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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

**ON AMENDMENTS AND ADDITIONS TO THE LAW
ON ALTERNATIVE SERVICE**

(INCLUDING THE LAW IN FORCE)

OF ARMENIA



the bill
4-1136-22.04.2011-ՊԱ-010/0

REPUBLIC OF ARMENIA LAW

On The Alternative Service

On making Amendments and Supplements on the Republic of Armenia Law

Article 1. , In the 1st paragraph of the article 14th of ՅՕ-6-Ն the Republic of Armenia law (hereinafter - the law) adopted in 2003 December 17 regarding to the Alternative Service.

1) and remove the words `overseeing its implementation`

2) add new sentences with the following content.

The control over the procedure of Alternative service is made by the representatives of Commission from the representatives of Defense, Health and Labor and Social Affairs of the RA Government authorized bodies (hereinafter referred to as the authorities). The commission implements its activity by organizing visits to the alternative service areas no less than four times a year, during which the conditions of the transition of the alternative service is being examined in the alternative employment areas, the head of the alternative employment service and the alternative serviceman by the current law, the implementation of the internal requirements of the alternative service area. The commission introduces the conclusion of results of the examinations to the heads of authorities. The members of the committee and the working procedure are selected by the joint order (command) of the heads of the authorities.

Article 2., The 1st paragraph of the 15th article of the Law should be revised with the following edition.

The alternative service is being replaced by the mandatory military service, if during the process of alternative service the alternative serviceman sends a request to the head of the Republic of Armenian Government Authority of the area of Defence.

Article 3., In the 8th paragraph of the 16th article and in the 6th paragraph of the 17th article of the law to add the words ``and they are granted a military certificate``

Article 4., This law shall enter into force on the tenth day after the publication.

Non official translation

LAW OF THE REPUBLIC OF ARMENIA

Adopted on 17 December 2003

ON ALTERNATIVE SERVICE

This Law regulates relations pertaining to replacing compulsory military service by alternative service by a citizen of the Republic of Armenia, as well as establishes the procedure for organisation and carrying out of military call-up for alternative service.

**CHAPTER 1
GENERAL PROVISIONS**

ARTICLE 1. LEGISLATION ON ALTERNATIVE SERVICE

The legislation on alternative service shall comprise the Constitution of the Republic of Armenia, international treaties of the Republic of Armenia, this Law, other laws and legal acts.

**ARTICLE 2
THE CONCEPT AND TYPES OF ALTERNATIVE SERVICE**

1. Within the meaning of this Law, alternative service shall be deemed to be the service which replaces mandatory military service and is not related to carrying, keeping, maintaining and using of weapons and is performed both at military and civil establishments.

2. The types of alternative service shall be:

(a) alternative military service — military service not related to combat duty and to carrying, keeping, maintaining and using of weapons in Armed Forces of the Republic of Armenia;

(b) alternative labour service — labour service performed outside the Armed Forces of the Republic of Armenia.

3. The alternative service aims to ensure the performance of civil duty towards homeland and society and does not have the nature of punishment or humiliating person's honour and dignity.

(Article 2 edited by HO-162-N of 22 November 2004)

**ARTICLE 3
GROUNDS FOR UNDERGOING ALTERNATIVE SERVICE**

1. Any citizen of the Republic of Armenia may join alternative service, where undergoing military service in military subdivision, as well as carrying, keeping, maintaining and using weapons are contrary to his religious beliefs and convictions.

2. The citizen of the Republic of Armenia, undergoing compulsory military service, may not refuse the service and choose alternative service.

(Article 3 edited by HO-162-N of 22 November 2004)

ARTICLE 4 THE CITIZEN SENT TO ALTERNATIVE SERVICE

The citizen shall be sent to alternative service, who has applied to the military commissariat of his place of residence before 1 March or 1 September preceding subsequent military call-up by indicating the absence of ability to undergo compulsory military service based on Article 3 of this Law and where the local call-up commission has delivered a relevant decision thereon.

The provisions of this Law shall not extend to citizens satisfying grounds to be granted with the right of deferment or exemption from military service.

ARTICLE 5 TERM FOR ALTERNATIVE SERVICE

The term for alternative military service shall be defined for 36 months.

The term for alternative labour service shall be defined for 42 months.

