



Economic Development and Rights in Tajikistan

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Abstract

In this article economic development has been explained through the level of poverty, health facilities, education, economic growth and effort taken by Tajikistan government. Article also identifies the emergence of the rights to the people in the Tajikistan in history. How the economic development is helping rights in the context of accessibility? The study seeks to identify the rights which evolved during the Soviet period. After the disintegration of Soviet Union Tajikistan adopted liberal-democratic model for the development of the country. Under the Constitution of Tajikistan political, economic and socio-cultural rights were made available to the people for development. The study further elaborates the various rights available in the Constitution both in theory and as well as in practice. In this study historical, descriptive and analytical method were used.

Keywords: Constitutional development, rights, president, political parties, media.

Introduction

Politics is a means for betterment of life through structure, institution and process. Development is a process involving changes in structures, attitudes and institutions for the development of people in all spheres of life such as, social, economic and political. Hammaraskjold¹ (1975) defined the development as the process of humanization by satisfaction of needs for expression, creativity and destiny that should be endogenous and structural transformation. Basically, it is a process to stabilization of democratic system, economic development, ensuring universal adult franchise, free, fair and periodic elections, multi-party system, independence of judiciary, freedom of press, limited and responsible government, professional bureaucracy, effective check on corruption and maladministration, settlement of dispute by peaceful means and rule of law in the country.

After the disintegration of USSR, Tajikistan emerged as an independent Republic in 1991. After independence, Tajikistan adopted liberal democratic model for the development of people. In fact, since independence Tajikistan has been passing through the democratic transition from old Soviet model to liberal democratic model. There are various ethnic groups and communities in Tajikistan. The period of civil war (1992-1997) has unrecoverable loss in Tajikistan term of human life. In the civil war there were various factors and causes like struggle for power, regional disparity, ethnic division, religious extremism, arms smuggling and drug trafficking, poverty and others. In this regard, these challenges are posing major hurdles to the Tajikistan's development. But in the Constitution country has secular credential. There are enough provisions to the people's rights for all round development as Freedom, equality and liberal democratic right was protected by the Constitution

adopted in 1994. The new Constitution gives the people social, cultural, and political rights².

Economic Development in Tajikistan

Tajikistan is the one of the poorest country among the Central Asian though it is naturally rich. From the very ancient period irrigation system was destroyed many times by invaders. After independence it was also witnesses the civil war (1992-1997) in Country. The Agreement between Tajik government and United Tajikistan Opposition (UTO) (Accord, 1997) has provided stability in Tajikistan through the reconciliation to civil war. After the end of civil war Tajik government attempted to create peaceful environment for the economic development. As a result of efforts the average annual rate of economic growth (GDP) was 7% and Gross National Income (GNI) is 2500 US \$ in 2014³.

Tajikistan is a rural country and mostly population depends on agriculture. Agriculture and food industry was also affected by civil war though Tajikistan is heavily depended on import. After 2000 the agriculture field was strengthen but due to inflation and increasing food price it was very hard for Tajik people. Most of the Tajik population engaged in agriculture and 47% are the below the poverty line⁴. Poverty elimination and economic development is big challenge for Tajikistan especially in the era of globalisation.

Health is one of the indicators of the development of the people. Health facility is very poor in the Tajikistan. After independence, country is suffering from the scarcity of hospitals, doctors as well as medicine. In 2013, healthy economic growth and increase in average income was good indicator for development in Tajikistan. But still it was based on

remittances. Tajikistan has lack of road connectivity and very low level of job creation. Asian Development Bank has provided loan of 1.2 Billion \$ and supporting energy security, transport connectivity and private sector development for economic development in 2010-2014 of the country⁵.

