

Human Rights Reform in the UAE: Natural Socio-Political Evolution or Positional Strategy?

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REEM SAEED, DEC 10 2021

In the world where human rights records are increasingly generating political debates, changes may be required to domestic human rights laws, especially for emerging socially reforming countries like the United Arab Emirates (UAE). Conceptually, the internationalised social identity theory (SIT) explains why the need for human rights reforms may lead to the emergence of a hierarchical status in which a country seeks to climb this status ranking, while simultaneously consolidating on the acquired status to gain economic and geopolitical advantages. With respect to the UAE, this article shows that human rights reforms may not only improve the UAE's standing as a socially reforming nation, but also advance its objective of becoming a regional hospitality, military and economic hub.

Half a century since its formation, the UAE's economic transformation, largely through its energy resources, has also allowed it to invest in developing soft power (international diplomacy and foreign aid) as well as in hard power (military capabilities and intervention in international conflicts). However, the UAE's growing economic and geopolitical influence has also attracted attention to its socio-political development, which has not kept pace with its evolution as an economic and geopolitical player (Salisbury, 2020). At the heart of the UAE's socio-political development debate is its human rights record which often attracts international attention and criticism.

Economically, the UAE relies on migrant labour, which accounts for about 90 percent of its population. This puts a focus on the rights of these foreign nationals, which, sometimes results in diplomatic tension between the UAE and migrant worker's home countries. Also, the growth of UAE as an international hub for financial and tourism investments has also raised question about its human rights as international investors and organisations become increasingly mindful of human rights records of the countries they invest or deal with.

Politically, the issues around human rights in the UAE also centres around whether the existing human rights laws offers sufficient protections, with questions raised about treatments of political dissidents, women and human rights advocates. The human rights organisations keep the spotlight on reported alleged human rights violations, putting pressures on the UAE government to defend its records on human rights and, in recent years, taken measures to improve human rights in terms of diversity, gender equality, workers' rights and representations.

Geopolitically, the UAE has become increasingly assertive in its regional and international relations, which also raises debates about its human right records. In particular, in exercising its hard power through weapon acquisitions, military intervention and establishing military bases in foreign countries, the UAE is often reminded of human rights obligations – both from its western military equipment suppliers and human rights campaigners about its military strategies, assets and targets abroad.

Nevertheless, over the last decade, there has been a change in human rights protections for both Emiratis and migrant workers. But the question that arises is whether the recent move by the UAE to further reform human rights is just natural socio-political evolution, or a measured policy change in maintaining economic and geopolitical influence? Therefore, this article analyses the recent trend in human rights, highlighting the role economic and geopolitical considerations may have played in shaping these recent changes.

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The Evolution of Human Rights in the UAE

Human rights reforms in the UAE have been taking place gradually, but the last decade has seen the biggest changes. A review of these human rights reforms is summarised below.

Efforts to protect children's rights in the UAE started with the establishment of the Supreme Children Protection Committee in 2009 and the Children Protection Centre in 2011. But to guarantee the basic rights of children, including the right to life, education and health, the Federal Law No. 3 of 2016 was enacted to provide legal framework for protection of children. Also, in 2017 additional measures, including the Strategic Plan for the Rights of Children with Disabilities 2017-2021 and the National Strategy for Motherhood and Childhood 2017-2021, were introduced to reinforce the government's determination to create child friendly environment where their safety is paramount and rights guaranteed.

Facing international criticisms on the reports on human trafficking and accusation of lacklustre efforts in dealing with the scourge of human trafficking, the country has embarked on combatting all forms of human trafficking crimes within the country, while working with the regional and international countries to root out these crimes. The UAE has assumed a leading role in the global campaign against human trafficking, and was the first country in the region to enact a comprehensive anti-human-trafficking law with Federal Law 51 in 2006, and established The National Committee to Combat Human Trafficking (NCCHT) to oversee its enforcement (Mofaic, 2021). To ensure its human trafficking laws remain effective, an amendment was done in 2013 to United Nations Protocol on human trafficking and further amended in 2015 to improve support for victims and protection of witnesses (Mofaic, 2021).

Overall, the UAE has adopted the 5Ps national strategy for human trafficking: Prevention, Prosecution, Punishment, Protection of victims, and Promotion of international cooperation (NCCHT, 2016). In addition, rehabilitation services are provided to human trafficking victims, including the Ewaa shelters for women and children victims of human trafficking crimes, the Abu Dhabi Centre for Sheltering and Human Care, the Dubai Foundation for Women and Children (DFWAC) and the Women's Protection Centre of the Sharjah Social Services Department.

