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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW
ON MAKING CHANGES AND ADDITIONS
TO THE CIVIL CODE
OF THE REPUBLIC OF ARMENIA

**Text adopted by the Armenian Parliament subsequent to
Venice Commission Opinion No. 742/2013
(see [CDL-REF\(2013\)049](#) and [CDL-AD\(2013\)037](#))**

(Unofficial translation)

LAW OF THE REPUBLIC OF ARMENIA
ON MAKING AMENDMENTS AND ADDITIONS TO
THE CIVIL CODE OF THE REPUBLIC OF ARMENIA

Adopted on 19.05.2014

Article 1. In Article 17 of the Civil Code of the Republic of Armenia of 5 May 1998 (hereinafter the Code)

1) Edit the wording of part 2 as follows:

“2. Damage means the costs made by the person whose rights have been violated, which he has incurred or must incur to restore the violated right, the loss of or injury to his property (actual damage), unearned revenues that the person would have received under the usual conditions of civil commerce if his rights were not violated (foregone revenue), as well as the non-pecuniary damage.”

2) Add part 4 with the following content:

“4. The non-pecuniary damage shall be subject to compensation only in cases stipulated by this Code.”

Article 2. Add Article 162.1 to the Code with the following content:

“Article 162.1. The Concept of Non-Pecuniary Damage and its Compensation

1. Within the meaning of this Code the non-pecuniary damage is physical or psychological suffering, which is caused by a decision, action or inaction encroaching upon the non-material amenities that belong to the person at birth or by force of law or violating the person’s own non-material rights.
2. If it has been affirmed by judicial proceedings that the decision, action or inaction of a state body or an official has resulted in the violation of a physical person’s rights guaranteed by Articles 2, 3 and 5 of the “Convention on Protection of Human Rights and Fundamental Freedoms” (within the meaning of this Code - “violation of conventional rights”), this person or, in case of the latter’s death or incapacity, his spouse, parent, adopter, child, adoptee, custodian shall be entitled to claim compensation for the non-pecuniary damage caused.
3. If the convict is acquitted under the conditions set forth in Article 3 of Protocol 7 of the Convention on Protection of Human Rights and Fundamental Freedoms”, he is entitled to compensation for non-pecuniary damage caused to him through judicial proceedings (within the meaning of this Code - “compensation for wrongful conviction”).
4. Damage caused to honor, dignity or business reputation shall be compensated by Article 1087.1 of this Code, and the pecuniary damage caused as a result of violation of conventional rights and wrongful conviction shall be compensated in accordance with the procedure and terms set forth by Article 1087.2.

Article 3. Edit the wording of the title of Paragraph 2.1 as follows:

“2.1 PROCEDURE AND TERMS OF COMPENSATION OF NON-PECUNIARY DAMAGE”

Article 4. Add the following content to Article 1087.2:

“Article 1087.2 Procedure and Terms of Compensation of Non-Pecuniary Damage Caused as a Result of Violation of Conventional Rights and Wrongful Conviction

1. The form, basis and amount of compensating the non-pecuniary damage caused as a result of violation of conventional rights and wrongful conviction shall be determined in accordance to this Article and Article 162.1 of this Code.
2. Non-pecuniary damage shall be subject to compensation regardless of the material damage that is subject to compensation.
3. Non-pecuniary damage shall be subject to compensation regardless of the guilt of the official at the time of causing the damage.
4. Non-pecuniary damage shall be compensated from the funds available from the state budget.
5. The court shall determine the amount of compensation of non-pecuniary damage in accordance with the principle of reasonableness, equitableness and proportionality.
6. When determining the amount of the non-pecuniary damage, the court shall consider the nature, degree and duration of physical and psychological suffering, the consequences of the damage caused, the presence of guilt at the time of causing the damage, personal features of the person who has suffered the non-pecuniary damage as well as other relevant circumstances.
7. The amount of compensation cannot exceed:
 - 1) The 1000-fold of the minimum salary in case of violation of rights guaranteed by Articles 2 and 3 of the Convention on Protection of Human Rights and Fundamental Freedoms, as well in the case stipulated by part 3 of Article 162.1 of this Code;
 - 2) 500-fold of the minimum salary in case of violation of the right guaranteed by Articles 5 of the Convention on Protection of Human Rights and Fundamental Freedoms.
8. The amount of compensation of non-pecuniary damage in exceptional cases may exceed the maximum threshold stipulated by part 7 of this Article, if the damage caused has resulted in grave consequences.
9. The claim for compensation of non-pecuniary damage can be filed within six months after the judicial act affirming the violation stipulated by part 2 of Article 162.1 of this Code enters into legal force.

Article 5. This law shall become effective on November 1, 2014.

S. SARGSYAN

PRESIDENT OF THE REPUBLIC OF ARMENIA

05.06.2014

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