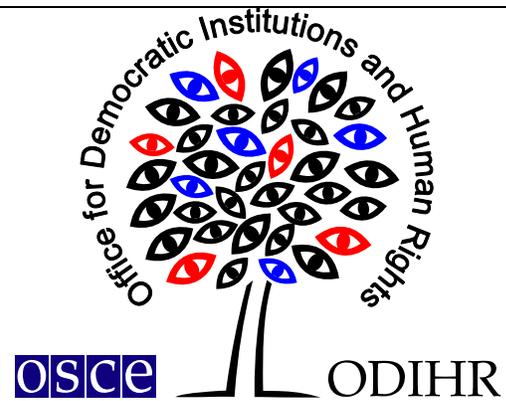


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OPINION

**ON THE DRAFT LAW OF THE REPUBLIC OF ARMENIA
ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE
LAW ON ALTERNATIVE SERVICE
AND
ON THE DRAFT LAW ON MAKING SUPPLEMENTS TO
THE LAW ON THE ENFORCEMENT OF THE CRIMINAL CODE**

*Based on an unofficial English translation of the Draft Law
provided by the OSCE Office in Yerevan*

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Annex 2: Draft Law on Making Supplements to the Law on the Enforcement of the Criminal Code

I. INTRODUCTION

1. *On 23 March 2012, the Ministry of Justice of the Republic of Armenia addressed the OSCE Office in Yerevan with a letter asking for expertise on the Draft Law of the Republic of Armenia on Making Amendments and Supplements to the Law on Alternative Service and the Draft Law on Making Supplements to the Law on the Enforcement of the Criminal Code. This request concerns a new set of amendments regulating alternative service in Armenia, which were drafted after a previous set of amendments, tabled in 2011 and also reviewed by ODIHR,¹ failed to be adopted by the National Assembly of Armenia.*
2. *As per established procedure, the OSCE Office in Yerevan forwarded the request of the Ministry of Justice to the OSCE/ODIHR, along with a translation into English language of the relevant documentation. This Opinion was prepared by the OSCE/ODIHR in response to the above-mentioned request.*

II. SCOPE OF REVIEW

3. The scope of the Opinion covers only the above-mentioned Draft Law of the Republic of Armenia on Making Amendments and Supplements to the Law on Alternative Service and the Draft Law on Making Supplements to the Law on the Enforcement of the Criminal Code (hereinafter, “Draft Laws”), with references, where necessary, also to the current Law on Alternative Service² itself. Thus limited, the Opinion does not constitute a comprehensive review of all legislation which may regulate alternative service in the Republic of Armenia.
4. The Opinion raises key issues and provides indications of areas of concern. The ensuing recommendations are based on international standards and good practices related to general human rights issues, as found in international agreements and commitments ratified and entered into by the Republic of Armenia.
5. This Opinion is based on an unofficial translation of the Draft Laws, provided by the OSCE Office in Yerevan and attached to this document as Annexes 1 and 2. Errors from translation may result.
6. In view of the above, the OSCE/ODIHR would like to make mention that this Opinion is without prejudice to any written or oral recommendations and comments to this or other legislation related to alternative service that the OSCE/ODIHR may make in the future.

III. EXECUTIVE SUMMARY

7. The Draft Laws contain amendments which, if adopted, would enhance the conformity of the current Law on Alternative Service with international standards on the right to conscientious objection to military service. At the same

¹ See the OSCE/ODIHR Opinion on the Draft Law of the Republic of Armenia on Making Amendments and Supplements to the Law on Alternative Service (Opinion-Nr.: FOR-ARM/188/2011 (LH), 8 September 2011), available online at <http://www.legislationline.org/documents/id/16643>.

² Law of the Republic of Armenia on Alternative Service, adopted on 17 December 2003, with subsequent amendments.

time, in order to ensure the Draft Laws' full conformity with international standards, it is recommended as follows:

1. Key Recommendations

- A. to allow conscripted servicemen to seek a replacement of their military service with alternative service on grounds of conscientious objection [par 10];
- B. to prescribe with greater clarity and precision the newly added ground for rejection of applications, which is currently referred to as “obviously groundless” in the Draft Law [par 15];
- C. to remove the time-limits for requesting replacement of prison sentence with alternative service, and for expunging criminal records [par 20];

2. Additional Recommendations

- D. to clarify Article 4 of the Draft Law [par 13];
- E. to ensure that representatives of different religious or belief communities are invited to relevant meetings of the Republican Committee [par 14];
- F. to clarify and facilitate the procedure through which persons convicted of the crime of evading military service can apply for a replacement of their prison sentence with alternative service [par 19]; and
- G. to conduct an information campaign to raise awareness of the new rules regulating alternative service [par 21].

