

A REVIEW OF LITERATURE: RAPE AND COMMUNICATION MEDIA STRATEGIES IN NIGERIA

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Abstract

Using historical-analytic methodology, this article reviews literature on rape and the communication strategies that can be used to address rape issues in Nigeria. In doing this, it critically engages communication theories as they apply to some communication media strategies that have been/can be deployed to redress the problem. The study argues that although some non-governmental organizations (NGOs) have taken the gauntlet of campaign against rape, much is desired in the area of awareness creation. It is within this context that this article reviews the concept of rape, evolutionary history of rape, rape and the law, effects of rape on victims and society, with a view to raising societal awareness and providing informational templates for an effective management of rape and gender violence and related issues in contemporary Nigeria.

Keywords: Communication media strategies, NGOs, rape, law, gender violence, Nigeria

Theoretical Framework: In lieu of an Introduction

The incidence of rape and gender related violence has become a source of worry to governments, development planners and researchers across the globe. In many developing countries such as India, Nigeria, South Africa, etc, hardly a day passes without reported or rumoured cases of rape or gender violence. This has prompted, among other things, the passing of stringent legislations into law in some of these countries, with the hope of reducing the incidences of rape. This article makes a contribution in the area of communication strategies that can be used to raise awareness about rape and gender violence, with reference to the Nigerian society.

There are many theories that centre on communication strategies, but for the purpose of this study which focuses on rape and gender violence and related issues, the Bandura's social learning theory, Ellis' constructing communication theory and uses and gratification theory will be succinctly but critically considered to set the tone for the discussion.

Bandura's Social Learning Theory

Campaigns, more often than not, are aimed at bringing about a social change in the community; a positive change, from social vices such as rape, stealing, gangsterism, etc. Since the focus of this article is on rape, a social problem, the study uses the Bandura's social learning theory, 1977, (McQuail, 2005), as one of its theoretical infrastructures. The social learning theory postulates that positive/negative rewards can have effects on the learner. This can, in turn, motivate audience members to practice similar behaviours applauding/punishing a role model for practicing socially desirable/undesirable behaviours. Equally, it provides a vicarious experience for the observer and can encourage/inhibit his or her practice of the same behaviour. Through modelling therefore, it is possible to acquire new forms of behaviour and to strengthen or weaken certain behaviours. Many of these models are those that are seen, heard or read about in the communication media. They are those people follow on news, characters seen on television (TV) screens or read about, and singers or dancers heard on radio or in music videos. Ellis (1999) on the other hand, contends that communication should be constructive so as to cause a change; hence, he comes up with the constructing communication theory.

Ellis' Constructing Communication Theory

Human communication is at the root of social categories and structures. The experiences humans have in their past contacts with one another become the subjective attitudes and intentions of the future. As people talk, argue, and persuade one another, they re-align resources and thereby restructure their relationships so that social groups and processes get renegotiated and reformed. This is the basis for social change and reality. Language cannot be separated from social life, and is logically connected to it. It is critical of constructionist tendencies in communication and suggests a realist science of communication.

Ellis (1999) posits that the traditional 'mental world' position has three assumptions, each of which is problematic. There is the correspondence assumption that the active cognitive agent reflects and corresponds to the external world in some substantial way. Knowledge is carried around in the cognitive system, and understanding is more or less 'correct' to the extent that it matches the objective world. Next is the generative assumption. This is the notion that cognition directs behaviour. Learning is very important because as one increases the quality and quantity

of one's cognitive content, one's behaviour becomes 'better' or more 'correct.'

The third assumption is the linguistic representation postulation. This implies that language is directed by cognition and therefore reflects the external world. Correct, true, and accurate communication is possible. It is certainly the case that simplistic traditionalist views of cognition and reality have been supplanted by more sophisticated theories that account for the development of 'subjective' reality. Language according to Ellis (1999) is seen as a guide to knowledge such that it is possible to make accurate inferences from language to cognitive structure and content. Everyone must make everyday assumptions about understanding, and some are better at it than others. The traditional relationship between language and cognition assumes pictures of reality that are more accurate than others.

This leads to the obvious conclusion that one view of the world is better than the other and should be privileged by being accepted or taught in the schools. Those claiming a superior picture of reality are obligated to defend and articulate that picture, thereby continually testing it, and rendering it yet more accurate and legitimate. It is not much of a leap to conclude that one picture of artistic, cultural, educational, and creative reality can also be better and more deserving of appropriation than another. Certainly, technical language and the cognitions it points to are subject to measures of accuracy, predictability, and explanatory power. Ellis' key argument throughout is that, communication is a constructive process, but that construction relies on a public accessible reality. This reality is independent of representation but influenced by it. When people encounter one another, or text, they assemble or 'construct' meaning, but they do not do this out of the thin air. They do not do it casually. They do it on the basis of rules and background, or sets of pre-intentional capacities, strategies, tendencies, or cultural values. The foregoing can also be nexused into the uses and gratification theory of the media, with interesting implications for this study.

Uses and Gratifications Theory

The uses and gratification theory of the media was first stated formally by Katz, Blumler and Gurevitch in 1974, according to Kathrine Miller (2002). The theory holds that the popularity of a programme (a TV show, for instance) serves as an appropriate test case for understanding the impact of the media on individuals and larger groupings in society. Indeed, Baran (2002) argues that the uses and gratifications approach serves an important function in the development of mass communication theory by stressing the reciprocal nature of the mass communication process. That is, researchers take seriously the idea that people are important in the mass communication process, they choose content, they make meaning and they act on that meaning. Thus within one medium such as television a variety of gratifications have been/are still being observed through media content. Therefore, it can be scholarly productive to research into the processes through which audience gratifications influence behaviours and their

outcomes. The outcomes, according to Katz, Blumler and Gurevitch in Miller (2002) can be surmised into three points, which are:

- (a) Selectivity: Each individual seek particular gratification by selectively exposing to a particular media based on their mood and state at a particular period of time.
- (b) Attention: Individuals will allocate cognitive effort to media consumption depending on the gratifications sought.
- (c) Involvement: Individual involvement with the media can make audience to get caught up in the message and even develop a relationship with the media character.

