶. Patriarchal Structures: Many religious traditions are rooted in patriarchal norms that reinforce male authority and female submission, leading to tolerance or justification of violence against women. Religious teachings on modesty, purity, and obedience can sometimes discourage victims from reporting abuse or seeking justice. FGM, or female genital mutilation In the majority of Nigeria, female genital mutilation is a customary practice in which a few commissioned men or women in the community perform the clitoris cut. A common misconception is that female circumcision prevents a child from bringing shame to the family by lowering the child's level of promiscuity. In certain cases, it is performed on women to guarantee a safe delivery during childbirth, as a kind of initiation into femininity, or while they are expecting their first child²⁷. Forced or early marriage. A relationship between two consenting individuals is considered marriage. Three legal systems govern weddings in Nigeria: Islamic, statutory, and customary (traditional). Although a union between two consenting adults is anticipated in all three, early and forced marriage is common in some regions of Nigeria²⁸. Due to societal views that a girl is old enough to marry once she begins menstruating, regardless of her birth age or economic factors, girls who are legally considered juveniles are compelled to marry. Early marriages, according to certain arguments, lower the likelihood of infidelity, which brings “shame to the family”; it is a means of “social integration”, “health, and religious convictions Many times, the lack of legislation to punish GBV as well as formally establish additional rights which will curb many types of GBV is allowed to continue in various countries due of gender inequality. Among the 195 nations represented in the United Nations, about 33 lack legislation against domestic abuse, and 48 lack legislation against UN Women claims that workplace sexual assault. But this doesn't mean that legislation approved by the majority of nations is always by international norms, has been put into effect, or is sufficiently enforced²⁹.

Concerning the above, it suffices to state that prejudiced cultural attitudes as well as viewpoints that maintain inequity and powerlessness, especially, remain the primary victims of gender-based violence against women and girls. Several other factors, such as poverty, limited access to jobs and education, and no prospects, and in addition to contribute to and perpetuate a culture of violence and gender-based discrimination, and impunity for crime and abuse is also common. When families and societies are divided and the authority of the state is weakened during moments like violence and displacement, these factors are usually made worse. The outcome is frequently a rise in the occurrence and severity of gender-based.

3. Legal Frameworks in Addressing GBV in Nigeria and Uganda

Despite several international, regional, and sub-regional Conventions against gender-based violence, the practices are still prevalent in most areas in Africa. Concerning this, it will be relevant to consider some of these international laws, laws in Nigeria, and Uganda as they concern domestic and gender base violence.

3.1. International Law Curtailing Domestic and Gender Base Violence

Domestic violence and gender violence are human rights abuses that affect millions of people worldwide: real-death issues that ignore the dignity, security, and health of their victims-

²⁶ Karen Hardee et al, 'Improving Voluntary, Rights-Based Family Planning: Experience from Nigeria and Uganda' (2019) Open Access Journal of Contraception 55.

²⁷ Charles G Ngweni, 'Taking Women's Rights Seriously: Using Human Rights to Require State Implementation of Domestic Abortion Laws in African Countries with Reference to Uganda' (2016) 60(1) Journal of African Law 110.

²⁸ Ibid

²⁹ Ibid

women and girls-nor lay claim to bother suffering from major public health and human rights consequences. The international community has made various commitments through binding and non-binding instruments for such kinds of violence. International human rights law, particularly under the United Nations purview, has greatly aided in the definition of state obligations regarding the prevention of and response to gender-based violence. Interestingly, the Universal Declaration of Human Rights (UDHR) is a non-binding instrument of the United Nations adopted in 1948 and contains essential standards for human rights. Under article 3, everyone has a right to life, liberty, and security of person directly violated by domestic violence. The ICCPR then internationally makes provisions for the right to life, plus prohibitions against torture and cruel, inhuman, or degrading treatment or punishment, particularly Articles 6 and 7. The context surrounding domestic violence injuries or fatalities, or state actors' failures to protect victims, shows how these provisions can be made relevant.

