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Text consolidated by Tulkošanas un terminoloģijas centrs (Translation and Terminology Centre) with amending laws of:

18 December 2003.

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section.

The *Saeima*¹ has adopted
and the President has proclaimed the following Law:

Alternative Service Law

Section 1. Purpose of the Law

The purpose of this Law is to determine the procedures for the performance of alternative service and to guarantee freedom of human thought, conscience and religious beliefs by linking such freedom with the duty of a citizen towards the State.

Section 2. Persons Performing Alternative Service

Alternative service shall be performed by persons to be conscripted for mandatory active military service for whom mandatory active military service has been replaced by alternative service (hereinafter – person performing alternative service) in accordance with the procedures prescribed by law.

Section 3. Duration of Alternative Service

The duration of alternative service shall be 24 months. The duration of alternative service for persons who have obtained a higher education shall be 18 months.

Section 4. Place for Performance of Alternative Service

(1) Alternative service shall be performed in State or local government institutions, State or local government capital companies or public organisations that engage in fire-fighting, search and rescue operations, social care, provision of medical assistance, public utility and public transport services, improvement of State or local government objects and territories or customs control.

¹ The Parliament of the Republic of Latvia

Specific institutions, capital companies and public organisations in which alternative services may be performed shall be determined by the Cabinet upon a proposal of the Minister for Defence which has been co-ordinated with the Minister for the relevant sector, head of the relevant local government or head of the relevant capital company or public organisation.

(2) A person performing alternative service shall be assigned to perform alternative service in the administrative territory where the permanent place of residence of the person performing alternative service is located or from which it is possible for him to return every day to his permanent place of residence, except in cases where the institution, capital company or public organisation in which the person performing alternative service performs alternative service provides him with living premises.

(3) Persons performing alternative service may be involved in the elimination of the consequences of natural disasters or accidents.

(4) Heads of institutions, capital companies and public organisations specified by the Cabinet shall send, by 1 February and 1 August of the current year, a request to the Military Service Recruitment Centre in which request the number of persons required for the performance of alternative service and the nature of work to be performed shall be specified.

(5) In determining the place for the performance of alternative service for a specific person performing alternative service, his personal qualities, education, physical condition, state of health and place of residence shall be considered. If several places for the performance of alternative service have been offered and the state of health of a person performing alternative service allows so, he shall be permitted to choose the place for the performance of service. A person performing alternative service is not entitled to choose a place for service if he has been assigned to eliminate the consequences of natural disasters or accidents.

(6) If no place for the performance of alternative service has been declared in the administrative territory in which the permanent place of residence of a person performing alternative service is located or from which it is possible for a person performing alternative service to return to the permanent place of residence every day, the head of the Military Service Recruitment Centre shall not assign the person performing alternative service to perform alternative service until the day when, but not longer than for six months, a place for the performance of alternative service has been declared in the referred to administrative territory. If within six months a place for the performance of alternative service is not declared in the administrative territory referred to, the person performing alternative service shall be assigned to the nearest free place for the performance of alternative service. The conditions of this Paragraph do not apply to cases where an institution, a capital company or a public organisation in which a person performing alternative service performs alternative service provides him with living premises.

Section 5. Performance of Alternative Service

(1) In accordance with a decision taken by the head of the Military Service Recruitment Centre regarding the assignment of a person performing alternative service to perform alternative service, the relevant unit of the State Military Service Administration shall issue a warrant to a person performing alternative service in which warrant the place for the performance of

alternative service, the date when the performance of alternative service must be commenced, and the duration of alternative service shall be specified. The relevant unit of the State Military Service Administration shall make a note with respect to the assignment for alternative service in the military service registration document regarding a person to be conscripted. The head of the Military Service Recruitment Centre is entitled to assign, in cases specified in Section 6, Paragraph one and Section 7 Paragraph one of this Law or on his or her own initiative and during the time of the performance of alternative service, a person performing alternative service to another place for the performance of alternative service.

(2) Alternative service shall begin on the date when a person performing alternative service has arrived at the place for the performance of alternative service specified in the warrant.

(3) The administration of the place for the performance of alternative service shall notify in writing within a time period of three workdays the unit of the State Military Service Administration which has issued a warrant to the person performing alternative service of the arrival of a person performing alternative service at the place for the performance of alternative service, as well as of violations committed by the person performing alternative service .

