

THE LAW OF THE REPUBLIC OF AZERBAIJAN

On Alternative Military Service

This Law defines the rules of legal regulation of replacement of the actual military service by alternative service for citizens of the Republic of Azerbaijan in accordance with Article 78.2 of the Constitution of the Republic of Azerbaijan.

Chapter 1

General Provisions

Article 1. Definition of alternative service

Alternative service is a socially useful labor activity carried out by a citizen of the Republic of Azerbaijan in exchange for actual military service.

Article 2. Legislation on Alternative Service

The legislation on alternative service consists of the Constitution of the Republic of Azerbaijan, this Law, other normative legal acts and international treaties to which the Republic of Azerbaijan is a party.

Article 3. Determination of types of socially useful labor

The list of publicly available employment types for alternative service shall be determined by the relevant executive authority.

Article 4. Individuals entitled to alternative service

4.1. According to the legislation of the Republic of Azerbaijan, the citizen of Azerbaijan, who is obliged to carry out active military service, has the right to alternative service if he can not perform this duty.

4.2. Beliefs, which are contrary to the duty of carrying out military service, can cover both religious and non-religious views.

Article 5. Duration of Alternative Service

5.1. Period of alternative service for individuals obliged to perform an actual military service may not exceed the legally determined duration of actual military service to be carried out.

5.2. The duration of the alternative service of trainees of special educational institutions, who terminate their training, equals to the duration of the military service to be carried out.

5.3. Period of alternative service for individuals carrying out actual military service on the basis of the State agreement cannot exceed remaining time to complete the duty specified by terms of the agreement.

5.4 The alternative service period for other officers carrying out military service is 36 months. Individuals in this category , who have been serving as military officers for more than 10 years are exempted from alternative service duty in case of conscientious objection to actual military service.

Chapter 2

Direction and appointment for alternative service

Article 6. Legal authorities coordinating alternative service

6.1. The procedure of approving citizens for alternative service is settled by the State Commission for Alternative Services. State organizations and civil groups equally represented in the formation of the commission ensure the independence and impartiality of its decisions.

6.2. State Commission solves the following issues:

6.2.1. examines citizens' applications for alternative service and makes appropriate decisions

6.2.2. organizes alternative service for citizens;

6.2.3. Identifies locations and types of alternative service on the basis of the presentation of the interested organizations and appoints citizens for alternative service;

6.2.4. Implements the decision on early termination of alternative service;

6.3. Relevant state organizations should provide updated information on vacancies available for alternative service to the State Commission every 3 months.

6.4. State Commission may create local structural bodies.

Article 7. Issuance of an application for alternative service

7.1. An individual with a real military service duty submits the application for the alternative service to the State Service for Alternative Service. The reasons for the alternative service should be listed and clarified in the application.

7.2. Recruits may submit the application to the recruiting commission they are appointed to. The Recruiting Commission will deliver the application to the State Commission for Alternative Service within 48 hours after submission.

7.3. Individuals carrying out actual military service may submit their application for alternative service to the commanders of the relevant military unit they carry out service in. Such applications are delivered to the State Commission for Alternative Service within 48 hours.

Article 8. Examination of an application for alternative service

8.1. The State Commission for Alternative Service Affairs requests the applicant's personal case and investigates the evidence for the full, objective and impartial investigation of the application.

8.2. The State Service for Alternative Service declares decision within 20 days from the date of registration of the application for alternative service.

8.3. Applicant has the right to participate in the Commission's examination of the applicant's case, to present evidence, to present documents and to request witnesses. The unexcused absence of the applicant on previously agreed location and time of the meeting does not interfere with the examination of the case by Commission without physical presence of the applicant.

8.4. The applicant can not be forced to carry out military service during application examination period.

8.5. Local establishments, created by the State Commission, are authorized to exercise the powers set out in this article.

Article 9. Decision on the application for alternative service

9.1. The State Commission for Alternative Service passes a written decision on whether or not the application has been approved or rejected. The decision has to be delivered to the applicant within 3 days. Negative decision on application for alternative service should be justified and explained.

9.2. Applicants whose candidacy is approved for alternative service receive the certificate enabling individual for alternative service.

9.3. Negative decisions on applications for alternative service may be appealed to the court in the manner and timeframes provided by the Administrative Procedure Code. Appealing to the court suspends the actual military service duty

Chapter 3 **Switch to alternative service**

Article 10. Arrival to the location of alternative service

10.1. Individuals approved for the alternative service receive the card with exact time and location for the alternative service stated on it.

10.2. The person designated for the alternative service must be in the designated place at the time indicated on the card. Duration of the alternative service is calculated from the starting day of service.

10.3. The management of the organization which the individual is appointed to and starts the service should inform the State Commission of citizen's arrival within 5 days.

10.4. The organization providing information about the vacancy for alternative service to the State Commission can not refuse to accept a citizen who has come to carry out the alternative service.

10.5. A citizen who has come to carry out alternative service may be involved in vocational training and this period is included in service duration.

Article 11. Procedure for passing alternative service

11.1. The procedure for passing alternative service shall be determined by the act adopted by this Law and the relevant executive authority.

11.2. During the time of alternative service, labor regulation is regulated by labor law.

11.3. The internal instructions of the alternative service place are mandatory for an alternative service attendant.

Article 12. Rights of an individual carrying out alternative service

12.1. Citizens carrying out alternative service exercise all the rights provided by the laws of the Republic of Azerbaijan.