The foregoing theories are some of the paradigms through which scholars, researchers and civil societies have continually looked at the ways in which individuals use the media to satisfy needs including the need of organizations such as nongovernmental organizations (NGOs). It is in this respect that we have isolated for review the issue of rape vis a vis the communication media strategies used by NGOs to fight against it in Nigeria. Rape, an anti-social ill in the society is a subject that has been/is still being avoided due to its sensitivity, even though there is a penalty for rape in the Nigerian Penal Code and Criminal Code. In fact, the case of rape is often not prosecuted due to the fear of stigma or lack of awareness of the right to seek justice on the part of the victim.

However, NGOs within the country campaigning against rape such as Child Protection Network, a conglomeration of community based organisations (CBOs), NGOs, among other civil society organisations, under the auspices of the United Nations, have recently taken up the responsibility of fighting against it alongside other gender violence issues. Indeed, through CPN efforts, a number of paedophiles/rapists have been brought to book. For instance, in Benin City, Edo State, the magistrate court has recently sentenced one Sunday Udoh to 5 years imprisonment for defiling a 5-year old girl. So is the case of a 70 years old man who was sentenced to 2 years imprisonment for forcefully having a carnal knowledge of a little girl as reported on radio and television channels in Benin City. Apart from these reported or prosecuted few, a considerable number of rape cases go unreported or unprosecuted. This is due to a number of reasons, ranging from stigma, social relations between the victims and the rapists/paedophiles, financial/legal handicaps of victims to cultural bars in the society.

Furthermore, it has been observed that most NGOs and activists that are into child rights advocacy and campaign against violence against women in Nigeria have knowledge of what the law says about violence against women both at national and international levels, and are also aware of the fact that the law against rape is yet to be fully enforced in Nigeria. Although the fight against the act of violence against women especially rape has been on for quite a while, the impact of the activities of these NGOs are

yet to be significantly felt within Nigeria. There is therefore the need to inquire into the means by which these NGOs have been communicating rape to the communities in which campaigns have taken place, the communication strategies employed by the selected NGOs, their target audience and the effectiveness of the strategies employed in communicating rape. What are some of the challenges that existing laws/legal structures pose as regards rape and cognate violent acts? Do NGOs adopt the use of the communication media in their campaigns? And if yes, do they make adequate and appropriate use of the media in communicating their message(s) to the public? These are the issues that will be under review in this study. However, it will be profitable for us to foreground this discussion with some conceptual clarifications.

Rape: Conceptual Clarifications

The word rape derives from the Latin verb *rapere*, which means 'to seize or take by force'. It is a forced, unwanted sexual intercourse; it is sometimes also called sexual assault, which can happen to both men and women of any age (Medhelp, 2008). Many people believe that rape is a sexual act. Although rape involves sexual acts, it is motivated by the desire for power and control over another person, rather than by sexual attraction or the desire for sexual gratification. In other words, rape is a crime of violence (Omoera, 2004). Rape also occurs when someone forces or tricks another person into unwanted sexual activity, even if actual physical violence is not involved (Medhelp, 2008). Rape is a form of social deviancy which varies from one country to another; it changes overtime. Bourke (2001) argues that there is nothing timeless or random about rape, it is not a metaphor for the ruin of a city or nation, it is not an environmental disaster, and it is the embodied violation of another person. Bourke further describes rape as a felony in which a person is forced to have sexual intercourse without giving consent (2001).

Some countries substitute the term 'aggravated sexual assault' for rape. Many countries include homosexual rape, incest, and other sex offences in the definition of rape. Cooper (2000) asserts that rape is most often motivated by extreme anger toward the victim or a need to overpower the victim. The motive is rarely sexual and violence is always involved. Forced sex is intended to abuse, humiliate, and dehumanize the victim. Liebling, Slegh, and Ruratotoye (2012) observe that in the Democratic Republic of Congo (DRC), women and girls bearing children from rape is a poorly understood subject area as a majority of the people hardly appreciate the underlying causes and consequences of sexual violence, and their impact on the Millennium Development Goals (MDGs). Rape is also seen as sexual intercourse with a woman by a man without her consent and chiefly by force or deception (SmarterSex, 2010). However, there are many rumoured or even reported cases of men who have been raped in contemporary societies, including Nigeria.

The concept of rape, both as abduction and in the sexual sense made its first historical appearance in early religious texts. Rape culture is a

concept of unknown origin and of uncertain definition; yet it has made its way into everyday vocabulary and is assumed to be commonly understood. The award-winning documentary film, *Rape Culture* made by Margaret Lazarus in 1975 takes credit for first defining the concept. The film's narration relies heavily on jargon such as 'rapism' and 'phallogocentric society' and is more illustrative than definitive in dealing with rape as depicted in movies, music, and other forms of entertainment. Authors of the popular 'Transforming a Rape Culture' define the phenomenon as a 'complex of beliefs that encourages male sexual aggression and supports violence against women in a society where violence is seen as sexy and sexuality as violent' (Buchwald and Roth, 1993).

The social science explanation of rape, present a brilliant exposition of the power of political and social ideology to obscure, interfere with, and even to halt altogether the scientific search for truth about rape and male sexual coercion. Thornhill and Palmer (2000) reveal the key flaws in the social science theory of rape, which argues that rape is a learned behaviour, the goal of which is collective political, social, and economic domination of women by men. However, Cahill (2001) opposes the evolutionary psychology which posits a continuity of sexual violent behaviour that can be traced to most distant ancestors and that can even be located within the male genes. Cahill also opposes those who wish to convert rape into an historical phenomenon as in the mantra that all men are rapists, rape fantasists or beneficiaries of a rape culture. Cahill says that rape and sexual violence are deeply rooted in specific political, economical and cultural environment. That rape is motivated not by sexual motivation, but by the need for power and domination; and a failure to account for the cross-cultural and cross species occurrence of rape and male sexual coercion. Perhaps, examining the different forms of rape can show some of the 'undercurrents' of rape within the human society and further vitalise this discourse.