Domestic violence does not figure in a categorical sense in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979), the most authoritative treaty that could have in the area of gender-based violence. Yet, the CEDAW Committee's General Recommendation No. 19 (1992) and No. 35 (2017) made it clear that GBV is a form of discrimination as defined by Article 1 of the Convention. As per Article 2, the states are obliged to take all appropriate measures for the elimination of discrimination against women by any person, organization, or enterprise, including the enactment of legislation, establishment of protection services, and facilitation of access to justice for victims. Regional systems function more critically. The only regional treaty against violence has been ratified by the Americas, specifically the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará Convention) (1994), which focused on violence against women. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence-Istanbul Convention (2011) provides the best possible legal framework of that kind in Europe, in that it requires state parties to undertake preventive measures, to protect the victims, and to punish the perpetrators. Currently, the Maputo Protocol (2003) in Article 4 obliges states to take appropriate measures to remove violence against women, including domestic violence, as one of the enumerated categories.

According to international law, states are obligated not only to formulate the laws at the domestic level but also to implement them effectively. The due diligence principle, as elaborated by international human rights bodies, ascribes responsibility to states for their failure to prevent, investigate, or punish acts of gender-based violence. For example, in the case of *A.T. v. Hungary*, the CEDAW Committee concluded that Hungary had violated its obligations under the Convention because the State failed to protect a woman facing domestic violence. Such a case demonstrates how international mechanisms could be used to hold states accountable. There is, however, an internal contradiction in international legal frameworks, which were quite robust: enforcement proves a major challenge. Cultural norms, inadequate resources, and weak institutional responses to violence have also hampered strides. To fully contain homosexuality with domestic and gender-based violence, international laws must be matched with national commitment, public awareness, and effective legal systems. Additionally, there has to be continuous support for international monitoring mechanisms and civil society participation in ensuring that state parties fulfil their obligations and avoid denying the rights and dignity of all individuals, especially women and girls.

3.2. Nigeria Laws Curtailing Domestic and Gender Base Violence

In Nigeria, domestic violence and gender-based violence situations still act as cavalries in the defense of human rights, facing the entire gamut of ethnic, religious, and socio-economic divisions. Such acts contain the umbrella of physical assault, sexual abuse, emotional abuse,

economic deprivation, and various other harmful traditional practices against female victims. Though these issues have been underreported and usually brushed aside in the past, it is obvious from the recent legal reforms that there is now a growing emphasis on providing an effective legal response. Nigerian law, both federal and state levels, therefore, lays down the legal foundation either to prevent GBV, protect the victims, or prosecute the offenders. The Constitution of Nigeria, in its 1999 rendition, contains provisions intended to protect individuals against violence and discrimination. Section 34(1) guarantees the right to dignity of every Nigerian, outlawing torture and inhuman or degrading treatment. Although the Constitution makes no mention of gender-based violence, an interpretation in line with human dignity and the right to personal liberty (Section 35) has been applied vigorously to argue against various domestic and sexual violence acts. Furthermore, Section 42 bans discrimination on the grounds of sex, and thus serves as a constitutional guarantee for gender equality. The most considerable federal legislation directed at domestic violence and gender-based violence in Nigeria is the Violence Against Persons (Prohibition) Act, 2015. Originally applicable only to the Federal Capital Territory, the Act has been adopted by various states. This Act criminalizes a whole range of actions from rape, physical and psychological violence to harmful traditional practices like female genital mutilation, and spouse battery, with sections addressing each act, ranging from Section 1 through to 19. Besides, Section 38 limits the hands of offenders by providing for protection orders for those subject to further abuse. It establishes and reaffirms Nigeria's position under international treaties, such as CEDAW.

Nigeria operates on a tripartite legal system, wherein any inquiries into criminal matters would fall under the Criminal Code Act (applicable in southern Nigeria) and the Penal Code (applicable in the north). All of these laws are enacted within the ambit of the due process of law and all include punishment of assault (Section 351 of the Criminal Code), rape (Section 357 of the Criminal Code), and unlawful wounding (Section 332 of the Criminal Code). However, these codes have some inadequacies, particularly in the north, since the Penal Code allows the subjugation of human rights with leniency for spousal chastisement under Section 55(1)(d). Identifying these exceptions calls for the much-needed reforms that would ensure an alignment of the older statutes with internationally accepted human rights standards and new constitutional parameters. The Child Rights Act (CRA), 2003, sensitizes the UN Convention about the Rights of the Child, ensuring more protection for the girl child from various forms of domestic and sexual violence. Sections 11 and 23 of the CRA condemn all forms of physical, emotional, and sexual abuse against children. Beyond being a federal law, the CRA requires adoption by individual states to be effective. Currently, not all 36 states have adopted the Act, which limits the reach and effectiveness of the law across the country. GBV in Nigeria is beyond domestic violence. It usually covers issues of sexual exploitation and trafficking. One of the Laws that addresses these areas is the Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015, which NAPTIP applies in enforcing. This section prohibits the recruitment, transport, and harboring of persons for sexual exploitation (Section 13). Apart from that, NAPTIP works with other agencies and possibly even NGOs in providing shelters and rehabilitation services for such survivors, covering both household-scale and systemic and cross-border abuse.

