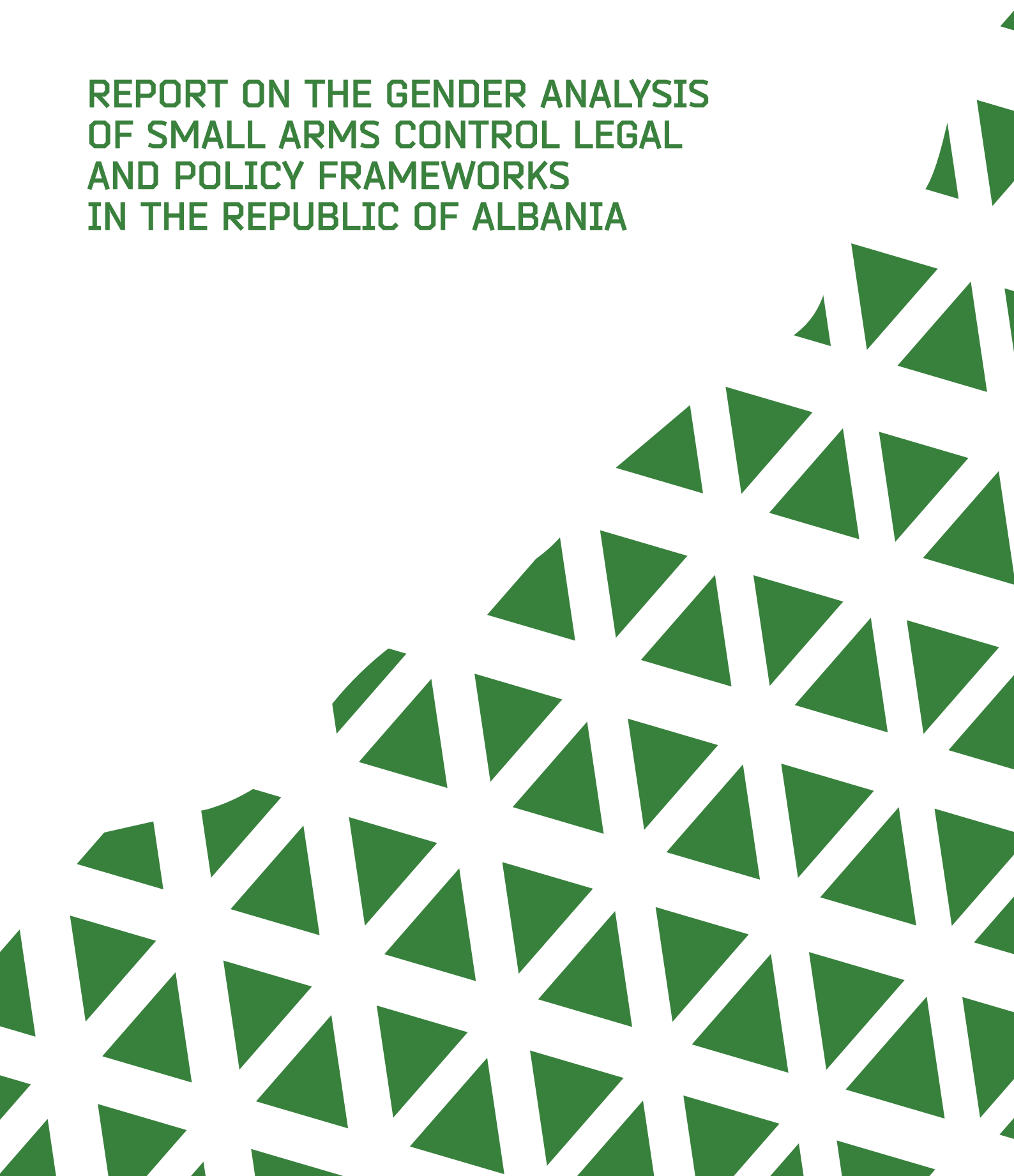




REPORT ON THE GENDER ANALYSIS OF SMALL ARMS CONTROL LEGAL AND POLICY FRAMEWORKS IN THE REPUBLIC OF ALBANIA





The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) is a joint initiative of the United Nations Development Programme (UNDP) and the Regional Cooperation Council (RCC) aimed at strengthening national and regional capacities to control and reduce the proliferation and misuse of small arms and light weapons, thus contributing to enhanced stability, security, and development in South Eastern and Eastern Europe.

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ABBREVIATIONS AND ACRONYMS

AKSHE	State Export Control Authority
ASP	Albania State Police
CoE	Council of Europe
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CMD	Council of Ministers Decision
CSO	Civil society organizations
EU	European Union
EC	European Commission
GBV	Gender-based violence
Istanbul Convention	Law no. 104/2012, date 8.11.2012 "For the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence"
LDV	Law no. 9669/2006 "On Measures against Violence in Family Relations"
LGE	Law no.9970/24.07.2008 "On Gender Equality in Society"
LoW	Law on Weapons (no. 74/2014, amended by Law no. 152/17.12.2020)
MoD	Ministry of Defence
Mol	Ministry of the Interior
MoJ	Ministry of Justice
MHSP	Ministry of Health and Social Protection
NCGE	National Council on Gender Equality
NAP 1325 AI	National Action Plan on the Implementation of United Nations Security Council Resolution 1325 in Albania

OSCE	Organization for Security and Cooperation in Europe
PPSE	Private physical security entity
SALW	Small arms and light weapons
SALW Strategy	refers to the Council of Ministers Decision no. 50, dated 6.2.2019 "On the approval of the Small Arms and Light Weapons, their Ammunition and Explosives Control Strategy 2019–2024 and the Action Plan 2019–2021"
SEE	South East Europe
SEESAC	South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
SDG	Sustainable Development Goals
UNDP	United Nations Development Programme
UNSCR 1325	United Nations Security Council Resolution 1325
WB	Western Balkans

EXECUTIVE SUMMARY

KEY FINDINGS

Extensive evidence provided by UNDP SEESAC¹ has thoroughly documented the gendered aspects of small arms ownership, use, and misuse. Available data for South East Europe indicate that:

- Firearms ownership and access to firearms are highly gendered;
- The use and misuse of firearms have different effects on women and men;
- There is a high incidence of firearms misuse in domestic violence, including in intimate partner violence; and
- Men and women have somewhat different perceptions on firearms.

The findings and trends documented in Albania² support these findings and demand the implementation of short and long-term actions, both at the legislative and policy levels. A comprehensive gender analysis of the relevant legislation and policies for small arms and ammunition was undertaken in order to assess their gender responsiveness, map gaps and provide recommendations for the authorities in order to enhance the gender responsiveness of the respective legislative and policy frameworks. This is an integral part of the ongoing harmonization of the arms-control legislation with the EU regulatory framework and other related international obligations and standards across the region.

In this report, the gender responsiveness of the legislation is assessed according to several key gender concerns related to small arms: links between firearms and domestic violence and violence against women; gendered aspects of firearms demand, use and misuse, including links between specific forms of masculinity and firearms; preconditions for the integration of the gender perspective into small arms control policies and legislation; the participation and representation of women in arms control; gender-sensitive record keeping; and gendered aspects of the arms trade.

1. LEGISLATIVE AND POLICY PRECONDITIONS FOR MAINSTREAMING GENDER AND THE PARTICIPATION OF WOMEN IN FIREARMS CONTROL.

The Law “On gender equality in society” provides an extensive base for the integration of the gender perspective into SALW control. Albania has legally stipulated the integration of the gender perspective into each phase of the process of drafting, adopting, implementing, monitoring and evaluating policies, and especially the integration of the gender perspective into the legislation. In that regard, there is a legal responsibility for all social actors to adopt and implement measures to ensure gender equality, including the relevant measures on SALW control. The legislation establishes the responsibilities of central and local state authorities for developing and enforcing normative acts, as well as policies to enhance gender equality in society.

With respect to mainstreaming gender in firearms control, the Small Arms and Light Weapons, their Ammunition and Explosives Control Strategy (2019-2024)³ and the accompanying Action Plan 2019-2021 highlight that the possession and misuse of firearms are clearly gendered. In addition, the Strategy contains an explicit commitment towards the advancement of gender equality within small arms control and aims to mainstream the gender perspective across different areas of SALW control. This is particularly evident in Overall Target Five (5) of Goal 2 of the Strategy, the aim of which is **to fully integrate gender and age concerns in SALW/firearms control policies and ensure the meaningful participation of women in SALW/firearms control**. This overall target contains several specific objectives, such as: increased participation of women in SALW/firearms control, increased capacities of institutions in charge of SALW/firearms control to mainstream the gender perspective and develop gender responsive SALW/firearms policies, improved institutional and policy responses towards the misuse of firearms in domestic and intimate partner violence, and enhanced prevention of SALW/firearms misuse.

1] UNDP SEESAC, Gender and SALW in South East Europe, 2016; UNDP SEESAC, The Misuse of Firearms in Domestic Violence in South East Europe, 2019; UNDP SEESAC, Men and Firearms in South East Europe, 2019; UNDP SEESAC, Gender and Small Arms: Fast Facts, 2019; UNDP SEESAC, Firearms Possession and Domestic Violence in the Western Balkans: A Comparative Study of Legislation and Implementation Mechanisms, 2007.

2] Gender and Small Arms in Albania: Fast Facts, 2019; UNDP SEESAC.

3] The SALW Control Strategy was approved by DCM no. 50, dated 6.2.2019.

With respect to women's participation in firearms control, the Law "On gender equality" also stipulates the obligation to ensure equal gender representation in all legislative, executive and judicial power bodies, as well as in other public institutions. It is considered that equal representation is achieved when representation of not less than 30% of both sexes is ensured.

In addition, **the Small Arms and Light Weapons, their Ammunition and Explosives Control Strategy (2019-2024)** envisages the implementation of two specific activities:

- Include and consult representatives of women's organizations, responsible bodies on gender equality and gender experts in the development and implementation of SALW/firearms control policies;
- Ensure balanced representation of women in the SALW Commission and other relevant bodies.

The composition of the National SALW Commission and its role are regulated by an Order of the Prime Minister of the Republic of Albania. The Deputy Minister of Interior chairs the SALW Commission. Relevant ministries such as the Mol, MoD, MoJ, the Ministry of Finance and Economy, the Ministry of Education, the Ministry of Health and Social Protection, and the Ministry for Europe and Foreign Affairs have their representatives at the level of "director of directorate". Also, other institutions such as the General Directorate of State Police, AKSHE and the Directorate of Customs have their representatives in the SALW Commission. Upon the invitation of the National SALW Commission, other experts may be involved. Although the Ministry of Health and Social Protection has a representative, the Order does not specify whether a representative from the Sector of Policies and Strategies for Social Inclusion and Gender Equality is to participate in the work of the SALW Commission. Furthermore, this Order does not specify any provision related to the balanced representation of women and men, and neither does it refer to the participation of civil society organizations.

The **National Action Plan on the Implementation of UNSCR 1325 "Women, Peace and Security"** establishes the specific objective of increasing the representation of women in decision-making activities and processes related to security and peacekeeping, while **the National Strategy and Action Plan on Gender Equality** provide a strategic goal to empower girls and women by increasing their participation in decision-making.

2. LINKS BETWEEN FIREARMS AND DOMESTIC VIOLENCE

2.1 Control of civilian possession of firearms and prevention of firearms use in domestic violence

Bearing in mind the specific risks that access to firearms poses in the context of domestic violence, including their high lethality, the analysis provides a detailed review of the authorization for the purchasing and possessing of firearms by civilians, including the security vetting processes; procedures regulating the access, use and carrying of firearms by the security sector personnel; and institutional responses to the use of firearms in domestic violence.

Civilian possession of firearms in Albania is regulated by the Law "On weapons" (consolidated version 2020). *Domestic violence as well as behaviours that violate order and security in the community* (Article 34) are explicitly considered as grounds for the rejection of an application, if:

1. The applicant is *identified as a person who has been involved in the violent opposition of any police officer, public servant or as committing the criminal offence of domestic violence having as subject matter the revenge or blood feud; as well as a person that behaves in violation of order and security in the community,*
2. The applicant has been legally convicted for domestic violence as a criminal offence,
3. The applicant has been prosecuted with an inconclusive decision for committing various crimes, including domestic violence,
4. Security measures have been imposed against the applicant.

The same conditions that apply for firearm acquisition are also applicable to ammunition acquisition. The provisions of the Law "On weapons" also apply to employees of legal entities and to those engaged in the private security service.

2.2. Control of firearms possession and use by security sector personnel

A large group of security sector personnel are authorized to carry firearms as part of their regular working duties. This includes the personnel of police forces, the Judicial Police, the Prison Police, the Intelligence Agencies, the Republic Guard, customs officers, military personnel and employees in the military, intelligence employees, the Military Police, the Forest Police, as well as private security employees. Following the security vetting, a certificate of reliability is issued by the police authorities for those applying to be admitted to the police or to return to the police, to the Judicial Police, to the Republic Guard or to perform the duty as a head, technical manager or service worker in a private security company or in any entity licensed for eligible weapon activities. *However, the legal basis does not clearly provide the investigation of the previous history of domestic violence during the security vetting.*

The carrying and use of a firearm by security sector personnel is in general regulated by Law no. 72/2014 "On the use of firearms". The relevant legislation stipulates that the structures of the State Police and other entities should enable the possibility for the members of the security sector personnel to be treated by a psychologist in cases when such members have been involved in situations where firearms have been used or when there are reasonable doubts of psychological unsuitability. Police officers are obliged to undergo a psychological examination (but there is no reference of such examination to domestic violence cases).

2.3 Legal response against the use of firearms in domestic violence

The Law "On weapons" stipulates that cases of domestic violence are considered as grounds for the temporary seizure of firearms, without distinction between civilians or security sector personnel, until the court's decision on the respective criminal procedure or the respective civil court decision on any protection measures becomes final. However, the legal basis for security sector personnel does not specifically define the procedure to be initiated when such employees exercise domestic violence, except when such violence is exercised by State Police officers, as in these cases the procedures are regulated by an order issued by the General Directorate of the State Police.

In cases when a civilian commits domestic violence, the police and the Local Coordinator of the Centre for Domestic Violence assess whether the perpetrator possesses firearms (legal or illegal) or whether the perpetrator has used a firearm or another object or has threatened to use a firearm. However, the law does not contain any specific provision to take into account firearms possessed by other family members. Based on the risk assessment, the respective firearm may be temporarily seized, and if later it is established that there are justifiable reasons, the firearm will be confiscated. Consequently, the authorization will be temporarily revoked until a final court decision is made, which can permanently revoke the authorization. For the authorization to be revoked permanently, a criminal procedure for criminal acts of domestic violence has to be concluded with a final judgement or with a civil court decision for imposing a protection measure for domestic violence, as stipulated by the Law "On measures against violence in family relations" (no. 9669/2006, consolidated version, 2020). If the authorities assess that the return of a firearm may pose a threat or danger, they may decide not to return it, even if there are no grounds for prosecution.

Articles 56 and 56/1 of the Law "On weapons" related to administrative sanctions stipulate that additional sanctions shall be imposed against persons violating the provisions of Article 56, such as suspension of the relevant activity and the confiscation of weapons.

