

LAW OF THE REPUBLIC OF ARMENIA ON ALTERNATIVE SERVICE

Adopted on 17 December 2003, as amended by the Law of 10 June 2014

This Law regulates relations pertaining to replacing mandatory 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 call-up for alternative service.

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 1. LEGISLATION ON ALTERNATIVE SERVICE

The relations pertaining to alternative service are regulated by this law, by the Law of the Republic of Armenia “On the Basics of Administration and Administrative Proceedings”, to the extent that it is not otherwise stipulated by this Law, other laws, as well as other legal acts adopted on the basis of this law.

(Article amended by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 2. THE DEFINITION AND TYPES OF ALTERNATIVE SERVICE

1. Within the meaning of this Law, alternative service is considered the service performed in lieu of mandatory military service which is not related to carrying, keeping, maintaining and using of arms 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 arms in the 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 Law HO-162-N of 22 November 2004)

ARTICLE 3. GROUND FOR SWITCHING TO PERFORMING ALTERNATIVE SERVICE

1. Alternative military service can be performed by a citizen of the Republic of Armenia to whose religious belief or convictions only carrying, keeping, maintaining or use of arms contradicts.

Alternative labour service can be performed by a citizen of the Republic of Armenia to whose religious belief or convictions performance of military service in general contradicts.

2. A citizen of the Republic of Armenia, performing mandatory military service, may not refuse the doing the service and opt for alternative service, and a citizen performing alternative service may not refuse the doing alternative service and opt for mandatory military service.

(Article 3 last amended by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 4. CITIZEN REFERRED TO ALTERNATIVE SERVICE

A citizen who has applied with the Regional Military Commissariat where he is registered asking to replace mandatory military service with alternative service prior to May 1 or October 1 preceding the date of the next regular call-up, based on the ground specified in Article 3 section 1 of this Law, and concerning whom the Republican Committee on Alternative Service (hereafter, Republican Committee) has made a decision to assign him to alternative service, shall be referred to alternative service.

The Republican Commission is a standing body, which consists of one representative from the public administration bodies authorized by the Government of the Republic of Armenia in the sphere of territorial administration, healthcare, labour and social affairs, education and science, police and

defence, as well as one representative from the unit within the Administration of the Government of Armenia coordinating the field of ethnic minorities and religious affairs. The composition of the Republican Commission shall be approved by the Government of the Republic of Armenia. The provisions of this Law shall not be applicable to citizens who have the right to be granted with the right of deferment or exemption from military service.

(Article 4 amended by Law of 2 May 2013, changed by Law ՀՕ-66-Ն on 10 June 2014)

ARTICLE 5. TERM FOR ALTERNATIVE SERVICE

The term for alternative military service shall be defined for 30 months.

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

(Article 5 last amended by Law ՀՕ-31-Ն of 2 May 2013)

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 together with military call-up for mandatory military service and transfer to the reserve within the time periods defined by the decree of the President of the Republic of Armenia.

After the call-up for alternative service is announced, a citizen who has applied for alternative service is obliged to appear before military commissariat of his place of residence by the deadline indicated in the call-up summons.

Issues related to military call-up for alternative service are dealt with by the territorial military commissariat and the Republican Commission.

(Article 6 last amended by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 7. APPLICATIONS FOR SUBSTITUTION OF MANDATORY MILITARY SERVICE WITH ALTERNATIVE SERVICE

1. When opting to perform alternative service, a citizen subject to military call-up for mandatory military service (hereinafter referred to as the Applicant) shall submit an application to the territorial military commissariat of his place of registration within the timeframe defined by Article 4 of this Law.

2. The application shall contain the submission date (month, day, year), first name, family name, middle name of the Applicant, signature, the address of his place of residence, the preferred type of alternative service, the grounds for not performing mandatory military service.

3. The application shall be registered at the territorial military commissariat.

4. The territorial military commissariat shall verify the issue of compliance with the submission deadline defined in Article 4 of this Law. If the application was submitted in breach of the deadline, the territorial military commission shall return the application to the applicant within 5 days after the registration of the application. The territorial military commissariat may consider the reasons for missing the deadline as compelling if the deadline was missed due to reasons not depending on the Applicant.

