

Domestic violence in criminal law

The purpose of this thesis is to provide the audience with broad and complex overview of legal regulations of the “domestic violence” phenomenon in the Czech legal system with a special focus on the criminal law and the adoption of the new Criminal code and several amendments which have significantly improved the overall situation in this area.

In general, domestic violence occurs when a family member, partner or ex-partner attempts to physically or psychologically dominate another. Although domestic violence often refers to violence between spouses it can also include cohabitants, children and non-married intimate partners sharing the same flat or house. It is important to remember that domestic violence occurs in all cultures and that people of all races, ethnicities, religions, sexes and classes can be perpetrators of domestic violence.

Since domestic violence represents a very complex problem with many dimensions I have split this paper into total of ten chapters (including introduction and conclusion) which I believe cover the most important aspects of this phenomenon. The thesis concludes with the list of literature, internet resources and legislations used. There are also four graphs included at the very end of this paper which illustrate statistics on domestic violence in the Czech Republic.

Chapter one serves as an introductory one. The theoretical as well as psychological and victimological factors of domestic violence and its forms and causes are explained in chapter two. Chapter three contains a brief introduction to the legal regulations of domestic violence in the Czech Republic.

The key part of the thesis is chapter four which thoroughly examines the legal regulation in both substantive criminal law and criminal procedure as well. It lists possible criminal offences connected with domestic violence and types of their punishment. A focus is put on section 215a of the Criminal code – maltreatment of a person living in a jointly occupied flat or house. This chapter also deals with position of a victim during the criminal proceeding.

The fifth chapter looks at the Act of administrative delicts which is also often applied in some domestic violence cases.

Act nr. 135/2006 Coll. on protection against domestic violence which is one of the most important acts covering this area is described in chapter six. This act has introduced the possibility to evict persons committing violence to protect aggrieved persons.

Chapter seven concentrates on the civil law especially on preliminary measures in civil procedure. Protection of children which very often witness domestic violence or are maltreated is discussed in the eighth chapter.

And finally, the ninth chapter focuses on the prevention against domestic violence and activities of non-profit and government organizations.

Conclusions are drawn in chapter ten. They document that the normative regulations in the area of domestic violence are almost sufficient and that the results will highly depend on their application.

Title: Domestic violence in criminal law

Keywords: domestic violence, criminal law

Klíčová slova: domácí násilí, trestní právo