Types of Rape

Forcible date rape: The term 'acquaintance rape' or 'date rape' refers to rape or non-consensual sexual activity between people who are already acquainted, friends, acquaintances, people on a date, or even people in an existing romantic relationship where consent for sexual activity is not given, or is given under duress. The vast majority of rapes are committed by people who already know the victim. Mosadomi (2008) however notes that the label 'date rape' is a very general term.

Drug facilitated date rape: Various drugs are used by rapists to render their victims unconscious, some also cause memory loss. This also means that the victim may be unable to resist, what some may consider as consensual sex. Date rape drug refers to any drug that can be used to assist in the commission of a sexual assault (date rape).

Blitz rape: This is also known as stranger rape. It occurs when the rapist assaults the victim on the street with no prior contact. Generally, the suspect comes out of nowhere (Mosadomi, 2008).

Spousal rape: Also known as spouse rape, marital rape, wife rape, husband rape, partner rape or intimate partner sexual assault (IPSA), is rape between a married or de facto couple. The African culture does not regard a forceful sexual intercourse between a woman and her husband as an act of rape (Kolawole, 1999). Ama Ata Aidoo (what is her position in this novel?) also pointed this out in her novel *Changes: A Love Story*, when Esi, the lead character in the novel was raped by her husband: "But marital rape? No, the society could not possibly have an indigenous word or phrase for it. Sex is something a husband claims from his wife as his right any time" (Ata Aidoo, 2000).

Spousal rape is non-consensual sexual assault in which the perpetrator is the victim's spouse. It is often assumed that spousal rape is less traumatic than that from a stranger. Research reveals that victims of marital/partner rape suffer longer lasting trauma than victims of stranger rape, possibly because of a lack of social validation that prevents a victim from getting access to support. Different countries have different rape laws. In many countries such as Nigeria, Ghana, South Africa, Malawi to mention a few, it is not possible to commit the crime of rape against one's own wife or husband.

College campus rape: A study carried out by Elegbeleye (2000) indicates a particular problem with rape on college campuses. It is sad that accurate records of sexual violence on campuses in Nigerian higher institutions are not available because most incidents go unreported. And when reported at all, perpetrators are not prosecuted for fear that it would inflict a permanent social scar on the victim to the extent of robbing him/her the gains of education. However, since rape is a universal experience, some records obtained from the Western world are here spotlighted to deepen the essence of this review. Rainn (2005) notes that from the US Justice Department, rape record file that 1.7% of college women were victims of completed rape and in 90% of the cases, the attacker was known to the victim (Rainn, 2005).

Also, the report of Briskin and Juneau (2005) has it that, women aged 16-24 are at the highest risk of sexual assault. Alcohol and drugs are implicated as playing a major role in rapes on college campuses in the U.S. According to Atkinson (2004), schools that have a record of heavy drinking have a 50-83% increased likelihood of assault. The subject, college rape attracts attention because of the presence of many young men and women, often experiencing their first years away from home together, in an environment where prior controls, supervision and discipline are to a great extent removed. The removal of supervision and control often put these youths in a position to engage in adult behaviour, with some anticipating new activities and freedoms, whilst others are left more vulnerable and less supervised.

Group rape: Group rape (also known as 'gang, q'gang bang', 'run a train' or 'pack' rape) occurs when a group of people participate in the rape of a single victim. Ten to twenty percent involve more than one attacker. It is far more damaging to the victim, and in some jurisdictions, is punished more severely than rape by a single person. Akinwale (2010) states that the term 'gang bang' was a synonym for gang rape when public discussion of sexual activity in general was taboo; in the advent of the pornography industry and relaxed sexual tensions, that term is now often used as a slang term for consensual group sex.

Rape of children by parents, elder relatives, and other relations

This form of rape is incest, and is committed by the child's parents or close relatives, such as grandparents, aunts and uncles. It is considered incestuous in nature but not in form when committed by other elders, such as priests, nuns or other religious authorities, school teachers, or therapists, to name a few, on whom the child is dependent. Adams (1999) estimates that of the 40 million adults abused at childhood in United States of America (USA), 15 million were sexually abused by parents, close relatives and other elders of both genders on whom they were dependent. This form of sexual violence is known as incest. Incest is defined as sexual intercourse between closely related persons. Edith Kriel, a social worker who helps child victims in the Eastern Cape, says that: "Child abusers are often relatives of their victims even their fathers and providers (Kriel and Rademeyer, n.d). For example, a 61 years old father was recently prosecuted in Benin City, Nigeria for conspiring with his friend to rape his daughter (Independent Television Benin News Report, Tuesday 16, July, 2013).

Statutory rape: National and/or regional governments, citing an interest in protecting 'young people' (variously defined but sometimes synonymous with minors), treat any sexual contact with such a person as an offence (not always categorized as 'rape'), even if he or she agrees to the sexual activity. The offence is often based on the presumption that people under a certain age do not have the capacity to give informed consent. The age at which individuals are considered competent to give consent is called the age of consent. This varies in different countries and regions. Sex which violates age-of-consent law, but is neither violent nor physically coerced, is sometimes described as 'statutory rape'.

Prison rape: Many rapes happen in prison. These rapes are virtually always homosexual in nature (since prisons are separated by sex). These acts are mostly committed by people who were not homosexual before their imprisonment. Representatives of the International Federation of Women Lawyers; Federation Internationale Des Avocates (FIDA) in Port Harcourt, Nigeria confirmed these reports to Amnesty International in February 2006. The attacker is usually another inmate, but prison guards may also be involved.

Bottle rape: Coerced sexual penetration with a foreign object is classed as rape or sexual assault in some societies or jurisdictions.

