

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

**ON THE CASE CONCERNING THE CONSTITUTIONALITY OF PART 1 OF
ARTICLE 117 OF THE FAMILY CODE OF THE REPUBLIC OF ARMENIA, RAISED
BY THE APPLICATION OF THE FIRST INSTANCE COURT OF GENERAL
JURISDICTION OF SHIRAK MARZ OF THE REPUBLIC OF ARMENIA**

Based on the results of an examination of the Case and guided by part 1 of Article 167, point 1 of Article 168, part 4 of Article 169, and parts 1 and 2 of Article 170 of the Constitution, as well as Articles 63, 64, and 71 of the Constitutional Law “On the Constitutional Court”, the Constitutional Court **DECIDED:**

1. To declare part 1 of Article 117 of the Family Code of the Republic of Armenia contradicting part 2 of Article 37 of the Constitution and void insofar as, together with establishing a ban on adoption based on the maximum age difference between a person who does not have the privileged right to adopt and the adoptee, it does not provide for any exceptions to that ban, thus depriving law enforcement of the opportunity to take into account all the circumstances of each specific case, namely, the best interests of the child.

2. According to part 2 of Article 170 of the Constitution, this Decision shall be final and enter into force upon its promulgation.

PRESIDING JUDGE

A. DILANYAN

14 January 2024

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