

OSCE HUMAN DIMENTION IMPLEMENTATION MEETING

Warsaw, 29 September – 10 October 2008

Working session 13

Freedom of religion or belief (continued)

WRITTEN CONTRIBUTION

BY THE DELEGATION OF THE REPUBLIC OF ARMENIA

REGARDING THE IMPLEMENTATION OF THE RA LAW ON “ALTERNATIVE SERVICE”

The Law on “Alternative Service” adopted in 2003 was amended twice, in 2004 and 2006. It has no contradictions with international legal acts relating to freedom of religion and conscience and fully ensures civilian service of conscientious objectors to military service.

In accordance with Article 2 of the Law

b. Alternative working service is a working service performed outside armed forces of the Republic of Armenia.

3. The aim of the alternative service is to ensure the performance of civil duty before the motherland and the society and does not have an essence of punishment, humiliation of human honor and dignity.

Article 17 prescribes that

- 1. A citizen called up for alternative working service is sent to the place of organization of alternative working service in the prescribed order.*
- 2. The head of the organization of the place of alternative working service involve the alternative working servant in the staff listing of the organization, determines the type, the order and the conditions of his work, ensures his full-time employment and informs in writing the military*

commissariat of the place of the organization about it within a period of three days.

3. Alternative working servant may be transferred to another organization or place by the permit or initiative of the state authorized body in the field of defense.

Article 18 of the Law, titled “Duties of the head of the organization of place of alternative working service prescribes:

1. Head of the organization of place of alternative working service provides the alternative working servant with food, overalls in prescribed form, underwear, sleeping place, bedding and accessories of personal hygiene, introduces the internal disciplinary working rules of the organization and the peculiarities of the works performed.

2. Head of the organization is obliged to secure the safety of the alternative working servant, follow the process of performing the service, create necessary conditions for organizing the rest and meeting with the members of his family, which are realized in the order prescribed by the Law of the Republic of Armenia on Approving the Internal Disciplinary Code of Armed Forces.

3. The head of the organization is responsible for organizing and realizing alternative working service in the organization.

Article 19 on “rights and responsibilities of the alternative servants” provides,

1. The alternative servant is given monthly financial compensation as it is regulated for the common staff of the compulsory military service. The financial is being paid at the place of the service.

4. During the service: the alternative servants are supposed to follow the rules of the internal discipline of the service.

5. The working time of the alternative servants is regulated by the rules of the internal service.

A six-day working week is designed for the alternative servant. The working time of the alternative servant cannot last more or less than 8 hours per day, except of the cases of the extra time service involvement, which can be realized in case there is a natural or techno borne disaster at the site of the service, fire, incident prevention or incident result elimination case, as well as for the completion of the service tasks, which cannot be prevented or stopped because of their special character.

Article 21 of the law is on “the responsibility of the alternative servants”, and according to the 2nd point of the current article.

2. *The alternative servants take the responsibility on a common ground as it is designed by the jurisdiction, in case of breaking the law or murder, as well as for damaging the state belongings.*

- The Ministry of Defense is responsible only for the registration of alternative civil servant's applications and for the organizing of commission's work. This principle is applicable in many countries including member-states of the EU. Armenian law in that sense is very much similar to the Estonian one.
- A law on the freedom of conscience prohibits "proselytising", but the term "proselytizing" is not defined legally and leaves room for discretion. The representatives of the Jehovah's Witnesses are the only religious group that still alleges difficulties with alternative service in Armenia.