War rape: This type of rape is also known as 'rape as means of warfare'. During war, rape is often used as means of psychological warfare in order to humiliate the enemy and undermine their morale. Rapes in war are often systematic and thorough, and military leaders may actually encourage their soldiers to rape civilians. An example of rape as means of warfare is seen in the reported cases of rape by soldiers in Choba, Rivers State in 1999 and Odi in Bayelsa State 2006. Many women were raped by the soldiers deployed there to disperse protesters outside the gates of Willbros Nigeria Limited, a subsidiary of an American pipeline construction company. Amnesty International (2008) reported the confession of some of the women that were raped thus:

They used their guns and forced and threw me, then tore my knickers. There were three men. I have pain even today and wound. I was carried to the school house, they used my daughter too. She is 12 years old. They tied my husband and me, and used [their] hands on my daughter. They also raped my sister. Another man raped a woman who was 4 months pregnant and she lost the child. They raped me too. I don't know their names, they were military men. Everybody in the village saw them, they didn't hide, they didn't care... I told my friends, they all know about the rape and it didn't only happen to me. I didn't tell the police because I fear them.

The above classification of rape shows that rape occurs in different situation, purpose and across gender. From the literature analysed on rape in this study, available classes of rape are mutually exclusive. However, some other forms of rape such as male to male, female to female rape do not fall into any of the classes. Rabiun (2008) in her response to rape reform wrote: "Presently, laws on rape regard women as the only persons who can be raped. This may no longer be adequate. As homosexuality continues to gain grounds worldwide, men have suddenly become 'rape-able'. As such the classes of rape available to this study are by no means exhaustive. There is however a key observation across the classes of rape which is the absence of consent. Most rape victims are forced into sexual relationship against their wish.

Since rape is a forceful sexual intercourse, then, there surely will be an effect of this act of rape on the victim. So what are the likely effects of rape?

The Effect of Rape on Victims and Society

Stanko (1985) described the nature of rape while reacting to Molly Haskell's rape in the movie, Update on an Ancient War. As a victim of rape, she made it known that rape is not in any normal sense an intercourse. This is because, in most cases, lubrication of the vagina required for normal completed intercourse does not exist, since petting has more often than not, not occurred. As a result of this the muscles at the entrance of the vagina are not relaxed. Therefore penetration in any form cannot either easily or immediately occur. She further described what happens during a rape attack thus: the rapist repeatedly batters with his penis in the very delicate and

sensitive features lying outside the vagina, causing the tissues to tear and bleed.

When the force of the thrusting eventually results in the penis entering the vagina, it enters no more than a few inches, and again the tissues (this time, the lining of the vagina) are repeatedly, with each thrust, ripped and torn. According to her, forcible rape is traumatically painful, it is the most physically painful ordeal that an individual can undergo and still live afterward. Rape victims often experience severe and long-lasting distress beyond the experience of the rape itself. About 90% of victims report physical injury. Other common effects include pregnancy, sexually transmitted infections, and psychological trauma (Rainn, 2010). Although rape or sexual abuse may not be the worst thing that can happen to someone, it remains a terrifying and agonizing experience for victims. The effects of rape could be physical, psychological and sociological.

Physical effects of rape: The physical effect of rape could be one or more of the following:

Injuries from beating or choking, such as bruises, scratches, cuts, and broken bones

swelling around the genital area

bruising around the vagina

Injury to the rectal-vaginal area (for example, tearing of the tissue that connects the anus to the vagina)

Sexually transmitted infections (such as herpes, gonorrhoea, HIV/AIDS, and syphilis, etc)

Possible pregnancy (in a regularly menstruating female).

Many a time the physical effects result to medical problem which might never be rectified as seen in the confession of a rape victim at the age of thirteen as cited by Musawa (2009) in her article which she entitled **“Damaged”**:

I remember each of their faces: they were vicious, evil, ghoulish, and without any humanity. I was 13 when it first happened. For several years after I was a victim, as were my three sisters. My younger sister had the worst of it: her small uterus was eventually destroyed and, even though she had undergone several operations she is to this day still not repaired....It's so hard to find word to describe the pain, anger and guilt I suffer. All I know is the pain will never, ever go away. All I know is that I have been damaged (Musawa, 2009).

Psychological effects on victims may include:

Severe anxiety

Depression

Difficulty in concentrating or sleeping

Dreaming about what happened

Inappropriate guilt feelings

Emotional numbness or irritability

Flashbacks

Nightmares

Extreme fear, etc.

Social and cultural effects of rape on victims:

Rape as a concept has a cultural connotation that gives impetus to the way it is socially perceived. In most Nigerian traditional cultures, sexual infidelity is viewed as a serious infraction against the established community norm of morality. Hence, offenders are severely punished. Unfortunately though, the punishment often prescribed is skewed in favour of the male offender (Akintunde, 2002; Akosile, 2007). More often than not, the female victim is stigmatized forever with the possible consequences of being socially branded, divorced or neglected by the husband, where she is already married, sentenced to social ostracization that may deny her the opportunity of getting a suitor to marry where she is yet unmarried. The woman at times can be sentenced to death where the community is yet fastened to the hard core traditional ways of doing things (Elegbeleye, 2006). Reports of rape victims testifying to both psychological and social effects of rape are reported by Amnesty International, a non-governmental organization:

(a) After the rape my husband said that he would not want to be married to me anymore because army people had raped me. In our culture it is forbidden for married woman to sleep with another man since he may fall ill in that case. My husband left me, and up until now the children are with me. I have not remarried. (Amnesty International, 2005)

(b) The army came in at night and asked for my brother and father. I didn't know where they were. They took me to their station. I stayed there five days. Four men raped and beat me. They all used me. When they saw I was almost dead they dropped me along the road. I couldn't find anybody. I ran to the clinic. My tummy was rising. I saw an old man and he took me to the place. The man operated me in the bush. He was then shot by the army. I

remembered wounds all over my body. Now I am called %Army property+by the youth in the community where I live. My father has disowned me. (Amnesty International, 2008)