In addition, protection measures in the Victim Safety Plan include seizure of firearms from the perpetrator, including the revocation of any firearms authorizations and informing the employer about the registered case of domestic violence when the perpetrator, as part of his/her duties, has legal access to, i.e., handles, service firearms.

Bearing in mind that other forms of gender-based violence are to be legally regulated in harmony with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (which has been ratified by Albania), it should be noted that all such forms have to be taken into account as well. This is particularly relevant in the context of small arms control, since the Convention requires the implementation of all legislative and other measures to ensure that the risk assessment takes into account whether a perpetrator of domestic violence possesses or has access to firearms.

Despite these very important existing provisions, several aspects have been documented that must be addressed in order to increase the effectiveness of the legal framework on preventing domestic violence:

1. Given that domestic violence in the majority of cases is not reported⁴ at the respective institutions, the background checks/security vetting have special significance as a tool for the prevention of firearms misuse in the context of domestic violence.
2. The background checks/security vetting (related to the Article 34 of the Law “On weapons”, including “domestic violence”) are mainly conducted through the data obtained from official records kept by relevant institutions. An authorized official of the State Police should prepare the report based on such evidence, within 15 days from the submission of the application and indicate whether the applicant fulfils the legally prescribed requirements. The report is submitted to a commission established in the State Police. However, the security-vetting procedures do not provide clear guidance regarding the assessment that should be carried out to determine whether there is a risk that a firearm could be used to commit domestic violence. Currently, the Law “On weapons” and the accompanying by-laws **do not contain a specific provision stipulating the legal obligation of interviewing the current and/or former spouse/cohabitant of the applicant**, or any other close family member, including neighbours, who could provide insight on whether the acquisition of a firearm would place an intimate partner or a child in reasonable fear of the firearm being used to commit any form of domestic violence, including psychological violence and threatening.
3. Furthermore, the Law “On weapons” or the accompanying by-laws do not contain specific provisions stipulating the legal obligation of the responsible institution of notifying the spouse or a close family member of the applicant, during the process of obtaining a permit.
4. Court decisions for issuing Protection Orders or Immediate Protection Orders for the prevention of acts of domestic violence are not determined as mandatory elements of the security vetting process in the Law “On weapons”. They should be made obligatory elements, since this procedure may be initiated simultaneously with the criminal procedure.
5. **There are no provisions on the consultation with the National Referral Mechanism for Domestic Violence** in order to obtain information from the actors of this mechanism (including data from the REVALB data system) regarding domestic violence committed by the applicant as well as his/her domestic violence background check.
6. **There is no specific provision stipulating whether all forms of domestic violence**, such as physical, psychological, sexual and economic violence are to be considered/checked during the security vetting. Neither the Law “On weapons” nor the relevant by-laws provide a definition of domestic violence, even though Article 34 of the Law “On weapons” refers to domestic violence as grounds for the rejection of an application.

3. LINKS BETWEEN MASCULINITY NORMS AND FIREARMS DEMAND, USE AND MISUSE.

The Strategy on Small Arms, Light Weapon, their Ammunition and Explosives Control 2019-2024 and its Action Plan 2019-2021 emphasize that the possession of firearms and their misuse have a clear gender dimension. Overall Target 5 of Goal 2 provides the specific objective to enhance the prevention of SALW/firearms misuse. The Strategy recognizes links between masculinity norms and firearms, particularly highlighting young men as a target group. Furthermore, the Strategy envisions the development and implementation of preventive measures to address the impact of gender roles and dominant forms of masculinity in fuelling the demand for firearms and their misuse, particularly among young men. In addition, the intersection of gender and age is also recognized in awareness raising measures. The Strategy envisages the implementation of awareness campaigns focused on specific groups and/or targeting specific behaviours (young men, hunters, celebratory shooting, domestic and gender-based violence, private security companies, training centres, etc.), as well as the integration of violence prevention attitudes in the education system.

4] “Violence Against Women and Girls in Albania” – A National Population Survey, INSTAT, Tirana, 2018. <http://www.instat.gov.al/media/6123/publication-violence-against-women.pdf>; OSCE-led survey on violence against women: Albania. Well-being and safety of women, © OSCE 2019, <https://www.osce.org/projects/survey-on-the-well-being-and-safety-of-women>. See also, GREVIO Baseline Evaluation Report for Albania, page 41, <https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>.

In addition to the SALW Control Strategy, the government has adopted a number of other relevant strategies that could provide entry points for addressing the gendered aspects of firearms demand, use, and misuse. These include the National Action Plan for Youth (2015-2020); The National Action Plan for the Implementation of UN Security Council Resolution 1325 – Women, Peace and Security 2018-2020 (NAP 1325); The National Strategy for Gender Equality 2016-2020 and its Action Plan 2016-2020; The National Strategy for EU Integration and its Action Plan 2020-2022; The Action Plan for the Development of Mental Health Services 2013-2022, etc. However, these strategies tackle firearm-related issues only sporadically or fail to address them entirely. For example, The National Action Plan for Youth aims to decrease risk behaviours and violence among young people, without taking into account special aspects of firearms control, especially in cases of specific groups of young men.

4. GENDER-SENSITIVE RECORD KEEPING

Data collection on firearms is primarily regulated by the Law “On weapons” and further elaborated in accompanying by-laws. The State Police is the responsible authority for weapons’ registration. The registration is carried out in an electronic format in a computerized weapon management system, maintained by the State Police. The register contains data on the owner of the firearm, as well as information related to weapons, licenses, and authorization decisions, as well as on the confiscation of firearms. The register does not provide gender disaggregated data. Furthermore, the Law “On weapons” and its accompanying by-laws do not prescribe that relevant firearms data should be disaggregated by gender. The State Police, the Prosecutor’s Office and the courts have access to the electronic register (Article 10, item 5).

The SALW Control Strategy recognizes the necessity to enhance data collection and record-keeping practices with the purpose of ensuring that arms control policies and practices are evidence-based and intelligence-led. For this purpose, it has been envisioned *the standardization and institutionalization of data collection on firearms, by gender and age, regarding legal and illegal SALW/firearms interdictions, armed violence incidents, ballistic evidence, and other firearms related data resulting in periodic risk analysis and threat assessment*. In addition, the Strategy provides trainings for gathering data on the distribution and impact of firearms.

With respect to record-keeping on domestic violence cases, all competent institutions that are mandated to proceed on cases of domestic violence (the police, in the health sector, in social care, NGOs, the courts, the Ministry of Justice, etc.) are obliged to establish special records on domestic violence cases, in accordance with the Law “On measures against violence in family relations” and the relevant by-laws. Currently, there is a system in place (REVALB) which aggregates all the data referred to the Local Coordinator for DV. *The data are exchanged between the police, prosecutors, judges and healthcare professionals, as well as among other actors of the referral mechanisms for DV at the local level*. The REVALB template requires information on whether the perpetrator owns a weapon, legally or illegally.

Considering their relevance, the data provided by the REVALB system may serve as a valuable source of information for the authorities during the firearms’ license approval and security vetting.

5. THE ARMS TRADE

The Republic of Albania has undertaken commitments which enable the national legislation to consider the risk of conventional arms or other items, as defined by the Arms Trade Treaty, being used to commit or facilitate serious acts of GBV or serious acts of violence against women and children when conducting arms export risk assessments. Law no. 46/2018 “On state control of international transfers of military goods and technologies and goods of dual-use” (as amended by Law no. 90, dated 9.7.2020) stipulates provisions that indicate alignment with the Arms Trade Treaty (ATT). With regards to the criteria established in the EU Common Position on Arms Export, all these criteria are included in the relevant legislation. However, Law no. 46/2018 does not explicitly prescribe the assessment of the risk of conventional arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children as provided under Article 7, item 4 of the ATT.

Within the context of implementing and monitoring the legal, policy and procedural frameworks on the trafficking of firearms, ammunition, and explosives, the SALW Control Strategy envisages trainings on the risk assessment of the misuse of exported arms for gender-based violence.

RECOMMENDATIONS

The extensive list of recommendations is provided in Section V of the complete report while this section outlines only the main recommendations.

LEGAL BASIS FOR MAINSTREAMING GENDER PERSPECTIVE IN SMALL ARMS CONTROL AND THE PARTICIPATION OF WOMEN AND THE

- Establish procedures to ensure balanced representation of women and men in the SALW Commission.
- Establish a mechanism to ensure the participation of relevant gender mechanisms (particularly from the Ministry of Health and Social Protection) and CSOs working on gender equality and gender-based violence in the area of development, implementation and evaluation of SALW policies.

LINKS BETWEEN FIREARMS AND DOMESTIC VIOLENCE

Enhance the prevention of and response to the use of firearms in cases of domestic violence by:

- **Including the definition of domestic violence in the Law on Weapons**, in compliance with the definition of domestic violence in the Law “On measures against violence in family relations”, in the Criminal Code, and in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention);
- **Introducing into the Law “On weapons” the obligation of spouse notification** (current and former from the last two years) and/or notification of a close family member by the responsible state institution during the process of obtaining a license/authorization;
- **Including in the Law “On weapons” or relevant by-laws a provision for consultation with the National Referral Mechanism and the Local Coordinator** for Domestic Violence with the aim of obtaining data on the applicant's history of domestic violence, including data from the REVALB data system;
- **Further improving background checks/security vetting through the development and adoption of guidelines/instructions for a comprehensive security vetting of domestic violence** by the Ministry of the Interior and revising accordingly the Order of the General Directorate of the State Police, taking into account the provisions of the Law on Domestic Violence and DCM no. 327/2021 on the National Referral Mechanism;
- **Amending Article 34 of the Law “On weapons” to include the requirement that protection measures issued by civil courts are taken into account** during the security vetting process;
- **Prescribing a procedure applicable to all security personnel authorized to carry and use firearms**, and aligning these procedures in order to have a uniform policy approach, including the provision of checking for “all forms of domestic violence” as a mandatory condition for security vetting during employment, as well as regulating the carrying and use of a firearm outside the working positions.
- **Reassessing and aligning approaches in conducting risk assessments and risk management in accordance with the Istanbul Convention** and consequently addressing both the possession of and access to firearms, both legal and illegal, regardless of whether the firearms have been fired or used as a threatening tool in domestic violence incidents.

- **Conducting a comprehensive research on the implementation of legislative provisions relevant for the prevention of the use of firearms** in the context of domestic violence in order to identify both challenges and good practices in the implementation of the law and provide recommendations for the further improvement of legislative and policy frameworks.

GENDER-SENSITIVE RECORD KEEPING/DATA COLLECTION PRACTICES

- **Ensure that all by-laws regulating data collection prescribe the disaggregation of data, by gender and age**, including the collection of data for confiscated and returned firearms.
- **Establish procedures to improve the coordination of keeping and exchanging official data** between responsible state institutions that play a crucial role in preventing and combating domestic violence, especially between the **National Referral Mechanism for Domestic Violence and the police**.
- **Ensure that records on domestic violence include data on firearms, both legal and illegal**, such as data on the presence of firearms, their use, their type, measures issued by the court for the confiscation or seizure of a firearm, etc.

RESPONSES TO THE GENDER ASPECTS OF FIREARMS DEMAND, USE AND MISUSE

- Enhance strategic synergies between the Small Arms and Light Weapons, their Ammunition and Explosives Control Strategy and other relevant strategies to maximize the effects of the proposed actions in preventing and addressing firearms demand, use, and misuse, especially among young men.

INTERNATIONAL COMMITMENTS

- Fully address commitments set in the Outcome Document of the Third Review Conference of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its aspects - PoA;
- In order to prevent exported conventional arms from being used to commit or facilitate gender-based violence or violence against women, a by-law regulating the necessary risk assessment should be adopted, as provided by the ATT.

I INTRODUCTION



GOAL

The goal of this analysis is to contribute to enhancing the gender responsiveness of small arms control legislation and policies in Albania.

OBJECTIVES

The **objectives** of this analysis are to:

- Assess the gender responsiveness of the legislation and policies relevant for arms control in the Republic of Albania and map gaps in the legislative and policy responses;
- Provide recommendations for authorities on how to advance the gender responsiveness of relevant legislation and policies.

This analysis is an integral part of the ongoing harmonization of arms-control legislation with the EU regulatory framework and other related international obligations and standards across the region.

Gender-responsive arms control refers to arms control legislation, policies, and programmes which take into account and actively respond to the different experiences and roles of women, men, girls, and boys related to small arms (control) and the gender-specific risks they face with respect to small arms proliferation and misuse.⁵

SCOPE

In the context of this specific analysis, the gender responsiveness of legislation is assessed against several main gendered concerns related to small arms:

- Legislative and policy preconditions for mainstreaming gender in firearms control - the participation of women in firearms control (Section IV, Unit 1);
- Linkages between firearms and domestic violence, violence against women, and gender-based violence (Section IV, Unit 2);
- Responses to the gender aspects of firearms demand, use, and misuse (Section IV, Unit 3);
- Gender-sensitive record keeping/data collection practices (Section IV, Unit 4); and
- Links between the arms trade and the risks of gender-based violence and violence against women (Section IV, Unit 5).

A broad sample of legislative and strategic documents was reviewed in order to assess if and to what degree the gender perspective is integrated into small arms control legislative and policy framework.

The scope of the identified relevant legal and policy framework is presented in detail in Annex 1 of this report.

