

Conscientious Objection to Military Service

Pursuant to the Article 101 of Constitution of Georgia, 'the defense of Georgia shall be an obligation of every citizen of Georgia'. Paragraph 2 of this Article stipulates that 'It is the duty of every citizen to defend the country and serve time in the army. The form of serving in the army shall be determined by law.' Domestic legislation deals with the issues of military, non-military and alternative labor services. According to the Article 29 of the Law of Georgia on Military Obligation and Military Service, one of the grounds for releasing a citizen from military service is the performance of non-military, alternative labor service.

Georgian legislation regulating alternative labor service includes Constitution of Georgia, Law on Georgia on Non-military, Alternative Labor Service, and other normative acts. Law on Georgia on Non-military, Alternative Labor Service ensures the existence of alternative labor service in accordance with the Universal Declaration of Human Rights providing for the 'freedom of thought, conscience and religion' contained in Article 18.

Alternative labor service constitutes a civil work that can contribute to the public welfare. Performing alternative labor service replaces discharging the obligation of military service. Meanwhile, accompanying difficulties of alternative labor service shall be relevant to those included in military service. The term of alternative labor service is longer than of a military service and amounts to 18 months under the Law of Georgia on Non-military and Alternative Labor Service. Civilians who refuse to perform their military service as an expression of the right of freedom of conscience, thought and religion, may be invoked during a peacetime to perform alternative labor service. State Commission defines the type and place of such service in line with the requirements of the interested organizations. Domestic legislation sets forth the place where a civilian is entitled to perform alternative service. In this regard, the place of residence is taken into consideration.

According to the Article 5 of the Law of Georgia on Non-military, Alternative Labor Service, citizens are employed in the specialized non-military labor formations, as a group or individually. These formations include emergency-rescue, ecological, fire extinguishing or other special non-military labor formations, civil purpose building, repairing organizations and objects, organizations and facilities producing agricultural products, etc. Employment of the Georgian citizens by a State Commission for the purposes of maintaining elderly, people with disabilities, homeless people and other socially vulnerable people protected by law, constitutes non-military, alternative labor service.

A person who performs non-military, alternative labor service is entitled to all the rights provided by the Constitution of Georgia. At the same time, she/he has no right to hold a head or material responsibilities, request the administration to pay higher salaries and participate in strikes. It is noteworthy to mention that during the non-military, alternative labor service, the person and her/his family enjoy the relief of military service members contained in the legislation. The term of service is counted in a general and special work experience. After serving a non-military, alternative labor service, a person before becoming 60 years old is enrolled in the reserve service. Law of Georgia on Reserve Military Forces and Reserve Military Service defines the procedures and conditions for recording, invoking and recruiting of a person enrolled in the reserve service. Besides, the person named is not subject to combat training.

Furthermore, under Article 356 of the Criminal Code of Georgia 'evasion of military service by a person subject to military service' and 'evasion of an alternative labor service by a person subject to military service' are prohibited. These acts committed during a war or emergency shall be punished by imprisonment for a term of two to five years.