However, while promoting the VAPP Act and the CRA, implementation is uneven across states. Some states have passed their domestic violence laws. For example, Lagos State has a Domestic Violence Law that was passed into law in 2007, which offers protection orders and shelters. However, poor funding, limited awareness, cultural attitudes, and unwillingness of law enforcement to pursue strong action have crippled enforcement. Training of judicial officers, police, and health workers remains critical for making these laws effective. The Nigerian laws have indeed advanced legislative goals against domestic violence and violence

against women. But there still exist lots of loopholes, especially concerning the affinity between federal and state laws, which strengthens both enforcement mechanisms and shifts attitudes among the people. Legal change must be accompanied by education, public sensitization, and institutional strengthening. Strong monitoring of states by the domestication of international treaties and material support to survivors can ensure that these legal protections can be translated into real change for victims of domestic violence and gender-based violence in Nigeria.

3.3. Ugandan Laws Curtailing Domestic and Gender Base Violence

Uganda as a country has a republican constitution where it provides for parliamentary system of government, the system deals with fusion of power where the parliament can also be part of executive and that is how they operate, constitution is the highest law of the land where every other law, government agencies and the citizens derives their powers and their duties from it, the paper seeks to analyses chapter IV of the Ugandan constitution 1995, chapter IV deals with fundamental human rights derivable from the UDHR, it spells out all the guaranteed rights of its citizens. the paper narrows its concentration on gender equality. Article 30 CRU Has given a fundamental space for Ugandan Women to thrive Academically for the same article has eradicated all forms of discrimination against women in terms of education and therefore, women of Uganda have no cause for alarm when it comes to freedom of education except if they are restricted as a result of economic empowerment.

Article 31 CRU (2) To fulfill all liberations given to women by the constitution, the constitution mandates the parliaments of Uganda to enact laws that will protect the rights of widows and widowers to inherit property of their deceased spouses and to enjoy parental rights over their children. This has come to silence the injustices created by customs before the coming of this constitution, and that is remarkable, but the challenges will be to the executive, whether they will be implemented or enforce this provision to allow the citizens to benefit from this ambitious provision. *Lydia Hatego v. AG &lor ICRU*³⁰ Industrial Court held that we do not doubt our minds (and it is not contested) that the claimant was a legal representative of her late husband, Francis Xavier Hatega, who died after being in the service of the Government of Uganda as a foreign service officer. Consequently, as administrator of the Estate of her deceased husband, she was entitled to any benefits accruing from her late husband. Article 31(3) provides that marriages shall be carried out under the free and fair atmosphere of either of the parties without compulsion or threats from their parents or guardians is another remarkable provision in the sense that it allows either of the spouses to freely consent to his or her partner without molestation. Article 32 (1) Without prejudice to the provisions of this constitution, parliament shall take affirmative action in favor of groups marginalized on account of gender, age, disability, or any other related reasons created by history, tradition, or custom to correct the imbalances that exist among them. This provision has given equal rights and opportunities to all and sundry; to make it a reality, the constitution empowers parliament to make laws to that effect and establish a regulatory body to be known as the Equal Opportunity Commission for the smooth implementation of all the sections contained in that law.