Among other sources, the following relevant national legal and policy documents in the area of small arms, the prevention of domestic violence, and gender equality were analysed:

- Law 'On Weapons' (no. 74/2014 amended by Law no. 152, dated 17.12.2020) and the accompanying bylaws:
 - Minister of the Interior Instruction "On the procedures, documents, and time frame of evaluation for the issuance of authorizations for firearms to legal entities, on the format of the firearms register for subsidiary licenses for activities with guns, for the rules, procedures, and the form to be filled in at the time of the execution of experimental firing and bullet administration in a data bank" (no. 277/2015, amended by the Instruction no. 123/2018);
 - Order of the GDSP "On the form and content of the certification of reliability" (no. 417, dated 02.05.2018);
 - Minister of the Interior and Minister of Health Joint Instruction "On types of visits and

the content of the medical certificate" (no. 88/2015);

- Law "On Measures against Violence in Family Relations" (no. 9669/2006 consolidated version, after 2020 amendments) and the accompanying by laws:
 - CMD 'On the mechanism of coordination of work between the authorities responsible for referring cases of domestic violence and on its proceedings for the support and rehabilitation of victims of violence' (no. 327/2.6.2021);
 - Joint Guideline of the MoI and MHSP "On the Procedures and the Model/form of the Order for Preliminary Immediate Measures of Protection (OPIP)" (no. 912/27.12.2018);
 - Joint Guideline of MoI and MHSP "On the Procedures and Model of Risk Assessment for Cases of Domestic Violence" (no. 866/20.12.2018);
 - Order of Minister of Health and Social Protection "On standard operation procedures for the treatment of cases of domestic violence and gender-based violence by employees of social care services, in the framework of cooperation as members of the Coordinated Referral Mechanism" (no. 100/21.2.2020);
 - Order of Minister of Health and Social Protection "On the approval of standard operating procedures (PSV) for the treatment of cases of domestic violence and gender-based violence by employees of health services, in the framework of cooperation as members of the Coordinated Referral Mechanism" (no. 101/21.2.2020);
 - Order of the Minister of Health and Social Protection "On the approval of the standard operating procedures for employees of health services to reduce the risk of experiencing domestic violence and gender-based violence in situations of civil emergencies" (no. 102/21.2.2020);
 - Order of the GDSP "On standard procedures for cases of domestic violence" (no. 1118/13.11.2017);
- Law "On Gender Equality in Society" (no. 9970/24.7.2008);
- Law "On the Prohibition of Discrimination" (no. 10 221/4.2.2010, amended 2020);
- Law on the State Police and the bylaw:
 - CMD "On the State Police Regulation" (no. 750/16.9.2015, amended by CMD no. 1143/2020)
- Law on Private Security, Law on the Judicial police, Law on the State Intelligence Service, Law on the Guard of the Republic, Law on the Prison Police, Law on the Military Police, Law on the Armed Forces and Military Administration; Customs Code;
- Law no. 72/ 2014 "On the Use of Firearms" and the accompanying bylaws:
 - CMD "On the Law "On the Use of Firearms"" (no. 839, date 14.10.2015);
 - CMD "On the approval of the types of weapons and the manner of their use by the prison police" (no. 471 dated 6.5.2009);
 - CMD "On the approval of the types of weapons, neuro-paralyzing materials, and other means of use of force by the State Police" (no. 293, dated 8.4.2015)
 - MoI order no. 144, dated 31.01.2019, amended, "On the approval of special criteria for admission to the State Police of citizens who have completed the second cycle of higher education;"
 - Order of the Minister of Justice "On the procedures for the admission of candidates in the Prison Police" (no. 7375, dated 24.11.2015)
 - Order of the Minister of Justice "On the approval of the regulation "On the definition of rules and procedures for the employment, training, and the performance of duties the of and the imposing disciplinary measures on employees of the Prison Police"" (no. 3125/1 dated 4.9.2009)
 - Order no. 984 of the GDSP, dated 17.12.2015, "On standard procedures for admission to the Security Academy, and for deadlines and reviewal procedures of the documentation, verification, and complaints of applicants;" Order of the GDSP no. 138/7, dated 4.07.2019, "On evaluation procedures for admission to the Security Academy of citizens who have completed the second cycle of higher education

studies;”

- Order no. 1014, dated 22.05.2017, of the MoD “On policies and procedures for the recruitment of candidates for new officers in the Armed Forces of the Republic of Albania” and Instruction no. 9, dated 31.12.2018, of the MoD on “Procedures and criteria for the recruitment of active soldiers/naval personnel in the Armed Forces”;
- Law no. 46/2018 “On State Control of International Transfers of Military Goods and Dual-use Items and Technologies” (amended by law no. 90/9.7.2020);
- Strategy for the Small Arms and Light Weapons, their Ammunition and Explosives Control Strategy 2019–2024 and the Action Plan 2019–2021, CMD no. 50, dated 6.2.2019;
- Order no. 69, dated 22.05.2017, “On establishing a National Commission for Small Arms and Light Weapons (SALW)”;
- National Strategy for EU integration and its Action Plan 2020–2022;
- National Strategy on Gender Equality and its Action Plan 2016–2020;
- National Youth Action Plan (2015–2020);
- National Action Plan for the Implementation of the UN Security Council Resolution 1325 Women, Peace and Security 2018–2020.

In addition, the analysis provides an overview of:

- Sex-disaggregated data related to the ownership of, access to, and demand for firearms and their impact on women and men, including the misuse of firearms in the context of domestic violence; and
- International commitments relevant for this analysis (Section III).





II

BACKGROUND: GENDERED ASPECTS OF SMALL ARMS OWNERSHIP, USE, AND MISUSE



Comprehensive research conducted by UNDP SEESAC⁶, including *SALW Surveys* and the *Gender and Small Arms Fast Facts series*, has provided detailed insights into the highly gendered nature of firearms. This section provides key data related: to the gendered aspects of firearm ownership, demand, and access; the misuse of firearms and its differentiated effects on women and men; the use of firearms in domestic violence; and attitudes toward firearms.

Firearms ownership and access to firearms are highly gendered.

In SEE, men own 97.2% of all legally owned firearms, while women own only 2.8%. The overwhelming dominance of men among firearm owners has been sustained over time and is perpetuated through the high share of men obtaining new licenses every year.

In Albania, firearm license-holders are overwhelmingly men (99.9%), the majority aged between 36 and 60 years (57.6% in 2016)⁷, while women, at 0.1%, only marginally hold firearm licenses. The total number of applicants for new firearms permits in 2016 was 1,080 and 99.8% of applicants were men (most often from the 36-60 age group). The number of men license-holders increased from 89,984 in 2012 to 96,771 by 2016, while the number of women holding licences increased from 39 in 2012 to 85 by 2016. Hunting was cited as the dominant reason among license-holders and registered firearms owners for firearms possession. Prior to 2015, in Albania, civilian ownership of firearms for purposes other than hunting was not permitted.

Men not only account for the overwhelming majority of firearm owners, but also dominate professions with access to firearms.

In SEE, in 2016, men accounted for 91.2% of all security sector personnel authorized to carry firearms, compared to 8.8% representation for women.

In Albania, men also dominate among personnel authorized to carry firearms across the security sector. In 2016, 95.7% or a total of 1,295 men, against only 4.3%, or a total of 58 women, in the Ministry of the Interior were authorized to carry firearms. In police forces, 90.3%, or a total of 8,597 men, and 9.7%, or a total of 921 women, were authorized to carry firearms. As for private security companies, in 2016 men accounted for 99.6% (8,835 in total) of personnel authorized to carry firearms, compared to only 0.4% (35 in total) women.

Differentiated effects of firearms on women and men.

In SEE, firearms are predominantly misused by men; from 2012 to 2016 men committed 98.4% of firearm-related criminal offences, 98.5% of all firearm related incidents, and 98% of all firearm-related homicides. Violence committed by men is also age-related. Young men (19-35 years) are more likely to misuse firearms than men from other age groups. Men who have misused firearms have most frequently misused them in a criminal context, 42.7%, or in a public dispute or argument, 26.6%. Men also make up the majority of victims of firearm incidents. In SEE, men account for 83.8% of victims of firearm-related homicide compared to 16.2% for women. While men are more likely to misuse firearms than to fall victim to them, women are 10 times more likely to be victims of firearm incidents than be perpetrators. The patterns of women's victimization are predominantly related to the use of firearms in domestic violence.

In Albania similar patterns have been documented. From 2012-2016 men committed 98.1% of all firearm-related incidents, while women committed only 1.9%. Young men were documented as the most likely to commit firearm-related incidents, with 53.7% of firearm-related incidents committed by men aged between 19 and 35 years old. They were followed by men aged between 36 and 60 years old, at 32.7%. Men also accounted for the majority of victims of firearm-related incidents (82.5%). However, they were proportionately more often the perpetrators, rather than the victims, of firearm misuse. On the other hand, women owned only 0.1% of firearms in this period, constituting 1.9% of perpetrators of firearm-related criminal offenses, yet accounting for 17.5% of victims. Firearms were the most frequently used means of committing homicide, with 357 out of 550 homicides (64.9%) committed with firearms. Nevertheless, the number of firearm-related homicides during the survey

6] Source: Gender and SALW in South East Europe ; The Gender and Small Arms in Albania: Fast Facts ; The Misuse of Firearms in Domestic Violence in South East Europe: Fast Facts; Men and Firearms in South East Europe; ROADMAP for a sustainable solution to the illegal possession, misuse and trafficking of Small Arms and Light Weapons (SALW) and their ammunition in the Western Balkans by 2024 ; *SALW Survey – Albania*.

7] ALBANIA: Small Arms and Light Weapons (SALW) Survey: 2012-2016, UNDP SEESAC, 2019

period of 2012-2016 significantly declined. Illegally possessed firearms were predominantly misused to commit firearm-related crimes.

The misuse of firearms and domestic violence.

Domestic violence disproportionately affects women, and family-related homicide is the most common form of femicide in the region. From 2012 to 2016, 61% of all women killed in SEE were killed by a family member, compared to 12.4% of all men killed. Women are at particular risk of intimate partner violence. 38.6% of all the women killed in SEE, in contrast to 1.2% of all the men killed, were killed by an intimate partner. The misuse of firearms in domestic violence is relatively common in SEE. During the survey period, 37.7% of homicides committed by a family member in SEE were committed with firearms, 36.5% of women killed by a family member were killed with firearms, and 43.5% of women killed by an intimate partner were killed with firearms. 37.4% of reported domestic violence incidents involving firearms had a lethal outcome, making the misuse of firearms in domestic violence more lethal than in any other type of incident. The limited available data indicates that femicide is frequently committed with both legal and illicit firearms. Although this data indicates the widespread misuse of firearms in SEE, only 8.5% of the rejected applicants applying for new licenses in the surveyed data were denied based on domestic violence grounds. In addition, only 2.3% of all the revoked firearms/firearm licenses were revoked due to domestic violence, while the misuse of firearms was reported in only 0.3% of registered criminal offenses of domestic violence.

In Albania, from 2012-2016, 20.9% of people killed were killed by a family member, with gender differentiation clearly evident; 70.5% of all women killed in Albania were killed by a family member, compared to only 11.5% of men killed. Domestic violence affects both women and men, but patterns of victimization are different. Intimate partners committed 41.7% of all family-related homicides in the observed period and women were at particular risk of intimate partner homicide. Between 2012 and 2016, 47.7% of the women killed in Albania were killed by their intimate partner (42 out of 88), compared to 1.3% of men killed (6 out of 462)⁸. The misuse of firearms in domestic violence is more lethal than any other type of incident, and 1.5 times more deadly than in criminal incidents. Figures show that 26.3% of domestic violence incidents that involved firearms had a lethal outcome. 23.8% of firearm license applicants whose applications were rejected between 2012 and 2016 were rejected on domestic violence grounds. While a criminal record of domestic violence was documented as often being the basis upon which firearm license applications were rejected, the number of rejected applicants declined significantly over the survey period, by more than four times, reaching a low in 2016. In total, 9.2% of all revoked licenses from 2012 to 2016 were revoked on the grounds of domestic violence.

In Albania, despite efforts undertaken by the Mol to generate and provide comprehensive data on criminal offenses of injury, threat, and domestic violence, the data have not been disaggregated based on the means used actually to commit them, whether by firearms or other means. Considering that these three offenses account for two-thirds of all reported criminal offenses, this lack of information significantly hinders a thorough analysis of the prevalence, characteristics, and context of firearms misuse in Albania.

Gendered aspects of demand and misuse of firearms.

In SEE, data indicate that men are two times more likely than women to say they would own a gun, 35.3% and 18.7%, respectively. In addition, 52.9% of men were documented as perceiving that having a firearm at home would make them feel safer, while men from the youngest and oldest age groups were reported as more likely than other age groups to state that they would own a firearm. 19.3% of surveyed men cited tradition as the main reason for owning a firearm, seemingly derived from the belief that a man should carry a gun or that the gun itself invokes fear in others.

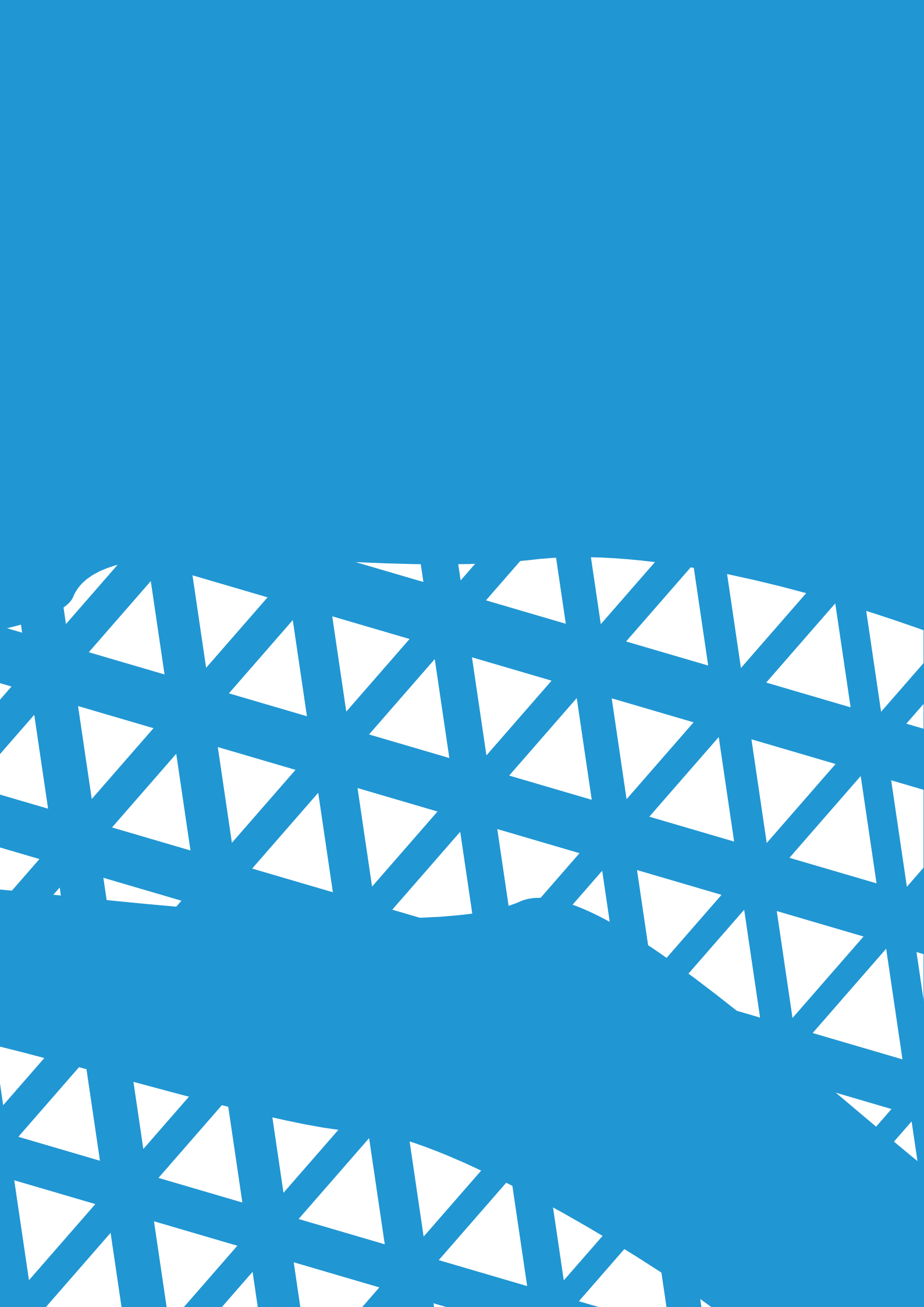
In Albania, the majority of both women and men surveyed indicated that they would not own a gun (83.5% and 72.1%, respectively). Only 27.9% of men and 16.5% of women, following the survey conducted in 2017, said they would own a gun. Men aged 16 to 24 were found to be the most likely to say they would own a gun, followed by those aged 45 to 54. Among women, respondents in the 16 to 24 age group were most likely to say they would own a gun. Although 16.5% of women said they would own a gun, they accounted for only 1% of the applicants for new licenses in 2016. Women were

shown to be significantly (66.9%) more likely than men (55.2%) to feel that a gun at home makes them less safe. Every third woman and every second man indicated that they would feel safer with a gun at home. Respondents aged 55-64 were the most likely to feel less safe having a gun at home, particularly among women in this age group (75%).

