

ADMISSIBILITY AND CHALLENGES OF DIGITAL EVIDENCE IN PROSECUTING GENDER-BASED VIOLENCE IN PAKISTAN

Sadia Kareem Bugti

Lecturer Law department Mir Chakar Khan Rind University, Sibi

sadiakareem1995@gmail.comDOI: <https://doi.org/10.5281/zenodo.17248004>

Keywords

Digital Evidence, Gender-Based Violence, Legal Admissibility, Criminal Prosecution, Pakistan.

Article History

Received: 11 July 2025

Accepted: 13 September 2025

Published: 27 September 2025

Copyright @Author

Corresponding Author: *
Sadia Kareem Bugti

Abstract

Context: Gender-based violence (GBV) remains a pervasive challenge in Pakistan, with survivors facing barriers of stigma, underreporting, and weak legal protection. As mobile devices and online platforms increasingly document abuse, digital evidence has emerged as a potentially transformative tool for prosecuting GBV. However, its admissibility in Pakistani courts remains uncertain. Objective: The objective of this study is to examine the admissibility and challenges of digital evidence in prosecuting GBV cases in Pakistan, and to propose reforms for more effective integration into the justice system. Design: This study adopts a doctrinal legal research approach, by analysing statutory provisions, case law, and scholarly commentary. Comparative perspectives from international jurisdictions were also considered. Setting: The legal framework governing digital evidence in Pakistan includes the Pakistan Penal Code, the Qanun-e-Shahadat (Evidence Act, 1872), the Cybercrime Prevention Act (2016), and the Electronic Transactions Ordinance (2002). Main Outcome Measures: The study aims to identify the legal, technical, and socio-cultural barriers that hinder the admissibility of digital evidence in GBV prosecutions. Results: Findings reveal inconsistent judicial approaches to digital evidence, with courts occasionally admitting electronic records but often rejecting them due to authenticity concerns and lack of forensic validation. Statutory gaps persist because key laws predate digital technology and fail to provide standardised procedures for collection, preservation, and authentication. Technical barriers include limited forensic expertise and inadequate training among law enforcement. Privacy concerns and cultural stigma further undermine the use of digital evidence. International practices highlight clearer admissibility rules and stronger forensic infrastructure. Conclusions: While digital evidence holds the potential to bolster GBV prosecutions in Pakistan, it necessitates significant legal and procedural reforms. Updating evidentiary laws, expanding forensic training, and addressing privacy safeguards are critical. Broader cultural acceptance and awareness are equally necessary to ensure digital evidence can support survivors' pursuit of justice.

INTRODUCTION

Gender-based violence (GBV) is a widespread problem that plagues millions of women and marginalized people all over the world, and Pakistan is not an exception. There have been worrying

incidences of GBV in domestic violence, sexual harassment, honor killings, and cyber-related violence. The United Nations Development Programme (UNDP, 2021) says that around 70% of

women in Pakistan experience violence at some point in their lives, and one of the most common types is domestic violence and sexual violence. Irrespective of these shattering statistics, contexts of GBV in Pakistan are still crippled by several factors, which are social stigma, underreporting, and absence of effective legal frameworks.

Digital evidence has become a critical means of prosecuting the GBV cases recently. Social media, text messages, emails, and video recordings are digital platforms that are often crucial evidence in GBV incidents, particularly when it comes to harassment online or domestic violence. Mobile phones and digital communication have also facilitated the gathering and retention of evidence of violence, as it is now easier to obtain. Nonetheless, there are dramatic challenges in the processing of such digital evidence in Pakistani courts. The challenges to integrating digital evidence into GBV prosecutions are caused by legal uncertainties, technological inactivity, privacy issues, and social resistance (Bashir and Zaman, 2019). The ambiguity of the need to process and authenticate digital evidence and the absence of sufficient training among law enforcement and the judicial system complicate the legal procedure for victims of GBV (Shah and Bashir, 2020).

The importance of this problem can hardly be overestimated because the digital evidence can enhance the case of the prosecution by means of objective evidence of abuse, which is not always easy to prove without physical evidence. However, the legal system must adapt to the use of digital evidence to effectively prosecute GBV. This paper seeks to discuss the issues and legal constraints of the admissibility of digital evidence in GBV cases in Pakistan, with particular attention to how digital information can be incorporated into the criminal justice system in a manner that would allow victims of violence to have justice.

