

SUMMARY

Private law issues relating to domestic violence (a comparison of Czech and German regulation)

The subject of this thesis is private law issues relating to domestic violence. The domestic violence is a repeated phenomenon which is hidden in privacy of homes, including physical, psychological or sexual violence among close persons; the intensity of the attacks is escalating. The thesis is focused on violence among adults, especially partners. The domestic violence has been occurring in a society for a long time, nevertheless in the recent years has no longer been considered as a private matter and nowadays is being even solved by a virtue of the law. The Czech Republic and Federal Republic of Germany have recently adopted special acts for protection against the domestic violence. I have chosen the given topic for its recency and also because of lack of the Czech legal literature.

The thesis compares the private law instruments of protection against the domestic violence in Germany and in the Czech Republic. The aim of the thesis is to find out which options the legal systems offer, whether they are sufficient, what are the fundamental differences between the both legal regulations and finally to propose some legislative measures. The first part of the thesis deals with the concept of the domestic violence, which neither the German nor the Czech regulation defines. The next chapters describe the regulation development in both compared countries and the introduction of the acts on protection against the violence. Further particular protective measures are compared, procedures in which these measures are issued, and the enforcement. Special attention is paid to the preliminary measures.

The comparison of the Czech and German legislation confirms the assumption that Germany, thanks to its longer experience with the force of the relevant acts, disposes of more elaborate and complex regulation. Especially positively I evaluate the procedural rules. The Czech law lacks the material law protection against the violence. Concerning the procedural regulation, a special procedure is needed to be enforced, which would reflect all the specifics of the domestic violence. Unlike the Czech law, I

propose only minor changes to the German regulation, for instance in the field of enforcement.

I consider the private law options for protection against the domestic violence as a step towards right direction, however further steps will be necessary to implement. Particularly the Czech regulation does not introduce a sufficient protection. In addition to the proposed legislative changes, it is also necessary to continue in further enlightenment.