CHAPTER 2 ORGANISATION OF MILITARY CALL-UP FOR ALTERNATIVE SERVICE

ARTICLE 6 MILITARY CALL-UP FOR ALTERNATIVE SERVICE

Military call-up for alternative service and transfer to the reserve shall be carried out in conjunction with military call-up for compulsory military service and transfer to the reserve within the time periods defined by the decree of the President of the Republic of Armenia.

The citizen having applied for alternative service shall have to appear before military commissariat of his place of residence within the time period mentioned in the call-up paper. Issues related to military call-up for alternative service shall be dealt with by the local call-up commission established in accordance with the Law of the Republic of Armenia "On conscription" and by republican commission considering applications for undergoing alternative service (hereinafter referred to as "the Republican Commission"), the procedure for establishment, rules of procedure and composition whereof shall be defined by the Government of the Republic of Armenia.

(Article 6 edited by HO-162-N of 22 November 2004)

ARTICLE 7 APPLICATIONS FOR REPLACING COMPULSORY MILITARY SERVICE BY ALTERNATIVE SERVICE

When choosing alternative service, the citizen subject to military call-up for compulsory military service shall submit an application to the military commissariat of his place of residence by indicating the type of alternative service preferred by him and stating the reasons for replacing compulsory military service by alternative service.

The application of a citizen with his personal file shall be submitted to the local call-up commission within 10 days after registering it in the territorial military commissariat.

(Article 7 edited by HO-162-N of 22 November 2004)

**ARTICLE 8
CONSIDERATION OF APPLICATIONS FOR ALTERNATIVE SERVICE**

The local call-up commission shall prepare and submit documents concerning the citizen having applied for undergoing alternative service to the Republican Commission.

The Republican Commission shall consider an application for undergoing alternative service in a separate sitting. The applicant shall be initially informed of the time and place of the sitting of the Commission. The Republican Commission shall adopt a decision with regard to each application.

(Article 8 edited by HO-162-N of 22 November 2004)

**ARTICLE 9
GROUNDS FOR REJECTING APPLICATIONS FOR REPLACING
COMPULSORY MILITARY SERVICE BY ALTERNATIVE SERVICE**

The application of a citizen for replacing compulsory military service by alternative service may be rejected upon the decision of the Republican Commission, if:

- (1) The citizen having submitted an application for alternative service, is summoned to the sitting of the Republican Commission again and fails to appear without any valid excuse.
- (2) The application for alternative service contains false information.

An excerpt from the minutes of the sitting of the Republican Commission shall, within a period of 10 days, be provided to the citizen, in case the Republican Commission rejects his application. The excerpt shall indicate the reasons for rejecting his application for joining alternative service.

(Article 9 amended by HO-162-N of 22 November 2004)

**ARTICLE 10
DISMISSAL OF APPLICATIONS FOR ALTERNATIVE SERVICE**

The Republican Commission shall terminate the consideration of the application for alternative service and adopt a relevant decision, where during consideration of the application for alternative service it is found that the citizen having submitted an application is not subject to military call-up or has the right of deferment from compulsory military service.

(Article 10 amended by HO-162-N of 22 November 2004)

**ARTICLE 11
RESOLUTION OF DISPUTES IN RELATION TO MILITARY CALL-UP
FOR ALTERNATIVE SERVICE**

If the Republican Commission rejects the application of a citizen for replacing compulsory military service by alternative service, the draftee shall have the right to appeal against the decision to the court, in a manner prescribed by law, within a period of one month from the day of adopting it.

(Article 11 edited by HO-162-N of 22 November 2004)

ARTICLE 12
EXEMPTION FROM ALTERNATIVE SERVICE OR
GRANTING OF DEFERMENT

Exemption from alternative service or deferment shall be granted according to a procedure prescribed by the Law of the Republic of Armenia "On conscription".

ARTICLE 13
BEGINNING OF ALTERNATIVE SERVICE

The military commissariat shall, on the basis of the decision of the call-up commission, deliver a callup paper to the draftee with regard to appearing before military commissariat in order to leave for alternative service. The day of appearing before military commissariat in order to leave for alternative service shall be deemed to be the beginning of alternative service.

(Article 13 amended by HO-162-N of 22 November 2004)

ARTICLE 14
ENSURING THE PERFORMANCE OF ALTERNATIVE SERVICE

Organisation of military call-up for alternative service and the performance thereof shall be supervised in the sphere of defence by the public administration body authorized by the Government of the Republic of Armenia.