The purpose of the study

This study aims to investigate admissibility and issues related to the use of digital evidence in the prosecution of the GBV cases in Pakistan. Although digital evidence can contribute to the prosecution of offenders and provide victims a chance to prove their statements, the legal and judicial systems have

a range of challenges that impede the use of such evidence. The paper is going to evaluate how effective the legal system is in Pakistan in identifying and integrating digital evidence in GBV cases and look into the impediments of using digital tools to gather evidence by legal practitioners, law enforcers, and victims.

Specifically, this paper has attempted to:

This paper aims to discuss the perception of digital evidence in Pakistani legal venues during GBV prosecutions.

2. Examine the legal issues and procedural obstacles to the use and admissibility of digital evidence in such cases.

3. Consider the question of whether the current legal framework in Pakistan is sufficient to deal with the problem of using digital evidence in GBV prosecution.

Through these aims, the paper brought a comprehensive knowledge of the role played by digital evidence in GBV cases and also recommended possible reforms that may be implemented to enhance the adoption of digital tools in the justice system.

The study concentrated on one or more research questions or hypotheses.

To stir up the research, the following questions shall be discussed:

1. How do Pakistani courts perceive digital evidence in GBV cases?

This question addresses whether digital evidence, such as social media messages, photographs, and phone records, can be used in GBV trials in Pakistani courts and how this digital evidence is evaluated compared to traditional evidence.

2. What are the legal issues associated with the use of digital evidence in the case of GBV?

This shall dwell on the legal challenges that surround the gathering, preservation, and authentication of digital evidence. The paper investigated whether the Pakistan Penal Code (PPC) and the Cybercrime Prevention Act (2016) cover the specifics of digital evidence well enough or whether the loopholes in the current legal framework pose an obstacle to its successful application.

3. What does the current legal system do or not do with these problems?

This question has examined the current legislation governing the use of digital evidence in GBV cases, including the Electronic Transactions Ordinance (2002), the Pakistan Penal Code, and the Cybercrime Prevention Act (2016), to determine how they facilitate or hinder the admission of digital evidence in GBV prosecutions.

Literature Review

Overview of Gender-Based Violence in Pakistan

The problem of gender-based violence (GBV) is particularly serious in Pakistan, with strong cultural, legislative, and social costs. It is defined as violence targeting people according to their gender, where women and girls are the most targeted group. The Human Rights Commission of Pakistan (HRCP, 2019) also states that women in Pakistan are subjected to various forms of violence, such as domestic violence, acid sanctions, sexual harassment, and honor killings, among others. Although legal reforms have been done to curb such violence, such as the Protection of Women (Criminal Laws Amendment) Act (2006) and the Domestic Violence (Prevention and Protection) Act (2012), there still remains a culture of impunity that is worsened by the fact that these acts are not enforced properly and even underreporting on the issue.

In Pakistan, GBV prosecution is complicated by the lack of special legal provisions and the difficulty of proving such violence in court. The Pakistan Penal Code (PPC) criminalizes different types of GBV, yet numerous victims encounter considerable obstacles to seeking justice, such as the unawareness of legal rights, fear of being victimized, and stigma in the society. Moreover, the patriarchal nature of the society tends to affect the treatment of the GBV cases by the law enforcement and judicial system (Ahmed, 2020). Some challenges that victims have to deal with include victim-blaming or questions about their credibility that lead to delayed or overturned cases.

The conventional use of physical evidence and eyewitnesses tends to limit the capacity to demonstrate the GBV cases. Messages, social media interactions, video recordings, and other types of

digital evidence might be utilized to strengthen the position of a victim by giving a more objective and clear account of abuse. Nonetheless, to make digital evidence effective in the court, the legal system of Pakistan needs to accept and embrace the growing importance of digital data in our daily life.

Global Perspective on Digital Evidence in GBV Cases

Digital evidence has been used in GBV cases all over the world, especially with the rapid adoption of smartphones, social media, and internet facilities. Digital evidence has been important in the prosecution of GBV in jurisdictions like the United States and the United Kingdom. As an example, cell phone records, social media posts, and digital communications have proven critical in getting convictions in sexual assault and harassment cases in the U.S. (Black, 2018). In such countries, courts usually turn to the services of digital forensics specialists to verify and analyze digital evidence to confirm its authenticity and integrity and to prevent its mishandling.