In order to further boost the gender responsiveness and increase the effectiveness of small arms control, it is necessary to ensure that relevant legislation fully takes into account and responds to primary gender concerns, like those outlined in this report.



III INTERNATIONAL FRAMEWORKS



As a UN member, the Republic of Albania has been undertaking obligations arising from the relevant conventions and other documents in the field of the control and non-proliferation of small arms and light weapons. In addition, Albania has indicated its aspiration to join the European Union and has continued to implement the Stabilization and Association Agreement following the reforms that are crucial to the EU agenda.

The Republic of Albania has undertaken commitments, obligations, principles, and recommendations deriving from the following documents:

- The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (PoA, 2001);
- The United Nations Protocol against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunition (2001);
- The International Tracing Instrument (2005);
- The Arms Trade Treaty;
- The OSCE Document on Small Arms and Light Weapons (adopted in 2000 and reissued in 2012);
- The Common Position of the Council of the European Union 2008/944/CFSP laying down common rules governing the control of exports of military technology and equipment; and
- The Roadmap for a Sustainable Solution to the Illegal Possession, Misuse and Trafficking of Small Arms and Light Weapons (SALW) and their Ammunition in the Western Balkans by 2024.

With respect to gender equality, Albania has signed, ratified, and joined:

- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Optional Protocol to this convention;
- The Council of Europe Convention on preventing and combating violence against women and domestic violence (ratified by Law no. 104/2012);
- In addition, Albania is committed to the implementation of UNSCR 1325 (2000).

The last two decades have seen a gradual convergence between the global agendas on sustainable development, gender equality, the sustaining peace agenda, and small arms and light weapons control. The Programme of Action (PoA) on small arms, adopted in 2001 by the UN General Assembly as a politically binding instrument, established a normative framework for small arms and light weapons control covering a broad spectrum of issues, including improved national legislation on small arms laws, import/export controls, and stockpile management.

The PoA includes one gender-related reference, expressing concerns about the negative impact of the illicit trade in small arms and light weapons on “women and the elderly”⁹ in its preamble. The Outcome Document of the Third Review Conference (New York, 18–29 June 2018) of the UN PoA renewed the commitment to prevent, combat, and eradicate the illicit trade in small arms and light weapons and highlighted the necessity for the further integration of the gender perspective into small arms control. In that regard, the States are called to:

- increase understanding of the gender-specific impacts of the illicit trade in small arms and light weapons;
- promote the full participation and representation of women in policymaking, planning, and implementation processes related to the implementation of the PoA, including their participation in national small arms commissions;
- collect disaggregated data by gender;
- seriously consider increased funding for policies and programmes that take into account the differing impacts of illicit small arms and light weapons on women, men, girls, and boys;
- mainstream the gender perspective into small arms and light weapons policies and programmes, including in the areas of programme design, planning, implementation, monitoring, and evaluation in their implementation efforts;
- exchange national experiences, lessons learned, and best practices on mainstreaming

9] It should be explicitly noted here that there is no reference to UNSCR 1325, which was adopted in 2000.

gender dimensions into policies and programmes;

- ensure coordination between relevant national authorities on the implementation of the PoA and other authorities working on gender quality and women's affairs – including women's civil society groups.

Such commitments were further reiterated during the Seventh Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects held in New York from 26 to 30 July 2021.

The **Arms Trade Treaty (ATT)**¹⁰ is a multilateral treaty that regulates the international trade in conventional weapons. The ATT was adopted by the UN General Assembly in 2013 and entered into force on December 14, 2014. All 110 State Parties (as of April 2021) committed to applying common standards in the international legal trade in conventional arms and ammunition. The ATT is the first legally binding treaty that recognized the link between the arms trade and gender-based violence and calls states to take into account “the risks of the conventional arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children” (Article 7.4). In addition, the CEDAW Committee has called for the full implementation of the Arms Trade Treaty.¹¹

These strategies linking the global disarmament agenda and gender equality, including GBV, help to set a future path for more coherent, holistic, and effective responses on the global, regional, and national levels and should lead to violence prevention and reduction.

On the other hand, the human rights instruments developed in the area of gender equality, peace and security, and small arms and light weapons, and, most recently the 2030 Agenda for Sustainable Development Goals, are increasingly recognizing the gender perspective and including it into their agendas. This convergence is also visible in the growing inclusion of small arms control concerns in the Women, Peace and Security agenda. With the adoption of UNSCR 1325 (2000)¹², the Security Council addressed the disproportionate and unique impact of armed conflict on women for the first time. In addition to United Nations Security Council Resolution (UNSCR) 1325, there are nine other resolutions on women, peace and security: 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019), and 2493 (2019).

The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, establishes 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries in a global partnership. SDG 5 - *Achieve gender equality and empower all women and girls*, and SDG 16 - *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*, are at the centre of women's empowerment and arms control efforts that need to be undertaken at the national level. Each of these goals sets a specific target that needs to be attained. SDG 5 - *Achieve gender equality and empower all women and girls*, envisions two targets that are relevant to the key subjects of this analysis: Target 5.2. - Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; and Target 5.5. - Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. SDG 16 - *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*, includes five relevant targets: Target 16.1. - Significantly reduce all forms of violence and related death rates everywhere; Target 16.2. - End abuse, exploitation, trafficking, and all forms of violence against and torture of children; Target 16.4. - By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets, and combat all forms of organized crime; Target 16.6. - Develop effective, accountable, and transparent institutions at all levels; and Target 16.7. - Ensure responsive, inclusive, participatory, and representative decision-making at all levels.

^{10]} Ratified by Law no. 6/2014 of the Albanian Parliament.

^{11]} Gender Responsive Small Arms Control in the Decade of Action for the SDGs, The Pathfinders for Peace, Just and inclusive Societies, February 2020.

^{12]} UNSC (United Nations Security Council). 2000. Resolution 1325 (2000), adopted on October 31, 2000. S/RES/1325 of 31 October 2000. [https://undocs.org/S/RES/1325\(2000\)](https://undocs.org/S/RES/1325(2000))

Securing our Common Future: An Agenda for Disarmament launched by the UN Secretary General in 2018 *outlines a vision of disarmament actions that help set our world on a path towards sustainable peace and security for all. The agenda calls on all States to incorporate gender perspectives in the development of national legislation and policies on disarmament and arms control, including consideration of the gendered aspects of ownership, use and misuse of arms; the differentiated impacts of weapons on women and men; and the ways in which gender roles can shape arms control and disarmament policies and practices.*

EU Strategy Against Illicit Firearms, Small Arms & Light Weapons & Their Ammunition “Securing arms, protecting citizens” seeks to preserve and protect a peaceful and secure environment for its citizens, and support security and foster development in its neighbourhood and the wider world. Incorporating gender and diversity aspects in SALW-control projects and action is one of key principles which guided the development of the Strategy. At the international level, the EU will systematically mainstream gender considerations in the design of new projects relating to the fight against gun violence and SALW control in general, and the sharing of good practices in this regard.

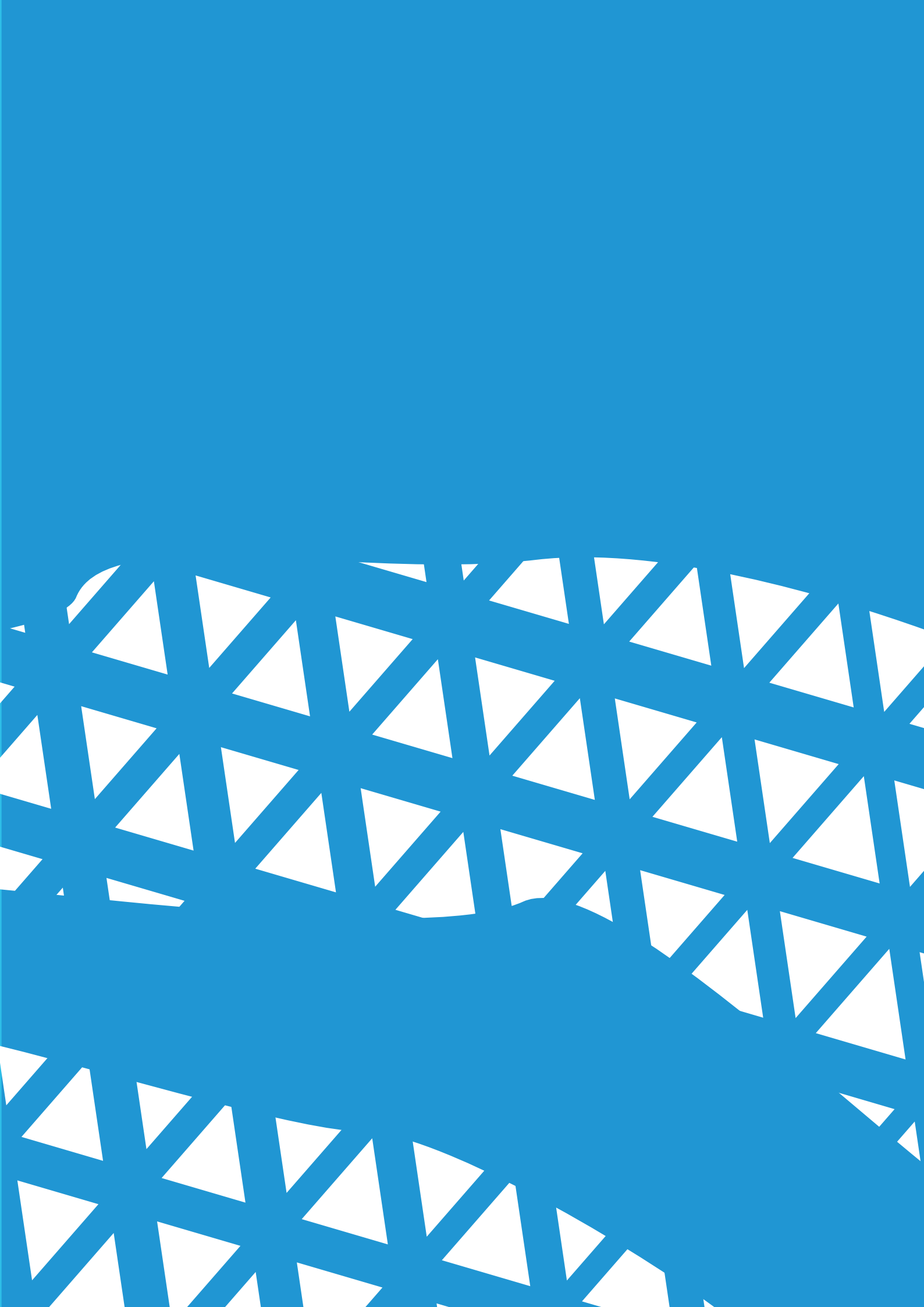
Albania also remains actively committed to the implementation of the *Regional Roadmap for a Sustainable Solution to the Illegal Possession, Misuse and Trafficking of Small Arms and Light Weapons and their Ammunition in the Western Balkans* by 2024.¹³ The Roadmap envisages the full integration of gender and age concerns in SALW/firearms control policies and recognizes that the limited integration of both the gender and age perspectives adversely affects the effectiveness of SALW/firearms control measures. In that regard, the gender analysis of legislation is a significant part of EU Council Decision 2018/1788, supporting the implementation of the *Regional Roadmap on combating illicit arms trafficking in the Western Balkans*.

Due to the central relevance of the Arms Trade Treaty and EU Common Position on Arms Export in regard to this analysis and their integration into the national legislative framework, the compliance of the national legislation with the standards set by these documents, particularly in respect to gender equality, is covered particularly and in detail in Section IV, Chapter 5. In accordance with Article 5, Article 116/b, and Article 122 of the Albanian Constitution, the ratifying of these key relevant international agreements¹⁴ made them effective in the entire territory of the Republic of Albania and superior to the relevant domestic legislation. Over the past 15 years, the legal and institutional frameworks have undergone continuous improvements and Albania has made considerable progress in aligning many of its laws with UN, CoE, and EU standards – in other words, in line with the obligations arising from the relevant conventions and other documents in the field of the control and non-proliferation of small arms and light weapons.¹⁵

13] <https://www.seesac.org/f/docs/4th-Regional-Progress-Report/Regional-Narrative-Progress-Report-on-the-Implementation-of-.pdf> page 45 shows that there were no activities related to the integration of gender considerations.

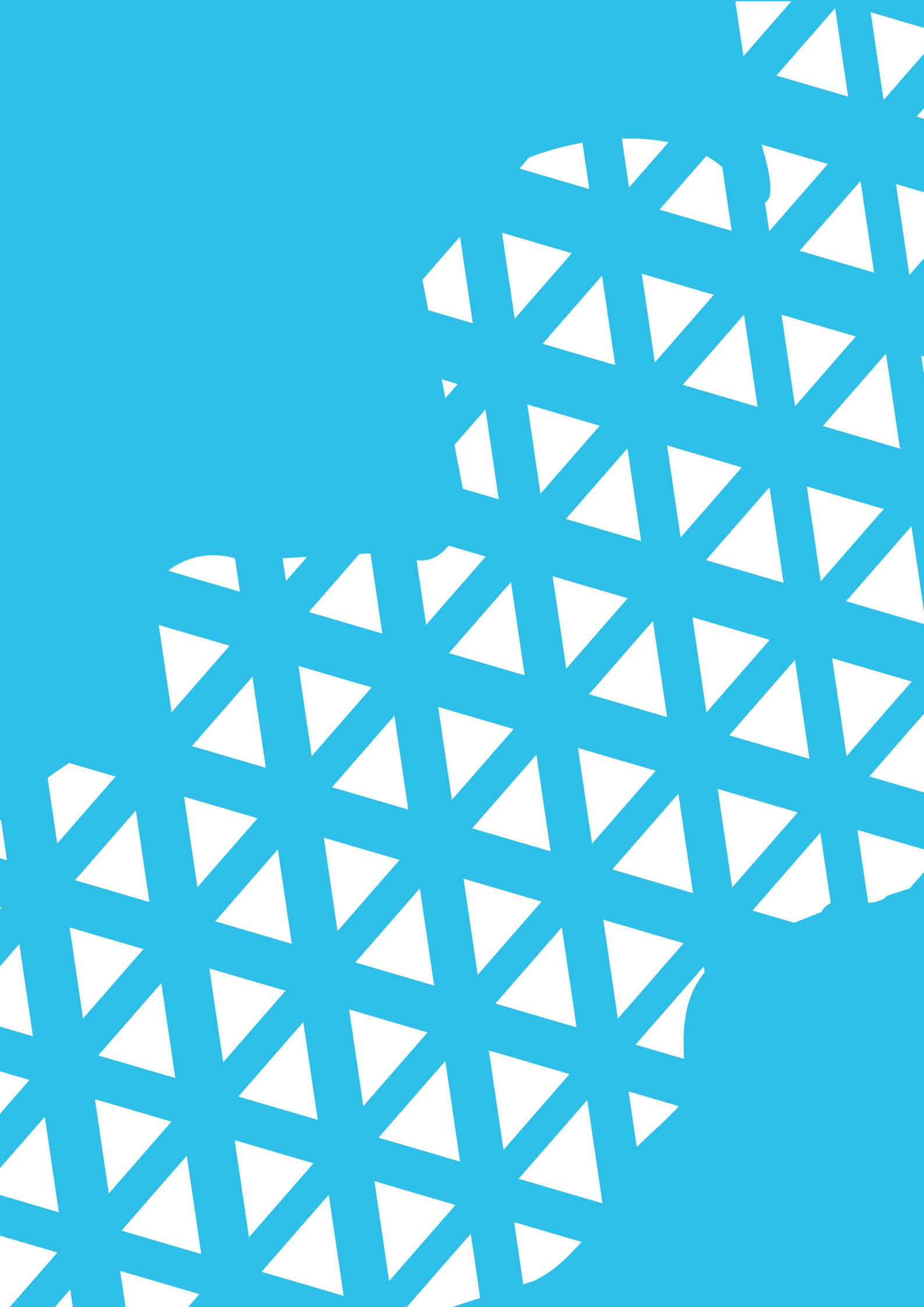
14] See also Law no. 43/2016 “On International Agreements in the Republic of Albania.”