Consequently, many cases are never reported because parents want to save the honour of their daughters and protect their family from embarrassment. In its description of the judicial and legal system concerning rape in Nigeria, the 2006 Amnesty International Report on Nigeria confirmed this observation. To avoid this social and cultural effect most times referred to as stigmatization, many rape victims keep mum, do not talk about it and would rather suffer the medical and psychological effects in silence. This culture of silence is a problem that NGOs need to deal with in their campaigns. However, the painstaking efforts of the Federation Internationale Des Avocates/Federation of International Women Lawyers (FIDA) and Child Protection Network (CPN) at sensitizing people on rape issues and the need to boldly open up in both remote and metropolitan areas of Edo State is commendable. Indeed, one of the 'fruits' of such campaigns was the sentencing of one Osarodion Imariagbe to seven years imprisonment for forcefully having a carnal knowledge of a 16 years old girl by a Benin court (Independent Television News Report, Tuesday 16, July, 2013). In spite of these efforts, a lot of sensitization aimed at breaking cultural barriers and stigma still needs to be done to keep the increasing number of rapists at bay in communities across Nigeria.

Rape: A Crime under International and National Laws

Rape, whether committed by a state actor or a non-state actor constitutes a violation of women's rights and fundamental freedoms. It violates the rights of women and girls to be free from torture, mental and physical integrity, liberty and security of the person, and prevents enjoyment of rights such as the right to health, employment and freedom of expression and, in some cases; it denies them the right to life. There is no universally accepted legal definition of rape; definitions vary between different legal systems. Increasingly however, the Elements of Crime of the Rome Statute for the International Criminal Court, and international and regional human rights tribunals have developed principles which should govern definitions of rape in domestic laws. The definition of rape in the Elements of Crime to the Rome Statute of the International Criminal Court is the most advanced definition available to international lawyers (Rome Statute of the International Criminal Court, 1998). The Rome Statute defines rape as a crime against humanity in Article 7(1) (g) of the Elements of Crime thus:

1. The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.

2. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.

Amnesty International recommends that this definition is incorporated fully into domestic laws so as to maximize the protection of the human rights of women and girls and to ensure the right to redress and reparations in cases of rape. Acts of rape and discriminatory laws that condone rape or prevent its successful prosecution amount to violations of various international human rights treaties such as the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), as well as regional treaties such as the African Charter on Human and Peoples' Rights (the African Charter). States that fail to exercise due diligence to prevent, stop, investigate, prosecute and provide reparations for violence against women, wherever it occurs, may be held accountable for violating their rights under international human rights law (Amnesty International, 2010).

International Human Rights Law

Rape of women and girls is an act of gender-based violence and constitutes 'discrimination' as prohibited by CEDAW, which sets out a detailed mandate to secure equality between men and women and to prohibit discrimination against women. The definition of discrimination against women contained in Article 1 of CEDAW includes violence against women:

The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty (CEDAW, 1992).

The Optional Protocol to CEDAW offers women a direct means for seeking redress at the international level for violations of their rights under CEDAW. Nigeria ratified CEDAW without reservations on 13 June 1985 and the Optional Protocol on 22 November 2004. On 22 August 2006, a bill for the Domestication of CEDAW had its first reading in the Nigerian Senate, following long-term and sustained campaign by Nigerian NGOs. By ratifying CEDAW, Nigeria and other signatory countries have undertaken to condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women. To this end, they undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle:
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women (CEDAW, 1992).

Violence against women reflects unequal power relations between men and women. The right not to be discriminated against on the grounds of race, sex, sexual orientation, gender expression and identity, age, birth, or religion, is an inherent human right of every woman, man and child. Articles 2(1) and 3 of the ICCPR, ratified by Nigeria in 1993, provide that:

- 2 (1). Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 3. The State Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Although the Convention against Torture, which Nigeria ratified on 28 June 2001, does not specifically include rape, it has become accepted that rape is a form of torture (Inter-American Court of Human Rights). The

United Nations (UN) Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment stated in 1992 that:

Since it was clear that rape or other forms of sexual assault against women in detention were a particularly ignominious violation of the inherent dignity and the right to physical integrity of the human being, they accordingly constituted an act of torture.

The Rome Statutes of the International Criminal Court (Rome Statutes), adopted in 1998 and ratified by Nigeria in 2001, recognizes a broad spectrum of sexual and gender-based violence as crimes against humanity and war crimes. These include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity (Rome Statutes of the International Criminal Court, Article 7).

The Law on Rape in Nigeria

The Nigerian authorities at both federal and state levels have failed to address adequately gender-based violence, including rape. There are scanty federal or state legislations criminalizing violence against women, and most bills initiated by non-governmental organizations on violence against women are still pending. Regrettably too current provisions relating to rape are not adequately enforced in the Nigerian criminal justice system. These provisions are inadequate and in some cases outdated and urgent legislative reforms are needed to ensure conformity with Nigeria's obligations under international human rights law. NGOs such as FIDA, CPN, etc, must continually drum this issue into the ears of relevant government agencies for necessary redress.

In August 2005 the Federal Government constituted the Committee on the Review of Discriminatory Laws against Women, which operated under the auspices of the National Human Rights Commission with a mandate to review discriminatory legislation, including rape. It submitted its final report to the Federal Minister of Justice on 16 May 2006 (Amnesty International, 2008). Moreover, some states in the Nigerian federation have child right acts which are ostensibly made to fight against all forms of child abuse, including rape but much is still left to be done (Awosola and Omoera, 2008).

Different legal systems coexist in Nigeria: the Penal Code (Northern States) Federal Provisions Act of 1959 ('the Penal Code') and the accompanying Criminal Procedure Code Cap 81 Laws of the Federation 1990 (CPC) apply to all states under its jurisdiction in northern Nigeria; the Criminal Code Act of 1961 ('the Criminal Code') and the accompanying Criminal Procedure Act Cap 80 Laws of the Federation 1990 (CPA) apply to southern Nigeria; and Sharia penal legislation applies to 12 northern states,

and the accompanying criminal procedure codes apply to those states that have adopted them (CPA,1961).

