

## **The provision contested by the Ombudsman was recognized unconstitutional**

By now in the event of pensioner's death, his or her heirs, if not applying for the unit granting pensions, have been deprived of the possibility to receive due money. As a result, the right of both the heirs and donors to property was being violated.

Previously, in the event of pensioner's death, the amount of pension not received by the pensioner was paid only in the case when the heirs submitted necessary documents within six months after the pensioner's death. In the event of not submitting within the 6 month's term, the heirs could receive the above mentioned money within 12 months, already as an inheritance.

The Civil Code provides two exclusions for inheriting the unpaid pension after the established period of 12 months:

- An inheritance is accepted by a heir after the expiration of the time period limit established for accepting without applying to court, on the condition of the consent thereto of all the remaining heirs who have accepted the inheritance.
- The Court recognizes the inheritance accepted if the Court finds the reasons for missing the time period to be compelling.

It should be noted that in the event of accepting the inheritance on the ground of actual possession, there is no need of submitting any application.

The constitutionality of the above mentioned provision of the Law on State Pensions has been contested by the Defender Karen Andreasyan, as a result of which it was recognized unconstitutional and invalid.

From now on, unpaid pension of the dead pensioner can be granted even after 12 months, if there is the consent of all the other heirs, as well as if the Court finds the reasons for missing the time period to be compelling. On the ground of actual possession, the unpaid money should also be granted without any time limitation.

Such decision made by the Constitutional Court is welcomed, since it promotes the protection of the right of an individual to receive inheritance, as well as it promotes the protection of the right to property.

Staff of the Human Rights Defender