12.2. Citizens carrying out alternative service have the rights which are provided in accordance with labor law and do not to violate its terms.

12.3. Alternative service places should be assigned to the area where the citizen lives. An alternate service provider may go home after work. If there is no applicable service place in the area where the citizen lives, the citizen should be assigned to the service location in another area. Expenses related to alternative services are paid to the citizen by the state. The person serving outside the place of residence shall be provided with the place of residence by the designated body.

12.4. Citizens on alternative service are eligible to apply to the State Commission with the request to change their service location.

12.5. Individual on alternative service duty is entitled to a leave. The procedure and duration for the vacation are determined by labor legislation and included in the term of service.

12.6. An individual on alternative service duty can not occupy the position of civil authority or carry out managerial and financial responsibilities.

12.7. The right to go on strike during alternative service is restricted.

Article 13. Responsibilities of the individuals carrying out alternative service

13.1. Citizens on alternative service duty are held responsible by the Republic of Azerbaijan for any violations of law and criminal offenses.

13.2. Citizens on alternative service duty who demonstrate negligent behaviour, do not show up for work without excuse, leave the working place without notice, escape assigned responsibilities, have to serve the twice amount of calculated time they missed avoiding their duties.

13.3. If the cases provided for in Article 12.2 of this law repeat systematically during the period of time of three consecutive months, the civil servant may be prosecuted for escaping civilian service.

13.4. Cases described in articles 12.2 and 12.3 of this Law are examined and solved by the State Commission based on presented evidence from designated place of alternative service . The management of the alternative service facility may also file a request to terminate employment agreement with a citizen carrying alternative service.

13.5. All the questions regarding social security of citizens carrying out alternative service are regulated by the social security legislation of the Republic of Azerbaijan.

Chapter 3

Ending , earlier termination or postponement of alternative service

Article 14. Completion of alternative service

When the period of service of the citizen on alternative service expires, citizen is discharged from the alternative service and sent to the local recruiting commission for registration. The citizen who completes alternative service must be registered in the local recruiting commission within 10 days after discharge.

Article 15. Completion of alternative service

15.1. A citizen on alternative service may be discharged early from the alternative service in the following cases:

15.1.1. Personal desire to switch to the real military service;

15.1.2. When being prosecuted for escaping alternative service;

15.1.3. Being charged for committing an offense which is ineligible for an alternative service

15.1.4. Loss of ability to qualify for alternative and the decision of the relevant commission to assign citizen to a new workplace compatible with health condition;

15.2. In case of switching from alternative service to actual military service only duration of actual military service is calculated towards completion of duty.

15.3. When a citizen's alternative service location is annulled, another place for the alternative service shall be appointed. The period of time during which the citizen is unemployed is not calculated towards completion of duty.

Article 16. Postponement of alternative service

16.1. Citizen's alternative service may be postponed in following cases:

16.1.1. citizen's family related issues;

16.1.2. When taking a vacation at his own expense not exceeding 15 days;

16.1.3. When taking sick leave;

16.1.4. When taking academic vacation;

16.2. After removal of postponement alternative service resumes.

Article 17 . Postponement of alternative service

17.1. Discharged alternative servant is sent to reserve. Former servant remains in reserve until the intended age of servicemen.

17.2. Former alternative service attendants are not called for military assemblies. They can be assigned to alternative service during natural disasters, emergencies and mobilization. In these cases former alternative service attendants are involved in the elimination of the consequences of a natural disaster and in other humanitarian affairs when mobilization is declared.

Chapter 5 Final conclusions

Article 18. Responsibility for violation of the law

Legal entities and individuals who violate this Law shall be held liable in accordance with the legislation of the Azerbaijan Republic

Article 19. Entry into force of the present Law

The present law comes into force upon its promulgation.

Article 20. The laws of the Republic of Azerbaijan, to be changed in connection with the entry into force of this Law

20.0. The following laws shall be amended from the date of entry into force of this Law:

20.0.1. Resolution of the Cabinet of Ministers of the Republic of Azerbaijan dated January 5, 2006 # 1 "On approval of some normative legal acts in connection with the application of the Law of the Republic of Azerbaijan on Mobilization Preparation and Mobilization in the Republic of Azerbaijan" (Collection of Legislation of the Republic of Azerbaijan, 2006, No. 1, Article 35 ; 2012, No. 12, Article 1370)

20.0.2. According to the Law of the Republic of Azerbaijan "On Military Duty and Military Service" (Collection of Laws of the Republic of Azerbaijan, 2012, N 2, Article 56, 2015, No. 2, Article 92, No. 5, Article 496, No. 7, Article 821, 2016, 2017, No. 10, Article 1769, 2018, No. 7 (I book), Article 1425, Article 11, Articles 2204, 2205);

20.0.3. The Law of the Republic of Azerbaijan "On Labor Pensions" (Collection of Legislation of the Republic of Azerbaijan, 2006, No. 3, Article 208, No. 12, Article 1019, 2007, No. 12, Article 1194, 2008, No. 4, Article 254, Article 6, Article 464, 2010, No. 7, Article 579, 2011, No. 4, Article 267, No. 6, Articles 6, 7, 6, Article 6, Articles 395, 399, 11, Articles 8, 879; 2012, No. 11, Articles 1037, 1044, 2013, No. 3, Article 223, Item 5, Article 485, Article 6, Articles 608, 614; No. 5, Article 494, Article 5, Article 676, Article 7, Article 1289, Article 10, Article 1776, No. 12 (I book), Article 2193, 2018, Article 5, Article 865).