The Constitution of the Federal Republic of Nigeria, 1999

Although the Constitution of the Federal Republic of Nigeria, 1999, does not specifically prohibit rape, it clearly prohibits torture and other inhuman or degrading treatment. Section 34(1) states that: "Every individual is entitled to respect for the dignity of his person, and accordingly, (a) no person shall be subjected to torture or to inhuman or degrading treatment". Article 17(2) (b) adds that human dignity shall be maintained and enhanced.+

The Penal Code

The Penal Code (Nigerian Laws Cap 89), applicable in the north of Nigeria, criminalizes both rape and defilement+(rape of a girl under the age of 13 years). Section 282(1) of the Penal Code defines rape. A man is said to commit rape in the cases referred to in subsection:

- (2), has sexual intercourse with a woman in any of the following circumstances:
 - (a) against her will; (b) without her consent; (c) with her consent, when her consent has been obtained by putting her in fear of death or hurt; (d) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married; (e) with or without her consent, when she is under fourteen years of age or of unsound mind.

The note of explanation to Section 282(1) states that mere penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.+A definition which presumes only penetration of a vagina by a penis discriminates against women and girls who may have been raped by use of a foreign object or who have been penetrated orally or anally by the penis. (In addition, the definition in Section 28(2) is not gender-neutral and is based on the concept that only a woman can be raped).

The criminal offence of rape is punishable by imprisonment of up to 14 years, which can be combined with a fine (Section 28 [3]). The Penal Code also makes specific provision in relation to children under the age of 16 years who are sexually assaulted by those in positions of authority. Section 28(5) on acts of gross indecency provides a punishment of imprisonment for up to seven years and a fine:

Provided that a consent given by a person below the age of sixteen years to such an act when done by his teacher, guardian or any person

entrusted with his care or education shall not be deemed to be a consent within the meaning of this section

The Criminal Code

Section 35(7) of the Criminal Code Act (Nigerian Laws Cap 38), applicable in the south of Nigeria, defines rape as:

Any person who has unlawful carnal knowledge of a woman or girl without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or in the case of a married woman by imper-sonating her husband, is guilty of an offence which is called rape.

(Criminal Code, 1999)

'Carnal knowledge', as explained in Chapter 1 of the Criminal Code, implies penetration. This could be interpreted as including penetration by a foreign object and therefore the Criminal Code provides a broader definition of rape than the Penal Code, which uses 'sexual intercourse' rather than 'carnal knowledge'. Under Section 35(8), rape is punishable by life imprisonment, with the possible addition of caning (UN Document, 1999). Rape of a girl under 13 years is commonly referred to as 'defilement' and is categorized as an offence against morality in the Criminal Code. Section 21(8) provides that: ~~any~~ any person who has unlawful carnal knowledge of a girl under the age of thirteen years is guilty of a felony, and is liable to imprisonment for life, with or without caning.+

The law sets a limit of two months within which charges must be brought in a case of 'defilement'. According to many human rights defenders, prosecutors and others whom Amnesty International interviewed, this restricts the number of prosecutions of 'defilement'. Young girls who are raped are therefore discriminated against in the law by the limitations imposed on bringing a case before the courts and by the definition of the crime. The crime of rape is considered a crime against morality rather than a form of child abuse or assault. While violence against women is not a specific criminal offence within the Criminal Code, it does include other relevant offences such as common assault or indecent assault.

Provisions for these offences, however, discriminate against women and girls, including those who have been raped. For example, Section 36 of the Criminal Code defines indecent assault against a woman as a misdemeanour punishable by up to two years imprisonment, whereas if the victim is a man a sentence of up to three years imprisonment applies. Under Section 22(2), a person who ~~un~~ unlawfully or indecently deals with a girl under 16 years of age is guilty of a misdemeanour and is liable to imprisonment for two years, with or without caning.+ If the victim is a boy under 14 years of age, however, the sentence is seven years imprisonment (Criminal Code).

Sharia Penal Codes

Rape is criminalized in the Sharia penal laws which were introduced in 1999 and are now in force in 12 states in the north (The Sharia Penal Codes, 1999.) The definitions of rape, however, do not conform to the principles underlying the Rome Statute definition, do not provide sufficient protection or redress for women and girls who have been raped, and also discriminate against married women and girls. For example, the Kano State Sharia Penal Code Law (2000) provides in Section 12(6) that:

- (1) A man is said to commit rape if [he] has sexual intercourse with a woman in any of the following circumstances:
 - a. against her will; or
 - b. without her consent;
 - c. with her consent, when her consent has been obtained by putting her in fear of death or of hurt;
 - d. with her consent, when the man knows that he is not her husband and that her consent is given because she is or believes to herself to be lawfully married; or
 - e. with or without her consent, when she is under fifteen years of age or of unsound mind.
- (2) Sexual intercourse by a man with his wife is not rape.

As found in the penal code, an explanation to Section 12(6) specifies that: ~~Mer~~ere penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.+

Under the Kano Sharia Penal Code Law the criminal offence of rape carries different penalties according to the marital status of the perpetrator. Rape is punishable by death by stoning if the perpetrator is married and caning (100 lashes) and up to life imprisonment if the perpetrator is unmarried. Lawyers representing cases before Sharia courts explained to Amnesty International that the provision of the death penalty reflects recognition that rape is an extremely serious criminal offence. A discrepancy in sentencing is therefore introduced: if a Muslim married man in one of the 12 northern states where Sharia law applies is convicted of rape of someone other than his wife, he faces a sentence of death by stoning a particularly cruel, inhuman and degrading punishment whereas a man, whether married or not, who is convicted of rape under the Penal Code or the Criminal Code may be sentenced to up to 14 years or life imprisonment.