5. If the application does not comply with the requirements set forth in Paragraph 2 of this Article, it shall be returned to the applicant within 5 days with indication of all the technical mistakes found in the application. The Applicant has the right to rectify all the technical errors in the application and re-submit it to the territorial military commissariat in two-week time after the return. In case of returning the application in accordance with the procedure stipulated in para. 4 of this Article or failure to re-submit the application in accordance with the procedure stipulated in the present paragraph as well as in cases of refusing the application in accordance with para. 4 of Article 8.1 the citizen shall be subject for call-up for the mandatory military service.

6. Within 30 days after the registration of the application, the territorial military commissariat, as provided by the Law of the Republic of Armenia “On Conscription”, shall verify the existence of grounds for exemption of the applicant from mandatory military service or granting him a deferment,

and if those grounds are missing, the application and the personal file of the applicant shall be sent to the Republican Commission.

7. If there are grounds for exemption of the applicant from mandatory military service or granting him a deferment, the application shall not be submitted to the Republican Commission, but shall be returned to the applicant within 30 days after the registration at the territorial military commissariat.

(Article 7 last amended by Law ՀՕ-66-Ն of 10 June 2014)

ARTICLE 8. CONSIDERATION OF APPLICATIONS FOR ALTERNATIVE SERVICE

1. The Republican Committee shall consider the submitted application in a separate meeting, the applicant shall be notified in advance about the time and location of the meeting, the latter has the right to attend the meeting of the Republican Committee. The participation of the applicant shall be mandatory upon the Republican Committee's demand.

2. Theologians, psychologists and other professionals, representatives of the institutions where alternative service is performed, religious and non-governmental organizations, and others can be invited to the Republican Committee's meeting

(Article 8 last amended by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 8.1. THE DECISION OF THE REPUBLICAN COMMITTEE ON SUBSTITUTING MANDATORY MILITARY SERVICE WITH ALTERNATIVE SERVICE

1. The Republican Committee makes a relevant decision regarding every application by 2/3 of the votes of participating members, if more than half of all committee members are present at the meeting. The decision is sent to the applicant and the relevant territorial military commissariat within 10 days after its adoption.

2. As a result of consideration of the application the Republican Committee makes 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 approve the application and assign the applicant to alternative labour service the Republican Committee also defines the type and character of work to be performed by the Applicant during alternative labour service. The list of the works to be performed during alternative labour service by applicants who have been assigned to perform alternative labour service is defined by the Government of the Republic of Armenia.

4. If the Republican Committee makes a decision to reject the application, it must state the grounds for rejection and the procedure of appealing the decision.

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

(Article 8.1 last amended by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 9. GROUNDS FOR REJECTING APPLICATIONS TO SUBSTITUTE MANDATORY MILITARY SERVICE BY ALTERNATIVE SERVICE

The application of a citizen on substituting mandatory military service by alternative service may be rejected upon the decision of the Republican Commission, if:

(1) The Applicant is invited to the meeting of the Republican Committee for the second time and fails to attend the meeting without any valid excuse.

(2) The applicant has submitted false information.

(3) The application is manifestly ill-founded.

(Article 9 last amended by Law of 2 May 2013)

ARTICLE 10. LEAVING THE APPLICATIONS FOR ALTERNATIVE SERVICE WITHOUT CONSIDERATION

(Article 10 repealed by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 11. SETTLEMENT OF DISPUTES RELATING TO CALL-UP TO ALTERNATIVE SERVICE

1. Disputes related to alternative service are settled according to the procedure prescribed by Law.

(Article 11 last amended by Law ՀՕ-31-Ն of 2 May 2013)

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

On the basis of the decision of the Republican Commission the military commissariat shall deliver a summons to the draftee to appear before military commissariat to do alternative service. The day of appearing before the military commissariat in order to leave for alternative service shall be considered the beginning of alternative service.