15] By Order no. 69, dated 22.05.2017, the National Commission for Small Arms and Light Weapons (SALW) was established, which is comprised of important institutions at the federal level and chaired by the Deputy Minister of the Interior. It is expected that this commission shall play an active role regarding the fulfilment of international obligations.



IV

GENDER ANALYSIS OF LEGISLATION AND POLICIES RELEVANT TO SMALL ARMS CONTROL



1. LEGISLATIVE AND POLICY PRECONDITIONS FOR GENDER MAINSTREAMING AND THE PARTICIPATION OF WOMEN IN FIREARMS CONTROL OF WOMEN IN SMALL ARMS CONTROL

This section provides an overview of the legislative and policy preconditions which facilitate the integration of the gender perspective into firearms control. In addition, regulatory preconditions for the balanced representation and participation of women in small arms control are outlined.

1. LEGISLATIVE AND POLICY PRECONDITIONS FOR GENDER MAINSTREAMING AND THE PARTICIPATION OF WOMEN IN SMALL ARMS CONTROL

The Law on Equal Opportunities of Women and Men (consolidated version 150/2015) Albania has established a solid legal framework for the advancement of gender equality and non-discrimination in general. In addition, policy preconditions for mainstreaming gender in firearms control specifically have been established with the adoption of the Small Arms and Light Weapons, their Ammunition and Explosives Control Strategy (2019-2024).

The Constitution of the Republic of Albania stipulates in Article 18 that *'no one may be unjustly discriminated against for reasons such as gender, race, religion, ethnicity, language, political, religious, or philosophical beliefs, economic condition, education, social status, or parentage.'*

The Law "On Gender Equality in Society" (LGE, no. 9970/24.07) mandates and regulates *the fundamental issues of gender equality in public life, the protection and equal treatment of women and men with regards to equal chances and opportunities to exercise their rights, as well as their participation and contribution in the advancement of all social spheres* (Article 1). The LGE addresses gender equality and protection from discrimination across society, including in decision-making, education, employment, and the media.

The LGE prescribes explicitly the responsibilities of both the central and local state authorities for developing and enforcing laws and policies to enhance gender equality in society (Article 2). In addition, the LGE also defines **gender mainstreaming** as a strategy to achieve gender equality by integrating the gender perspective into all law-making and policy-making and into all planning, budgeting, implementing and monitoring measures.

The law further defines the necessary measures that government agencies, in line with their competencies, shall undertake to ensure gender equality and eliminate gender-based discrimination. In that regard, the government agencies shall:

1. *Ensure the practical implementation of the principle of gender equality either by means of legislative measures or by other suitable means.*
2. *Ensure the prevention of any type of gender-based discrimination either by means of legislative measures or other suitable means, accompanied with sanctions when relevant.*
3. *Ensure the alteration or repeal of any legal acts, customs, or practices which represent gender discrimination, by means of legislative measures or other suitable means.*
4. *Take all appropriate measures to create the necessary and legally objective facilities, with the aim of guaranteeing equal chances and access to both genders.*
5. *Ensure effective protection for both genders against any discriminatory action through public institutions and state courts.*

The law further extensively defines the responsible bodies for gender equality and their corresponding duties (see Box 1). The law prescribes the obligation of each ministry to appoint an officer for gender equality in order to foster cooperation with ministries responsible for the implementation of the law and to facilitate the achievement of gender equality. The Law further stipulates that "officers for gender equality" shall have specific training and knowledge on gender equality and dedicate their time to working towards achieving gender equality and mainstreaming gender in their respective sector.

The National Strategy for Gender Equality 2016-2020 and Action Plan 2016-2020 pursue a vision of "a society that values gender equality as a necessary condition for sustainable development and that aims for zero tolerance of gender-based violence and domestic violence." The Strategy sets out four strategic goals: economic empowerment of women and men; ensuring equal participation in political and public decision-making processes; reducing gender-based violence and domestic violence; and **strengthening the coordinating and monitoring role of the National Gender Equality Mechanism, as well as awareness-raising of the society on advancing gender equality**. With respect to the last goal, the Strategy envisages: enhancing the gender equality sector; consolidating the network of gender equality employees and ensuring their sustainability as an application for gender-responsive budgeting in implementing the legislation in force, as well as gender-sensitive planning at all levels of policy-making and decision-making.

With respect to mainstreaming gender in firearms control, the **Small Arms and Light Weapons**,

their Ammunition and Explosives Control Strategy (2019-2024)¹⁶ and the accompanying Action Plan 2019-2021 highlight that the possession of firearms and their misuse are clearly gendered. In addition, the Strategy establishes an explicit commitment to advance gender equality within small arms control and aims to mainstream the gender perspective across different areas of SALW control. This is particularly evident in the Overall Target Five (5), under Goal 2 of the Strategy, which aims **to fully integrate gender and age concerns in SALW/firearms control policies and ensure the meaningful participation of women in SALW/firearms control.**

This overall target contains several specific objectives:

- increase the participation of women in SALW/firearms control;
- increase the capacities of institutions in charge of SALW/firearms control to mainstream the gender perspective and develop gender-responsive SALW/firearms policies;
- improve institutional and policy responses to the misuse of firearms in domestic and intimate partner violence;
- enhance the prevention of SALW/firearms misuse.

The Strategy also envisages training on the gendered aspects of SALW/firearms of members of SALW/commissions and all other institutions in charge of SALW/firearms control policies implementation.

Other specific targets are further elaborated in the specific relevant sections of this report.

Box 1:

Seven strategic goals of small arms control in Albania

The **Small Arms and Light Weapons, their Ammunition and Explosives Control Strategy (2019-2024)** sets out seven Strategic Goals:

Goal 1: Ensure that arms control legislation is in place, fully harmonized with the EU regulatory framework and other related international obligations, and standardized across the region (by 2023);

Goal 2: Ensure that arms control policies and practices in Albania are evidence-based and intelligence led (by 2024);

Goal 3: Significantly reduce illicit flows of firearms, ammunition, and explosives (FAE) into, within, and beyond Albania (by 2024);

Goal 4: Significantly reduce the supply, demand, and misuse of firearms through increased awareness, education, outreach, and advocacy (by 2024);

Goal 5: Substantially decrease the estimated number of firearms in illicit possession in Albania (by 2024);

Goal 6: Systematically decrease the surplus of and destroy seized small arms and light weapons and ammunition, adhering to environmental standards;

Goal 7: Significantly decrease the risk of proliferation and diversion of firearms, ammunition, and explosives.

Box 2:

Gender Equality Mechanisms in Albania

In accordance with the LGE, the institutional framework for gender equality has been established at both the national and local levels (Article 10-14, LGE).

The Assembly of the Republic of Albania, during the legislative process of approval/adopting a new law or any law amendments, should consider the gender perspective regarding any possible consequences and results that this law may contain or invoke. At the Assembly level, the Sub-Commission on Gender Equality and the Prevention of Violence against Women, which was established in 2017, is part of the permanent parliamentary Commission on Labour, Social Affairs, and

1. LEGISLATIVE AND POLICY PRECONDITIONS FOR GENDER MAINSTREAMING AND THE PARTICIPATION OF WOMEN IN SMALL ARMS CONTROL

Health. The purpose of this sub-commission is to oversee the implementation of the National Strategy on Gender Equality. Also, the Alliance of Women Members of the Parliament was formed in 2013 to promote gender equality in the Parliament and include a gender perspective in the legislation.

The Council of Ministers prepares a gender impact analysis of any proposed legislation for the Assembly and supervises and approves the National Strategy and Action Plan for Achievement of Gender Equality.¹⁷ In addition, the Deputy Prime Minister¹⁸ is assigned as the national coordinating authority on gender equality, with the purpose of strengthening the relevant gender mechanisms. According to the LGE, each line ministry has a gender focal point. Within the MHSP, which has a leading role, the Sector of Policies and Strategies for Social Inclusion and Gender Equality, as part of the General Directory of Policies and the Development of Health and Social Protection, is the institution responsible for gender equality.

The MHSP, as the leading state authority responsible for gender equality, is invested with a set of obligations, provided by the LGE (Article 13), including:

- To implement and supervise the application of the LGE, the National Strategy and Action Plan for Achieving Gender Equality, and the international obligations of the Republic of Albania in the field of gender equality;
- To propose to the Council of Ministers, upon consultation with the National Council on Gender Equality (NCGE), amendments to laws and secondary legislation, the signing of international acts in the field of gender equality and women's rights, and the undertaking of other measures aimed at eradicating gender distinctions with regards to the enjoyment of rights and opportunities;
- To cooperate and offer support to non-profit organizations active in the field of gender equality;
- To organize vocational and professional training for employees on gender equality issues;
- To establish mechanisms for gathering gender disaggregated statistics in collaboration with INSTAT and other state institutions, as well as supervise data gathering and processing;
- To organize the gathering, analysing, and dissemination of information on gender issues;
- To elaborate and implement, on its own or in cooperation with other state institutions, activities for education, training, information, and awareness-raising of citizens, as well as public administration and justice system employees and officials, covering the concepts of gender equality, the non-discrimination of women, the elimination of gender stereotypes, and the proper understanding of the role of women and men, and of the mother and father, in the family and in society;
- To present to the NCGE the previous year's report on the activity of the office, the progress made to attain gender equality, the problems encountered, and the means for overcoming them (within the first quarter of each year).

The LGE also establishes the National Council on Gender Equality (Article 11, LGE). The NCGE is the highest advisory body in regard to issues of gender equality and gender mainstreaming in policies regarding representation in politics, economic empowerment, social and cultural domains, etc. It is chaired by the respective Ministry, which addresses issues of gender equality and is composed of ten representatives appointed by the government and three by civil society. In order to achieve equal gender representation in the NCGE, each ministry must nominate two candidates (male/female) for inclusion. Gender balance is ensured by the determination of the composition of the council by the MHSP. The same is valid for civil society representatives.

As per Article 12 of the LGE, the duties of the NCGE are to:

^{17]} See CMD no. 733/20.10.2016 "On the approval of the national Strategy for Gender Equality and the Action Plan 2016-2020."

^{18]} See Order of the Prime Minister no. 32/12.2.2018 "On the establishment of the National Coordinator for Gender Equality."

- advise the government in defining the scope and internal workings of state policies on gender equality, with the exception of issues that fall within the mandate of the National Labour Council (the NCGE may hold joint sessions with the National Labour Council);
- ensure gender mainstreaming in all fields, especially in the political, social, economic, and cultural sectors;
- propose to the Council of Ministers the main programs aimed at encouraging and achieving gender equality in Albania;
- evaluate the situation of gender equality, issuing guidelines on gender equality issues to the ministry responsible for gender equality issues, and issuing proposals and recommendations to the government for improving the situation.
- Approve the annual report on gender equality issues compiled by the ministry responsible for gender equality issues.

At the local government level, there are also specific employees devoted to gender equality in each municipality and who, in many municipalities, also play the role of Local Coordinators for Domestic Violence.

THE PARTICIPATION OF WOMEN IN SMALL ARMS CONTROL

The LGE prescribes measures guaranteeing the balanced representation of and equal opportunities for men and women in order to eliminate gender-based discrimination in all its forms. With respect to measures to be undertaken to ensure gender equality and eliminate gender-based discrimination, the LGE differentiates between temporary special measures (Article 8) and special measures (Article 9). Temporary special measures may include quotas *for reaching equal gender representation, through increasing the participation of the less represented gender in decision-making and in public life or improving their status in different fields*.

The LGE also provides a definition of “**equal gender representation**” as the representation of each sex of not less than 30 percent in any institution, management level, appointed organ, political party, or in public institutions (legislative, executive, and judicial organs), and when equal procedures and criteria for both genders in the distribution of the assignments and duties in these organs are ensured.

As already mentioned, the **Small Arms and Light Weapons, their Ammunition and Explosives Control Strategy (2019-2024)**, under Goal 2, Overall Target 5, establishes a specific objective to increase the participation of women in SALW/firearms control. The Strategy recognizes that insufficient representation of women impedes the integration of women in SALW policies and envisages the implementation of two specific activities:

- include and consult representatives of women's organizations, gender equality bodies, and gender experts in the development and implementation of SALW/firearms control policies;
- ensure the balanced representation of women in the SALW Commission and other relevant bodies.

As responsible parties for these activities, the SALW Commission, NGOs, and the media are listed.

The National Commission for Small Arms and Light Weapons (SALW Commission) was established by Order no. 69 of 22.05.2017. The Commission is composed of representatives of relevant line ministries (the Order specifies the positions of the representatives and institutions at the federal level)¹⁹ and is chaired by the Deputy Minister of the Interior. The Commission plays an

^{19]} The representatives are at the level of 'director of directorate' and they represent: the MoI, MoD, MoJ, the Ministry of Finance and Economy, the Ministry of Education, the MHSP, and the Ministry for Europe and Foreign Affairs. Also represented are members from the General Directorate of the State Police, the AKSHE, and the Directorate of Customs.

1. LEGISLATIVE AND POLICY PRECONDITIONS FOR GENDER MAINSTREAMING AND THE PARTICIPATION OF WOMEN IN SMALL ARMS CONTROL

active role in fulfilling international obligations and developing SALW control strategies and action plans. In addition, the Commission coordinates and collects data from different institutions on the production, trade, deactivation, destruction, illegal use, and control of permitted weapons, their parts and ammunition (registration, tracing), and on the control of the import and export of weapons. Upon the invitation of the National SALW Commission, other experts may take part as needed, depending on the agenda. This Order does not specify any provisions on gender representation, nor does it explicitly require representatives of relevant gender mechanisms.