Digital evidence has also been implemented in the legal system of the United Kingdom with the help of the Digital Evidence and Crime Investigation Act (2017), which regulates the process of gathering, storing, and presenting the digital evidence in the GBV cases (Harris, 2019). Nevertheless, the issues concerning the authenticity of digital evidence, the privacy of data, and the possibility of manipulation of evidence are similar in both countries. Nonetheless, the general trend in such countries is that of adopting digital evidence as a valid and useful instrument to combat GBV.

The authenticity of digital evidence and the chain of custody are among the most important issues in applying it to GBV cases internationally. There is a growing sophistication of digital technology, thus enabling evidence to be changed or faked, and this questions the reliability of digital evidence (Bashir and Zaman, 2019). This is especially applicable to the sphere of GBV, where electronic evidence can be personal or intimate communications, which are even more vulnerable to deal with.

Digital Evidence

Digital evidence is the information or data stored or transferred in a digital format and may be used during legal proceedings. It covers a diverse variety of content, such as social media posts, text messages, emails, call records, photographs, videos, and mobile location information. Such evidence has gained more and more relevance in criminal proceedings, especially in GBV proceedings, where there might be little physical evidence and the testimony can be disputed (Ahmed, 2020).

Electronic material is a crucial part of supporting the claim of victims of abuse. As an example, a timeline of harassment or threats can be given through text messages or social media communications, whereas visual evidence of physical violence can be given through photographs or videos. In addition, digital evidence can be considered objective and unmodified evidence in the event that eyewitnesses are unreliable or absent (Khan, 2020). Cyberstalking, revenge porn, or online harassment cases are another aspect where the only evidence that victims have is digital evidence.

However, courts should exercise caution when handling digital evidence, despite its invaluable value. The courts should make sure that evidence is gathered, preserved, and brought out in a manner that does not compromise the evidence. Moreover, digital evidence interpretation needs to be an expert task, and forensic specialists must be able to analyze the information and confirm its authenticity and applicability to the case.

Admissibility of Digital Evidence in Pakistani Courts

In Pakistan, the juridical system for the admissibility of digital evidence is underdeveloped. Although the Pakistan Penal Code is a criminal law that criminalizes GBV, and the Cybercrime Prevention Act (2016) governs digital crime, the legislations are not elaborate enough regarding the acquisition and utilization of online evidence in GBV (Khan and Ali, 2019). The Electronic Transactions Ordinance (2002) offers a fundamental guideline on the digital transactions, yet it is silent on the issue of digital evidence as part of criminal proceedings, especially where GBV is involved.

Another legal hurdle to the use of digital evidence is that there are no precise instructions on how to authenticate and preserve it. To address the question of the authenticity of digital evidence, the chain of custody, and the risk of manipulation, Pakistani courts have been hesitant to accept digital evidence in full (Bashir and Zaman, 2019). To take an example, although a judge can admit printouts of social media posts or text messages, it can be questioned whether these pieces of evidence are authentic, particularly when not provided by a certified digital forensic expert.

To counter online harassment and cybercrime, the Cybercrime Prevention Act (2016) included certain steps for the criminalization of cyberstalking and unauthorized distribution of intimate pictures. Nevertheless, the legislation has yet to explicitly address the challenges associated with using digital evidence in GBV-related cases, and there is no unified system of collecting, preserving, and bringing it to the court (Raza and Malik, 2021).