Madina O. Turaeva explained that the Tajikistan lacked from multifaceted economic policy and allocation of authority for the development and implementation of various policies. High level of poverty and limits of resources, tax restrictions are also problems of Economic Development. Tajikistan cannot allocate the labour due to reduction of job opportunity⁶. So there is need for decentralisation and reallocation of authorities for the implementation and implementation of policies taken by government of Tajikistan. Though, the President of Tajikistan has made statement to address the Majlisi Oli that our actual aim is achieving an adequate living standard and development for every individual with social condition. The National Development Strategies and Poverty Reduction Strategies was adopted by Government of Tajikistan in three stages first was from 2007-2009 and second was 2010-2012 and now third is in progress from 2013-2015. The third stage has focussed on living standard improvement strategy by the reform and transparency in public administration, development of private sector, the import of new technologies as well as new jobs opportunity⁷.

History of Evolution of Rights in the Tajikistan

During the Tsarist period, Tajikistan was Russian colonies and has autocratic government. Before the Soviet era none of the Central Asian states-Uzbekistan, Kazakhstan, Turkmenistan, Kyrgyzstan and Tajikistan had any sort of constitutional rights. It was at the Revolution of 1905 certain modification of autocracy was made. There was no bill of rights in the Constitution of 1924. Many changes and modification were further incorporated under the new constitution adopted in 1936. Universal suffrage replaced a system of restricted suffrage, direct elections replaced the earlier system of indirect elections, and a bi-cameral Supreme Soviet replaced the old system of the Union of Soviet Socialist Republics (USSR). The Constitution of 1936 was known as Stalin Constitution contains two important points of distinction from the earlier one: *First* the socio-economic basis of the state was defined by the constitution which reflected in the establishment of socialist society in the USSR. *Second*, it provides broader democracy, i.e. electoral system, besides incorporating other institutions in the Constitution⁸.

The Constitution of 1977 defined the USSR as a Socialist State of the working people of the nations of the USSR. This Constitution ensured equal rights for both women and men, health protection to all its citizens, the education, old age and disability maintenance was guaranteed. In fact it was considered to be the first Constitution in the world which provided the right to housing to their citizens. The Constitution gave the right to all the Soviet citizens to take part in the public affairs under the

following Articles 35, 42, 43, 48. Besides this, there are provisions for federal, self-determination and the voluntary association of equal Soviet Socialist Republics was enshrined under Article 70. Thereafter, the constitutional developments of Tajikistan began to follow drastic change under the Gorbachev's policy of *Perestroika* (Restructuring) and *Glasnost* (openness). The political elites and leaders during this time perceive that change was needed in Soviet society. However in the words of Anderson, differences persist in regarding the process and methods in adopting the Constitution in the Republic⁹. The policies of Glasnost provided an opportunity for freedom of expression to individual as well as mass media.

Rights in the Constitution of the Tajikistan (1994)

The Constitution of Tajikistan provides to the citizens economic, political and socio- cultural rights. Some of the rights and obligations as given in the Constitution of Tajikistan are as follows:

Right to Freedom, Equality, Life and privacy: Freedom and Equality is core value of the Constitution of the Tajikistan. These values are fundamental to people for all round development. The Article (15, 18, and 19) of the Constitution of Tajikistan detailed about the equality and Freedom of individual across the any biasness like nationality, race, sex, language, religious beliefs, political persuasion, social status, knowledge and property. Right to life is a natural right of people. Article 19, 20, 21, 22, 26 of the Constitution of Tajikistan also has provisions to protect the life of every individual from any disaster created by human being as well as nature. No one can subject to torture and inhuman treatment. Even without a legal basis, no one can be arrested and kept in custody. And also no one can be adjudged guilty of a crime excepted by sentence of a court in accordance with the law. The Article 23, 25 of the Constitution of Tajikistan has the provision of right to privacy of correspondence, telegraphic, telephone conversations, and other communications are forbidden, except in cases anticipated by law. The collection, keeping, dissemination of information about the private life of a person without permission to do is forbidden. There is also provision to governmental organs, social associations, and officials are obligated to provide each person with the possibility of receiving and becoming acquainted with documents that affect her or his rights and interests, except in cases anticipated by law. The Constitution of Tajikistan has provision of religious freedom for his citizen. Article 26 and 31 of the Constitution of Tajikistan has explained the right to freedom of profess or not to profess any religion and to take part in religious ceremonies. The Constitution also has provision to determine her or his religious preference and to practice any religion alone or in association with others. Even constitution freed to people not to practice religion, and to participate in the performance of religious cults, rituals, and ceremonies.

