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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAWS

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

**Texts adopted by the Armenian Parliament subsequent to
Venice Commission Opinion No. 644/2011
(see [CDL-REF\(2011\)050](#) and [CDL-AD\(2011\)051](#))**

(Unofficial translation)

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

Adopted on 02.05.2013

Article 1. The wording of Article 1 of the Law of the Republic of Armenia “On Alternative Service” nr. HO-6-N from 17 December 2003 (hereinafter referred to as the Law) shall be amended as follows:

“Article 1. The 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”, unless otherwise stipulated by this Law, other laws, as well as other legal acts adopted on the basis of this law.”.

Article 2. The wording of Article 3 of this Law shall be amended as follows.

“Article 3. Grounds for performing alternative service

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

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

2. A citizen of the Republic of Armenia, performing compulsory military service, may not refuse the service and choose alternative service, and a citizen performing alternative service may not refuse the service and choose compulsory military service.”.

Article 3. The wording of Paragraph 1 of Article 4 of the Law shall be amended as follows:

“A citizen who has applied to replace compulsory military service with alternative service with the Regional Military Commissariat where he is registered prior to February 1 or August 1 preceding the date of the next regular call-up, based on 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 him to alternative service, shall be sent to alternative service. The Republican Commission is a permanent body, which involves one representative from each of the following agencies: 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. Individual composition of the Commission shall be approved by the Government of the Republic of Armenia.”.

Article 4. In article 5 of the Law:

1) the digit “36” in Paragraph 1 should be replaced by “30”.

2) the digit “42” in Paragraph 2 should be replaced by “36”.

Article 5. In Paragraph 3 of Article 6 of the Law the words “local call-up commission established in accordance with the Law of the Republic of Armenia “On Conscription” and by Republican Commission considering applications for performing 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” should be replaced with the following wording: “the territorial military commissariat and the Republican Commission”.

Article 6. Article 7 of the Law should be read as follows.

“Article 7. Application for substitution of compulsory military service by alternative service

1. When choosing to perform alternative service, the citizen subject to military call-up for compulsory 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 specify the submission date (month, day, year), first name, family name, middle name, signature of the applicant, address of his residence, the preferred type of military service, the grounds for not performing compulsory military service.

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

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

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, mentioning all the technical errors found in the application. The Applicant may, in two-weeks time after the return, rectify all the technical errors in the application and re-submit it to the territorial military commissariat.

6. Within 30 days after the registration of the application, the territorial military commissariat, in compliance with the Law of the Republic of Armenia "On Conscription", shall verify the existence of grounds for exemption of the applicant from compulsory 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 compulsory 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. Article 8 of the Law shall be read as follows:

"Article 8. Consideration of application for alternative service

1. The Republican Committee shall review the submitted application in a separate meeting, about the time and location of which the applicant shall be notified in advance. The applicant shall be entitled to attend the meeting of the Republican Committee. The participation of the applicant shall be compulsory upon the Committee's demand.

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

Article 8. The Law shall be supplemented with Article 8.1, which reads as follows:

"Article 8.1. The decision of the Republican Committee on substituting compulsory military service with alternative service

1. The Republican Committee considers each application and makes a relevant decision by 2/3 of the votes of participating members, if more than half of the committee members are present at the meeting. The decision is sent to the applicant and the relevant Regional Military Commissariat within 10 days after its adoption.

2. In result of discussion of the application the 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 satisfy the application and assign the applicant to alternative labor service the Republican Committee also defines the type and the character of work to be performed during alternative labor service. The list of the works to be performed during alternative service by applicants who have been assigned to perform alternative labor 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 basis for doing so 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 9. In article 9 of the Law:

- 1) in Point 1, Paragraph 1 the word “again” shall be replaced with the word “twice”.
- 2) Point 2, Paragraph 1 should be read as follows:
“2) The applicant has submitted false information.”.
- 3) Paragraph 1 shall be supplemented with a new Point 3, which should be as follows:
“3) The application is obviously groundless.”.
- 4) Paragraph has been 2 repealed.

Article 10. Article 10 of the law has been repealed.

Article 11. Article 11 of the Law shall be read as follows:

“Article 11. Settlement of conflicts relating to call-up to alternative service

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

Article 12. In Article 13 of the Law the word “call-up” shall be replaced with the word “Republican”.