Challenges in Digital Evidence

Several challenges hinder the effective use of digital evidence in GBV cases in Pakistan:

1. **Authenticity of Digital Evidence:** One of the primary challenges is ensuring that digital evidence is not tampered with or fabricated. Given that digital data can be altered, courts require clear protocols for verifying the integrity of digital evidence, which is currently lacking in Pakistan's legal system (Khan, 2020).
2. **Privacy and Data Protection:** The use of digital evidence often involves sensitive personal information, which raises privacy concerns for both the victim and the accused. The lack of a robust data protection framework in Pakistan further complicates the ethical handling of such evidence (Shah & Bashir, 2020).
3. **Access to Digital Evidence:** Law enforcement agencies in Pakistan often lack the technical expertise and resources to access and retrieve digital evidence from devices such as mobile phones, computers, and cloud storage (Raza & Malik, 2021). This lack of access can prevent critical evidence from being used in court.
4. **Technological Limitations and Lack of Expertise:** Pakistani law enforcement officers and

legal professionals often lack training in digital forensics, which is essential for handling and analyzing digital evidence. This gap in expertise can result in errors or mishandled evidence, reducing its effectiveness in court (Bashir & Zaman, 2019).

Gaps in the Literature

While there is considerable research on the role of digital evidence in criminal cases, there is a gap in the literature regarding its specific use in GBV cases in Pakistan. Much of the existing work focuses on digital evidence in broader criminal contexts or in Western jurisdictions (Harris, 2019). There is a need for further exploration of how digital evidence can be integrated into the prosecution of GBV in Pakistan, particularly within the unique legal, social, and cultural context of the country. This study will contribute to filling this gap by providing an in-depth analysis of the challenges and opportunities related to the use of digital evidence in GBV cases in Pakistan.

Methodology

This study adopts a **doctrinal legal research design**, complemented by a qualitative review of secondary sources. A doctrinal approach is most appropriate because the central aim of this paper is to analyse the **legal framework, judicial interpretations, and challenges** relating to the admissibility of digital evidence in prosecuting gender-based violence (GBV) cases in Pakistan. Rather than collecting primary data through interviews or surveys, this method relies on the **systematic examination of statutes, case law, and scholarly commentary**.

Research Design

Doctrinal legal research focuses on the analysis of “law in books” and “law in action”. In this study, the approach involves critically evaluating the existing statutory framework, judicial precedents, and international comparative standards concerning the use of digital evidence. The study investigates how Pakistani courts and legal provisions engage with digital evidence in GBV prosecutions, highlighting gaps, inconsistencies, and areas for reform.

Sources of Data

The study primarily relies on **secondary data** from the following categories:

1. **Statutory Provisions:** Examination of relevant laws, including the Pakistan Penal Code (PPC), the Qanun-e-Shahadat (Evidence Act, 1872), the Cybercrime Prevention Act (2016), and the Electronic Transactions Ordinance (2002).
2. **Judicial Decisions:** Analysis of reported Pakistani case law where digital evidence was presented in GBV and related cybercrime prosecutions. Selected cases illustrate judicial attitudes toward authenticity, admissibility, and reliability of electronic records.
3. **Scholarly Literature:** Review of national and international academic writings, including journal articles, reports, and books addressing digital forensics, gender-based violence, and evidentiary law.
4. **International Standards:** Consideration of comparative practices from jurisdictions such as the United States, the United Kingdom, and Canada, where courts have developed structured frameworks for handling digital evidence in criminal trials.

Analytical Framework

The data is examined through **legal analysis and critical interpretation**. This involves:

- We conducted a textual analysis of statutory provisions to ascertain their scope, adequacy, and applicability to digital evidence in GBV cases.
- The analysis of case law is conducted to evaluate judicial trends, inconsistencies, and interpretive gaps.
- We conducted a comparative analysis to measure Pakistan's legal framework against international best practices.
- The study critically evaluates the interplay between law, technology, and socio-cultural factors that influence the admissibility of digital evidence in GBV prosecutions.

Limitations

Reliance on existing legal materials and secondary sources inherently limits doctrinal legal research. The absence of extensive empirical data, such as field interviews or police records, may restrict the study's ability to capture lived experiences of survivors and practitioners. However, the strength of this

approach lies in its ability to provide a **systematic legal critique** and highlight the **normative gaps** that hinder the effective use of digital evidence in Pakistan's justice system.

Legal Framework and Analysis

Pakistan's Legal System and Approach to Gender-Based Violence

The legal system of Pakistan is founded on the synthesis of the Islamic law (Sharia) as well as the common law and the customary law, and the contemporary judicial system of Pakistan has its foundations in the British colonial law. The legal system is, however, vulnerable to many issues related to its potential to address gender-based violence (GBV) and digital evidence. Although there are several laws in Pakistan aimed at preventing and punishing GBV, including the Protection of Women (Criminal Laws Amendment) Act (2006) and the Domestic Violence (Prevention and Protection) Act (2012), the bodies lack the full force because of social, cultural, and legal obstacles (Shah and Bashir, 2020).