IV. ANALYSIS AND RECOMMENDATIONS

1. International Human Rights Standards on Conscientious Objection to Military Service

8. As was outlined in detail in OSCE/ODIHR's 2011 Opinion on the Draft Law of the Republic of Armenia on Making Amendments and Supplements to the Law on Alternative Service (hereinafter, “ODIHR's 2011 Opinion”), the right to conscientious objection to military service has over the years become recognized in international law as a characteristic manifestation of freedom of religion or belief. It is a fundamental right which is expressly recognized by the United Nations Human Rights Committee,³ based upon the United Nations International Covenant on Civil and Political Rights (hereinafter, “ICCPR”)⁴ and also by the European Court of Human Rights,⁵ based upon the European Convention for the Protection of Human Rights and Fundamental Freedoms

³ See paragraph 11 of the U.N. Human Rights Committee, General Comment No. 22(48), adopted by the UN Human Rights Committee on 20 July 1993. U.N. Doc. CCPR/C/21/Rev.1/Add.4 (1993), reprinted in U.N. Doc. HRI/GEN/1/ Rev.1 at 35 (1994).

⁴ Adopted by UN General Assembly resolution 2200A (XXI) on 16 December 1966, acceded to by the Republic of Armenia on 23 June 1993.

⁵ See *Bayatyan v. Armenia*, ECtHR GC Judgment of 7 July 2011 (Application no. 23459/03), pars 110 and 124.

(hereinafter, “ECHR”).⁶ It is also a right which finds reflection in many Resolutions and Recommendations of the Council of Europe’s Parliamentary Assembly⁷ and Committee of Ministers,⁸ in the Charter of Fundamental Rights of the European Union,⁹ as well as in relevant OSCE documents.¹⁰

9. In order to ensure that the right to conscientious objection to military service can be effectively exercised in practice, and that it is subject only to such limitations as are strictly necessary in a democratic society, state authorities must safeguard it through an adequate legal framework, which complies with international standards. The analysis below reviews the Draft Laws’ compliance with international commitments that the Republic of Armenia has acceded to, and to which it expressly strives to conform.¹¹

2. Analysis of the Draft Law on Making Amendments and Supplements to the Law on Alternative Service

10. Article 1 of the Draft Law on Making Amendments and Supplements to the Law on Alternative Service (hereinafter, “Draft Law”) brings amendments to Section 1 of Article 3 of the current Law on Alternative Service (hereinafter, “current Law”). This provision distinguishes between the *alternative military service*, which “may be performed by a citizen of the Republic of Armenia whose religious faith or beliefs contradict only bearing, keeping, maintaining and use of arms”, and the *alternative civilian service*, which “may be performed by a citizen of the Republic of Armenia whose religious faith or beliefs contradict performance of military service in general”. While this amendment is welcome in itself, it is regrettable that it does not also amend Section 2 of Article 3 of the current Law, which prohibits conscripted servicemen from switching to alternative service.¹² As was mentioned in ODIHR’s 2011 Opinion,¹³ this prohibition conflicts with international standards, which provide that the right to conscientious objection should be exercisable at any time before, during or after conscription or performance of military service¹⁴ – since individuals performing military service, including professional members of the

⁶ Signed on 4 November 1950, entered into force on 3 September 1953, ratified by the Republic of Armenia on 26 April 2002.

⁷ See PACE Resolution 337 (1967) and PACE Recommendation 478(1967), Recommendation 816(1977), Recommendation 1518(2001) and Recommendation 1742(2006).

⁸ See CoE Committee of Ministers Recommendation no. R(87)8 and Recommendation CM/Rec(2010)4.

⁹ Article 10 of the Charter of Fundamental Rights of the European Union.

¹⁰ See paragraph 18 of the OSCE Copenhagen Document (1990), and pages 22-23 of the OSCE/ODIHR *Guidelines for Review of Legislation Pertaining to Religion of Belief* (2004).