(4) The administration of the place for the performance of alternative service and the relevant unit of the State Military Service Administration shall record the time of performing alternative service. The Military Service Recruitment Centre and the relevant unit of the State Military Service Administration shall control the performance of alternative service. The Cabinet shall determine the procedures for the recording of the time of performance of alternative service and the establishment of databases.

(5) During the time of performance of alternative service a person performing alternative service may express in writing an intention to perform mandatory active military service. The head of the Military Service Recruitment Centre shall examine such request and take a decision. The time for the performance of alternative service shall not be included in the time of the mandatory active military service.

(6) When the specified time for the performance of alternative service approaches the end, the administration of the place for the performance of alternative service shall harmonise the date of completing alternative service with the head of the relevant unit of the State Military Service Administration and assign the person performing alternative service to the relevant unit of the State Military Service Administration for the inclusion in reserves. The Cabinet shall determine the procedures by which the administration of the place for the performance of alternative service shall assign the person performing alternative service to the relevant unit of the State Military Service Administration for the inclusion in reserves.

(7) The time of the performance of alternative service shall be extended by a time period in which a person performing alternative service has without justification failed to perform the service duties, has been present at the place for the performance of alternative service being under the influence of alcoholic beverages, narcotic, psychotropic or other intoxicating substances or has not been able to perform alternative service due to security measures or a penalty imposed on him.

(8) A person performing alternative service shall be released from the performance of alternative service prior to the expiry of the time period of such service if:

- 1) during the performance of alternative service he has become unfit for mandatory active military service due to his state of health;
- 2) during the performance of alternative service he had expressed an intention to perform mandatory active military service and has been conscripted thereto;
- 3) he becomes the sole provider for his family members;
- 4) deprivation of liberty has been adjudged to him for the committing of a criminal offence except in the case where a suspended sentence has been imposed to him;
- 5) he has been elected a councillor of a city council, county council, parish council or a member of the *Saeima*.

(9) The head of the Military Service Recruitment Centre shall take a decision regarding the release of a person performing alternative service from the performance of alternative service prior to the expiry of the time period of the service.

Section 6. Rights and Duties of Persons Performing Alternative Service

(1) If a person performing alternative service has changed his place of residence, he is entitled to request the head of the Military Service Recruitment Centre to assign him to another place for the performance of alternative service. Rejection of such request shall not be a basis for the release of the person performing alternative service from the performance of alternative service before the end of the time period of the service or for the termination of alternative service.

(2) Persons performing alternative service have a duty to:

- 1) arrive within the specified time at the place for the performance of alternative service specified in the warrant;
- 2) during alternative service comply with the internal procedural rules and lawful instructions of the administration of the place for the performance of alternative service;
- 3) treat with care the property of the place for the performance of alternative service;
- 4) upon the completion of alternative service within a time period of 10 days arrive in the relevant unit of the State Military Service Administration to be included in the reserves and taking with them the documents issued by the administration of the place for the performance of alternative service; and
- 5) inform the relevant unit of the State Military Service Administration and the administration of the place for the performance of alternative service regarding their place of location during leave.

(3) Persons performing alternative service must complete a mandatory course in civil defence and a training course in the provision of the first aid in accordance with the procedures prescribed by regulatory enactments.

(4) Persons performing alternative service are prohibited from mutually joining together in political organisations (parties). Persons performing alternative service are prohibited from entering into collective agreements, going on strikes and forming trade unions.

(5) During the performance of alternative service persons performing alternative service are prohibited from engaging in paid employment.

(6) Persons performing alternative service are prohibited from combining the performance of alternative service with full time studies in institutions of higher education or with full time studies in institutions of general secondary education or vocational education.

If a person performing alternative service has changed his place of residence, such person within a time period of 10 workdays after moving to the new place of residence must notify (by arriving in person) of this fact the units of the State Military Service Administration in the territory of which the previous and the new place of residence is located. The change of the place of residence shall not be a basis for assigning the person performing alternative service to another place for the performance of alternative service.

(8) The employer of a person assigned to alternative service shall pay him or her a severance benefit in the amount of average monthly earnings and shall guarantee to such persons for one month after the end of service the right to return to their previous place of work (position).

[18 December 2003]

Section 7. Rights and Duties of Administration of Place for Performance of Alternative Service

(1) If a person performing alternative service is not able to perform qualitatively the duties imposed on him or by means of illegal actions causes losses to the place for the performance of alternative service, the administration of the place for the performance of alternative service has the right to request that the head of the Military Service Recruitment Centre assigns the person performing alternative service to another place for the performance of alternative service.