(Article 13 amended by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 14. ORGANIZATION OF ALTERNATIVE SERVICE AND ENSURING ITS PERFORMANCE

1. Performance of alternative military service is organized and supervised by the state governing agency authorized by the Government of the Republic of Armenia in the area of defence.
2. Supervision of performance and organization of alternative labour service is carried out by state government body (bodies) authorized by the Government of the Republic of Armenia.
3. No military supervision over alternative labour service may be assigned.
4. Alternative labour servicemen perform the service at organizations in locations of alternative labour service.
5. The list of locations where alternative labour service can be performed shall be established by the Government of the Republic of Armenia.
6. Alternative service is organized and performed at the expenses of the state budget.

(Article 14 amended by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 15. SUBSTITUTING ALTERNATIVE SERVICE BY MANDATORY MILITARY SERVICE

(Article 15 repealed by Law ՀՕ-31-Ն of 2 May 2013)

CHAPTER 3 DOING ALTERNATIVE SERVICE

ARTICLE 16. PROCEDURE FOR DOING ALTERNATIVE MILITARY SERVICE

1. The citizen called up for alternative military service shall, as provided, be sent to a military unit of the place for doing alternative military service and shall be included in the list of personnel of the military unit.
2. Alternative military serviceman shall take an oath before the flag of the Republic of Armenia and take up relevant duties.
3. The alternative military serviceman 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 statutes (charters) of armed forces, except for the requirements relating to combat duty and carrying, keeping, maintaining and use of arms.
4. Alternative military serviceman shall wear a military uniform, its the form and procedure of wearing shall be defined by the Government of the Republic of Armenia.
5. Provision of clothing, food, rest and sleeping conditions for alternative military serviceman shall be carried out in accordance with the procedure defined for private soldiers doing mandatory military serviceman. Space intended for rest and sleeping of alternative military servicemen shall be separated from the space intended for rest and sleeping of mandatory military servicemen.
6. Alternative military serviceman may not be appointed to positions intended for mandatory or contractual military servicemen of the Armed Forces and other troops of the Republic of Armenia.

7. Engaging alternative military servicemen in service in combat subdivisions, giving them combat orders, as well as assignments with regard to carrying, keeping, maintaining and use of arms shall be prohibited.

8. Alternative military servicemen shall be transferred to reserve and registered in the reserve in a manner prescribed by law.

9. The Government of the Republic of Armenia establishes the maximum number of alternative military servicemen in the same military base.

(Article 16 last amended by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 17. PROCEDURE FOR DOING ALTERNATIVE LABOUR SERVICE

1. A citizen who has been called up for alternative labour service is obliged to appear at the alternative labour service place on the date indicated in the summons served in the manner prescribed in Article 13 of this law. The citizen travels to the place of his alternative labour service at his own expense.

2. The head of organisation of the place of alternative labour service shall include the alternative labour serviceman in the staff list of the organisation, define the type, category and conditions of his work, and shall, within a period of three days inform the military commissariat which served the notice to the citizen.

3. Alternative labour serviceman may be transferred to another organisation or another place for doing the service upon the consent or initiative of the Republican Commission.

4. The location of alternative labour service as a rule must be no further than 30 km away from the area where the alternative serviceman is registered (or in the case of not having registration, actual residence address). Otherwise, the alternative labour serviceman shall be paid reimbursement, the amount and payment procedure is defined by the Government of the Republic of Armenia.

5. *(Repealed by Law ՀՕ-31-Ն of 2 May 2013)*

6. Alternative labour servicemen shall be transferred to reserve and registered in the reserve in a manner prescribed by law.

(Article 17 last amended by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 18. DUTIES OF THE HEAD OF THE ORGANISATION OF THE PLACE OF ALTERNATIVE LABOUR SERVICE

1. The head of the organisation of the place of alternative labour service familiarise the draftee with internal disciplinary rules and particularities of work to be carried out.

2. The head of the organization shall ensure the same working conditions for the alternative labour serviceman, which he is required to provide for the contracted employer or staff worker who does the same kind of work.

3. The head of the organisation shall be responsible for the organisation and performance of alternative labour service in the organisation.

(Article 18 last amended by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 19. RIGHTS AND OBLIGATIONS OF ALTERNATIVE SERVICEMEN

1. Military alternative servicemen shall receive a monthly remuneration in the amount specified for private soldiers doing mandatory military service. The remuneration shall be paid at the place of service.

