

English abstract

Domestic violence in society

This thesis is divided into two parts to reflect the definition of domestic violence as a very broad social (gender) and legal term. The opening chapter provides an introduction to the theory of domestic violence along with an explanation of its elementary features and concepts. The chapter describes domestic violence as a societal problem which – in the light of statistically proven (and surprisingly frequent) occurrence and presumptive high latency – cannot be put aside as a marginal pathological phenomenon. Such (erroneous) conclusion, however, is tempting since there are many myths around intimate violence, as is a general misapprehension that both victims of domestic violence as well as persons abusing their close relatives can be unmistakably identified. The author of this work aspires to refute such conclusions by pointing to criminological as well as victimological specifics of a person that is the victim or perpetrator of domestic violence. The second chapter explores the factors of feminization of domestic violence, including the aspects of gender, gender socialization and its dynamics, discrimination and violence against women. Worldwide, domestic violence is still considered a subcategory of violence against women, despite the facts that anyone can be a victim (women, man, senior, child) and that current statistics show that men are not the only aggressors.

The focal point of this work, treated mostly in its second half, is the protection against domestic violence in Czech legal framework. Considered an essential element of this work, a historical overview of theory and practice in addressing issues of domestic violence in the Czech Republic is treated in chapter four. The first legislative act of the legislator (in the area of criminal law) in protection against domestic violence (which was defined as *the crime of physical abuse of a person cohabiting in an apartment or a house*) represented a purely repressive approach of the legislator and was soon changed by means of a new act on protection against domestic violence. Since 2007, the emphasis has been put on prevention, early intervention, because “*when ending violence in a family is at stake, the over-riding rule is the so-called strategy of intervention, because passiveness and idleness aids the culprit and harms the victim*” (Králičková, a další, 2011).

Complex and timely assistance to victims of domestic violence is provided through a system of three pillars of protection against domestic violence: the Czech Republic Police, order of protection (in the framework of civil proceedings) and intervention centers, which are treated in chapters 5 to 7. The scope of legal authority and competences of the individual institutions define their role in prevention of domestic violence as well as in their interdisciplinary co-operation – which is the most effective system of assistance to the victims. Co-operation and sharing of information and experience among the experts involved – along with awareness raising and support from the general public – constitute the elementary principle of the intervention of state in the area of domestic violence.

The closing chapters 8 and 9 of this work are dedicated to the future of addressing domestic violence, from viewpoints of both, legislation and practice. The author points out some pressing issues that are not yet treated by law and, in consequence, remain without an effective solution with the assistance of the state. These include the protection of children as witnesses of domestic violence, assistance to victims of less frequent forms of domestic violence (seniors, men) and the introduction of the best practice of therapy programs for offenders. As far as the future of the Czech legal institutes in the domain of intimate violence is concerned, this work focuses mainly on the new civil code, because the protection against domestic violence should be treated in private law no later than with the entry into force of the new civil code. However, without adoption of further measures, the new special provisions on family law in the civil code will not provide sufficient framework for this area. The author is therefore critical of the new civil code for its insufficient and chaotic provisions on fighting domestic violence in civil law. The goals of the National Action Plan of Prevention of Domestic Violence for 2011–2014 are mentioned in the last part of the thesis to cover the issues of domestic violence in the future not only in the area of law, but also in the areas of education, awareness-raising and increasing efficiency of follow-up assistance in cases of domestic violence.

One of the most important conclusions made in this work is the irreplaceable position of public education in questions of domestic violence. Elaborate awareness-raising of the young generation and education of respect to human body and soul lay the best foundation for removing domestic violence from the lives of women, men, their children and seniors. Zero tolerance to domestic violence represented by uncompromising reaction on the part of both the state and the public complete the message of this thesis – a clear rejection of any forms of violence.