¹¹ See paragraph 1 of the *Substantiation Regarding Adoption of the Draft Law of the Republic of Armenia on Making Amendments and Supplements to the Law on Alternative Service and to the Law on the Enforcement of the Criminal Code* (appended to the Draft Laws), stating that “the necessity to adopt the [Draft Law] emerges from the international commitments undertaken by the Republic of Armenia”.

¹² Article 3, section 2, of the current Law on Alternative Service provides that “The citizen of the Republic of Armenia, undergoing compulsory military service, may not refuse the service and choose alternative service”.

¹³ See paragraph 16 of the OSCE/ODIHR Opinion on the Draft Law of the Republic of Armenia on Making Amendments and Supplements to the Law on Alternative Service (Opinion-Nr.: FOR-ARM/188/2011 (LH), 8 September 2011), available online at <http://www.legislationline.org/documents/id/16643>

¹⁴ UNCHR, Summary of cases transmitted to Governments and replies received, [E/CN.4/2006/5/Add.1](http://www.unhcr.org/refugees/cn/4/2006/5/Add.1), 27 March 2006, para 138, at page 36. See also Recommendation 1518 (2001) of the Parliamentary Assembly of the Council of Europe *On the Exercise of the Right of Conscientious Objection to Military Service in Council of Europe Member States*, paragraph 5 (i).

armed forces, may also *develop* conscientious objections over time.¹⁵ It is therefore recommended that the Draft Law also amend Section 2 of Article 3, so as to allow conscripted servicemen to request a replacement of their commenced military service with alternative service. Furthermore, in case of such a replacement, the period of the completed military service should be deducted from the duration of the alternative service, through a formula that is proportional and not punitive or deterrent.

11. Article 2 of the Draft Law describes the composition of the Republican Committee, which is the body that reviews and approves or rejects applications for alternative service. According to the proposed amendments, the Republican Committee shall comprise one representative of each of the authorized state bodies “in the area of territorial administration, health, labour and social issues, education and science, police and defence, as well as a representative of the Republic of Armenia Government Staff Structure coordinating the spheres of national minorities and religion”. Such a diverse composition of the Republican Committee, coupled with the fact that it would adopt decisions by a 2/3 majority,¹⁶ should ensure that the assessment of applications for alternative service will be handled by civilian, rather than military, authorities. This amendment is welcome and reflects one of the recommendations made in ODIHR’s 2011 Opinion.
12. Article 3 of the Draft Law provides for a 6-month reduction of the duration of both the alternative military service (from 36 to 30 months) and the alternative labour service (from 42 to 36 months) in relation to the previous draft law. Compared to the existing 2-year term of military conscription, the alternative service would thus have a maximum length of 1.5 times the duration of military service, which is within the limits of international standards¹⁷ and good practices. This amendment is highly commendable as it would ensure that the alternative service in Armenia does not last excessively long, which could be perceived as punitive in nature and effect. If adopted, this amendment would turn into law a key recommendation contained in ODIHR’s 2011 Opinion.
13. Article 4 of the Draft Law prescribes “to replace” a quoted section of (presumably, though left un-specified) Article 6 of the current Law – but fails to provide what that section shall be replaced with. If that is an error of translation, and the amendment actually plans to remove, rather than replace, the respective phrase from Article 6 of the current Law, then the remaining section of Article 6 would provide that “[i]ssues 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”. This could be interpreted as authorizing the local call-up commission, rather than the Republican Committee, to handle and review applications for alternative service. This would be at odds with both the new procedure prescribed by Article 5 of the Draft Law and international standards. In order to avoid such possible misinterpretation, it is recommended to clarify Article 4 of the Draft Law.

¹⁵ See Resolution 1995/83 and Resolution 1998/77 of the UN Commission on Human Rights; see also Recommendation CM/Rec(2010)4 of the Council of Europe Committee of Ministers.

¹⁶ See Article 7 of the Draft Law, amending Article 8.1 of the current Law on Alternative Service.

¹⁷ In 2008, the European Committee of Social Rights stated that “Under Article 1§2 of the [European Social] Charter, alternative service may not exceed one and a half times the length of armed military service” (European Committee of Social Rights, Conclusions 2008, Estonia, Article 1.2).

