

**IN THE NAME OF THE REPUBLIC OF ARMENIA  
DECISION OF THE CONSTITUTIONAL COURT OF  
THE REPUBLIC OF ARMENIA**

**ON THE CASE CONCERNING THE CONFORMITY OF ARTICLE 51, PART 4 AND  
ARTICLE 54, PART 5 OF THE CRIMINAL CODE OF THE REPUBLIC OF ARMENIA  
WITH THE CONSTITUTION OF THE REPUBLIC OF ARMENIA ON THE BASIS OF THE  
APPLICATION OF THE HUMAN RIGHTS DEFENDER OF THE REPUBLIC OF ARMENIA**

Rapporteur H. Nazaryan

Proceeding from the results of consideration of the case and ruled by Article 100, Point 1, Article 101, Part 1, Point 8, Article 102 of the Constitution of the Republic of Armenia, Articles 63, 64 and 68 of the RA Law on Constitutional Court, the Constitutional Court of the Republic of Armenia **HOLDS**:

1. Article 51, Part 4 of the Criminal Code of the Republic of Armenia is in contradiction with Article 18 of Constitution of the Republic of Armenia, in so far as the counting made for substituting the fine or unpaid part of thereof with public works consequently does not equivalently guarantee the legal opportunity of application of public works less than two hundred seventy hours for the persons who has no possibility to pay the fine, blocking the implementation of their right to effective legal remedy, as well as there was no differentiation between the impossibility to pay the fine and the circumstances in which the payment was avoided.
2. Article 54, Part 5 of the Criminal Code of the Republic of Armenia is in conformity with the Constitution of the Republic of Armenia, taking into consideration the legal positions expressed in this decision.
3. In accordance with Article 102(2) of the RA Constitution this decision is final and enters into force from the moment of its announcement.

23 April 2013

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