Right to Association and Participate in Public life: The Article 27 of the Constitution of Tajikistan has provision for citizen to the right to participate in political life and in the governing body of the state. After the age of 18 years, citizen has the right to elect and to be elected. Only court can declared to be incompetent or are being detained in prison by the verdict of a court can stop the right to participate in elections or referenda. Elections and referenda are carried out on the basis of general, equal, and direct voting rights by secret ballot. The article 28, 29 and 40 of the Constitution of Tajikistan provides right to association to the Citizens. Every citizen has the right to participate in the formation of political parties, trade unions, and other social associations. Thus constitution has provision for multi-party system in country. There are provisions of right to participate in lawful meetings, protests, demonstrations, and marches. And also has freedom of opposed any policy of government are allow in country. This has provided basis for opposition which is necessary of democracy. Article (40) of Constitution of Tajikistan has provision of the right to freedom to participate in the socio-cultural life of society, artistic, scientific, and technical creation. Cultural and spiritual valuables are protected by the government and intellectual property is under the protection of the law.

Freedom of Speech and Press: The Constitution of Tajikistan provides and guaranteed the freedoms of speech and the press. The right to freedom is precondition for development of democracy. The governmental censorship and prosecution for criticism are forbidden. Only listed information can be considered as secrets of the state which is determined by law (Article 30). Article 32 of constitution has provision to private property and the right to inherit. No one has the right to deprive the citizens from his property rights; even with permission of owner cannot seizure of property. Only for social needs government is allowed with on the grounds provided by law and with the assent of the owner and full compensation for the value of the property. According to Freedom House report besides enough constitutional provision, conditions for independent media remain poor in Tajikistan. There are inadequately trained media person and practicing self censorship. Government control the most printing presses, broadcasting, and blocked the social websites. Though, law on media, 2013 promised the media freedom, bans the censorship and official response within three day inquiries by journalist. Defamation was decriminalised in 2012¹⁰. So, the country has progressing toward of freedom of media but not the level of democratic countries of the West.

Right to Employment, Education, Family and Housing and Health Care: Family is foundation of society. In Tajikistan each person has the right to start a family. Both men and women who have reached the age of marriage have the right to marriage with the consent of each other. From the Soviet period both have equal rights in the event of abrogation of a marriage, spouses. Only one marriage is allowed. In other word polygamy is forbidden in country by constitution. Government has provision for the special protection of mothers and children. In

family parent are responsible for caring children and adult children also are able to work are obligated to care for their old age parents. The government takes care to protect orphans and the disabled and have responsibility of their upbringing and education in Article 33, 34.

In Tajikistan each person has the right to choose a profession and job. Government has provision to social protection against unemployment. Minimum working wage is measurement for salaries and should not be lower than minimum wage decided by government. Any kind of biasness and limitation in employment relations is forbidden. Equal work is equally compensated. No one may be subjected to forced labour. The use of the labour of women and minors in heavy and in dangerous work conditions is forbidden in Article 35. The articles 36, 37, 38 and 39 of the Constitution of Tajikistan (1994) has provisions of right to housing for every citizen of country. This right is ensured through the provision of governmental, social, cooperative, and individual housing construction. The right to relaxation has also provision in the Constitution. It is ensured through the length of the working day and week; the provision of an annual paid vacation, weekly days of rest, and other conditions anticipated by law is allowed. There are provisions of the right to health care. It is ensured through free medical assistance in governmental health care. Measures to improve the condition of the environment are also mentioned. There is provision for development of mass athletics, physical fitness, and other sports. Other forms of medical assistance to be provided are determined by law. Each person is guaranteed social assistance in old age, in the case of illness, and loss of ability to work, in other cases determined by law. The Constitution of the Tajikistan has provision in article 41 for the education as instrument of development as well as better life. In Tajikistan every person has the right to education. Basic education is obligatory by constitution. The Tajik government has guarantees for free high school, and, in accordance with ability and on a competitive basis and university education.