The list of places for joining alternative service in the Republic of Armenia shall be defined by the Government of the Republic of Armenia. The expenses for the organisation and performance of alternative service shall be covered by the State Budget.

ARTICLE 15
REPLACING ALTERNATIVE SERVICE BY COMPULSORY MILITARY SERVICE

Alternative service shall be replaced by compulsory military service if the alternative servant submits an application thereon to the commander of the military unit within 6 months after being called up to military service.

Persons having submitted an application for replacing alternative service by compulsory military service in the manner prescribed by this Article, shall be called up to compulsory military service on a general basis, and the term for their alternative service shall not be included in the term for compulsory military service.

(Article 15 amended and supplemented by HO-60-N of 1 June 2006)

CHAPTER 3
UNDERGOING ALTERNATIVE SERVICE

ARTICLE 16
PROCEDURE FOR UNDERGOING ALTERNATIVE MILITARY SERVICE

1. The citizen called up to alternative military service shall, in a manner prescribed, be sent to a military unit of the place for undergoing alternative military service and shall be included in the list of personnel of the military unit.

2. Alternative military servant shall take an oath before the flag of the Republic of Armenia and assume relevant obligations.

3. The alternative military servant shall join the service in accordance with the syllabus confirmed by the commander of the military unit. He shall be subject to the provisions of rulebooks (charters) of armed forces, except for the requirements relating to combat duty and carrying, keeping, maintaining and using weapons.
4. Alternative military servant shall wear a military uniform the form and procedure of wearing whereof shall be defined by the Government of the Republic of Armenia.
5. Ensuring of clothing, food, rest and sleeping conditions for alternative military servants shall be carried out in accordance with the procedure defined for compulsory military servants from the rank and file. Territories intended for rest and sleeping of alternative military servants shall be separated from the territories intended for rest and sleeping of compulsory military servants.
6. Alternative military servant may not be appointed to positions intended for compulsory or contractual military servants of the Armed Forces and other troops of the Republic of Armenia.
7. Involving of alternative military servants in service in combat subdivisions, giving them combat orders, as well as assignments with regard to carrying, keeping, maintaining and using weapons shall be prohibited.
8. Alternative military servants shall be transferred to reserve and registered in the reserve in a manner prescribed by law.

(Article 16 edited by HO-162-N of 22 November 2004)

ARTICLE 17 PROCEDURE FOR UNDERGOING ALTERNATIVE LABOUR SERVICE

1. The citizen summoned for alternative labour service shall be sent to the organisation of the place for undergoing alternative labour service.
2. The head of organisation of the place for undergoing alternative labour service shall include the alternative labour servant in the staff list of the organisation, define the type, category and conditions of his work, ensuring full employment and shall, within a period of three days inform the military commissariat of the place where the organisation is located.
3. Alternative labour servant may be transferred to another organisation or another place for joining service by consent or on the initiative of the authorized body in the sphere of defence.
4. Alternative labour servant shall be at his place of service on a twenty-four hour basis. The place of service shall be deemed to be the territory that belongs to the organisation by the right of disposal, right of possession and right of use.
5. Alternative labour servant may not be assigned to a managerial position, as well as engage in other activities while undergoing service.
6. Alternative labour servants shall be transferred to reserve and registered in the reserve in a manner prescribed by law.

(Article 17 edited by HO-162-N of 22 November 2004, amended by HO-60-N of 1 June 2006)

ARTICLE 18
OBLIGATIONS OF THE HEAD OF ORGANISATION OF THE PLACE
OF ALTERNATIVE LABOUR SERVICE

1. The head of the organisation of the place of alternative labour service shall provide alternative labour servants with food, military outerwear of prescribed form, military underwear, place for sleeping, bed linen and items of personal hygiene, familiarise the draftee with internal disciplinary rules and characteristics of activities being carried out.
2. The head of the organisation shall be obliged to ensure the security of alternative labour servant at the place of service, follow the process of service performance, create necessary conditions for organisation of servant's rest and meetings with his family members, which shall be carried out in accordance with the procedure referred to in the Law of the Republic of Armenia "On approving the rulebook of internal service of the armed forces".
3. The head of the organisation shall be responsible for the organisation and performance of alternative labour service in the organisation.

