

COMPARATIVE LEGAL STUDIES ON WOMEN'S RIGHTS IN THE GULF COUNTRIES: RELEVANCE AND IMPORTANCE TO GLOBAL AND UKRAINIAN LEGAL DISCOURSES

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Summary

This article is highlighting the critical role of comparative legal studies in understanding women's rights in the Persian Gulf region and their broader implications for international legal discourses. The study aims to explore how legal systems in these states navigate the complexities of domestic traditions, Islamic principles, and international human rights obligations. By analyzing key developments and challenges, the paper highlights the broader implications of these legal reforms for international legal science and provides insights applicable to other national contexts, including Ukraine.

For the research comparative and analytical methods were used, focusing on regional legal systems and their evolution in addressing gender equality. Methods used include analysis and synthesis to evaluate legal frameworks, comparative techniques to identify similarities and differences among Gulf Cooperation Council (GCC) states, and contextual analysis to assess the interaction between local customs and global norms.

Key findings include the identification of gradual, culturally sensitive approaches to reform that align domestic laws with international standards. The paper also discusses the relevance of these findings for Ukraine, emphasizing the importance of balancing traditional values with human rights commitments. By bridging regional specificities and international principles, this article contributes to a deeper understanding of women's rights and the global challenges of harmonizing legal frameworks with evolving societal needs.

Key words: gender equality, legal reforms, human rights, comparative law, women's empowerment, international law, Persian Gulf, legal systems, Middle East.

DOI <https://doi.org/10.23856/6733>

1. Introduction

Protecting human rights, particularly women's rights remain a pivotal challenge and area of reform in the Persian Gulf countries. The region, with its diverse legal systems grounded in civil law, Islamic law (Sharia), and customary traditions, presents a unique context for examining the evolution of rights within a legal and cultural framework. Comparative legal studies provide an essential tool for understanding how different countries in the Persian Gulf region navigate these complexities, balancing domestic priorities with international commitments.

This article explores the significance of such studies in analyzing human rights and particularly women's rights across the region. It highlights the progress and challenges in countries of the Persian Gulf while demonstrating the broader implications of these developments for international legal science and national legal systems, including Ukraine.

Comparative legal studies provide an important framework for analyzing these dynamics, allowing scholars and policymakers to identify patterns, challenges, and opportunities in the development of human and women's rights. This article explores the relevance of such studies in understanding the evolving legal landscape of the Persian Gulf countries. It also considers the implications for international legal science and the potential lessons for Ukraine and other nations navigating similar challenges.

2. Human rights in the Persian Gulf: A regional overview

"Gulf countries" is a general term with multiple possible meanings. In its most fundamental form, "gulf countries" refers to the countries of the Persian Gulf/Arabian Gulf region of the Middle East, including some or all the nations on the Arabian Peninsula that connects Asia to Africa. However, exactly which of those countries are and are not considered "gulf countries" often depends upon the source and context. Of particular importance is whether one is grouping the countries by geographical location or by political or cultural similarities.

Geographically speaking, "gulf countries" typically refers to the eight countries that border the Persian Gulf. In socio-political terms, it may refer to the seven Arab Gulf States (Arabic-speaking countries that border the Persian Gulf), or to the eight members of the inter-continental Arab League that are located in the region. Finally, the term may also refer to the six members of the Gulf Cooperation Council (GCC), a regional intergovernmental union.

Many of the Gulf states share very similar cultures, values, and lifestyles. All Gulf countries are Muslim-majority states and part of the global south. Most are also Sharia Law countries and many rank among the world's most conservative countries (*Gulf Countries, 2024*).

The Persian Gulf region, with its unique blend of traditional Islamic values and contemporary legal reforms, presents an intriguing case for examining the intersection of human rights and particularly women's rights. The region's six member states of the Gulf Cooperation Council (GCC)—Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE)—each offer distinct approaches to balancing cultural heritage with the demands of modernization and international human rights commitments (*Usman, 2011*).

As mentioned above, the Persian Gulf states share a common reliance on Sharia as the foundation of their legal systems, but with different degrees of integration into national laws. Despite this shared foundation, the region has significant diversity in the scope and pace of legal reforms aimed at improving human rights in general and particularly women's rights.

Speaking about Saudi Arabia we can observe that Vision 2030 plan has started a wave of legal reforms, particularly in areas related to women's rights. Landmark changes include lifting the ban on women driving, allowing women to travel abroad without a male guardian's permission, and increasing women's participation in the workforce (*Vietor and Sheldahl-Thomason, 2021*). However, Human Rights Watch notes that while these reforms are significant, structural barriers such as incomplete guardianship laws and limited access to justice remain obstacles to full gender equality (*World Report 2024: Rights Trends in Saudi Arabia, 2024*).

