

**RUW CONFERENCE ON WOMEN AND SOCIETY**  
 Royal University for Women,  
 Kingdom of Bahrain  
 19-20 April 2016

<b>DAY II 20<sup>th</sup> April 2016</b> <b>Parallel Sessions II “Women, Legislation and Human Rights”</b> <b>organised by the College of Law</b>	
<b>09.00 – 10.30 hours</b>	<b>Session II</b>
<b>Theme:</b>	<b>International Law and Human Rights</b>
<b>Chair</b>	Dr. Joyce McConnell, Provost, West Virginia University
<b>Speaker</b>	<b>Title</b>
Mr. Michael Lancaster Steiner University of Manchester	“People get the government they deserve” but what about legal protection?: Establishing legal liability of international organizations in the area of economic, social, and cultural rights”
Dr. Pasquale Borea, RUW	“The GCC Human Rights Declaration: The Historical outcome Of The 35th GCC Supreme Council”
<b>10.30-10.45 am</b>	Coffee break
<b>10.45 – 12.15 hours</b>	<b>Session III</b>
<b>Theme:</b>	<b>Women’s rights in armed conflicts</b>
<b>Chair</b>	<b>Mr. Nawaf Mohamed Al Seyed, Trust Partners Law Firm, Bahrain</b>
<b>Speaker</b>	<b>Title</b>
Dr. Louna Farhat, RUW	“Women and current armed conflicts. A study that examines the possible ways and methods to stop the systematic abuse and violence against women during wartime”
Dr. Elimma C Ezeani, Robert Gordon University Scotland	“Rape and Sexual Violence in War- Establishment of a Non-Derogable Norm?”
<b>12.15 - 12.30</b>	Coffee break
<b>12.30 – 14.30 hours</b>	<b>Session IV</b>
<b>Theme:</b>	<b>Women’s rights and women empowerment</b>
<b>Chair</b>	Ms. Dana El Ghareeb, Al Tamimi and Co. Law firm
<b>Speaker</b>	<b>Title</b>
Dr. Adetun Ilumoka Prince Sultan University	“Women’s Role in the Democratisation of the UN Human Rights System”
Dr. Entisar Alsetri, Consultant	“Determinants Of Bahraini Women’s Empowerment”
Dr. Hanaa Motasim, Dar Al Hekma	“The Recreation Of Place In Conditions Of Displacement – Internally Displaced Women In Sudan”
<b>14.00 - 14.30 hours</b>	Presentation by Tamkeen representative and closing remarks in AC 01
<b>14.30 – 16.00 hours</b>	Lunch

**Parallel Sessions II: Women, Legislation and Human Rights**

## Chair of the session:

**Dr. Joyce McConnell, Provost, West Virginia University**

Rapporteur: Dr. Pasquale Borea, Dean RUW College of Law

Dr. Pasquale Borea, rapporteur for the session, briefly introduced the Chair of the session, Dr. Joyce McConnell, West Virginia University Provost and former Dean of the College of Law. Dr. Joyce McConnell opened the session thanking RUW and Dean of College of Law Dr. Pasquale Borea for the opportunity to attend the RUW Conference on Women and Society. She lauded the conference session's theme as a very interesting occasion to learn many issues regarding human rights and role of women in society. Dr. Joyce introduced the two speakers for the first session of the day, Mr. Michael Lancaster, Ph.D. candidate at University of Manchester and Dr. Pasquale Borea, Dean of RUW College of Law.

1. **Mr. Michael Lancaster: "People get the government they deserve" but what about legal protection?: Establishing legal liability of international organizations in the area of economic, social, and cultural rights"**

He discussed in details the Economic, Social and Cultural Rights with reference to International organizations and about the nature of the legal protection related to economic, social and cultural rights in conditions where the international organizations are replacing the State authority.

The three possible sources that were examined to establish this obligation were conventional law, customary law (state practice and opinion juris) and general principles of law. Sources such as the universal declaration on human rights and millennium goals are documents that were not established to be binding and thus we cannot draw a legal obligation from them. While sources such as the principles of law have many discrepancies and are extremely difficult to determine. All three sources were found to be insufficient to legally oblige international organizations to establish economic, social and cultural rights in territories where they are in a governance mission.

Finally Mr. Lancaster discussed that one way which legal academics believe that they can solve the problem of drawing these obligations on international organizations is through redefining what is considered as customary law. As well as the implications of placing liability on international organizations to fulfill economic, social and cultural rights in governance missions that is outlined in the discouragement of states to interfere as they will be held liable.