1.1. An alternative labour serviceman is provided with monthly reimbursement amounting up to 30 000 AMD.

2. The alternative serviceman is given 10 calendar days for annual leave during the service. In cases of birth of a child of the alternative serviceman, marriage or death of his family member, the alternative serviceman may be granted an additional leave of up to 5 calendar days.

Based on the service related needs, as well as in cases when state of war or emergency is declared alternative serviceman may be recalled from his leave upon the order of the respective head (commander), provided that the remaining days of leave shall be used later on.

3. Incentive measures of alternative servicemen shall be granted in a manner prescribed by relevant legislation.

4. During their service alternative servicemen shall be obliged to comply with internal disciplinary rules, fulfil their obligations and execute the orders and carry out the tasks of the respective head (commander), not leave the place of service without authorisation.

5. The working time of alternative military servicemen shall be regulated by internal service rules. A six-day working week shall be defined for an alternative labour serviceman. The duration of working day of alternative labour serviceman may not exceed or be less than 48 hours a week, except for cases of overtime service that may be performed for the prevention or liquidation of consequences of a natural or man-made disaster at the place of the service, fire or accident, as well as for carrying out service related tasks which due to their particularities may not be suspended or terminated.

(Article 19 last amended by Law ՀՕ-31-Ն of 2 May 2013)

ARTICLE 20. SOCIAL SECURITY OF ALTERNATIVE SERVICEMEN AND THEIR FAMILY MEMBERS

1. Issues related to social security of alternative military servicemen and their family members shall be regulated by the Law of the Republic of Armenia “On social security of military servicemen and their family members”.

2. Social security of alternative labour servicemen and their family members (including in case of disability as a result of injury at work or professional 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 period of alternative service shall be included in the general period of work and insurance record of a citizen.

(Article 20 edited by Law ՀՕ-162-Ն of 22 November 2004)

ARTICLE 21. LIABILITY OF ALTERNATIVE SERVICEMEN

1. Alternative military servicemen shall be subject to liability on an equal basis as mandatory military servicemen for breaches and crimes committed by them (including for leaving the military unit without authorisation, as well as for material damage caused to the State) as prescribed by law.

2. Alternative labour servicemen shall be subject to liability on a general basis for breaches and crimes committed thereby, as well as for material damage caused to the State, in accordance with the procedure prescribed by the legislation.

(Paragraph 2 repealed by Law ՀՕ-60-Ն of 1 June 2006)

3. The period of serving a custodial sentence, leaving the place of service without authorisation or escaping doing service or refusing to perform the service thereof by an alternative labour Serviceman shall not be included in the term for service of the alternative labour serviceman.

(Article 21 last amended by Law ՀՕ-60-Ն of 1 June 2006)

ARTICLE 22. APPLICATION OF CERTAIN RESTRICTIONS ON CITIZENS WHO DID ALTERNATIVE SERVICE

1. The citizens who did alternative service may not be granted the right of carrying, keeping, maintaining and use of arms according to the procedure prescribed by law.

2. The citizens who did alternative service may not be appointed to public posts which by law are vested with functions related to carrying, keeping, maintaining and use of arms.

CHAPTER 4

FINAL AND PROVISIONAL 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. The Decrees 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 Decree deriving from Article 6 of this Law shall be adopted by the Government of the Republic of Armenia within 5 days after this Law enters into force.
3. In cases provided by Article 3, paras. 12 and 13 of the Law of the Republic of Armenia “On the Enforcement of the Criminal Code of the Republic of Armenia” the term of alternative service stipulated by Article 5 of this Law shall be reduced by the term of imprisonment or detention as a result of serving a criminal sentence or being subject to criminal prosecution.
4. In cases provided by Article 3 paras. 12 and 13 of the Law of the Republic of Armenia “On the Enforcement of the Criminal Code of the Republic of Armenia” 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 a decision to either assign the applicant to the alternative service preferred by him or to reject the application. If the application to assign the applicant to the alternative service is granted, the term of alternative service shall be indicated in the decision in compliance with the requirements of Article 3.

(Article 24 last amended by Law ՀՕ-31-Ն of 2 May 2013)

President of the Republic of Armenia R. Kocharyan

13 January 2004

Yerevan

HO-6-N