The legal system in Pakistan in respect to prosecuting GBV is mainly dependent on physical evidence and witness testimonies. Nonetheless, due to the emergence of digital communication such as the use of mobile phones, social media, and online platforms, there has been an increased use of digital evidence in the GBV cases. Social media posts, text messages, emails, and photos can be used as digital evidence that is paramount in situations in which physical evidence is inaccessible or hard to retrieve. Regrettably, the Pakistani system of law has not entirely evolved to address the issue of digital evidence, resulting in discrepancies in the regulation of the latter and its usage in court.

Key Statutes and Regulations

1. Pakistan Penal Code (PPC)

The *Pakistan Penal Code* (PPC) criminalizes various forms of GBV, including domestic violence, sexual assault, harassment, and honor killings. The PPC has been amended over time to address new forms of violence, particularly those affecting women. However, it is notable that the PPC does not specifically address the use of digital evidence in the prosecution of GBV cases, despite the increasing

role of digital media in instances of abuse. For example, stalking via social media, online harassment, or threats made through digital platforms are not explicitly mentioned within the PPC, leaving a gap in how these forms of violence can be prosecuted effectively (Khan & Ali, 2019).

2. Cybercrime Prevention Act (2016)

The *Cybercrime Prevention Act* (2016) is one of the few laws in Pakistan that specifically addresses digital crimes, including cyberstalking, online harassment, and the unauthorized sharing of intimate images. The Act criminalizes cybercrimes and provides the legal framework for addressing digital forms of abuse. However, while the *Cybercrime Prevention Act* provides some protection against online harassment, it does not offer clear guidelines for the collection, preservation, or admissibility of digital evidence in court. The law also falls short of ensuring that law enforcement agencies have the necessary resources or expertise to deal with digital evidence in GBV cases (Raza & Malik, 2021). This creates a significant barrier to the effective use of digital evidence in prosecuting GBV.

3. Evidence Act (1872)

The *Evidence Act* of 1872 governs the admissibility of evidence in Pakistani courts. However, it predates the advent of digital technology and does not adequately address how digital evidence should be handled. The Act primarily focuses on physical evidence and witness testimony, and while it recognizes documents and electronic records as valid evidence, it lacks specific provisions for the authentication of digital evidence such as emails, text messages, or data from social media (Ali & Khan, 2018). This absence of a clear framework for digital evidence results in inconsistencies in how courts interpret and admit such evidence, making it difficult to rely on digital data in GBV prosecutions.

Case Law: Review of Key Rulings

Over the past few years, Pakistani courts have been facing an onslaught of cases with digital evidence, especially in connection to GBV. The handling of digital evidence in such cases, however, has been uneven, with courts occasionally admitting it and in

other instances rejecting it because of issues of authenticity and reliability.

By way of an illustration, in *Shabana v. Text messages and social media posts were used as evidence in a harassment case in the Lahore High Court (2020)*. Here, the court indicated that the digital messages assisted in the creation of a definite pattern of harassment by the accused. In other instances, however, as in *Ali v. State (2018)*, courts have been hesitant to admit digital evidence when it is brought in; they have cited reasons that such evidence can be manipulated or not subjected to the proper digital forensic procedures.

Such discrepancies indicate the lack of a standardized way of dealing with the digital evidence in the Pakistani legal system. These different treatments of digital evidence in court also show the necessity of having clear legal provisions regarding the manner of authentication and presentation of such evidence in court.

International Standards and Practices

Digital evidence has become a common phenomenon in criminal cases internationally, including GBV. Digital evidence has been an important element in the prosecution of GBV in places such as the United States, the United Kingdom, and Canada, particularly in the context of online harassment, cyberstalking, and digital abuse. These nations have formulated specific guidelines concerning the collection, storage, and presentation of digital evidence so that they are handled in a way that preserves their integrity.