Also, it suffices to state that Article 33 provides for women full rights and equal dignity to their men counterparts. Article 33 (3) mandates the state government to put all machinery in place towards ensuring the protection of women's rights and dignity taking into consideration their unique status and natural maternal functions in the society. This provision comes to crack down on all injustices that exist against women and gives them a level playing field for them to thrive

³⁰ No. 298 (2012)

in all ramifications. Article 33(5) says, without prejudice to article 32 of this constitution, Ugandan women shall have the right to affirmative actions to correct such imbalances as created by history, traditions, and customs. This provision has settled conflicts on both elective and appointive positions between men and women. *Madrama v. AG* SC³¹ held that the provisions of the Constitution for affirmative action for marginalized groups are another example where the derogation from discrimination is permitted. Article 33(6) vehemently prohibits all laws, cultures, or traditions which are inimical to the dignity, welfare, or interest of women or which undermine their status. Furthermore, Article 35(1) this provision generally prohibits discrimination against persons with disability both men and women, however women with disability tend to suffer double jeopardy when it comes to discrimination generally, this happens when women themselves in turn discriminate against the (women with disability) and that is a challenge that must be stopped.

Also, the Domestic Violence Act 2009; This law took into cognizance all domestic violence, which includes physical, emotional, economic, verbal, and psychological. They encompassed all the aforementioned challenges; however, that is not to say they are completely eradicated. Lots still need to be done. The study here under discusses the laws relating to gender-based violence. Domestic Violence Act (DVA) Came as result of constitutional enablement where it states that women shall have equal right and dignity among men that presupposes that all citizens of Uganda are equal before the law and have equal rights and opportunities therefore, they should not be subjected to degrading treatment as permitted by history and cultural heritage. The law provides a wide range of remedies to victims, including sanctions, civil remedies, and compensatory provisions. The implementation system relies on dual jurisdiction by both local authorities and formal courts. Despite the laws and the courts, women are still within the shackles of injustices within and around Uganda. This is a result of inbuilt intimidation from a cultural and historical angle, which makes it difficult to correct. Therefore, a lot needs to be done by both the government and Non-Governmental Organizations (NGOS) in terms of orientation by making them come to terms with existing laws, which are beautifully made to protect them, especially the DVA. Despite this law in both countries, gender-based violence is still on the increase.

4. Role of Digital Technology in Complimenting the Law in Addressing GBV

Digital technology is a modern-day application of technological tools and systems in the legal sphere, with the intent to assist legal processes, facilitate access to justice, and augment the productivity of legal institutions³². The integration of digital technology in GBV cases transforms the situation by linking the gaps within conventional legal frameworks. Its ambit includes communication platforms, data management systems, AI, mobile applications, and online legal services. These tools are not just useful for documenting GBV cases and reporting incidents; they also assist in fast-tracking the legal process and making justice movements accessible, especially for the marginalized in Nigeria as well as Uganda³³. Application of another impactful digital tool for GBV rights is the mobile application for reporting abuse. Such safety apps and hotlines include Nigeria's "Gender-Based Violence Referral Directory" app, which provides survivors a discreet and immediate mechanism through which to report

³¹ (1019) UGSC 1 (14 Feb, 2019)

³² Paul Atagamen Aidonojie et al, 'Exploring Legal and Cybertech Solutions in Curtailing Issues and Challenges on Femicide' (2024) 16 Cogito: Multidisciplinary Research Journal 72.

³³ Robert Okello, 'Rural Women's Legal Empowerment Through Digital Technology: A Case Study in Northern Uganda' (2023) African Studies Centre Leiden.

any incident of abuse and seek immediate help³⁴. They often have emergency alert features, GPS tracking, and links to support services so that timely intervention can be provided. In Uganda, the "Uganda Child Helpline" platform has been instrumental in enabling victims and concerned citizens to report cases of abuse in anonymity, thereby neutralizing any fear of stigma or retribution³⁵.

Models for collecting and managing electronic evidence are fundamental to reinforcing lawful processes³⁶. Thus, these systems guarantee the utmost safety for GBV-associated entities (evidence), such as digital testimonies, audio recordings, medical reports, or photographs, until proper access is granted to them and their admissibility is determined in court. Enhanced by lower possibilities of evidence tampering or loss, these tools further boost the credibility and efficiency of legal proceedings³⁷. For example, digital case management systems in Nigeria's administration of justice have impelled timely and comprehensive documentation and tracking of GBV cases, with responsive legal measures. With innovative approaches for virtual courts, online legal aid platforms have further transformed access to justice for GBV survivors. The legal aid platforms have the tools to provide information about the legal rights of victims, assist them in accessing pro bono legal services, and give some resources for psychological support³⁸. During COVID-19, virtual court sessions offered Nigeria and Uganda with the opportunity to dispose of GBV cases without interruption, thereby confirming the role of technology in ensuring that judicial processes run even during emergencies and in mitigating backlogs so that survivors do not have to suffer through long-duration legal battles.