As previously mentioned in brief, **the National Strategy for Gender Equality 2016-2020 and its Action Plan 2016-2020** establishes the participation of women in political and public decision-making as a strategic goal (Goal 2: Guaranteeing factual and equal participation of women in political and public decision-making). Under this goal, Objective 2.1 calls for the increased participation of women in leading positions and in law-making, policy-making, and planning processes at the central level.

The National Action Plan for the Implementation of UN Security Council Resolution 1325 – Women, Peace and Security 2018 – 2020 (NAP 1325)²⁰ aims to consolidate existing achievements and implement measures to improve gender equality, strengthening the position of women in the security sector, and increasing their role in the field of peace and security, both in Albania and abroad.

One of the primary objectives of the Action Plan is to increase the participation of women in the field of security at home and abroad and two specific objectives are envisioned:

- *Specific Objective 2.1: Inclusion of gender balance into security sector activities.*
- *Specific Objective 2.2: Increase the representation of women in decision-making activities and processes related to security and peacekeeping.*

Apart from women's participation, the Action Plan provides several other entry points for gender mainstreaming.

Under *Specific Objective 3.2: Ensure the protection of Albanian women and girl victims of war, including post-conflict rehabilitation*, there is a specific activity related to weapons: *3.2.3 Raise awareness among women and girls on the collection of weapons distributed among the population in violation of the law, and campaign for their collection.*

In addition, several specific other objectives established are relevant for mainstreaming gender in small arms control and increasing the participation of women in SALW control policy-making:

- Improving policy documents and raising awareness on the WPS Agenda
 - *Specific Objective 1.1: Strengthening the gender perspective in the field of security and defence and in participation in national and international activities for the implementation of Resolution 1325.*
 - *Specific Objective 1.2: Integrate the gender perspective into educational programmes for the implementation of Resolution 1325.*
 - *Specific Objective 1.3: Awareness-raising on Resolution 1325 and its implementation.*
- Establish a regulatory framework and capacities that enable better protection and rehabilitation of women in the field of peace and security.
 - *Specific Objective 3.1: Promote the protection of women and girls victims of gender-based violence in relation to armed conflict and post-conflict situations in other countries. This objective also includes the specific activity:*
 - *(3.1.1) reviewing the internal rules/regulations of the security sector and including disciplinary measures against perpetrators of GBV as members of peace and security personnel*

With respect to participation and consultation in legislative processes, Law no. 146/2014 “On Public Notification and Consultation” states that “interest groups” such as NGOs, as well as other entities affected by or involved in a respective field, may play a contributory role and participate in policy-making and decision-making processes. This provides entry points for these entities to be consulted in legislative processes on issues related to gender equality and SALW impacts and control.

2. LINKAGES BETWEEN FIREARMS AND DOMESTIC VIOLENCE

This section aims to provide an extensive analysis of the legislative responses to risks related to the presence and use of firearms in the context of domestic violence. The analysis addresses civilian firearms possession and the access to and carrying service firearms across the security sector, including private security companies. Procedures of authorization approval, renewal, and revocation are examined with respect to preventing firearms misuse in the domestic violence context. Security vetting procedures are thoroughly analysed.

2.1. REGULATION OF CIVILIAN POSSESSION OF FIREARMS

FIREARM AUTHORIZATION APPROVAL

Civilian possession of firearms in Albania is regulated by Law no. 74/2014 “On Weapons” (consolidated version, 2020, and hereinafter referred to as the LoW). The LoW also regulates the role of the relevant authorities in charge of issuing licences/authorisations and the applicable approval procedures.

The LoW (Article 4) establishes the distinction between “licenses” for firearms, an “authorization for purchasing a firearm,” and an “authorization for possession of a firearm.”

The LoW defines “license” as an administrative “act” issued to a natural or legal person by the competent authority which entitles that person to conduct activities related to firearms, their components, and ammunition, as per the terms and conditions set out therein (Article 4).

The LoW distinguishes the following type of licenses:

- a) a license for the import/export, brokering, transit, manufacturing, and demilitarization of weapons falling under the A and B categories, their essential components, and ammunition;
- b) a license for the transport of weapons, their essential components, and ammunition;
- c) a license for operating a civilian shooting range, whether indoor, outdoor, or skeet shooting;
- ç) a license for theoretical and practical weapons training;
- d) a license for the deactivation of firearms for civilian use;
- dh) a license for the importing of and trading in C category weapons (hunting weapons) and D category weapons (sport weapons), their essential parts, and ammunition.

As for firearm authorizations, the LoW (Article 24) distinguishes:

- a) authorization for purchasing a weapon;
- b) authorization for the possession of a weapon;
- c) authorization for the display of a weapon;
- ç) authorization for reloading ammunition;
- d) authorization for the collecting of weapons.

Authorization for the possession of firearms is an administrative act issued to a natural or legal person by the competent authority which entitles that person to possess a firearm, its components, and ammunition (Article 4).

An authorization to purchase a firearm is an administrative act issued to a natural or legal person by the competent authority to purchase a firearm, its components, and ammunition, as per the terms and conditions set out therein. Authorizations for the possession of a firearm are further divided into: a) authorization for the possession of the firearm while on duty and while not on duty; b) authorization for possession of a firearm in residential premises; b) an authorization for the possession of a cold weapon in residential premises; ç) a special authorization for possession of a firearm; d) authorization for the possession of a hunting firearm, a sport shooting firearm, or other weapons of this type.

The provisions of the LoW are not applicable to the acquisition and possession of weapons, ammunition, and equipment for the ministry responsible for public order and security, the Ministry of Justice, the State Intelligence Service, or collectors and bodies concerned with the cultural and historical aspects of weapons. Also, the LoW, if not specifically stipulated otherwise, is not applicable to armaments and military equipment, as well as to weapons and ammunition intended for the needs of the Ministry of Defence and/or the Army of the Republic of Albania. For these categories, the relevant provisions are defined by legislation specific to them, including relevant bylaws.

The general criteria on licensing provided by the LoW (Article 19) are further detailed and regulated by a set of corresponding bylaws.²¹ A request for the issuance of an authorization for the purchase and possession of firearms included in category "B" is approved by an administrative act of the responsible bodies of the State Police (Article 38, LoW). The Central Commission and other local commissions are established by the State Police to issue licenses and authorizations for eligible weapon activities (Article 12 and 36 of the LoW, and Order no. 156, dated 01.04.2015).

The procedures for firearm authorisation are equally applicable to firearm parts and ammunition.

A natural person applying for a license and/or authorization to acquire/possess a firearm must: submit a personal written request to the local authority of State Police stating the reasons for acquiring a firearm; fulfil the required criteria as prescribed by Article 34 of the LoW; and fill out the application form and provide the requested documents (from the court, the prosecutor, and a relevant medical certificate). In addition, the applicant has to provide an authorization that allows the State Police to enter the relevant database and verify the applicant's reliability. The applicant is also obliged to complete the training course on weapons.

The criteria that must be met by an applicant according to Article 34 of the LoW include:

- a) Albanian citizenship;
- b) over 25 years of age but not over 70 at the time of application;
- b/1) no security measure²² has been imposed against the applicant and he/she has not been prosecuted with an inconclusive decision²³ for committing certain crimes;
- c) has not been *convicted under a final and binding decision for criminal offenses committed intentionally*;
- c) has not been identified as a person who has violently²⁴ opposed any police officer, public servant, or who has *committed the criminal offence of domestic violence, has not been a prosecuted party in cases having as their subject matter revenge or blood feud*, as well as not been cited for behaviours that violate order and security in the community;
- d) be physically and mentally able and does not use narcotics and psychotropic substances, as certified by the relevant medical certificate;
- dh) be the holder of the certificate for completing the course of training in the theory and practice of weapons;
- e) not be a debtor in payment of penalties for administrative violations stipulated under the LoW;
- ë) *be reliable, (within the meaning prescribed by the LoW)*;
- f) his/her license/authorization has not been revoked within the past 3 years.

21] CMD no. 421/13.5.2015, "On the procedures for examining applications, documentation, their deadlines, and special licensing criteria for eligible weapons activities;" Mol Instruction no. 277, dated 29.5.2015, (amended by Instruction no. 123, dated 23.2.2018) "On the procedures, documents, and time frame of evaluation for the issuance of authorizations for firearms to legal entities, on the format of the firearms register for weapons for subsidiary licenses for activities with guns, for the rules, procedures, and the form to be filled in at the time of the execution of experimental firing and bullet administration in a data bank;" Order of Mol no. 156, dated 01.04.2015, "On the composition, tasks, and functioning of the commission for issuing licenses/authorizations to entities for the eligible weapons activities;" Order no. 417, dated 02.05.2018, of the GDSP "On the form and content of the certification of reliability," which is applicable to both civilians and employees of licensed legal entities (private security companies, etc).

22] As stipulated by the Criminal Procedure Code of the Republic of Albania, personal security measures are classified as coercive and interdicting measures. Coercive measures are defined in Article 232 of the CPC: a) prohibition to expatriate; b) duty to appear at the judicial police; c) prohibition and duty to reside in a certain place c) bail; d) house arrest; dh) security detention in prison; and e) temporary hospitalization in a psychiatric hospital. Interdicting measures are the following (Article 240 of the CPC): a) the suspension from exercising a public duty or service; b) the temporary prohibition of practicing certain professional or business activities.

23] According to the legal literature, this term is invoked for the first time. Perhaps the legislation refers to a decision that in terms of criminal proceedings is a decision not considered as a final one., such as decisions of the first instance court that can be, or could have been, appealed. But it can also be interpreted in an even broader way: meaning all cases for which an investigation and/or court proceeding is ongoing.

24] Law no. 72/2014 "On the Use of Firearms," provides this relevant definition: a "person posing a danger" is one who has committed violent acts, endangering the life of persons, health, property, and/or public order and safety.

2. LINKAGES BETWEEN FIREARMS AND DOMESTIC VIOLENCE

Additionally, regarding the **reasons for acquiring a firearm** that must be declared in the application to purchase/possess a firearm, the LoW²⁵ recognizes the following reasons as adequate:

- **Physical protection:** when natural persons, due to their state duty or specific personal circumstances, are exposed to risk of life and are entitled to the right of special protection (Article 30, LoW on a special authorisation to possess a weapon).
- **Hunting and shooting sport purposes:** for a natural person who can prove that the utilization of a firearm is for professional shooting sports (sports shooters) or for hunting.
- **Collection purposes.**

In addition to the LoW,²⁶ special authorisations to purchase a firearm related to 'physical protection' cases are further elaborated by: CMD no. 95/4.2.2015 "On the procedures for the assessment of the risk to life and equipping/providing special authorizations for weapons" (amended by CMD no. 289/21.5.2021)²⁷ and Order of the GDSP (General Directorate of the State Police) no. 485, dated 17.06.2015 "On standard procedures for cooperation with the community and the conditions for benefitting from and the means for the protection of persons who provide information if their lives are threatened."

DOMESTIC VIOLENCE AND AUTHORISATION APPROVAL

According to the provisions of Albanian criminal legislation, domestic violence is incriminated as a criminal offence (Article 130/a of the CC)²⁸. Law no. 9669/2006 (as amended 2020) "On Measures against Violence in Family Relations" (LDV) defines domestic violence as any act or failure to act of a person against another person, resulting in a violation of the physical, moral, psychological, sexual, social, and/or economic integrity that occurs within a family or a household, exercised between family members. For violence to be categorised as DV, the victim and the perpetrator should have family ties (as strictly defined by the LDV and Criminal Code), regardless of whether the perpetrator shares or once shared the same dwelling with the victim.

The LDV (Article 3), the Criminal Code (Article 130/a, etc), and Law no. 18/2017 "On the Rights and Protection of the Child" (Article 23) prescribe the definition of domestic violence, including its different forms, such as against physical, moral, psychological, sexual, economic, and social integrity. In addition, the Criminal Code recognizes other criminal offences as forms of violence against women, such as sexual violence, stalking (Article 121/a)²⁹, forced marriage, sexual harassment, etc. Albania has ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) (Law No. 104/2012).

Notably, under the LoW (Article 34), "domestic violence" and "behaviour that violates order and security in the community" are explicitly considered as grounds for the rejection of a firearm application if:

1. The applicant has been legally convicted for the criminal offence of domestic violence;
2. The applicant has been prosecuted with an inconclusive decision for committing certain crimes, including domestic violence. (DV is not explicitly mentioned here, but since it constitutes a criminal offence under the CC this provision is also applicable.)
3. Security measures have been imposed against the applicant.
4. The person's behaviour indicates that firearms could be misused in the context of violating order and security in the community.

25] See the LoW, Article 8, Article 8/1 and 8/2 (which are recent articles after amendments of 2020), Article 26, etc.

26] Article 8 item 2/a, Article 26 item 1ç, Article 30 of the LoW.

27] The provisions of CMD, no. 95/4.2.2015. (Albanian) -VKM Nr. 95, datë 4.2.2015 "Për procedurat për vlerësimin e kërcënimit të rrezikut për jetën dhe pajisjen me autorizim të posaçëm për mbajtje arme."

28] CC, Article 130/a: "Domestic Violence" (Added by Law no. 23/2012, amended). This Article includes: battering and any other act of violence; a serious death threat or serious injury; or intentional injury - committed against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative (ancestor, descendants, brothers, sisters, uncles, nieces, nephews, grandchildren, children of brothers and sisters), close relative in-law (father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, stepmother, stepmother, stepfather, and stepmother), or intimate partner to the perpetrator of the criminal offence.

29] Article 121/a, in regard to cases of stalking, prescribes the increase by one third of the respective sanction when "committed by an ex-spouse, former cohabitant, or person who had a spiritual connection with the injured party." Also, Article 121/a prescribes the increase by one half of the respective sanction when committed against a child, pregnant women, disabled person, etc.

Considering the content of Article 34, item 'ç' of the LoW (2020)³⁰, it is evident that several criteria (including DV) are mentioned in one paragraph as the most important grounds for application rejection. However, it should be further considered as to whether grouping the criminal offence of DV together with *revenge or blood feud*, with offenses having the character of violent attitudes and misconduct toward authorities (*violently opposing any police officer or public servant*), and with community offenses (*behaviour that violates order and security in the community*) might result in the diminution, or inadequacy, of the focus on DV. In addition, the meaning of '*have not been identified*' (item ç, Article 34, LoW) can be ambiguous, as it is not clear whether it refers only to persons convicted with a final and binding court decision, or whether this also includes other cases.

According to the provisions stipulated in Article 34 of the LoW, it would seem that cases adjudicated by civil courts under the provisions of the Law no. 9669/2006 (as amended) "On Measures against Violence in Family Relations" (LDV) are not considered in any of the listed criteria, and it is therefore not clear if '*behaviour that violates order and security in the community*' also refers to such cases.