14. Article 6 of the Draft Law provides, in Section 3, that “[r]eligious scholars, representatives of the locations where alternative service is performed, religious and public organizations and other persons can be invited to the meeting”. It is presumed that these persons will not have voting rights (which under Article 7 of the Draft Law only “members” of the Republican Committee are vested with). In any case, these persons would probably be asked to provide information and advice to the Republican Committee in its review of applications for alternative service, and therefore, in the interests of neutrality and impartiality, efforts should be taken to ensure that representatives of different religious or belief communities – and in particular representatives of the group to which the respective conscientious objector belongs – are also invited to such meetings. As was mentioned repeatedly in previous Joint Opinions prepared by the OSCE/ODIHR and the Venice Commission on legislation relating to freedom of religion and belief, safeguarding neutrality and impartiality is of particular importance in any country, such as Armenia, where one religion appears to hold a dominant and privileged position.¹⁸
15. Article 8 of the Draft Law amends Article 9 of the current Law by, *inter alia*, adding a new ground for rejecting applications for alternative service, namely, when “the application is obviously groundless”. This novel ground can be interpreted very broadly and thus leaves too wide a margin of appreciation to the implementing authority. To prevent undue executive discretion and possible abuse, it is recommended to define this ground with greater precision.
16. Article 12 of the Draft Law brings significant amendments to Article 17 of the current Law, which regulates the procedure for undergoing alternative service. Thus, according to the amendments, it will be the Republican Committee – rather than the “authorized state agency in the area of defence”, as is currently the case – that will decide on the transfer of alternative labour servicemen to another organization or place of service. The amendments also replace the existing rule, under which alternative labour servicemen must be at their place of service on a 24-hour basis, with a new rule under which the location of the alternative labour service should “be no further than 30 km away from the area where the alternative serviceman is registered” (or has his or her residence) and provides that if this will not be the case, then the state will have to reimburse transportation costs and provide the alternative serviceman with a daily allowance and cover lodging costs. Finally, the amendments repeal the existing prohibition on assigning alternative labour servicemen to managerial positions or engaging in other activities. All these amendments are commendable given that they institute civilian control and ease the severity of alternative service, thereby ensuring that it will not have a punitive or deterrent character. These are all crucial elements which help transform alternative service into a genuinely civilian alternative to military conscription.
17. Article 14 of the Draft Law removes the words “wear an outwear of prescribed form” from section 4 of the Article 19 of the current Law on Alternative Service. Unless owing to imprecision in translation, it must be noted that the exact wording in Section 4 of Article 19 is “wear *military* outwear of prescribed

¹⁸ See, for instance, paragraph 78 of the OSCE/ODIHR-Venice Commission Joint Opinion *On the Draft Law on Freedoms of Conscience and Religion and the Laws Making Amendments and Supplements to the Criminal Code, the Administrative Offences Code, and the Law on the Relations between the Republic of Armenia and the Holy Armenian Apostolic Church* (adopted at the 88th Plenary Session of the Venice Commission, on 14-15 October 2011).

form” (emphasis added), and that therefore this amendment should reflect the exact wording of Article 19 (i.e., the word “military” should also be removed). It would be improper at any rate to require alternative servicemen to wear military uniform.

