



SENATE  
OF THE PARLIAMENT OF THE CZECH REPUBLIC

13<sup>TH</sup> TERM

460<sup>th</sup>

**RESOLUTION OF THE SENATE**

Delivered on the 25<sup>th</sup> session held on 11<sup>th</sup> May 2022

**On Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence /Senate Print no. N 166/13, COM (2022) 105/**

**The Senate**

**I.**

**1. Supports**

the intention of the Proposal of the Directive to combat violence against women and children and to empower victims, which corresponds with the Government's Policy Statement;

**2. Considers, however, in agreement with the Government,**

- that the Proposal of the Directive has not been sufficiently thought through, and, at the same time, the position of criminal law in relation to other areas of law has not been sufficiently reflected;
- that there is an insufficient legal basis for some of the provisions of the Proposal of the Directive, in particular as regards certain harmonised offences, namely rape (Art. 5), non-consensual sharing of intimate or manipulated material (Art. 7), cyberstalking (Art. 8), cyber harassment (Art. 9) and cyber incitement to violence or hatred (Art. 10), and certain requirements for victim support and prevention (Chapters 4 and 5) and for coordination of national policies;
- that on the EU level, primarily the factual basis of the acts should be harmonised, the related issues of criminal liability and criminal sanctions should be left to the Member States;

*Courtesy translation*

- that if the adoption of a criminal legal framework on gender-based violence in such a comprehensive form is required, a proposal to extend the euro-crimes in Article 83(1) of the TFEU should be submitted first, and only then could a proposal for a directive dealing with the gender-based violence be submitted;
- that it would be preferable for the issue of victim protection and support to be addressed comprehensively in the framework of the revision of the Victims' Rights Directive, or that the direct amendment of the Victims' Rights Directive covering the issue be included in this Proposal of the Directive;

**II.**

**1. Requests**

the Government to inform the Senate no later than on 30<sup>th</sup> September 2022 about the way this Resolution was taken into account and about the further progress of negotiations;

**2. Authorises**

the President of the Senate to forward this Resolution to the European Commission.

Miloš Vystrčil  
sign manual  
President of the Senate

Josef Bazala  
sign manual  
Senate Verifier