The LDV stipulates that civil courts can issue a "**Protection Order**" (PO) or an "**Immediate Protection Order**" (IPO). A PO provides protection measures for the victim, and, as appropriate, measures for the rehabilitation of the perpetrator for a period of up to 12 months, with the possibility of extension, while an IPO is issued within 24 hours of the reporting of the respective event if the victim is a child and 48 hours in other cases, and it is valid for 20 days. Furthermore, the LDV prescribes that the State Police can issue an "Order for Preliminary Immediate Protection Measures" (OPIP, Article 13/1 of the LDV). An OPIP contains *immediate* measures to be undertaken instantly to stop the associated violence until a court decision on a PO/IPO can be issued. As noted, such court decisions are not explicitly mentioned in the LoW.

SECURITY VETTING

Requirements set forth in Article 34 of the LoW (consolidated version, 2020) for the approval of firearms acquisition are further verified by the State Police. The State Police may collect any personal data from other public and private entities or institutions if the relevant data is required for the purposes of issuing licenses and authorizations. In collecting, processing, and applying the data, the effective legal provisions on the protection of personal data should be applied as envisaged by the LoW.

One of the key features considered in the license authorisation process as part of the LoW provisions is the criterion of the '**reliability**' of the applicant. As per the LoW, reliability is achieved through the process by which the applicant's self-declared data are verified against data in the records of the *State Police* and other state institutions (LoW, Article 3, item 46). The State Police authorities shall issue a certificate of reliability as an administrative act if the applicant fulfils the requested criteria. Apart from the LoW, CMD no. 421/2015 regulates the security-vetting procedure for employees of legal entities in the same way as it does for natural persons.

Order no. 417, dated 02.05.2018, of the General Directorate of the State Police (GDSP) "On the form and content of the certification of reliability" establishes how the state police are to certify the reliability of the applicants in regard to the following cases:

- for a person applying to be admitted to the police or to return to the police;
- for performing the duty of the head, a technical manager, or a service worker of a private physical security company; for engaging in a position of the head and/or technical director of an entity licensed for permitted activities with weapons;
- for providing authorization for the purchase/possession of weapons of natural and legal persons for permitted activities with weapons;
- for licensed activities for the production, import, export, and/or use of explosives; for authorization for the transport of explosives;
- for other cases provided in special normative acts in which the state police are required to provide a certificate of reliability for the applicant.

30] Quoting the provision of Article 34 of the LoW: "not be identified as a person who has violently opposed any police officer or public servant, or who has been convicted for the criminal offense of domestic violence, or for cases having as their subject matter revenge or blood feud, as well as for behaviour that violates order and security in the community".

2. LINKAGES BETWEEN FIREARMS AND DOMESTIC VIOLENCE

In all the above-mentioned cases, relevant procedures show a high degree of similarity.

Order no. 417/2018 of the GDSP establishes that someone in the role of Crime Specialist may use 'all the legitimate sources of information, criminal files, electronic systems used by the police, and physical and electronic registers of other institutions,' as may *Community Policing Specialists* (SPZ), who prepare written opinions regarding applicants' reliability. In addition, information on *conflicting relations in family, school, society, and employment* are cited as relevant. Order no. 417/2018 does not specifically indicate if a PO, IPO, or OPIP are considered, or if the National Referral Mechanism for DV (CMD no. 327/2.6.2021) belong to those public and private entities or institutions which should provide information under the security vetting process. A comprehensive analysis of Order no. 417, dated 02.05.2018, is provided in the section on security sector personnel.

In addition, the LoW (Article 34, item 'dh') prescribes that the applicant should complete the theoretical and practical training course on weapons and obtain a necessary certificate.

The LoW and the relevant bylaws do not contain specific provisions which legally mandate an obligation to notify the spouse/cohabitant or close family member of an applicant seeking a firearm authorization on behalf of the responsible institution during the process of obtaining the license/authorization. An extended list of those considered as 'family members' protected in cases of DV is stipulated by both the LDV (Article 3, item 7) and the Albanian Criminal Code (Article 130/a). These include the perpetrator's spouse, ex-spouses, cohabitants or ex-cohabitants, persons of close kinship (antecedents, descendants, brothers, sisters, uncle/aunts, nieces and nephews), persons of close in-law kinship (father-in-law, mother-in-law, son-in-law, daughter in law, brother-in-law, sister-in-law, stepmother, stepfather, stepson, stepdaughter), or persons in an intimate relationship with, or formerly in an intimate relationship with, the perpetrator.

While all forms of domestic violence are cited as grounds for an application rejection and are criminalised, there is no specific provision on the meaning of DV and it forms under the LoW or any clear guidance stating whether all forms of DV (physical, psychological, sexual, economic, social integrity) are to be specifically checked. The same is true for Order no. 417/02.05.2018. Also, it should be mentioned that Albanian legislation has not yet been fully harmonized and extended to cover all the forms of GBV established by the Istanbul Convention, meaning that there is a risk that some forms of violence may be left out of the security vetting process.

MEDICAL FITNESS

Any applicant for a license to purchase/possess a weapon shall certify that he/she is physically and mentally fit and not a user of narcotics and/or psychotropic substances, to be reflected in the periodic medical certificate issued by the forensic commission (Article 34, item d, Article 35, LoW). The same is further elaborated by other sub-legal acts.³¹ Such a medical certificate is valid for 6 months from the date of its issuance and shall be submitted to the competent authority of the State Police within this period at the moment of presenting the application for the issuance or renewal of an authorization for the purchasing or possessing of a weapon.

The types of visits and the content of the medical certificate are determined by Joint Instruction no. 88/2015 of the Ministry of the Interior and the Ministry of Health. The Instruction defines the type of tests that must be performed for the health examination, and the types of doctors who must perform them, such as an ophthalmologist, otorhinolaryngologist, neurologist, psychiatrist, and pathologist.

The LoW establishes, in general terms, that any state structure certifying any mental disorder of any citizen who has stated or reported that he/she is a holder of a firearm, shall immediately notify the competent local authority of the State Police (Article 35, item 3). Also, any administrators of shooting ranges who observe/suspect that a natural person has shown signs of physical impairment and/or mental health issues, based on the suspicious behaviour of any such citizen in possession of a firearm, are obliged to immediately notify the local competent authority of the State Police (Article 35, item 4, LoW).

The validity of firearm licenses and authorizations is 5 years. With respect to health conditions, given their changeable nature, this duration may require further scrutinising.

AUTHORIZATION RENEWAL

The LoW provides the possibility of renewing an authorization for purchasing or possessing a firearm and of renewing a license. These authorizations are issued for a period of five years (unless otherwise specified) with the right of renewal.³² Article 37, item 3 stipulates that a citizen who has reached the age of 70 may renew a firearm authorization within a limit of three years. The LoW and corresponding bylaws³³ do not specify a security vetting process during the renewal of an authorization and it is not clear if the renewal procedure re-examines the requisite conditions stipulated in Article 34 of the LoW, including those related to domestic violence.

CARRYING FIREARMS

The Law on Weapons employs the term “natural persons” in referring to natural persons/civilians who possess firearms and natural persons/civilians employed for an indefinite period in a legal entity with access to firearms (private security, etc). The former may obtain a license for the possession of, but not the carrying of, firearms, while the latter may obtain a license for carrying the firearms, but may use the weapons only for the purpose of performing their duty. Specific rules on carrying weapons depend on the type of authorisation as prescribed by the LoW (Articles 27, 28, 30, 31, 32).

While the LoW aims to restrict access to firearms through the rejection of an application if domestic violence has occurred, certain issues have been identified:

- Applicable legislation does not provide clear guidance as to how security vetting might be performed related to circumstances that indicate that firearms could be misused in the context of domestic violence.³⁴
- While all forms of domestic violence are recognized under the LDV and criminalized under the Criminal Code, there is no clear guidance stating whether all forms of DV (physical, psychological, sexual, economic) are to be specifically checked.
- Currently, the LoW and accompanying bylaws do not foresee an obligation to notify the current and/or former spouse/cohabitants or other close family members of an applicant for a firearm authorization/license on behalf of the responsible institution during the process of seeking to obtain the license/authorization. Nor does it mandate that interviews be conducted with these persons and other relevant parties during the background checks for domestic violence. Such practices could provide a more thorough and true estimate of whether purchasing firearms could place an applicant's intimate partner, a child, or other close persons in reasonable fear of using firearms in any form of domestic violence, including psychological violence and threatening.
- The meaning of “family conflicts,” as a term included in Order no. 417/02.05.2018 of the GDSP regarding the security vetting process, is not clearly defined.
- The Law on Weapons does not explicitly prescribe that security-vetting procedures include consultation with the National Referral Mechanism for DV, Local Coordinators for DV, and/or with the Counselling Centre for Women and Girls, which provides relevant national hotline services.
- As per the current legal provisions, decisions on Protection Orders (PO) and Immediate Protection Orders (IPO) issued by the civil courts under the LDV are not explicitly stated as conditions for mandatory vetting in the LoW.
- Domestic violence in the majority of cases goes unreported. This places specific

32] Article 19, item 2, Article 34, item 3, and Article 35, item 2 of the LoW; Article 37, item 3, and Article 38, item 5 of the LoW.

33] Instruction no. 277, dated 29.5.2015 (as amended by Instruction no. 123/23.2.2018) details the documents to be submitted in the cases for renewing a firearm authorization/license. These include the following in regard to the applicant: a) photographs (4 copies); b) a report from the forensic commission on health, physical, and mental condition; c) certification of the payment of the required fee; d) photocopy of the relevant identity card. The applicant has the right to appeal against a decision refusing the extension/renewal of a firearm license. In near absolute agreement with these provisions are those of CMD no. 421/2015 “On the procedures for examining applications, documentation, their deadlines, and special licensing criteria for eligible weapons activities.”

34] As an illustration, the Law on State Police prescribes, in general terms: that it is the role of the State Police to identify, protect, and refer for assistance to the relevant authorities victims of trafficking and domestic violence, especially minors and women (Article 17); that “information activity” (Article 6, item 30) helps police to undertake actions or protective measures (Article 122) to prevent criminal offenses and maintain public order and security; collaboration with the community (Article 76) and cooperation with local government units, public and private institutions, and NGOs operating in the field of protection of human rights, religious communities, etc. (Article 78, 79, 129); the necessary data for the prevention of a threat to public order and security from and the prevention, detection, prosecution, and investigation of criminal offenses (Article 124).

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importance on adequate checks of these risks, which could serve as potential effective tools to prevent the misuse of firearms in domestic violence. This is particularly relevant given apparent shortcomings in reporting and documenting cases of domestic violence in the police. As an OSCE-led survey on Violence against Women highlighted, 97% of women who had experienced their most serious incident of *physical and/or sexual violence* by their current partner, and 84% of women who had experienced such incidents of violence by a previous partner, *did not report it to the police*. This signifies that only 3% of women who had experienced violence at the hands of their current partner had reported what they considered *their most serious incident to the police*. This may be linked to the belief held by 48% of women, that domestic violence is “a private matter” that should be kept within the family. Women who agree that domestic violence is a private matter have been found to be more likely to say they have experienced intimate partner violence than those who disagree (23% vs. 16%). The evidence suggests that violence in relationships can occur over a long period of time, indicating that it often occurs many times before being reported to the police (OSCE-led survey, page 26). The court process itself also places the burden of proof on the survivor instead of the perpetrator. This burden of the proof problem could help explain why most women apparently choose to discuss incidents of violence only with family and friends, if at all, rather than seek support from the appropriate authorities (OSCE-led survey, page 65) and highlights the importance of notifying and interviewing family members during security vetting.

- DV cases prosecuted as a criminal offence are often rejected due to insufficient evidence, resulting in criminal charges not being issued against the perpetrators. In addition, the withdrawal of victims of DV from court processes because of pressure, threats, and intimidation, thusly making the victims even more vulnerable, remains a troubling phenomenon. From January to August 2015, in regard to DV, “out of 406 requests submitted to courts in Tirana, 251 applicants withdrew from the process due to pressure from their abusers or family members.”³⁵ As per the LDV, the victim's wish to drop the case shall not have an effect on the continuation of the judicial process (Article 13, paragraph 4).
- In addition, it should be also determined if legislative responses to domestic violence, such as deferring criminal prosecution, affect access to firearms.
- Also, the LoW does not regulate firearm and license return in cases in which domestic violence was the grounds for weapon removal or consider as a risk factor the risk of the reoccurrence of violence while considering the decision to return the firearm(s)/license(s).

FIREARMS STORAGE

The Law on Weapons and other bylaws³⁶ regulate the storage of firearms and ammunition for both natural persons and legal entities.

A person possessing a firearm is obliged to adhere to the applicable rules for physical security of the firearm. If he/she fails to do so, he/she shall be held liable (Article 56, item 2/c, LoW).³⁷ The owner or user of a firearm is obliged to keep the firearm in good condition, to handle it carefully, and to keep it in a way that prevents the access of unauthorized persons (Article 41, LoW). Consequently, this means that the firearms are stored in a safe location and in a secure manner (Article 41, item 5).

Firearm storage depends on the type of authorization. The authorization for the possession of a firearm in residential premises implies the right of keeping the firearm only in the premises declared as the place of residence, restricting the taking it outside of such premises. The issuance of an

35] See the report; Violence against Women and Girls, Amnesty International, 2015-2016: “State police reported 1,696 cases of family violence in the first six months of the year [2016], giving rise to 993 requests for civil protection orders. Of 406 requests submitted to courts in the capital Tirana between January and August, only 118 were granted, with 251 applicants withdrawing their application, or not attending court due to pressure from their abusers or family members.” See the report Enforcement of the Law “On Measures against Domestic Violence;” lawyers of the Center for Legal Civic Initiatives have several times provided free legal aid for the same case of DV, only because the victim decided to withdraw several times.

36] See also: the LoW, Articles 15, 16, 17, 28, and 41; security conditions with which an entity must comply in order to exercise the activity of weapons trading; security conditions of the activity of transport of weapons, their parts, and ammunition; security conditions for the construction and operation of a civilian shooting range; security rules and conditions for keeping a weapon in residential premises, determined by CMD no. 275/1.4.2015 “On the approval of the regulation “On the conditions and rules for the safety of weapons.”

37] The LoW prescribes that those carrying weapons under this law and whose actions do not constitute a criminal offence shall be cited with an administrative violation in case they breach the determined rules on the physical security for keeping a weapon in residence premises, working premises, during transport, etc. (Article 56, LoW).

authorization for the possession and keeping of a firearm in residential premises shall be subject to prior verification by the State Police, based on the security rules under which the firearm shall be kept (Article 28, LoW). CMD no. 275/1.4.2015 “On the approval of the regulation “On the conditions and rules for the safety of weapons”³⁸ prescribes more specific rules and conditions for keeping a firearm in residential premises. The standards and criteria for firearms safety depend on the number of firearms in possession (Article 6 of CMD no. 275/2015). In cases of “one to two firearms,” they are to be stored in a locked, secured facility by the authorized firearm holder. Firearms are to be secured with a locking key or key cable and the authorized person shall keep the keys so as to ensure that they are not accessible to others. Other rules apply specifically to cases of “three to five firearms;” “six to fifteen firearms;” and “over fifteen firearms.” According to Law no. 74/2014 “On Weapons” (amended 2020), an authorized police officer, in cases of doubt, has the right to inspect, at any time, the holders of weapons who have a license or authorization - and to inspect the residential premises, and the place(s) of storage, as well as to carry out inspections during the transport of firearms and ammunition (Article 23, LoW). The LoW mandates that firearms and their ammunition are to be kept separately.