AI and data analytics being used to track and prevent GBV are marking a different route for proactive intervention. AI algorithms analyze data sets and try to identify patterns that can predict the geographical areas that are high risk for GBV incidents. With this data-driven approach, law enforcement agencies and policymakers can optimally utilize their resources and direct preventive efforts³⁹. The data analytics initiatives in Uganda that track domestic violence trends have also informed some of the national strategies to address these root causes. The examples from Nigeria and Uganda demonstrate the success of these digital interventions. The "Mirabel Centre" in Nigeria has an integrated digital reporting system that ensures effective access to medical and legal aid by survivors⁴⁰. The digital case management system adopted by the center has also facilitated coordination with law enforcement and the judiciary. "SafePal" app in Uganda, set up with support from international NGOs, permits young people to report sexual violence safely and anonymously and links them in real-time to service providers in their locality⁴¹. These examples suggest that digitality can greatly enhance the

³⁴ Abishiag Wabwire et al, 'Understanding Technology Facilitated Gender-Based Violence (TFGBV) in Uganda' (2024) 6(4) Journal of Psychology and Neuroscience 1.

³⁵ Maria Okwoli et al, 'Protecting Women's Rights in School System, Digital Space, and ICT-Facilitated Gender-Based Violence' (2023) [unpublished] available via related articles.

³⁶ Victoria Nkiruka Ekwughe, 'Exploring Women Empowerment: A Nigerian Case Study of NGOs' Use of Digital Technology for Non-Formal Education' (2020) PQDT-Global.

³⁷ Sonia Livingstone et al, Young Adolescents and Digital Media: Uses, Risks and Opportunities in Low- and Middle-Income Countries: A Rapid Evidence Review (GAGE 2017).

³⁸ Brian Asingia, *The Last Digital Frontier: The History and Future of Science and Technology in Africa* (The Pearl Dream Inc 2019).

³⁹ Oliver P Richmond et al, 'Peace in Digital International Relations: Prospects and Limitations' (2023) *Elements in International Relations*.

⁴⁰ Sladkova Zuzana and Sumbal Bashir, 'Feminist Digital Development: The Missing Jigsaw Piece in the European Union's Strategic Partnership with Africa' in *Africa-Europe Cooperation and Digital Transformation* (2023) 215.

⁴¹ UNICEF, *Act Now: Accelerating Gender Equality by Eliminating Child Marriage in a Pandemic* (UNICEF 2021).

fight against GBV by improving reporting mechanisms, helping legal processes, and enhancing preventive strategies if effectively coupled with the law.

Integrating digital technology into legal frameworks targeting GBV calls for various approaches to strengthen the efficiency and accessibility of legal response. Among the major strategies are the improvements of mechanisms of reporting supported through digital platforms⁴². Mobile Apps, web-based portals, and emergency hotlines are channels that facilitate timely reporting of GBV that occur in settings where conventional legal institutions have little or no access⁴³. For instance, by Section 37 of Nigeria's VAPP Act, the rights of victims regarding the accessibility of protection services could readily be realized through the establishment of such digital tools for reporting⁴⁴. Equally, the legal documentation systems and evidence management respectively hold the key to the respective integrity and reliability of any GBV case. An electronic database or case management software system provides safe storage, and easy retrieval, and increases the admissibility of evidence that will be presented in court against the possibility of loss or tampering, as stated in Section 84 of Nigeria's Evidence Act, which recognizes and provides for electronic records as admissible in Nigeria court, provided they meet specified conditions as it concerns the authenticity and integrity.

