

Criminal aspects of domestic violence

Abstract

Domestic violence is a highly undesirable phenomenon that has been historically present in our society and, given the intimate sphere of life and the environment it affects, it needs to be treated with caution. The aim of this thesis, which is systematically divided into five chapters, is to provide the reader with a comprehensive overview of this dangerous and complex phenomenon with an emphasis on the existing legislation in the Czech Republic. The introductory chapter is devoted to the conceptual definition of domestic violence, the issue of necessity of a unitary definition of this socio-pathological phenomenon, this chapter further introduces the basic definition characteristics of domestic violence, its forms and types, particular phases within the cycle of domestic violence and theory of causes of domestic violence. The second chapter of this thesis deals with criminological and psychological issues respectively in relation to the perpetrator and the victim, introduces the typology of the perpetrators, defines their common characteristics, classify victims according to selected aspects, interprets key victimological terms and points out the serious consequences of repeated attacks. The following chapter presents an overview of the current Czech legislation, which constitutes legal basis for protection against domestic violence in Czech Republic and also focuses on selected civil law provisions against domestic violence and administrative instruments of protection. The most extensive, fourth chapter focuses on the criminal aspects of domestic violence. Firstly, the position of criminal law as an ultima ratio is explained in relation to the principle of subsidiarity of criminal repression. The last fifth chapter discusses the so-called Istanbul Convention, which is the first international legal framework of comprehensive protection against all forms of violence, and compares selected provisions of the Istanbul Convention with legislation in the Czech Republic and demonstrates the need of implementation of non-fundamental legislative changes in compliance with the requirements of this Convention.

Key words: domestic violence, victim, criminal law.