

PARLIAMENT OF THE CZECH REPUBLIC
Chamber of Deputies
Committee on Constitutional and Legal Affairs
Resolution No. 31

9th session on 18th May 2022

Resolution of the Committee on Constitutional and Legal Affairs

Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence /Council Code 7042/22, COM (2022) 105 final/

Committee on Constitutional and Legal Affairs

- I. **adopts the reasoned opinion** pursuant to the Article 6 of the Protocol No 2 on the application of the principles of subsidiarity and proportionality annexed to the Treaties, that is annexed to this Resolution;
- II. **authorises** the Chairman of the Committee to inform the Chairman of the Committee on European Affairs on the deliberation of this document;
- III. **requests** the Chairman of the Committee on European Affairs to ensure, without delay, the necessary steps prior to forwarding the resolution to the Government in accordance with § 109a para. 6 of Act No. 90/1995 Coll., on the Rules of Procedure of the Chamber of Deputies, as amended.

**Annex to the Resolution No 31 from the 9th session of the Committee on
Constitutional and Legal Affairs**

Position

on the Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence /Council Code 7042/22, COM (2022) 105 final/

the Committee on Constitutional and Legal Affairs:

- I. **supports** the intent of the draft directive to combat violence against women and children, as well as the intent to empower victims;
- II. **considers that:**
 - the draft directive has not been adequately thought through, and at the same time, the position of criminal law vis-à-vis other areas of law has not been adequately reflected;
 - there is an insufficient legal basis for certain provisions of the draft directive, in particular with regard to certain harmonised offences, namely rape offences (Art. 5), sharing intimate or manipulated material without consent (Art. 7), cyber-stalking (Art. 8), cyber harrasment (Art. 9) and cyber incitement to violence or hatred (Art. 10), and certain requirements for victim support and prevention (Chapters 4 and 5) and coordination of national policies;
 - at the EU level, the facts of the relevant conducts should be harmonised primarily, however, the related issues regarding criminal liability and criminal sanctions should be left in the hands of the Member States;
 - if the criminal law framework for gender-based violence needs to be adopted in such comprehensive way, a proposal to extend euro crime in Article 83 (1) TFEU has to be submitted first, and only then a proposal for a directive on gender-based violence can be presented;
 - it would be more appropriate for the issue of protection and support for victims to be addressed comprehensively in the context of the revision of the directive on victims of crime, or to include into the proposal for a directive a direct amendment to the victims directive which would include this issue;
- III. **requests** the Government to inform the Chamber of Deputies by 30 September on the further progress of the negotiations and the way this resolution has been taken into account.