(2) The administration of the place for alternative service has a duty to train the persons performing alternative service if special training is necessary for the performance of duties imposed on such persons, as well as during the performance of their duties to provide the persons performing alternative service with safe and health protective conditions conforming to the requirements of regulatory enactments.

(3) If paid employees perform similar functions or work is performed concurrently with a person performing alternative service, the administration of the place for the performance of alternative service must provide the person performing alternative service with such conditions of the workplace as are not worse than those of the paid employees.

Section 8. Civil Liability of Persons Performing Alternative Service for Losses that have been Caused to Place for Performance of Alternative Service during Performance of Alternative Service due to the Fault of such Persons

(1) Persons performing alternative service shall be fully liable for direct actual losses that have been caused to the place for the performance of alternative service during performance of the duties of alternative service due to their fault.

(2) Persons performing alternative service may, upon agreement with the administration of the place for the performance of alternative service, voluntarily compensate fully or in part the losses caused to the place for the performance of alternative service. If the administration of the place

for the performance of alternative service agrees, the person performing alternative service may deliver to the place for the performance of alternative service an equivalent property or repair the damage in order to compensate the losses.

Section 9. Leave

(1) Annual leave of 15 calendar days per one year of alternative service exclusive of public holidays shall be granted to a person performing alternative service. In the second year of alternative service an annual leave of 10 calendar days exclusive of public holidays shall be granted to a person performing alternative service the duration of which service is 18 months.

(2) The annual leave for the first year of alternative service shall be granted if a person performing alternative service has performed alternative service for not less than six months. The annual leave for the second year of alternative service may be granted at any time within this year.

(3) The annual leave shall be transferred or extended:

1) in case of the temporary work disability of the person performing alternative service;
or

(2) if a person performing alternative service is involved in the elimination of the consequences of natural disasters or accidents.

(4) In exceptional cases, if the granting of annual leave to the person performing alternative service in the current year may negatively affect the course of work at the place for the performance of alternative service, the annual leave may be transferred to another time during alternative service with the consent of the head of the relevant unit of the State Military Service Administration. The transferred annual leave may be combined with the annual leave of the following year of alternative service.

(5) The annual leave to the person performing alternative service shall be granted by the head of the relevant unit of the State Military Service Administration on the basis of a submission of the person performing alternative service addressed to him or her, which submission has been coordinated with the head of the administration of the place for performance of alternative service.

Section 10. Provision and Social Guarantees of Persons Performing Alternative Service

(1) Persons performing alternative service during alternative service:

1) shall receive an allowance from the resources of the Ministry of Defence in the amount of the minimum monthly salary as determined in the Republic of Latvia; and

2) are entitled to receive health care paid for by the Ministry of Defence in the medical treatment institutions with which the Ministry of Defence has entered into a contract regarding the receipt of the relevant services.

(2) Persons performing alternative service shall be subject to State social insurance from State resources in accordance with the procedures specified in regulatory enactments.

(3) The administration of the place for the performance of alternative service shall provide persons performing alternative service with the equipment necessary for the performance of alternative service.

(4) If a person performing alternative service has been injured or has become ill during the performance of service duties and after medical treatment has been recognised as unfit for active military service due to his state of health, a one-time allowance in the amount of 150 lati shall be paid to such person from the resources of the Ministry of Defence. Such allowance shall not be paid if the person performing alternative service has been injured or has become ill due to his own fault.

(5) If a person performing alternative service has died during the performance of alternative service or has died within a year after being retired from alternative service due to an injury or an illness that has been acquired during the performance of service duties, a one-time allowance in the amount of 10 000 lati shall be paid to the forced heirs of such person, and not less than 2 500 lati for each dependant from the resources of the Ministry of Defence. Such allowance shall not be paid if a person performing alternative service has died due to his own fault or as a result of injury or illness acquired due to his own fault.

(6) Upon the completion of alternative service, an allowance in the amount of the minimum monthly salary determined in the Republic of Latvia shall be paid to the person performing alternative service from the resources of the Ministry of Defence. Such allowance shall not be paid in the cases referred to in Section 5, Paragraph eight, Clauses 1, 2, 4 and 5 of this Law.

Transitional Provisions

Section 6, Paragraph three of this Law comes into force on 1 July 2003.

This Law comes into force on 1 July 2002.

This Law has been adopted by the *Saeima* on 30 May 2002.

Acting for the President,
the Chairperson of the *Saeima*

J. Straume

Rīga, 18 June 2002