Qatar's legal reforms reflect its aspiration to align with international human rights standards while preserving its cultural identity. The country has made steps in improving labor rights, particularly for migrant workers, many of whom are women. However, family law continues to favor male guardianship, limiting women's autonomy in key areas like marriage, divorce, and child custody. Qatar's reservations to certain provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) underscore the challenges of reconciling Sharia with international norms (*Qatar, UN join forces for women empowerment, 2024*).

United Arab Emirates has introduced progressive legal reforms, including decriminalizing premarital relationships and enhancing protections for domestic workers. The country has established a civil law framework for non-Muslim residents, providing an alternative to Sharia-based family law. This dual legal system demonstrates the UAE's modern approach to accommodating its diverse population, but the same time they are putting an effort into maintaining traditional values for its Muslim citizens (*Human Rights in the UAE, 2016*).

Oman and Bahrain have adopted more cautious approaches to legal reform. Oman has focused on improving women's participation in the workforce. Bahrain has made advancements in nationality rights, allowing Bahraini women married to foreigners to pass their citizenship to their children (*The evolution of the legal system in the Kingdom of Bahrain, 2023*). However, both countries continue to face criticism for restrictive family laws and limited political participation for women.

Kuwait has a relatively active civil society and political freedoms. Women have the right to vote and run for office. Despite these achievements, deeply ingrained cultural norms and a lack of comprehensive anti-discrimination laws slow the development of broader gender equality in the country. Women still face legal restrictions in areas such as inheritance and family law, reflecting the enduring influence of traditional interpretations of Sharia.

3. Outcomes for international legal science

Comparative legal studies play an important role in analyzing human rights in general and women's rights in particular in the Persian Gulf. By comparing legal systems and practices across these countries, researchers can better understand what drives or obstructs legal reform efforts in the region (*Hasic, 2017*).

A regional comparison highlights common issues, such as balancing international human rights commitments with domestic interpretations of Islamic law. For instance, all GCC states have signed the CEDAW but maintain reservations to provisions they see as conflicting with Sharia law. Studying these shared challenges can point to effective approaches for addressing such issues (*Alrasbi, 2024*).

Legal reforms in countries like Qatar, UAE, and Saudi Arabia offer lessons for implementing changes within culturally appropriate frameworks. For example, the UAE's dual legal system and Saudi Arabia's steps toward easing guardianship laws show how reforms can strive for aligning local customs with international standards. These cases and many other examples show the value of gradual, well-adapted legal changes that consider cultural sensitivity.

Some Gulf states have advanced significantly in reforming legal protection mechanisms for women and others face barriers such as limited political will or resistance from society. Comparative legal research can expose these gaps and suggest ways to address them, including fostering regional partnerships and seeking support from international bodies.

Speaking about outcomes of such research we should mention that the Persian Gulf region's legal developments contribute to broader discussions in international legal science, particularly regarding the universality of human rights and the role of cultural relativism.

The experiences of GCC countries highlight the challenges of applying universal human rights standards in culturally diverse societies. For example, Qatar's attempts to reform labor laws, but the same time aims for preserving traditional family roles demonstrate the complexity of aligning international norms with local cultural values. These cases show that achieving balance requires tailored approaches that respect cultural contexts. Deep research of the legal system and, specifically, human rights development in some counties in the region could be used

in other countries with similar backgrounds. For example, innovative legal strategies employed in the region, such as the UAE's use of a dual legal system, serve as instructive models for other nations addressing similar issues (*Schaer, 2021*). These examples underscore how creative legal frameworks can promote rights protections while maintaining cultural identity, offering valuable lessons for both regional and international legal systems.

Finally, comparative legal studies in the Gulf region can inform global policy discussions on topics such as labor rights, migration, and gender equality. As many Gulf countries are key players in international migration and labor markets, their legal reforms have implications far beyond their borders. Understanding these dynamics helps with building international law's capacity to address global challenges in a way that respects cultural contexts while promoting universal human rights. By exploring the legal evolution in the Persian Gulf, international law gains not only a deeper understanding of regional practices but also valuable perspectives for advancing rights protections worldwide.

