

VIOLENCE AGAINST WOMEN, DOMESTIC ABUSE AND SEXUAL VIOLENCE (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 24 – Interpretation

37. This section sets out the meanings of the defined terms used in the Act.
38. This section defines the terms “abuse” “domestic abuse”, “gender-based violence” and “sexual violence”, and does so by describing the behaviours which are to be considered abusive or violent for the purpose of the Act.
39. The Act provides that domestic abuse requires the abuser to be “associated” to the victim. An “associated person” is defined in subsections (2) to (4).
40. This includes in subsection (2)(h) those who are in or have had an “intimate personal relationship”. This Act differs from the approach taken in the definition of “associated persons” in section 58(2)(h) of the Housing (Wales) Act 2014 and section 62(3)(a) of the Family Law Act 1996 (as inserted by section 4 of the Domestic Violence, Crime and Victims Act 2004). In those Acts, the intimate personal relationship must be of a “significant duration”. This is not the case under this Act. Section 24(2)(h) captures intimate personal relationships of any duration, to reflect that abuse may be present at the very early stages of an intimate personal relationship. An intimate personal relationship may exist whether the persons are the same or the opposite sex.
41. “Abuse” is defined to mean physical, sexual, emotional, psychological and financial abuse. Victims of domestic abuse often feel threatened, coerced or controlled. This may for example be as a result of threats of, or actual, physical violence. In either case, the definition of abuse would extend to such conduct by constituting physical abuse in the case of actual physical violence, or psychological abuse in the case of threats of violence. A perpetrator may also unreasonably withhold a victim’s access to their bank account for the purpose of controlling them. Such behaviour would constitute financial abuse, and therefore captured by the definition of domestic abuse. However, reasonable intervention in the financial affairs of another person would not constitute abuse. Therefore, “financial abuse” would not extend to a parent who reasonably manages the financial affairs of their child. Abuse may not always include acts perpetrated directly against the victim.
42. Psychological and emotional abuse could follow from acts done to, or in respect of, things that are important to victims. This could include deliberate damage to a victim’s home or belongings, or violence perpetrated against a victim’s pets. Forced pregnancy could amount to, and arises from, psychological or emotional abuse, where a woman or girl is coerced or deceived into having sex without contraception for the purpose of making her pregnant. And forced abortion could also amount to, and arise from, such

These notes refer to the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (c.3) which received Royal Assent on 29 April 2015

abuse, where a woman or girl is coerced or deceived into terminating her pregnancy, whether or not the termination procedure itself is lawful.

43. An example of gender-based violence falling within paragraph (a) of the definition is a type of so-called “honour-based violence”, where people suffer violence, threats of violence or harassment as a result of the perception that they have caused disgrace or dishonour to the family or community where the perceived disgrace or dishonour arises from values, beliefs or customs relating to gender or sexual orientation (such as beliefs about relationships outside marriage with persons of the opposite sex or beliefs about homosexuality).
44. The definition of gender-based violence for the purposes of the Act includes harassment and female genital mutilation; both of which are defined in subsection (5).
45. The definition of sexual violence for the purposes of the Act includes sexual exploitation and sexual harassment, both of which are defined in subsection (5). Sexual exploitation includes rape, sexual assault and a number of child sex offences. “Harassment” is also defined in subsection (5) and includes speech amounting to harassment.
46. A summary table of the behaviours is attached below:

<i>Behaviours</i>		<i>Victim</i>	<i>Perpetrator</i>
Gender-based violence	a. Arising from values, beliefs or customs relating to gender or sexual orientation	Anyone	Anyone
	b. Female Genital Mutilation	Women and girls	Anyone
	c. Forced Marriage	Anyone	Anyone
Domestic Abuse		Person associated with the perpetrator (see section 24(2)).	Person associated with the victim (see section 24(2))
Sexual Violence		Anyone	Anyone