3. Analysis of the Draft Law on Making Supplements to the Law on the Enforcement of the Criminal Code

18. The draft amendments to the Law of the Republic of Armenia on the Enforcement of the Criminal Code provide that persons who were convicted of the criminal offence of evading military service (Article 75 of the 1961 Criminal Code and Article 327 of the 2003 Criminal Code) will have their criminal record expunged. Those persons still serving sentences on account of such conviction shall be released, and those under investigation or on trial for such charges will have the criminal proceedings against them discontinued. It should also be added in this context that the Draft Law on Amendments to the Law on Alternative Service (analyzed above) provides, in Article 15, that the persons who will switch from arrest or prison sentence (for evading military service) to performing alternative service on conscientious objection grounds, will have their time spent in detention deducted from their term of alternative service. Overall, if properly implemented, this process would mark a fair transition to a system that effectively recognizes the right to conscientious objection to military service and which rightfully absolves conscientious objectors of any criminal responsibility for evading military service.
19. That said, it must be noted that the draft amendments provide that the convicted persons serving sentences for evading military service “shall be exempted from serving the sentence, within 7 days, by decision of [the] Head of [the] corresponding penitentiary institution of [the] Ministry of Justice, if they submit an application before August 1, 2012, on performing alternative service; and if the authorized body prescribed by the Law On Alternative Service on the grounds foreseen by law made a decision to assign them to alternative service.” This presumably means that the decision on allowing the convicted person to switch to performing alternative service would be taken by the Republican Committee, with the head of the penitentiary institution merely confirming that decision and releasing the convicted conscientious objector. It is recommended to clarify this procedure in greater detail so as to avoid instances of undue executive discretion or possible abuse. Moreover, given that convicted persons face restrictions on correspondence, state authorities should take positive steps to facilitate and assist these persons in the process of filing applications for replacing prison sentences with alternative service.
20. Crucially, the deadline set for filing applications to replace the sentence with alternative service – “before August 1, 2012” – is unreasonably restrictive. It must be borne in mind that by filing these applications, convicted conscientious objectors will in fact be seeking a remedy for past injustice, and not asking for any privileges or benefits. It is improper to restrict the exercise of a fundamental right, such as the right to conscientious objection to military service, through unduly strict time-frames, and for this reason the “before August 1, 2012” deadline should be removed. The same applies to the deadline set for expunging criminal records – “before July 1, 2014” – which should similarly be deleted.

21. In general, to ensure the Draft Laws' effective implementation, state authorities should conduct a comprehensive, nation-wide information campaign to raise awareness of the new legal provisions on alternative service and clearly explain to all interested persons the procedure for availing themselves of the right to conscientious objection to military service.

[END OF TEXT]

Annex 1

DRAFT

**REPUBLIC OF ARMENIA
LAW
ON MAKING AMENDMENTS AND SUPPLEMENTS
TO THE LAW “ON ALTERNATIVE SERVICE”**

Article 1 Article 3 section 1 of the Law of Republic of Armenia HO-6-N of December 17, 2003, “On Alternative Service” (hereafter, law) shall be replaced with the following:

“1. Alternative military service may be performed by a citizen of the Republic of Armenia whose religious faith or beliefs contradict only bearing, keeping, maintaining and use of arms.

Alternative civilian service may be performed by a citizen of the Republic of Armenia whose religious faith or beliefs contradict performance of military service in general.”

Article 2 Article 4 section 1 of the Law shall be replaced with the following:

“A citizen who has applied to the Regional Military Commissariat, where he is registered, prior to February 1 or August 1 preceding the date of the regular call-up regarding his inability to perform compulsory military service due to the grounds specified in Article 3 section 1 of this Law and concerning whom the Republican Committee (hereafter, Republican Committee) has made a decision to assign to alternative service is sent to alternative service. Republican Committee shall be comprised of a representative of each of the authorized by the Government of the Republic of Armenia state government body in the areas of territorial administration, health, labor and social issues, education and science, police and defense, as well as a representative of the Republic of Armenia Government Staff structure coordinating the spheres of national minorities and religion.”

Article 3 In Article 5 of the Law:

- 1) Section 1 - to replace “36” with “30”
- 2) Section 2 – to replace “42” with “36”.

Article 4 To replace the words “Republican Committee considering applications for undergoing alternative service (hereinafter referred to as “the Republican Committee”), the procedure for establishment, rules of procedure and composition whereof shall be defined by the Government of the Republic of Armenia.”

Article 5 Article 7 of the Law shall be replaced with the following:

“Article 7. Application for replacing compulsory military service by alternative service

1. When choosing alternative service, the citizen subject to military call-up for compulsory military service shall, in a time period prescribed by Article 4 of this Law, submit a written application to the Military Commissariat of his place of residence.

2. The application shall specify the day, month and year of submission, citizen's first name, last name, patronymic, signature, residence address, the type of alternative service preferred by him, the grounds for not performing compulsory military service.

3. Citizen's application shall be registered in Regional Military Commissariat, which within 30 days after receiving the application shall in accordance with the procedure prescribed by the RA Law "On Conscription" find out whether there are grounds for exempting the applicant from compulsory military service or for deferring compulsory military service, and if those grounds are missing, Commissariat shall send the application and personal file of the citizen to the Republican Committee.

4. In the case when there are grounds for exempting the applicant from compulsory military service or for deferring compulsory military service, the application shall not be submitted to the Republican Committee and shall be returned to the applicant within 10 days.