## 2. Dr. Pasquale Borea: “The GCC Human Rights Declaration: The Historical outcome Of The 35th GCC Supreme Council”

Dr Pasquale discussed the matter of human rights protection at regional level. He referred to the two main doctrines of International Human Rights Law scholars which should be taken into consideration: Universalism and Cultural Relativity. He proposed a third way of interpreting human rights which is defined “Pluriversal”. The presenter discussed the status of the Human Rights protection at regional level in Europe, Americas and Africa, as well as within the Arab region and highlighted the efforts done by Bahrain in improving Human Rights and the Bahraini proposal of establishing an Arab Court on Human Rights. He highlighted the historical outcome of the GCC at sub-regional level in issuing the GCC Declaration on Human Rights and he highlighted the compatibility of Islamic Law with Human Rights.

The presenter also discussed about the feasibility of the actual establishment of the Arab Court and the need of monitoring implementation of human rights in the Arab region. Dr. Pasquale concluded with the proposal for the GCC countries to go ahead with the proposal of establishing a judicial mechanism as a Regional (or sub regional, at GCC level) Court on Human Rights following the example of Bahrain and his visionary leader H.M. King Hamad who started the process of Human Rights reforms throughout the whole GCC region.

Question and answer session was very rich of questions for both presenters who addressed the auditorium’s questions with answers.

### Session III: Women’s rights in armed conflicts

**Chair Mr. Nawaf Mohamed Al Seyed, Trust Partners Law Firm, Bahrain**

Rapporteur: Mrs. Maria Liasides, AlMoayyed Chambers, Bahrain

Mrs. Maria Liasides, rapporteur for the session, briefly introduced the Chair of the session, Mr. Nawaf Al Seyed, senior partner of Trust Partners Law firm and member of the Bahrain Bar Society. Mr. Nawaf opened the session thanking RUW and Dean of College of Law Dr. Pasquale Borea for the opportunity to attend the RUW Conference on Women and Society, stressing the fact that Law professions and the Bar Association need such occasions of debate and presentation of scholarly research on legal topics. He introduced the two speakers of the session, Dr. Louna Farhat, Assistant Professor at RUW and Dr. Elimma Ezeani from Robert Gordon University, Abredeen, Scotland.

**RUW CONFERENCE ON WOMEN AND SOCIETY**  
**Royal University for Women,**  
**Kingdom of Bahrain**  
**19-20 April 2016**

**1. Dr. Louna Farhat: “Women and current armed conflicts. A study that examines the possible ways and methods to stop the systematic abuse and violence against women during wartime”**

Dr. Louna Farhat presented her research where her findings showed that violence against women has been constantly used as “Weapon of War” in many war scenarios. As a fact woman suffered from sexual violence during war and according to studies most of the victims of war are women and children. She also defined that rape and sexual violence is a “tactic of war” aiming at affecting women with permanent physical and psychological damages. Dr. Louna focused on the main instruments offered by the International Law of war in order to protect women from these occurrences. She discussed about the International Humanitarian Law and the Geneva Convention and other international documents that prohibit this issue. In addition she mentioned that many, but not all, armies have code of conducts which prohibit violence against women during war following international humanitarian law which will be directly indicating acts to be done or not to be done by army during war. Despite this violence against women during conflicts is still perpetrated. Furthermore there is the problem of regulating the conduct of “non- State actors” or non-regular armies which are not subjects of international law hence not obliged to respect the international conventions. At the end of her discussion she suggested that a good practice to limit the phenomenon of systematic violence against women during war could be to include in “cease fire” agreements the protection of women against sexual or other similar violence.

**2. Dr. Elimma Ezeani: “Rape and Sexual Violence in War- Establishment of a Non-Derogable Norm?”**

She highlighted some other issues for instance why women get raped? Do we really consider women as a property to society and their families? As she provided some case laws that reflects the idea of sexual violence for instance in Rwanda and others. She has presented interesting and recent cases from the “ad hoc” tribunals for Rwanda and she showed how also women can be responsible for ordering violence against other women.

Her presentation pointed at the establishment of a non-derogable international norm through the judgments of various international courts on cases related to the violence against women during war-time.

At the end of the session the auditorium engaged the presenters in an interesting debate on the topic of violence against women and particularly, how to provide norms at international level which can protect women from violence during war and on the difference of the legislative protection of women against violence in peace time, at national level, and during war-time.

## Session IV: Women's rights and women empowerment

Chair Ms. Dana Al Ghareeb, Al Tamimi and Co, Bahrain

Rapporteur: Dr. Louna Farhat, RUW College of Law

Dr. Louna Farhat, rapporteur for the session, briefly introduced the Chair of the session, Ms. Dana Al Ghareeb, Lawyer at Al Tamimi and Co Law firm. Ms. Dana opened the session thanking for the opportunity to attend the RUW Conference on Women and Society, highlighting that the interaction and link between Academia and Legal professions is extremely beneficial for both. She introduced the three speakers of the session, Dr. Adetun Ilumoka from Prince Sultan University, KSA, Dr. Entisar Alsetri, Ph. D. University of Readings, UK and Dr. Hanaa Motasim from Dar Al Hekma University, KSA.