Article 13. Article 14 should read as follows:

“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) empowered by the Republic of Armenia.
3. No military supervision over alternative labour service may be appointed.
4. Alternative labour workers perform the service at organizations in locations of alternative labour service.
5. The list of locations where alternative service can be performed in the Republic of Armenia shall be established by the Government of the Republic of Armenia.
6. Alternative service is organized and performed by means of the state budget.”.

Article 14. Article 15 of the law has been repealed.

Article 15. Article 16 of the Law shall be supplemented with a new Paragraph 9 with the following wording:

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

Article 16. In Article 17 of the Law:

- 1) Paragraph 1 should be as follows:

“1. A citizen who has been assigned to alternative service is obliged to appear at the alternative labor service place on the date indicated in the notice served in the manner defined in article 13 of this law. The citizen travels to the place of his alternative labor service at his own expense.”.

- 2) remove the words “, ensuring full employment” from Paragraph 2, and the words “of the place where the organisation is located” in the same Paragraph replace with the words “which served the notice to the citizen”.

- 3) in Paragraph 3 the words “authorized body in the sphere of defence” shall be replaced with the words “Republican Commission”.

- 4) Paragraph 4 should be as follows:

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

- 5) Paragraph 5 has been repealed.

Article 17. In Article 18 of the Law:

1) Remove the words “shall provide alternative labour servants with food, military outerwear of prescribed form, military underwear, place for sleeping, bed linen and items of personal hygiene,” from Paragraph 1.

2) Paragraph 2 should be as follows:

“2. The Director of the organization shall ensure the same working conditions for the alternative labor worker, which he would be required to provide for the contracted or employed worker who does the same kind of work”:

Article 18. In Article 19 of the Law:

1) in Paragraph 1 the words “An alternative” shall be followed with a word “military”:

2) the Article should be supplemented with a new Paragraph 1.1 with the following wording.

“1.1. An alternative labor worker is given monthly reimbursement amounting up to 30 000 AMD.”.

3) in Paragraph 2 the words “may be granted a one-time leave of 15 calendar days during service as an incentive measure” shall be replaced with the words “is given 10 calendar days’ vacation yearly”.

4) remove the words “wear outerwear of prescribed form,” from Paragraph 4.

5) in Paragraph 5 the words “8 hours a day” shall be replaced with the words “48 hours a week”.

Article 19. Supplement Article 24 of the Law with new parts 3 and 4 with the following wording.

“3. In the cases foreseen by Article 3 sections 12 and 13 of the Law of Republic of Armenia “On the Enforcement of the Criminal Code of the Republic of Armenia” the term of alternative service prescribed by Article 5 of this Law shall be reduced by the term during which the person has been deprived of his freedom as a result of serving a criminal sentence or being subject to criminal prosecution.

4. In the cases foreseen by Article 3 sections 12 and 13 of the Law of 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 time period to start the alternative service is indicated in the decision in compliance with the requirements of Article 3.”.

Article 20. This Law shall enter into force on the tenth day following its official publication.

PRESIDENT OF THE REPUBLIC OF ARMENIA

S. SARGSYAN

HO-31

**LAW OF THE REPUBLIC OF ARMENIA
ON MAKING AN AMENDMENT AND A SUPPLEMENT TO THE LAW
OF THE REPUBLIC OF ARMENIA ON ALTERNATIVE SERVICE**

Adopted on 10.06.2014

Article 1. In the first sentence of Article 4 of the Law of the Republic of Armenia “On Alternative Service” nr. HO-6-N from 17 December 2003 (hereinafter referred to as the Law) the word “February” shall be replaced with the word “May”, and the word “August” shall be replaced with the word “October”.

Article 2. Paragraph 5 of Article 7 of the Law shall be supplemented with a new sentence with the following wording: “In case of return of the application in accordance with Paragraph 4 of this Article, or in case of non-resubmission of the application in accordance with this paragraph, as well as in case of rejection of the application in accordance with Paragraph 4 of Article 8.1 of this Law the citizen is subject to call-up for compulsory military service.”.

Article 3. This Law shall enter into force on the tenth day following its official publication.

PRESIDENT OF THE REPUBLIC OF ARMENIA

S. SARGSYAN

26.06.2014

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