Obligations to Citizen: In the Tajikistan's Constitution there are provisions of obligations with rights. The Rights of the citizen are restriction on government in the relation of state and individual. Obligation is a duty of citizen to strengthen the state. Each person is obligated to comply with Tajikistan's Constitution and to respect the rights, freedoms, honour, and dignity of other people. In the Constitution of Tajikistan the articles 42, 43, 44, 45, 46 and 47 has provisions for defence of the homeland, protection of the interests of the state, strengthening the state's independence and defence forces are the sacred duty of the every citizen of Tajikistan. Citizens are obligated to protect historic and cultural monuments. Further the Constitution of the Tajikistan has provision to pay taxes and tariffs that are established by law. There are also obligatory provisions to ensure the safety of citizens and the state, a state of emergency may be declared during a natural disaster, to the independence of the state, territorial integrity, the constitutional

organs of the republic cannot function normally as a temporary measure. During the state of emergency, the rights and freedoms has anticipated in articles 16, 17, 18, 19, 20, 22, 25, and 28 of the Constitution may not be limited. The Article 2 and 5 of Constitutions of Tajikistan (1994) has provisions of the right to use their native languages by people residing in the territory of the republic. The Life, honour, dignity, and other natural human rights are inviolable. Human rights in the Republic are under the protection of the Constitution of the Republic.

Conclusion

The historical developments of rights in Tajikistan are constitutionally available. The Economic development can create better environment for accessibility of right for people. The constitutional development of Tajikistan was developed from autocratic rule of the Tsarist Russia as unlimited autocracy of Tsar. The Soviet period was considered to be the period of economic development, rights and rule of law. The Constitution of 1924, Constitution of 1936 and Constitution of 1977 and with Gorbachev's *Glasnost* policy has played major role into the process of development of rights in the Tajikistan. The liberal, democratic and secular type of government has provided space for the rights. The Constitution of 1994 provided enough provisions of rights to freedom of speech, right to participate in public life, right to religious freedom, right to employment, right to housing and health and right to life etc, but still these rights are needed to realise on ground level with economic development of the people.

References

1. Hammarckjold, Dag, *What Now: Another Development, the 1975 Dag Hammarckjold Report on Development and International Cooperation: Prepared on the Occasion of the Seventh Special Session of the United Nations General Assembly*, The Dag Hammarskjold Centre, New York (1975)
2. Constitution of the Republic of Tajikistan, Dushanbe (1994) (http://amcu.gki.tj/eng/index.php?option=com_content&task=view&id=45&Itemid=73)
3. World Data Bank, World Development Indicators-IBRD-ADB annual report (2014) <https://dataworldbank.orgdataviews/report/tableview.aspx>
4. Discussion Paper, Economic Development, External Stocks and Food Security in Tajikistan, *International Food Policy research Institute* (2012)
5. Fact Sheet for Asian Development Bank \$Tajikistan (2014) www.adb.org/data/statistics
6. Turaeva, O Madina, *Lessons from the Crises: Economic Policy Mistakes in Tajikistan*, Translated by David Parkar, Norwegian Institute of International Affairs (NUPI) and Regional Competence Building for Think Tanks in the South Caucasus and Central Asia, Tajikistan (2012)
7. Regulation of Majlisi Oli of the Republic of Tajikistan, Living Standard Improvement Strategy of the Tajikistan for 2013-2015, Dushanbe (2013)
8. Badan, Phool, *Dynamics of Political Development in Central Asia*, Delhi: Lancers Books (2001)
9. Anderson, John, Constitutional Development in Central Asia, *Central Asian Survey*, 16(3), 301-320 (1997)
10. Freedom House Report (2014) https://freedomhouse.org/report/nations_transit/2014/tajikistan#.VNty_VRtx_U