4. Relevance to Ukraine and other national contexts

Despite progress on gender equality, the ratification of most pertinent global conventions, and the adoption of relevant legislation, Ukrainian women continue to face barriers to their meaningful economic, civic and political participation, hindered further by risks of economic fragility, poor health outcomes and exposure to violence for some of the most vulnerable groups. Traditional values and patriarchal views that condone discrimination and violence against women and girls remain widespread, while existing gender inequalities are continuously compounded by the humanitarian crisis caused by Russia's full-scale invasion of Ukraine in 2022 (*Gender equality and women's empowerment in Ukraine, 2022*).

There is wide range gaps and areas for improvement which could be researched in terms of women's rights protection in Ukraine. For example, even where domestic violence is specifically criminalized in Ukraine, burdensome legal hurdles often leave survivors without effective protection and access to justice. To meet the threshold of a criminal offence, survivors in Ukraine must prove that the abuse they suffered has been "systematic". In practice, proving the systematic nature of domestic violence can often be an insurmountable challenge. To qualify as systematic, the "administrative" offence of domestic violence has to be documented as being committed at least twice within the year prior to the third offence and must result in the physical or psychological suffering or deterioration in health and the quality of life of the survivor. Only then, criminal charges are brought against the perpetrator. Imposing such hurdles to triggering criminal accountability effectively nullifies survivors' ability to exercise their rights under the law (*Violence against women in Eastern Europe and Central Asia: Protect women from violence during crisis and beyond, 2022*).

The legal reforms and human rights initiatives in the Persian Gulf region are relevant for Ukraine, particularly as it seeks to modernize its legal system while addressing challenges specific to its cultural and historical background. While Ukraine's legal tradition is rooted in civil law and European human rights standards, examining the Gulf states' strategies provides valuable insights into navigating the delicate balance between tradition and international obligations.

Of course, historical and religious background of Ukraine and Gulf region countries are very different. But one of the key parallels lies in the challenge of aligning domestic laws with international human rights treaties. Some Gulf states have ratified international conventions like the CEDAW but have entered reservations to provisions they perceive as conflicting with Sharia principles. Similarly, Ukraine often faces difficulties in implementing

international obligations, particularly when they intersect with sensitive areas of national identity or deeply ingrained social norms. Lessons from the Gulf's gradual and culturally sensitive reforms could inform Ukraine's strategies in advancing gender equality or addressing contentious family law reforms.

The Gulf's ability to integrate international best practices into domestic legal systems without undermining cultural identity offers practical examples for Ukraine to consider. This could apply to areas such as workplace equality, combating discrimination, and enhancing protections for vulnerable groups. Furthermore, the Gulf's tailored solutions, such as Qatar's labor reforms or Bahrain's nationality law amendments, demonstrate the potential for innovative reforms that resonate with local values while meeting global expectations.

A deeper understanding of human rights and women's rights protection in the Persian Gulf is also important for Ukraine's future diplomatic and economic relationships with the region. The Gulf countries are becoming increasingly influential in global affairs, and mutual respect for legal and cultural frameworks will be essential for productive cooperation. (*Dazi-Héni 2023*). By studying the specificities of human rights in the Gulf, Ukrainian policymakers and legal professionals can better engage with their counterparts in the region, ensuring that future partnerships are built on informed, respectful, and culturally sensitive foundations.

Finally, the Gulf region's experience is particularly relevant as Ukraine continues to navigate post-conflict reconstruction and societal transformation. Like the Gulf states, Ukraine must reconcile historical and cultural legacies with the demands of modernization and human rights commitments (*World Report 2024: Rights Trends in Ukraine, 2024*). Comparative studies in the Persian Gulf offer practical insights into managing these transitions, fostering inclusive legal frameworks, and building resilient institutions that reflect both domestic priorities and international standards.

5. Conclusions

The legal reforms and challenges faced by countries of Persian Gulf demonstrate the importance of contextualizing human rights within specific cultural and legal traditions. Significant progress has been made in some areas, such as labor rights and family law reforms, but some barriers are still present. We can see that it is underscoring the complexity of aligning international human rights norms with domestic legal systems rooted in Sharia and traditional practices.

The insights derived from this analysis offer valuable information not only for the Gulf countries but also for other nations, including Ukraine. Despite differing historical and religious contexts, both regions grapple with the challenge of harmonizing domestic laws with international human rights obligations. The gradual and culturally sensitive legal reforms observed in the Gulf serve as models for addressing similar tensions in Ukraine, particularly in the areas of gender equality and family law especially in terms of implementation and effective mechanism. Such research could be used for the greater understanding in the future cooperation and relationships between above mentioned countries and Ukraine. Comparative approach contributes to a deeper understanding of human rights implementation in diverse legal and cultural settings. It is fostering global dialogues that respect cultural nuances and positively influencing advancing universal rights protections.

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