

Domestic violence legislation under European and international law

Abstract

This dissertation sets out to analyse domestic violence legislation both from an international legal perspective and, above all, from the perspective of relevant European law. By analysing this legislation, we will then evaluate whether the regulations currently in force are sufficient and actually offer effective tools to protect victims of violence.

As the victims of domestic violence are mostly women, the first chapter focuses on the issue of violence against women, with particular focus on the specifics of gender-based violence and its manifestations, in particular sexual violence. In doing so, we will analyse how the affirmative consent principle is applied, as well as examining the matter of sex-based killings (femicide). For this purpose, this dissertation will pick up on the results of a data survey on violence against women in individual Member States, entitled *Violence against women: an EU-wide survey*, which was carried out in 2012 by the Human Rights Agency.

Particular emphasis is placed on the Council of Europe Convention on Preventing and Combating Violence against Women (the Istanbul Convention), including a description of its ratification status and insight into some of its provisions which are proving rather difficult for some countries to apply. This dissertation also selects, and analyses related case law, with particular regard to the decision-making practice of the European Court of Human Rights.

A separate chapter discusses how domestic violence is viewed in Czech legislation and what steps the Czech Republic had to take to implement binding international and European regulations into the Czech legal system, while also assessing the obligations that have been imposed on the Czech Republic in this regard. The dissertation also provides a brief comparison between the regulations of selected European countries. In conclusion, this dissertation seeks to propose appropriate legislative solutions and measures which could lend greater effectiveness to the efforts to combat domestic violence and violence against women and which, ideally, could prevent the often tragic consequences that can be associated with the phenomenon of domestic violence.

Keywords: Domestic Violence, Gender-based violence, Istanbul Convention