5. Where the submitted application does not conform to the requirements stipulated by section 2 of this Article, it shall be returned to the citizen, mentioning all the prima facie violations made. Within two weeks after the application has been returned the applicant has right to remove all prima facie violations made in the application and resubmit it to the Regional Military Commissariat.

Article 6 Article 8 shall be replaced with the following:

"Article 8. Consideration of the application for Alternative Service

1. The Republican Committee shall review the application for alternative service in a separate meeting, about which the applicant shall be notified ahead of time as to its time and location. The applicant shall be entitled to attend the Committee's meeting. The participation of the applicant shall be compulsory on the Committee's demand.

2. The Republic Committee's meeting shall be deemed valid if more than half of the members of the Republican Committee participate.

3. Religion scholars, representatives of the locations where alternative service is performed, religious and public organizations and others persons can be invited to the meeting.

Article 7 To add Article 8.1 in the Law to read as follows:

"Article 8.1. The decision of the Republican Committee on replacing compulsory military service by alternative service

1. The Republican Committee shall consider each application and make a relevant decision by 2/3 of the votes of participating members, which shall be sent to the applicant within 10 days after its adoption.

2. In result of discussion of the application the Committee shall make a decision to either assign the applicant to the type of alternative service preferred by him or reject the application.

3. By the decision to satisfy the application and assign the citizen to alternative labor service the Republican Committee also appoints the type, nature of work to be performed during alternative labor service and the state or local self-government authority, as prescribed in Article 14 of this Law, which shall ensure the implementation of the service. The list of works performed by the persons sent for

alternative labor service and the list of establishments, where this work was performed shall be set out by the Government of the Republic of Armenia.

4. If the Republican Committee makes a decision to reject the application, it must state the reasons for rejecting the application and the procedure of its appeal.

5. The term for the Republican Committee to consider the application and make a decision regarding it shall not exceed one month.

Article 8 In Article 9 of the Law:

- 1) To replace the word “again” with words “for the second time”;
- 2) To replace point 2 of section 1 with the following:
“2) the applicant has submitted untrue information”
- 3) To supplement section 1 with point 3 which states:
“3) the application is obviously groundless”
- 4) To repeal section 2.

Article 9 To repeal Article 10.

Article 10 To replace Article 14 of the Law with the following:

“Article 14. Ensuring the performance of Alternative service

1. Performance of alternative military service shall be organized and supervised by the state government body authorized by the Government of the Republic of Armenia in the area of defense.

2. Alternative labor servants perform service in communities or at organizations in locations of alternative labor service.

3. The list of locations where alternative service may be performed shall be established by the Government of the Republic of Armenia.

4. Supervision of performance and organization of alternative labor service shall be carried out by corresponding marzpet (in Yerevan city – the Ministry of Territorial Administration of the Republic of Armenia) in the manner established by law.

5. In the event alternative labor service is being performed in communities, the performance of the service shall be organized by the respective community head through administration or community organizations /or those rendering services to the community/, which shall be obliged to ensure proper performance of alternative labor service.

6. In the case when alternative labor service is being performed at organizations located in the places where alternative labor service is carried out, performance of service shall be arranged by corresponding marzpet (in Yerevan city – the Ministry of Territorial Administration of the Republic of Armenia).

7. The costs associated with the organization and performance of alternative service shall be financed from the state budget.

Article 11 To replace Article 15 with the following:

“Article 15. Prohibition to substitute alternative service with compulsory military service

1. A citizen of the Republic of Armenia who has been assigned to alternative service cannot refuse his service and choose compulsory military service.”

Article 12 In Article 17 of the Law:

- 1) To remove the words “ensuring full employment” from section 2;
- 2) To replace the words “the authorized state agency in the area of defense” with words “Republican Committee” in section 3;
- 3) To replace section 4 with the following:

“The location of alternative labor service as a rule must be no further than 30 km away from the area where alternative servant is registered (or in case of not having registration, actual residence place). Otherwise, alternative labor servant shall be reimbursed transportation costs, daily allowance and lodging payment, the amount and payment procedure being established by the Government of the Republic of Armenia.”

- 4) To repeal section 5.

Article 13 In Article 18 of the Law:

- 1) To remove the words “shall provide... with food, outwear of prescribed form, underwear, place for sleeping, bed linen and items for personal hygiene”;
- 2) To repeal section 2.