Amnesty International opposes sentencing that discriminates on the basis of a person's religion or marital status and opposes all sentences that

constitute cruel, inhuman or degrading punishment. It opposes the death penalty in all circumstances as it is a violation of the right to life and is the ultimate cruel, degrading and inhuman punishment. The death penalty has never been shown to deter crime more effectively than other punishments. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in his report of a visit to Nigeria in 2005, stated in relation to the sentence of death by stoning that:

Even if the sentence is never carried out, the mere possibility that it can threaten the accused for years until overturned or commuted constitutes a form of cruel, inhuman or degrading treatment or punishment (Baobab for Women's Human Rights, 1999).

The Special Rapporteur recommended a constitutional change to this punishment. A previous Special Rapporteur on extrajudicial, summary or arbitrary executions had opposed mandatory death sentences, including that for rape: "the death penalty should under no circumstances be mandatory by law, regardless of the charges involved" (UN Document, 1999). In April 2005 the UN Commission on Human Rights urged those countries retaining the death penalty: "that any application of particularly cruel or inhuman means of execution, such as stoning be stopped immediately" (UN Resolution, 2005). In 2005 UN Human Rights Committee called for the penalty of death by stoning to be abolished in law (Human Rights, 2005). In spite of the movements which started in the 70s to characterize rape as a violent act, confusion about rape and its meaning within male /female sexuality remains (Stanko, 1985). Again, it is reassuring to note that the national assembly in Nigeria is in the process of revisiting, reviewing and amending aspects of the laws on rape, with a view to making them stiffer but in conformity with human rights provisions. This is ostensibly because of the rising wave of rape and gender-based violence related activities across the country. The outcome of such legislative undertaking is expected to, among other things, harmonise existing laws to give focal bite against rape in the country, and serve as deterrent to persons that may have overt or covert rape intentions.

Rapes most often than not, are planned. In many cases, weapons are involved and the persons (mostly women) attacked sustain additional physical or bodily injuries. Many of the traditional assumptions about women's and men's sexuality however continue to hold a powerful grip on our understanding of rape. This confusion between sex and rape gets carried into efforts to gain a wider view of rape. Hence the need to create a means of understanding rape through communication by NGOs making use of the right strategies for the right target audience.

The Concept of Communication

Communication is central to everyday living; it is all about what makes life worth living (Miller, 2001). Communication according to Berlo

(1960); Miller (2002), involves a process that does not have a beginning, an end, a fixed sequence of events. It is not static, it is moving and indeed a continuum. The ingredients within a process interact; each affects all others. Communication is a process of exchanging understandable ideas, information, feelings, attitudes and experiences between and among individuals through verbal or nonverbal means. Communication can best be summarized as the transmission of a message from a sender to a receiver in an understandable manner. Communication can be verbal or nonverbal. Verbal communication involves the use of speech to communicate message to a target audience, making use of words that are understandable. Nonverbal communication on the other hand is defined by Burgoon and Saine (1978) as:

Attributes or actions of humans, other than the use of words themselves, which have socially shared meaning, are intentionally sent or interpreted as intentional, are consciously received and have the potential for feedback from the receiver.

Both verbal and nonverbal codes of communications are essential for an effective interaction with others. The communication process is a guide toward realizing effective communication. It is through the communication process that the sharing of a common meaning (homophylia) between the sender and the receiver takes place. Effective communication leads to understanding, the components that interact are; the sender otherwise known as the encoder or source, the receiver/decoder or destination, the message which is concluded with the feedback

The communication process is made up of four key components. Those components include encoding, medium of transmission, decoding, and feedback. There are also two other factors in the process, and those two factors are present in the form of the sender and the receiver. The communication process begins with the sender and ends with the receiver. The sender could be an individual, group, or organization who/which initiates the communication. This source is initially responsible for the success of the message. The sender's experiences, attitudes, knowledge, skill, perceptions, and culture influence the message. The written words, spoken words, and nonverbal language selected are paramount in ensuring that the receiver interprets the message as intended by the sender (Burnett and Dollar, 1989). All communication begins with the sender.

Feedback is the final link in the chain of the communication process. After receiving a message, the receiver responds in some ways/signals that respond to the sender. The signal may take the form of a spoken comment, a long sigh, a written message, a smile, or some other action. Even a lack of response, is in a sense, a form of response+ (Bovee and Thill, 1992). Without feedback, the sender cannot confirm that the receiver has interpreted the message correctly. Feedback is a key component in the communication process because it allows the sender to evaluate the effectiveness of the message. Feedback ultimately provides an opportunity for the sender to take corrective action to clarify a misunderstood message.

To begin transmitting the message, the sender uses some kind of channel (also called a medium). The channel is the means used to convey the message. Most channels are either oral or written, but currently technologically enabled visual/audio channels are becoming more common as knowledge expands. Common channels include the telephone and a variety of written forms such as memos, letters, and reports. The effectiveness of the various channels fluctuates depending on the characteristics of the communication. For example, when immediate feedback is necessary, oral communication channels are more effective because any uncertainties can be cleared up on the spot. In a situation where the message must be delivered to more than a small group of people, written channels are often more effective.

Although in many cases, both oral and written channels should be used because one complements the other. If a sender relays a message through an inappropriate channel, the message may not reach the right receivers. This is why senders need to keep in mind that selecting the appropriate channel will greatly assist in the effectiveness of the receivers' understanding. The sender's decision to utilize either an oral or a written channel for communicating a message is influenced by several factors. The sender should ask himself or herself different questions, so that they can select the appropriate channel.

Is the message urgent? Is immediate feedback needed? Is documentation or a permanent record required? Is the content complicated, controversial, or private? Is the message going to someone inside or outside the organization? What oral and written communication skills does the receiver possess? Once the sender has answered all of these questions, he or she will be able to choose an effective channel (Sanchez, 2010). Effectiveness of communication depends on the channel(s) adopted by the sender to communicate a particular message to intended target group. The sender therefore, needs to adopt the right form of communication strategy (ies) for effective communication to take place.