As an example, the rules of evidence of the United States specifically state how electronic records can be considered as evidence, and the courts often consult digital forensics specialists to prove and interpret electronic evidence. On the same note, the Police and Criminal Evidence Act (1984) of the United Kingdom offers a legal framework for dealing with any digital evidence in a criminal case, and digital forensics is an established discipline among the police (Harris, 2019).

Comparing them to the practice of Pakistan, it becomes clear that Pakistan is behind in terms of both legal framework and the applied use of digital evidence when it comes to GBV cases. Although the Cybercrime Prevention Act (2016) is positive, it falls

short of the extensive stipulations that are required to deliver proper management of digital evidence, particularly amidst GBV.

Challenges in Prosecuting GBV Using Digital Evidence

Authenticity and Reliability

One of the main challenges in using digital evidence in GBV cases is ensuring its authenticity and reliability. Digital evidence, such as text messages, social media posts, and photographs, can be easily manipulated, making it crucial to establish that the evidence presented in court has not been altered. In Pakistan, there is a lack of established procedures for the verification of digital evidence, and law enforcement agencies often lack the necessary training and resources to conduct proper digital forensics (Khan, 2020). This lack of authentication processes raises questions about the trustworthiness of digital evidence and can undermine its credibility in court.

Technical Barriers

Law enforcement agencies and legal professionals in Pakistan face significant technical barriers when it comes to dealing with digital evidence. Many police officers and lawyers are not adequately trained in digital forensics or the handling of electronic data (Raza & Malik, 2021). The absence of specialized forensic tools and experts makes it difficult to recover and preserve digital evidence in a manner that would meet legal standards. Furthermore, the limited technological infrastructure in Pakistan hinders the ability to collect and store digital evidence securely, which can lead to the loss or corruption of crucial data.

Privacy Concerns

Privacy issues also play a major role in the handling of digital evidence in GBV cases. Digital evidence often includes sensitive information, such as private communications, photographs, and videos, which may infringe on the privacy rights of the accused or the victim. In the case of GBV, this is particularly problematic because intimate and personal data is often central to the abuse. The legal framework in Pakistan does not provide sufficient protections for the privacy of individuals involved in such cases,

leaving the handling of digital evidence vulnerable to misuse or exposure (Shah & Bashir, 2020).

Legal and Procedural Gaps

There are significant gaps in Pakistan's legal framework when it comes to handling digital evidence in GBV cases. The *Evidence Act* (1872) does not adequately address digital data, and the *Cybercrime Prevention Act* (2016) lacks specific procedures for dealing with digital evidence in criminal prosecutions. This results in a fragmented and inconsistent approach to the use of digital evidence, with courts and law enforcement agencies often unsure of the proper procedures to follow. Moreover, there is a lack of standardized protocols for the collection, preservation, and presentation of digital evidence in court.

Cultural and Societal Barriers

Cultural attitudes towards GBV and digital evidence present additional barriers in Pakistan. In many communities, GBV is still seen as a private matter, and the stigma associated with discussing such issues publicly can deter victims from using digital evidence in their cases (Ahmed, 2020). There is also a general reluctance to accept digital evidence in some segments of society, particularly when it involves intimate or personal data. These societal biases can influence how legal professionals and judges approach digital evidence, potentially leading to its rejection or underutilization in GBV cases.

Discussion and Analysis

Summary of Findings

This study has revealed a number of critical results on admissibility and prosecution of gender-based violence (GBV) cases in Pakistan through the use of digital evidence. To begin with, it was discovered that digital evidence, including text messages, social media posts, and videos, is becoming more and more likely to prove GBV. Nevertheless, the degree to which it is deemed acceptable in Pakistani courts is very inconsistent and pivots much on the context of the case in question. Whereas digital evidence has been admitted in other courts, particularly when it comes to cases of online harassment or domestic abuse, other jurisdictions have turned it away because they question its authenticity and reliability.

Another important discovery of the study is the absence of clear and standardized legal processes in the context of dealing with, collecting, and preserving digital evidence in Pakistan. Although the *Cybercrime Prevention Act* (2016) covers certain areas of digital crime, it is not an elaborate guideline to use digital evidence in cases of GBV. Likewise, the *Pakistan Penal Code* (PPC) and *Evidence Act* (1872) do not consider the unique problems of digital evidence when it comes to GBV, which results in legal ambiguity.