The UAE's record on women's rights, especially as it relates to gender equality, has raised questions about the country's claim of being a global, tolerant state. In response to its critics, the country has undertaken political and legal changes towards eliminating gender biases against women (Hamel and Dexter, 2021). Over the last decade, the UAE has made important women's rights reforms, introducing further domestic violence protections, but significant discrimination against women and girls remains (Human Rights Watch, 2021).

But in recent years, the UAE's government has devoted more efforts towards improving women's rights. By introducing the Gender Balance Council (GBC), the UAE has made significant progress in women's rights, specifically targeting social and economic empowerment. Recent reforms on women empowerment include ability to apply for passports, right to become a head of the family, laws against domestic violence, criminalisation of sexual harassment in the workplace and discrimination against women (Hamel and Dexter, 2021). In fact, the rapid and sustained efforts towards gender equality in the UAE have received international recognition. The latest available data for the United Nations Development Programme (UNDP) Gender Inequality Index (GII) shows the UAE is positively ranked first regionally and 18th globally (UNDP, 2020). Also, the World Bank's Women, Business and the Law (WBL) 2021 index highlights a jump in women's rights in the UAE, despite the MENA region as whole still ranking lowest in the WBL index, with women having less than half of the rights exercised by men. More specifically, the WBL index shows the UAE's total score from 30 out of 100 points in 2019 to 82.5 out of 100 points in 2021 (Hamel and Dexter, 2021).

Yet, the UAE has continued to introduce additional legal instruments to enhance and protect women's right. For example, new laws targets domestic violence and honour killing, with legal enforcements against all forms of violence against women. Also, new laws permitting women to engage in night work and be employed in the previously male-restricted roles have been adopted, allowing women the freedom of career. Finally, the UAE, having made significant progress in gender equality at home, has embarked on global campaign to support women's rights in other countries using its soft power through foreign aid. As a result, the UAE tops the list in terms of the amount of foreign aid

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dedicated to empowering and protecting girls and women where discrimination is still being practiced.

Most of the recent reforms introduced to improve human rights in the UAE are those targeted towards workers' rights, especially migrant workers. To develop its legal framework on workers' rights, the UAE has ratified nine key International Labour Organisation (ILO) conventions related to workers' rights, including six fundamental conventions, one governance conventions and two technical conventions (ILO, 2021). Labour laws and regulations are being introduced to reform the labour markets and grant workers, especially the migrant labour, more legal rights. For example, from 2009, the UAE introduced the Wage Protection System (WPS), which has transformed the relationship between employers and their employees, especially domestic workers, by ensuring that wages are protected – an important effort towards improving workers' rights. While the legal protections for domestic workers are weaker than the non-domestic labour laws and comparatively fall below international standards, laws and regulations have been introduced from 2017 to grant them additional rights, including the banning of confiscating passports, physical abuse, and travel rights (Human Right Watch, 2021).

In 1991, the United Nations convened global conference in Paris for consultation on the establishment of national human rights institutions (NHRIs) for the Protection and Promotion of Human Rights. According to the United Nations Office of the High Commissioner for Human Rights, the outcome of the 1991 conference, and subsequent the 1993 World Conference on Human Rights in Vienna, is the so-called Paris Principles, which outlines the internationally expected status of the NHRIs to guarantee their independence, legitimacy, credibility and effectiveness (OHCHR, 2010).

While the UAE has made efforts to improve its human rights records, it has been criticised for failing to create an independent NHRI to champion the protection of human rights and, despite claims of being a leading human rights advocates in the region, it trailed other gulf neighbours such as Bahrain, Oman, Qatar and Saudi Arabia, which have all established their NHRIs (IFEX, 2018; DW, 2021). In a move to show its human right reforms are continuing in a positive direction, the UAE enacted Federal Law number 12 of 2021, setting up an independent National Human Rights Institution (DW, 2021). The new human rights institution is set up in accordance with the so-called Paris Principles, suggesting the government intends to allow it to be independent, with administrative and financial autonomy. However, there are fears that the proposed institution may not reach such autonomy, given the experience of human rights institutions already established in Bahrain, Oman, Qatar and Saudi Arabia (DW, 2021).

Possible Economic and Geopolitical Reasons for UAE's Human Rights Reforms

While the UAE has made incremental progress in human rights reforms in recent decades, the acceleration of human rights provisions and protections, including the latest announcement of the law establishing a national human right institution, has raised the question about the real reason behind the country's dramatic shift to liberalise its social-cultural laws. The argument centres on whether the recent human rights reforms follows a natural social-cultural progress of a modern state, or strategic positioning designed to maximise economic or geopolitical gains.