(Article 18 edited by HO-162-N of 22 November 2004)

ARTICLE 19
RIGHTS AND OBLIGATIONS OF ALTERNATIVE SERVANTS

1. Alternative servants shall receive a monthly remuneration in the amount specified for the rank and file of compulsory military service. The remuneration shall be paid at the place of service.
2. The alternative servants may be granted a one-time leave of 15 calendar days during service as an incentive measure. In cases of birth of a child of the alternative servant, marriage or death of his family member, the alternative servant may be granted an additional leave of up to 5 calendar days. Based on the necessity of service, as well as in cases where martial law is declared or in emergency situations, alternative servant may be recalled from his leave upon the order of relevant head officer (commander), provided that the remaining days of leave shall be further used.
3. Incentive measures of alternative servants shall be granted in a manner prescribed by relevant legislation.
4. During their service alternative servants shall be obliged to comply with internal disciplinary rules, fulfil their obligations and execute the orders and carry out the tasks of relevant head officer (commander), wear military outerwear of prescribed form, not leave the place of service without authorisation.
5. The duration of working time of alternative military servants shall be regulated by internal disciplinary rules. A six-day working week shall be defined for an alternative labour servant. The duration of working day of alternative labour servant may not exceed or be less than 8 hours a day, except for cases of overtime service that may be performed for the prevention of a natural or man-made disaster, fire or accident or for the elimination of consequences thereof, as well as for carrying out official tasks which, by reason of their characteristics, may not be suspended or terminated.

(Article 19 edited by HO-162-N of 22 November 2004)

ARTICLE 20
SOCIAL SECURITY OF ALTERNATIVE SERVANTS AND THEIR FAMILY MEMBERS

1. Issues related to social security of alternative military servants and their family members shall be regulated by the Law of the Republic of Armenia “On social security of military servants and their family members”.
2. Social security of alternative servants and their family members (including in case of being declared disabled as a result of occupational injury or occupational disease or in case of death) shall be provided in accordance with the procedure prescribed by the Law of the Republic of Armenia “On state pensions”.
3. The term for alternative service shall be included in the general term of service and insurance record of a citizen.

(Article 20 edited by HO-162-N of 22 November 2004)

ARTICLE 21
LIABILITY OF ALTERNATIVE SERVANTS

1. Alternative military servants shall be subject to liability — on an equal basis as compulsory military servants — for offences and crimes (including for leaving the military unit without authorisation, as well as for property damage caused to the State) committed thereby in a manner prescribed by law.
2. Alternative labour servants shall be subject to liability, on a general basis, for offences and crimes committed thereby, as well as for property damage caused to the State, in accordance with the procedure prescribed by the legislation.

(Paragraph 2 repealed by HO-60-N of 1 June 2006)

3. The period of serving a sentence in the form of detention or imprisonment, leaving the military unit without authorisation, avoiding service or refusing the performance thereof by an alternative labour servant, shall not be included in the term for service of the alternative labour servant.

(Article 21 edited by HO-162-N of 22 November 2004, amended and supplemented by HO-60-N of 1 June 2006)

ARTICLE 22
**APPLICATION OF CERTAIN RESTRICTIONS ON CITIZENS HAVIN JOINED
ALTERNATIVE SERVICE**

1. The citizens having joined alternative service may not be granted with the right of carrying, keeping, maintaining and using weapons in the manner prescribed by law.
2. The citizens having joined alternative service may not be appointed to state positions which, by legislation, confer functions related to carrying, keeping, maintaining and using weapons.

CHAPTER 4
FINAL AND TRANSITIONAL PROVISIONS

ARTICLE 23
ENTRY INTO FORCE OF THE LAW

This Law shall enter into force from 1 July 2004.

ARTICLE 24
ADOPTION OF LEGAL ACTS DERIVING FROM THIS LAW

1. Decisions deriving from Articles 14 and 16 of this Law shall be adopted by the government of the Republic of Armenia before the entry into force of this Law.

2. The decision deriving from Article 6 of this Law shall be adopted by the Government of the Republic of Armenia within a period of 5 days after the entry into force of this Law.

(Article 24 edited by HO-162-N of 22 November 2004)

President
of the Republic of Armenia
R. Kocharyan
13 January 2004
Yerevan