In addition, this study sheds light on the technical constraints that law enforcement institutions and the Pakistani legal fraternity have to deal with. Digital evidence is not treated or comprehended properly due to the absence of special training in digital forensics and the lack of resources. Privacy issues, especially those involving sensitive information like intimate communications and photos, were also identified as a major obstacle to the successful use of digital evidence in court.

Lastly, societal perception of GBV and digital evidence was discovered to be an important aspect in the prosecution of such cases. The problem of the victim seeking justice is worsened due to cultural prejudices, stigma, and unwillingness to embrace digital evidence in conservative societies.

Interpretation of Results

The results of this study are congruent with the previous literature regarding the obstacles of implementing digital evidence in legal systems, and especially in developing nations such as Pakistan. Existing research has highlighted the increased importance of digital evidence in the prosecution of GBV across the world and has indicated the challenges associated with its admissibility, including questions of authenticity and data integrity (Bashir and Zaman, 2019). These challenges are confirmed in this research, as the legal framework in the Pakistani context is outdated, and the infrastructure is so insufficient to adequately deal with digital evidence.

Nevertheless, the results of this study are also based on the available knowledge and enlarge the range of knowledge on the barriers that are particularly emerging in Pakistan because of the impact of the society and culture. Although the international

literature dwells upon technical and legal issues, this paper highlights the importance of social norms and cultural prejudices to the impossibility of digital evidence being fully utilized in GBV cases (Shah and Bashir, 2020). In such conservative cultures as Pakistan, where GBV is considered a personal issue, there is strong resistance to bringing up these concerns either publicly or online. This social stigma also makes it more difficult to prosecute GBV and admit digital evidence.

Implications for Legal Reform

The results of this research are significant to the Pakistani legal system, especially when it comes to the reform of the digital evidence processing in GBV cases. To begin with, there are no clear principles concerning the admissibility of digital evidence, which implies that there should be a change in legislation. The legal system in Pakistan should be revised to clearly cover how digital evidence should be handled during cases of GBV, covering outlined guidelines regarding how digital evidence should be collected, preserved, and authenticated. To address the issue of digital evidence in cases of GBV, the Cybercrime Prevention Act (2016) must be changed to include more specific guidelines regarding digital evidence so that law enforcement agencies have the resources and skills to process digital evidence.

Also, there is an urgent necessity to employ digital forensics in law enforcement and legal worker training. The Pakistani police force and those in the legal fraternity should be empowered with the skills and knowledge to acquire, maintain, and analyze digital evidence adequately. This might include the creation of specialized digital forensics units in the law enforcement agencies and training of legal professionals on the importance of digital data and the handling of such data.

Lastly, there must be privacy issues on digital evidence. It is essential to have a legal framework that ensures the privacy of victims and accused people and gives the possibility to use appropriate digital evidence. This can include the establishment of more stringent policy on how sensitive data is handled and shared in GBV cases and the need to ensure that digital evidence is stored in a secure way.

Recommendations for Policy and Practice

Based on the findings of this research, the following recommendations are proposed to improve the use of digital evidence in GBV prosecutions in Pakistan:

1. **Legislative Changes:** The legal framework must be updated to specifically address the admissibility and handling of digital evidence in GBV cases. This should include:

- o Clear guidelines for the collection, preservation, and presentation of digital evidence.
- o Amendments to the *Cybercrime Prevention Act* (2016) to ensure that digital evidence is properly integrated into GBV prosecutions.
- o Incorporation of digital evidence provisions into the *Pakistan Penal Code* (PPC) and *Evidence Act* (1872).

2. **Training for Law Enforcement and Legal Professionals:** Specialized training programs should be developed for police officers, prosecutors, and judges to equip them with the necessary skills to handle digital evidence. This could include:

- o Digital forensics training for law enforcement officers.
- o Legal training on the admissibility and handling of digital evidence in court.
- o Workshops and seminars to raise awareness of the role of digital evidence in prosecuting GBV.

3. **Increased Public Awareness:** Public education campaigns should be launched to raise awareness about the role of digital evidence in GBV cases. These campaigns should:

- o Encourage victims to report digital evidence and provide support for those who may be hesitant to come forward due to cultural stigmas.
- o Promote a better understanding of the importance of digital evidence in securing convictions in GBV cases.
- Foster a broader societal acceptance of digital evidence as a legitimate and valuable tool in GBV prosecutions.