Theoretically, Gotz (2021) summarises existing theories used in the study of move up the status ranking in competitive international relations into three perspectives. First, the Rationalist-Instrumental Perspective, led by Renshon (2017), which explains how the strategic nature of status seeking in world politics can lead to a deference hierarchy, in which states competes to climb at expense of others. Second, the Social-Psychological perspective, based on social identity theory (SIT), is championed by Larson and Shevchenko (2003, 2010, 2019a, 2019b). This theoretical perspective explains how a status-seeking state strategically positions itself to attain higher rank order in a hierarchy characterised by valued attributes, including socio-cultural progress. Third, a Constructivist Perspective, which, according to Murray (2019), explains how a state can craft a national self-image, or identity, and, when recognised others, allows it to attain higher standing in international community.

In this article, Larson and Shevchenko's internationalised social identity theory (SIT) is used to explore why human right reforms undertaken by the UAE may be an attempt to seek socially-driven status, and utilise it, to potentially gain economic and geopolitical competitive advantage. Larson and Shevchenko (2003) suggest social mobility, social competition and social creativity as three strategies a state can employ to position itself for higher international

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status.

The first strategy is the social mobility, which implies that a state identifies a specific valued international social endeavour, in which it ranks low, accepts the evaluation criteria for advancing into higher status, and, therefore, systematically seeks to emulate the social endeavour of a high ranking state for the purpose achieving higher rank itself. In the context of international human right status positioning strategy by the UAE, social mobility implies it seeks to follow the standard of human rights advocated by more democratically advanced countries, or those codified by international conventions. Also, in exercising its hard power through military hardware acquisitions and military intervention, the UAE is being forced to improve its domestic human right records for two reasons. First, western government face serious challenge from their citizens and parliaments when supplying arms to countries poor human right records. Second, countries with poor human rights records tend to face higher criticisms by international political bodies i.e. the United Nations when engage in military operations abroad. For example, UAE's military intervention in Yemen raised a number of international backlashes in terms of possible human rights violations.

The second strategy is the social competition, which involves the application of the higher status attained through social mobility strategy. In fact, the social competition strategy has geopolitical competitiveness as a key motivation, which may apply from governance institution or human right to economic and military intervention (Larson and Shevchenko, 2019a). In this case, a state attempts to outshine countries at similar level or in regional group a given area of endeavour. For example, according to its latest country report on the UAE, the Human Right Watch highlighted the strategic investment in its "soft power", which is primarily aimed at positioning the image of the country as a progressive, tolerant, and rights-respecting nation in a time of increased economic and political competition in region (Human Rights Watch, 2021b).

In addition, Saudi Arabia is rapidly reforming its social values, with introduction of various human rights protections and a new economic policy, aiming to position the country an attractive regional economic and financial centre. Consequently, the UAE, a natural ally and competitor of the Saudi Arabia in the region, had effectively positioned itself as economic hub of the region, must not be seen to be behind in social and political capital (i.e. global acceptability for having higher moral value through adoption of human rights). Being seen as the country with higher human rights record in the region will give it the advantage of being the natural ally of the international community with respect to the regional politics and international politics and relations in general. For example, positive changes in human right laws potentially reduced the possibility of international criticisms or boycott when international competition or forum. i.e Dubai Expo 2021.

Finally, the third strategy of social creativity implies a situation in which a relatively low-ranking state makes efforts to recreate evaluation criteria as a way of advancing into higher status (Larson and Shevchenko 2019a). This can be done by identifying an area in which it is superior to its competitors, and seeks to move the ranking criteria on that basis. For example, in the case of human rights develops in the gulf and middle east, the UAE, having been challenged by the human rights reforms undertaken by its neighbouring states, has veered towards a new way of positioning itself as the champion of liberalisation in the region by trumpeting the expanding its soft power especially through its international development assistance on human right. More specifically, as a leading donor towards global protection women and girl child rights, the UAE may argue it is not just reforming human rights at home, but also facilitating it abroad. Yet, it will be hypocritical for the UAE to provide financial support for other countries to tackle human rights violations when it has not provided similar protection to its women and girls. Therefore, the UAE may see a need to implement even greater human rights as a way to gaining legitimacy for international relation and influence.

Conclusion

Human rights debates have become a major discourse across many areas of international politics and relations, with serious economic and geopolitical implications. Consequently, socially reforming states like the UAE have increasingly sought to improve their human rights credentials. Recognising its potentially double benefits, the UAE's potential aims for reforming human rights are twofold: seeking the status recognition of first among its Gulf or regional

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neighbours in terms of being a socially friendly nation and; using the status as a positional strategy to maximise economic and geopolitical advantages.

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