### 1. Dr. Adetun Ilumoka: "Women's Role in the Democratisation of the UN Human Rights System"

Dr. Adetun first explained and commented the Universalism vs. Cultural Relativism debate that has existed in legal scholarship for decades and is increasingly entering public discourse on international law and human rights. Universalism refers to the notion that human rights are universal and should apply to every human being, everywhere in the world. On the other hand, cultural relativists object and argue that human rights are culturally dependent, and that no moral principles can be made to apply to all cultures. They argue that the principles embedded in the Universal Declaration of Human Rights (1948) are the product of Western political history. Indeed, the origins of the Universal Declaration are rooted in political landmarks in Western history. Cultural Relativists argue that Universalism, in its attempt to extend a Western ideal to the rest of the world, is a form of cultural imperialism. As the establishments of post-conflict ad-hoc tribunals for Rwanda and the Former Yugoslavia in the 1990's and the International Criminal Court in 2002 illustrate, universalism is steadily being put into force. Cultural Relativists are critical of the validity, relevance and effect of these tribunals and of the ICC especially. Instead, Cultural Relativists are generally supportive of 'traditional' or local approaches to justice, as they believe these will contribute more to post-conflict reconciliation. This dichotomy has been frequently used from both sides in order for the supporters of Universalism to claim that certain countries (especially developing countries) were not respecting human rights, and by cultural relativists to oppose the western-based universalistic approach in order to justify the non-implementation of human rights.

Dr. Adetun demonstrated how the U.N. system for the monitoring of human rights, through the Human Rights Council, with extended membership, contributed in solving this theoretical

**RUW CONFERENCE ON WOMEN AND SOCIETY**  
**Royal University for Women,**  
**Kingdom of Bahrain**  
**19-20 April 2016**

dispute involving more countries in the monitoring mechanism. She also stressed the role played by women in these international fora in order to demonstrate that human rights provisions are applicable in any contest.

**2. Dr. Entisar Alsetri: “Determinants Of Bahraini Women’s Empowerment”**

She discussed the findings of her research conducted interviewing Bahraini women and asking them the determinants of women’s empowerment. The research demonstrated that there is still lack of awareness, interest and also self-value of participation in public particularly the political and legal spheres due to educational constrains, conservative cultural upbringing and male interpretation of the society.

Dr. Entisar preliminary focused on the main doctrinal definitions of empowerment and how women empowerment could be measured. Then she discussed about the findings of her research. From the survey she conducted emerged that for women in Bahrain education is one of the most important way to achieve empowerment along with health care.

Her research emphasizes the importance of implementation of a multidimensional visualization approach to women’s empowerment based on women’s voice.

**3. Dr. Hanaa Motasim: “The reaction of place in conditions of displacement – internally displaced women in Sudan”**

In summarizing her presentation, it was about the exploring the concepts of “place” and “displacement” within the disciplines of anthropology, refugee, and IDP (internally displaced persons) studies. Displacement as a topic has obtained much attention in recent times particularly in the Middle East and has huge repercussions on the protection of human rights. In her paper she attempt to question how the concept of displaced people is reconstructed in such circumstances, focusing specifically on the role of that women may play in helping reconstruct such notions.

She also talked about the opinion of place which is the physical location with memories attached and the definition of anthropological places represents an illusory fantasy of a “society anchored since time immemorial in the permanence of an intact soil”. In addition, Dr. Hanaa explained the meaning of movement which is the process of creation. Refugees studies found that displacement has been projected a tragic condition which rectified by emplacement, individuals incapable of taking control of their own lives.

On the other hand, the postmodernist scholars would argue that forced displaced persons should be seen not as distinctive category per se but rather as part of globally de-territorialized persons which constitute the majority of the world’s citizens.

**RUW CONFERENCE ON WOMEN AND SOCIETY**  
**Royal University for Women,**  
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Then she focused on internally displaced women of Sudan showing a time line of the independence of Sudan since 1933 until 2005, with a continuous track of civil war. Dr. Hanaa showed a lot of pictures, taken during field research, showing ruined houses, displaced people and their lives. The pictures itself express a lot of hidden feeling of those refugees and homeless people and it shows the principal of “mental image” of home.

The session has been closed by an exciting question and answer session with the three presenters and many comments addressed to the emotional presentation/documentary of the third presenter which has brought the audience and presenters into real and concrete cases of violations of women’s rights.

Conclusively, the Dean of College of Law Dr. Pasquale Borea, on behalf of the RUW President and the AVP, thanked all the participants and presenters for the valuable and high level sessions which witnessed the interest of scholars, students and society in the topic of women and human rights.