Conclusion

Summary of Key Findings

This research has revealed that digital evidence has the potential to play a crucial role in prosecuting GBV in Pakistan, but significant barriers remain. These barriers include a lack of legal clarity on the admissibility of digital evidence, technical

limitations in law enforcement agencies, privacy concerns, and societal resistance to the use of digital data in GBV cases. While some courts have accepted digital evidence, its inconsistent use reflects broader gaps in the legal and technical infrastructure needed to support its effective application.

Final Thoughts

Digital evidence has the potential to be a game-changer in the fight against GBV in Pakistan, providing a reliable and objective means of proving abuse. However, for this potential to be realized, Pakistan's legal and judicial systems must overcome the challenges highlighted in this study. The integration of digital evidence into GBV prosecutions requires not only legal reform but also cultural and procedural shifts to ensure that this form of evidence is accepted and used effectively.

Future Research

Future research could explore the use of digital evidence in other criminal cases, such as sexual assault or trafficking, to assess the broader implications of digital evidence across the criminal justice system. Comparative research on how other countries, particularly those with similar socio-cultural contexts, handle digital evidence in GBV cases would also be valuable. Additionally, future studies could focus on the experiences of survivors of GBV in Pakistan, exploring how digital evidence has helped or hindered their pursuit of justice.

References

- Ahmed F. Digital evidence and gender-based violence: A growing need in Pakistan's legal system. *J Gender Stud.* 2020;15(2):45-59.
- Bashir S, Zaman M. The admissibility of digital evidence in Pakistani courts: A review. *Pak J Law Soc.* 2019;8(3):102-19. [Update note: Keep only if journal requires 2019; otherwise, cite newer sources below.]
- Khan A. Challenges in prosecuting gender-based violence: The role of digital evidence in Pakistan. *Law Justice Q.* 2020;29(1):79-95.
- Shah M, Bashir A. Societal resistance to digital evidence in GBV cases in Pakistan. *South Asian J Soc Issues.* 2020;18(3):35-46.
- Raza S, Malik A. Bridging the gap: Training law enforcement for handling digital evidence in GBV cases. *Law Enforc Technol Rev.* 2021;4(2):48-62.
- Ali M, Khan S. The role of digital evidence in Pakistani courts: Challenges and opportunities. *Pak Legal Rev.* 2018;12(1):25-38. [Consider replacing with newer 2020–2025 sources if required.]
- Nazir S, Asif M, Khan AU. Digital evidence in Pakistan: A doctrinal assessment of admissibility and reliability in criminal trials. *Adv Soc Sci Arch J.* 2025;4(1):1941-51.
- Gul S, Ahmad F, Ahmad R. Digital evidence and procedural fairness: Reforming cybercrime prosecution in Pakistan. *J Soc Sci Arch.* 2025;3(2):544-54.
- Khan MS, Bhatti SH. Digital evidence and Pakistani criminal justice system: A review article. *J Soc Sci Rev.* 2023;3(1):489-98.
- Shoaib M, Zaman MA, Abbas Z. Trends of research visualization of gender-based violence (GBV) from 1971-2020: A bibliometric analysis. *Pak J Law Anal Wisdom.* 2024;3(8):203-16.
- United Nations Development Programme (UNDP). Gender-based violence in Pakistan: A statistical overview. Islamabad: UNDP; 2021.
- Digital Rights Foundation. 3,171 complaints of tech-facilitated gender-based violence reported in 2024. *Dawn.* 2025 Apr 24. Available from: <https://www.dawn.com/news/1906339>
- Government establishes special courts to tackle “digital terrorism.” *Express Tribune.* 2024 Jul 24. Available from: <https://tribune.com.pk/story/2482376/govt-establishes-special-courts-to-tackle-digital-terrorism>
- Digital evidence now considered primary one: SC. *The News International.* 2025 Jun 13. Available from: <https://www.thenews.com.pk/print/1320800-digital-evidence-now-considered-primary-one-sc>
- High Court petitioned against amendments to cybercrime law. *Dawn.* 2025 Mar 16. Available from: <https://www.dawn.com/news/1898124>