Article 14 In Article 19 of the Law:

- 1) To add the word “military” after the word “alternative” in section 1;
- 2) To supplement with a new section 1.1 which states:
“1.1. An alternative labor servant shall be given monthly provision amounting up to 30 000 AMD.
- 3) To remove the words “wear an outwear of prescribed form” from section 4;
- 4) To replace the words “8 hours a day” with “48 hours a week” in section 5.

Article 15 To supplement Article 24 with sections 3 and 4 where it states:

“3. In the cases foreseen by Article 3 sections 11 and 12 of the Law of Republic of Armenia “On the Enforcement of the Republic of Armenia Criminal Code” the term of alternative service prescribed by Article 5 of this Law shall be reduced by the term during which the person was deprived of his liberty as a result of serving criminal sentence or being subjected to criminal prosecution.”

“4. In the cases foreseen by Article 3 sections 11 and 12 of the Law of Republic of Armenia “On the Enforcement of the Republic of Armenia Criminal Code”, the application shall be submitted to the Republican Committee, which shall consider it in the manner prescribed by Articles 8 and 8.1 of this Law and make decision to give or refuse giving a relevant opinion or to assign the applicant to the alternative service preferred by him or to reject the application.”

Article 16 This Law shall become effective on the tenth day following its official promulgation.

Annex 2

DRAFT

REPUBLIC OF ARMENIA LAW

ON MAKING SUPPLEMENTS TO THE REPUBLIC OF ARMENIA LAW “ON THE ENFORCEMENT OF THE REPUBLIC OF ARMENIA CRIMINAL CODE”

Article 1 To supplement sections 9, 10, 11 and 12 of Article 3 of the RA Law “On Making Supplements to the Republic of Armenia Law HO-529-N “On the Enforcement of the Republic of Armenia Criminal Code””, adopted on April 18, 2003, with the following:

“To expunge criminal record of the conscientious objectors who were convicted under Article 75 of the Republic of Armenia Criminal Code of March 7, 1961, or Article 327 of the Republic of Armenia Criminal Code of April 18, 2003, between period of April 26, 2002, to July 1, 2004.”

To expunge criminal record of the persons who were convicted for committing the offences foreseen by Articles 327, 327.1, 327.2, 327.3 and 327.4 of RA Criminal Code after July 1, 2004, and served their sentences, or were paroled or to whom sentence was not applied conditionally, if they applied before July 1, 2014, to the authorized body foreseen by Republic of Armenia Law “On Alternative Service” and received a conclusion that they committed those offences based on their religious beliefs or convictions.

The persons who committed criminal offences under Articles 327, 327.1, 327.2, 327.3 and 327.4 of RA Criminal Code and are serving their sentence shall be exempted from serving the sentence, within 7 days, by decision of Head of corresponding penitentiary institution of Ministry of Justice, if they submit an application before August 1, 2012, on performing alternative service; and if the authorized body prescribed by RA Law “On Alternative Service” on the grounds foreseen by law made a decision to assign them to alternative service. To expunge the criminal record of persons for offences stipulated under this clause.

To halt the criminal cases being in courts, investigation and inquest bodies , and suspend criminal prosecution of those persons who are suspected or charged for committing the offences foreseen by Articles 327, 327.1, 327.2, 327.3 and 327.4 of the Republic of Armenia Criminal Code, if they submitted application by August 1, 2012, to perform alternative service and if the body authorized by RA Law “On Alternative Service” ” on the grounds foreseen by law made a decision to assign them to alternative service.”

Article 2. TRANSITIONAL PROVISIONS

1. Section 11 supplemented to Article 3 of the RA Law “On Making Supplements to the Republic of Armenia Law “On the Enforcement of the Republic of Armenia Criminal Code” by Article 1 of this Law applies to persons who were convicted under Articles 327, 327.1, 327.2, 327.3 and 327.4 of RA Criminal Code before this law came into effect.

2. Section 12 supplemented to Article 3 of RA Law “On Making Supplements to the Republic of Armenia Law “On the Enforcement of the Republic of Armenia Criminal Code” by Article 1 of this Law applies to persons who committed the offences foreseen in Articles 327, 327.1, 327.2, 327.3 and 327.4 of RA Criminal Code before this law came into effect.