In addition, the integration process requires training sessions designed for legal practitioners and law enforcement officials covering the use of digital tools continuously. Capacity-building training in digital literacy, cybercrime awareness, and the handling of evidence can better equip justice sector actors to employ technology through legal processes⁴⁵. Government agencies, technology companies, and civil society organizations must cooperate as well. Public-private partnerships can instill innovation, mobilize resources, and develop customized digital solutions to respond to and prevent GBV⁴⁶. In Uganda, for instance, partnerships supported under the Domestic Violence Act of 2010 allow NGOs to join the government in developing digital platforms for legal aid service delivery. This partnership model strengthens institutional capacity and lays a basis for an integrated approach to GBV whereby legal enforcement and community-based digital interventions coalesce.

5. Challenges to Digital Integration in Curtailing DGBV in Uganda and Nigeria

The integration of digital technology presents a promising avenue for addressing domestic and gender-based violence (DGBV) by enhancing prevention, reporting, and response mechanisms. In Uganda and Nigeria, digital tools have the potential to bridge gaps in support services, improve data collection, and facilitate swift legal and medical interventions. However, the adoption and effectiveness of these technologies are hindered by several challenges which are identified as follows.

i. There is the challenge of technological infrastructure limitations

⁴² Cheluchi Onyemelukwe, 'How Well Does the Law Protect Women at Home? An Analysis of Nigeria's Domestic Violence Legislation' (2018) 60(2) *International Journal of Law and Management* 186.

⁴³ Madinah Nabukeera, 'Prevention and Response to Gender-Based Violence (GBV) During Novel Covid-19 Lock-down in Uganda' (2021) 23(2) *The Journal of Adult Protection* 116.

⁴⁴ Jane C Diala, 'Gendered Violence in Intimate Relationships in the Context of Law, Culture and Religion in Nigeria' (2024) 27(1) *Potchefstroom Electronic Law Journal* 1.

⁴⁵ Adetutu Deborah Aina-Pelemo et al, 'A Socio-Legal Imperative of Domestic Violence Prohibition in Africa vis-a-vis Nigerian Legal Structure for Sexually Abused Women' (2023) 12 *F1000Research* 397.

⁴⁶ Comfort O Oyafunke-Omoniyi et al, 'Gender-Based Violence and COVID-19: The Shadow Pandemic in Africa' in *Gendered Perspectives on Covid-19 Recovery in Africa: Towards Sustainable Development* (2021) 55.

- ii. Also, several of the victims are digitally unlearned
- iii. The challenges of digital technology accessibility by victim
- iv. Privacy, Data Security, and Ethical Concerns
- v. Resistance to Change within Legal Institutions
- vi. Cultural and Religious Barriers

6. Conclusion

Concerning the above it suffices to state that domestic and gender-based violence (also known as DGBV) is considered a thorn in Nigeria and Uganda. Notwithstanding the array of legal and institutional frameworks to address these pertinent issues. Although, the study, observes that while DGBV is considered very high in Nigeria, however, in Uganda it is said to be very low, given the recognition and protection of female rights by Uganda's constitution. The study further observes that the continuous increase of DGBV in Nigeria and Uganda is due to several shortcomings of the legal frameworks, including poor reporting channels, inadequate access to justice, bureaucratic delays, and public ignorance. In this regard, digital technology can enhance legal and institutional efforts by creating highly accessible, reasonably efficient, and effective solutions. Some of these include mobile apps for anonymous reporting, AI data analytics for identifying trends, and online platforms for providing legal assistance, giving a boost to the promptness and efficiency of DGBV interventions. The use of technology can also trigger community participation, early warning, and public awareness creation.

However, a successful digital technological intervention in DGBV requires advocacy and strategic investment in digital infrastructure, capacity-building initiatives, and public awareness campaigns. Governments, civil society organizations, and private-sector players must hold hands to make sure digital intervention takes into account the social, cultural, and legal context of Nigeria and Uganda. Furthermore, dealing with digital security, data protection, and access for vulnerable populations must be taken seriously. With increased reliance on technological interventions to complement the existing legal framework, Nigeria and Uganda could greatly solidify their stances against DGBV and consequently work towards a safer and more equitable form of society for all. Hence the following are therefore recommended as follows:

- i. Legal reforms to curtail bureaucracy, support the use of digital evidence and technology-driven interventions
- ii. Capacity building and digital literacy programs for stakeholders
- iii. Enhancing public-private partnerships for sustainable tech solutions
- iv. Provision of funding