Communication Strategies

Every day, communication strategies unfold all around us. Though we may not realize it, the billboards, radio jingles and storefronts, the countless logos and slogans and advertisements all over the internet, daily newspapers, the TV, among other visual/audio campaigns are all smart prongs of wider strategies working to distinguish one item or idea from another in contemporary world. This somewhat omnibus functionality of communication may have informed Okhakhu's (2010) position that ~~the~~ all of life, communication is central.+ Okhakhu further contends that it is only effective communication that achieves results and this can be in several ways such as writing, speaking, listening and the use of audio-visual materials (2010). At any rate, a communications strategy is not the glue between different communication products; it is a means of elaborating how we network, participate, and interact with the world. Good communications reflect a two-way dialogue, where we listen (what does your audience

want?), design and deliver audience-informed strategies, and then gather feedback to assess our impact. Sanchez (2010) emphasizes that every organization requires a dynamic communication strategy.

While the private sector the world-over invests millions of naira every year on advertising or broadcasting, their differences, the public and non-profit sectors tend to perceive communications as an optional or fringe activity, and certainly not central to the work itself. Clearly, the stature of communications must change. If organizations want to broadcast their differences, if they want to influence decisions, they must learn how to integrate communications from top to bottom, internally, externally and across all their activities (Jacques, 2006). Instead of supporting the production of random products tied to specific point, organizations need to see communication as a vehicle that is not only helpful or required but essential to achieving core goal.

Hershey (2005) states that there are essential elements to achieving core goals. He proposes a ten-step plan every organization should consider as it develops a communications strategy. Addressing these ten steps gives every organization a precise snapshot of who they are, what they have to say to the world, who they want to influence, and how they will do that now, and in the months and years to come.

Hershey's Essential Elements for Communication Strategies

1. Review: How have you been communicating in the past? How effective has that been? How do your audiences perceive you?
2. Objective: What do you want your communications to achieve; Are your objectives specific, measurable, attainable, results-oriented and time-limited?
3. Audience: Who is your audience? Do you have a primary and a secondary audience? What information do they need to act upon your message?
4. Message: What is your message? Do you have one message for multiple audiences or multiple messages for multiple audiences?
5. Basket: What kinds of communications ~~products~~ best capture and deliver your messages?
6. Channels: What channels would you use to promote and disseminate your products?
7. Resources: What kind of budget do you have for this? Will this change in the future? What communications skills and hardware do you have?
8. Timing: What is your timeline? Would a staged strategy be the most appropriate? What special events or opportunities might

arise? Does the work (or future work) of like-minded organizations or ministries, etc., present opportunities?

9. Brand: Are all of your communication products 'on brand'? How can you ensure that you are broadcasting the right message?
10. Feedback: How will you know when your communication strategy is successful?

These essential elements illustrate some core truths of communications. We can only communicate what we know. Communications is a two-way process. The better we listen to our audience, the better we will be able to answer their needs and the more our messages will be believed, liked, and ultimately acted upon. Effective communicators know what an audience needs to know, what 'language' they understand, and what they look at and listen to. Communications are the most visible single activity we engage in, requiring extra delicacy. For instance, if we say the wrong thing or present ourselves incorrectly and the damage could be severe and lasting. Tools that fit the channels available for our message should be developed. Messages that respect the cultural context of our audiences should be developed. We must understand and respect our communications abilities and limits, as well as our time and resources: communications can be time-and-skill-intensive work. We must learn from our mistakes and our successes to improve our future communications.

Baeyaert (2005) in order to disabuse the mind of people from the notion that communication is an easy task that can be carried out by any individual observes that:

While policy research and formulation are given their due as tough, demanding areas of an organization's work plan, communications is seen as 'soft.' While programme development and practice are seen as requiring expertise and the thoughtful consideration of best practices, communication is seen as an 'anyone can do it if you have to' ask. It is time to retire this thinking. Doing communication strategically requires the same investment of intellect and study that these other areas of non-profit practice have been accorded.

And when it has to do with campaigning against social ills (such as rape) in society, the use of communication strategies becomes paramount, requiring expertise and keen intellectual disposition. A successful campaign is a result of right and proper application of communication. At this juncture, a look at campaign as a concept is needful for us to be able to extend but pithily and effectively do justice to the essence of this review.

Campaign as a Concept

Campaign is a planned and organized series of actions intended to achieve a specific goal, especially fighting for or against something or raising people's awareness of something (Encarta Encyclopaedia, 2009). Most often NGOs adopt different forms of campaigns to communicate their messages to reach out to their target audience(s). However, in organizing a campaign the following variables have to be considered:

(a) Demographic variables: Factors such as age, gender, ethnic, cultural background, religion, education, and social status. The knowledge of these variables will help a campaigner with choice of words, body language, illustrations and definitions. Demographic variables are easy to deal with, but the campaigner needs to be careful when dealing with sensitive issue such as rape and gender.

(b) Occupational variables: The knowledge of target audience occupation helps the campaigner to get well equipped for the task before him or her. It helps to make use of the right word at the right place and with the right people and also appropriate equipment to be applied during campaign.

(c) Psychographic variables: The religious/belief orientation as well as the mindset of the audience is another important variable that a campaigner needs to be knowledgeable about. This is because it can affect the people's interpretation of the message. It is a very difficult aspect of campaign to deal with. Also, a prior knowledge of a campaign audience is important as it is critical to an effective advocacy. This is because ignorance can make the campaigner to commit two major errors which are: (1) speaking above the knowledge of the audience and (2) speaking below the level of the audience. And this is not the place to be in sensitizations such as awareness campaigns on rape and violence against women in society.

Conclusion

This article has reviewed the concept of rape, evolutionary history of rape, rape and the law, effects of rape on victims and society, with a view to raising societal awareness and providing informational templates for an effective management of rape and violence related issues in Nigeria. This is benchmarked against a succinct but critical review of some communication theories as they relate to certain communication media strategies. It is hoped that the observations made in this study will help to stimulate researchers, NGOs, CBOs and GOs concerned with rape and related issues in Nigeria to communicate more effectively in their drive to reduce the incidences of rape.

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