PROCEDURES WHEN DOMESTIC VIOLENCE OCCURS, INCLUDING AUTHORIZATION SUSPENSION AND REVOCATION

The Law on Weapons (2020) defines the rules and procedures to be applied in cases of the suspension and revocation of firearm licenses and authorizations (See Chapter V of the LoW, Article 49-55).

AUTHORIZATION SUSPENSION

Authorization will be suspended if the rules on firearm possession, security, and usage are not fulfilled according to the provisions of the law. if it is deemed that the firearm may be used to *commit a criminal offence, the owner no longer fulfills* the criteria for being provided with authorization. Other circumstances also affect the owner's right to maintain his/her status, and may call for verifying actions to determine whether the holder is properly performing obligated duties regarding his/her firearm (Article 52 LoW).

AUTHORIZATION REVOCATION

Grounds for the revocation of an authorization for the possession of a firearm include: cases in which the orders are not executed within the prescribed suspension terms; cases in which the general criteria for the issuance of the authorization have changed; in cases involving the presence of other circumstances affecting the owner's right to maintain his/her status; and the removal of the weapon from the stipulated residence without authorization (Article 53, LoW). Firearms may be revoked even without first applying an order or suspension, in cases of flagrant violation bearing serious consequences.

Article 56 of the LoW prescribes, under its provisions on administrative sanctions, the situations in which the police shall confiscate firearms, such as: if firearms are possessed or used against the purpose specified in the authorization; if the authorization holder fails to personally appear for a summons to give notice; in cases of a change in residential address; if the holder fails to surrender the firearm to the local authority of the State Police; or if family members fail to adhere to the rules on disposal of a firearm after the death of the weapon holder. None of these provisions explicitly refer to DV and in none of the Articles of Chapter V of the LoW is a court decision imposing a PO/IPO in cases of domestic violence explicitly cited as grounds for revocation.

Under the Law on State Police (consolidated version, 2020), the police can confiscate both legal and illegal weapons³⁹ and enter a person's home and other premises and conduct searches without

^{38]} CMD no. 275/2015 applies to the activities allowed with weapons by legal and physical entities in the residence, in places of storage of weapons, and at shooting ranges, so as to ensure the avoidance of the possibility of their use by unauthorized persons.

^{39]} Article 116, item 1/c and Article 121 of the Law on the State Police (consolidated version 2020).

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the written consent of the person if someone is seeking assistance or if there is a need for removing serious danger to the life or health of a person or persons (Article 101, 117, 122 of the Law on the State Police). The police have the obligation of “immediate response,” which implies the undertaking of all necessary legal actions at the initiative of a police officer once he/she realizes that there is a danger (Article 6, item 22 of the Law on State Police).⁴⁰

In such cases, the authorization will be temporarily revoked until a final court decision is made, since in order for the license to be revoked permanently a criminal procedure for criminal acts of domestic violence has to be concluded with a final judgment. If it is found that there are no grounds or elements for prosecution, the temporarily confiscated object shall be returned to the person from whom it was confiscated (Article 121, Law on the State Police).

INSTITUTIONAL FRAMEWORK AGAINST DOMESTIC VIOLENCE

Albania has a well-established institutional framework against DV as established in its civil and criminal law (the courts, prosecutors, penitentiary system, etc). The DV Coordinated National Referral Mechanism (NRM) is represented at the local level by an organized network of responsible institutions for the prevention of DV and the protection, support, and rehabilitation of victims of DV (CMD no. 327/2021, and the LDV).⁴¹ The NRM consists of a steering committee, a multidisciplinary technical team (the police, NGOs, legal aid services, social services, health services, education services, the courts, prosecutors, bailiffs, and probation services), and the Local Coordinators for Domestic Violence. The State Police and Local Coordinators for DV are key actors of the NRM. The Local Coordinator for the referral and management of cases of DV is an employee of the respective local self-government Unit. All the actors of NRM have a specific role to play against DV, as regulated by the LDV and CMD no. 327/2021. Whichever member of the referral mechanism is first contacted by the victim shall initiate the relevant process by referring the case to the Local Coordinator and to the police, and/or to other members of the system on a case-by-case basis and depending on the assessment of its urgency/emergency (CMD no. 327/2.6.2021, Section III, item 2). As a general rule, all the actors are obliged to report the case to the police and the Local Coordinator for DV and report any danger related to the victim. If the risk assessment results indicate that the committed violence poses a high level of risk to the life, health, well-being, and freedom of family members, such a case is to be considered an emergency case (CMD no. 327/2021, Section III, items 4 and 5).

The following laws, orders, and provisions represent the main legal bases addressing the relevant procedures to be undertaken in response to occurrences of DV and any corresponding actions regarding firearms: the LDV; CMD no. 327/2021 on the NRM; the Joint Guidelines of the MoI and MHSP no. 912/27.12.2018 “On the Procedures and the Model/form of the Order for the Preliminary Immediate Measures of Protection (OPIP) and no. 866/20.12.2018 “On the Procedures and Models of Risk Assessment for Cases of Domestic Violence;” and Order no. 1118/13.11.2017 “On standard procedures for cases of domestic violence” of the GDSP.

The ***Domestic Violence Case Management Protocol*** is another important manual that aims to standardize proceedings of all NRM members in order to ensure an immediate, comprehensive, and accountable response, in accordance with their legal competencies and duties, to protect victims of domestic violence and bring the perpetrators to justice. The protocol defines steps to be followed in the management of a domestic violence case, such as: identification and/or reporting of the case; risk assessment and preparation of the risk assessment report; risk management; and case monitoring. As per the Protocol, in cases that require emergency intervention, i.e., when the life of the victim is deemed to be at high risk, the institution to which the victim was directed has an obligation to immediately notify the Local Coordinator. The Protocol, however, does not refer specifically to firearms.

RISK ASSESSMENT

The LDV stipulates that the Ministry of Health and Social Protection, in cooperation with other line ministries, shall develop procedures, standards, and protocols related to risk assessment and intervention plans in cases of DV, including the monitoring of their implementation (Articles 6 and 7).

40] See Chapter XIV of the Law on the State Police “On measures for maintenance of public order and security.”

41] Also, in Albania, a child protection referral mechanism is in place as provided by Law 18/2017 “On the Rights and Protection of Children” and its bylaws.

This is further elaborated by CMD no. 327/2.6.2021, Guideline no. 866/20.12.2018 “On the Procedures and Model of Risk Assessment for Cases of Domestic Violence,” and by Guideline no. 912/27.12.2018.

⁴²The guidelines determine the importance of the risk assessment report being completed within 48 hours and of its validity. The risk assessment is to be performed quickly, generally through a rapid collaboration of the police with the Local Coordinator for DV of the Referral Mechanism. As per CMD no. 327/2.6.2021 and Guideline no. 866/2018, the Local Coordinator of DV, together with the police, in emergency cases during the preliminary analysis of an incident, shall check if the abuser possesses or has access to a firearm. In order to collect necessary information, they are authorized to: conduct a face-to-face interview with the victim(s), the accused abuser, and other family members; make an assessment of the level of violence; fill in the standard form; and escort the victim(s) to primary health care institutions (if necessary) and provide transportation of the victim to a safe place (if necessary). Police officers and Local Coordinators are instructed to *use all the information possible, including information from institutions/organizations or from individuals who are aware of the incident* (item 12 of Guideline no. 866/2018).

Chapter III of Guideline no. 866/2018 elaborates the DV risk assessment. The first duty of the police and/or Local Coordinator for DV is **to gather information as to whether the perpetrator owns a weapon/firearm, legally or illegally**. The Guideline states that: *“the collection of information aims to provide data regarding: the possession of weapons, not only in cases where illegal possession of weapons is suspected, but also in cases where the person has a license/authorisation; repeated cases of DV and its source; if there have been previous protection orders or immediate protection measures; the perpetrator’s attitude towards previous orders for protection from domestic violence; if there have been criminal court decisions against the perpetrator; the psychological state of the abuser, and if he/she is a user of alcohol, narcotics; and if the abuser poses a threat to the life, health, or freedom of the victim(s), a child/children, or other family members.”* The risk assessment is the first and decisive step in deciding whether the police should issue an OPIP (Article 13/1, LDV). Police officers, or both the police and the Local Coordinator for DV, are to prepare a risk assessment report and Guideline no. 866/2018 provides a **‘Template of the risk assessment report for a case of domestic violence.’** Section VI of the template is focused on protection measures, which should be proposed based on the risk assessment. Section IV of the template deals with risk factors related to perpetrator. In this section only illegal weapons are mentioned. Considering that any weapon in the possession of the perpetrator represents a risk factor, and not only one illegally possessed, this part of the template should be revised and aligned with item VI. On the other hand, there is no specific provision that considers the presence of weapons/firearms owned by other family members. Under item VI, letter ‘e’ of template, the competent police officer, based on the risk assessment, shall propose, as an OPIP, the seizure of any weapon/firearm legally held by the perpetrator, until the civil court reaches a decision, or the confiscation any weapon/firearm illegally held by the perpetrator. Article 278 of the Criminal Code also prescribes that any weapon/firearm held without authorization (by the perpetrator, victim, or any other family member) should be confiscated, and the respective person should be penalized accordingly.

The role of employees of the health service is further elaborated in *Order no. 101/21.2.2020 and Order no. 102/21.2.2020*,⁴³ issued by the MHSP. If the victim is addressed to an employee of the health service, the official, as part of the NRM has the duty to: consider notable and relevant clinical or psychological circumstances and behaviours, such as *signs of gunshot wounds, scratches, bites, wounds, and burns, especially on the arms and face*; provide a detailed description of any signs of violence, its forms, duration, *if weapons/firearms were used*, and the date and time of the incident/s; take an active role in the documentation; and register in the REVALB data system whether weapons/firearms have been used (and if so, what type). However, in practice, the role of the health sector is considered a weak point in the system. Further on in this analysis, the role of the Centres for Social Care is examined in more detail regarding safety (safety plans), the risk of weapon use/misuse, and risk assessment, including their immediate reporting obligation in case a risk of use and/or access to weapons/firearms is perceived.

42] Joint Guideline of the Mol and MHSP no. 912/27.12.2018. “On the procedures and the model/form of the order for the Preliminary Immediate Measures of Protection (OPIP).”

43] Order no. 101/21.2.2020 “On the approval of standard operating procedures (PSV) for the treatment of cases of domestic violence and gender-based violence by employees of the health services, in the framework of cooperation as members of the Coordinated Referral Mechanism” and Order no. 102/21.2.2020 “On the approval of standard operating procedures for employees of health services, to reduce the risk of experiencing domestic violence and gender-based violence in situations of civil emergencies.”

POLICE MANDATE AND PROCEEDINGS IN CASES OF DOMESTIC VIOLENCE

The mandate of the police to seize or confiscate a weapon/firearm is defined in the LoW, the Law on State Police,⁴⁴ the LDV,⁴⁵ and the Criminal Procedure Code. The mandate of the police and corresponding proceedings in cases of DV is mainly established in the LDV and the Criminal Procedure Code.

Under the LDV, the Mol is tasked with establishing special units at police departments for preventing and combatting domestic violence, training police officers to adequately address cases of DV, assessing risk, interviewing victims and perpetrators, and adopting the template and procedures for risk assessment. When domestic violence occurs, a victim or any other person may submit a request for appropriate measures to the nearest police station. When there is reasonable suspicion that the reported perpetrator has threatened to or has committed domestic violence or has violated a protection order or measure, police authorities shall immediately verify and document the event.

The LDV (consolidated version 2020) stipulates which temporary protection measures can be imposed to the perpetrator by the court (Article 10) and by the police (Article 13/1) and regulates the procedure for issuing such measures. The LDV prescribes seventeen temporary protection measures to be issued by the court and seven to be possibly issued by the police, with **one measure specifically addressing the issue of firearms** (Article 10, item 1, letter g and Article 13/1, item 2, letter e). The state police have the mandate to submit a request to the court for issuing a PO or IPO for adult or juvenile victims of DV without their consent. A proposal for imposing a temporary protection order can be submitted regardless of whether criminal proceedings are being initiated. The maximum term of a PO is up to one year, with the right of further extension.

The amendments introduced into the LDV in 2018 established the mandate of the State Police to issue Orders for Security Measures of Immediate Protection (OPIP, Article 13/1 of LDV). An IPOP contains immediate measures to stop the violence as is initiated by the responsible head of the State Police in the jurisdiction where the DV *has been reported*, until a court decision is issued. This is further elaborated in the Joint Instruction of the MHSP and Mol no. 912/27.12.2018 "On procedures and model orders for preventive immediate protection measures." One of the measures to be undertaken by the police is to **seize any firearm legally held by the perpetrator found during the search, or confiscate any weapon illegally held by the perpetrator until the court's decision is made**. Also, the police may order the immediate removal of the perpetrator from the home if they share the same dwelling with the victim (unless the abuser is a juvenile, elderly person, or person with a disability).

If the civil court assesses that returning a weapon/firearm may pose a threat or a danger, it may decide in its decision on a PO/IPO to not return it, even if there are no grounds for prosecution. To this end, the court orders law enforcement agencies (police) to seize any weapon belonging to the perpetrator during the police check or to order the perpetrator to surrender any weapon belonging to him/her (Article 10, item 1, letter g of the LDV). In such cases, according to the LDV, the court's decision prescribes the following measures: **a) the suspension of the firearm authorization until the expiration of the protection order, as well as the notification of the relevant administrative authority, if the firearm has been seized and the person has authorization to possess a firearm; and b) the return of the seized firearm, if the person has the authorization to possess a firearm, only after the expiration of the term specified in the protection order(s). The maximum term of a protection order is up to one year with the right of further extension of this period.** The LDV does not prescribe what is to happen with the firearm after the expiration of a PO. There is no reference to the LoW for cases adjudicated by the civil court if any assessment is made by the police authorities to revoke the authorisation.

GDSP Order no. 1118/13.11.2017 "On standard procedures for cases of domestic violence" defines the duties and responsibilities of the state police in dealing with DV. The Order prescribes: actions that police officers serving in the Command Room should undertake; the questioning that should be carried out during the telephone conversation with the victim or other persons, including the question of whether weapons have been used and, if so, the type of weapons; the actions of the general patrol and the competent local police officer in cases of DV (when approaching the family

⁴⁴] The Law on the State Police (consolidated version, 2020) in Article 121 stipulates that the police officer may temporarily seize items when permitted by law and in accordance with the relevant legal procedures. With the exception of the cases provided by law, items may be seized only if the immediate threat to public order and security is deemed as completely unavoidable.

⁴⁵] See Law no. 9669/2006, amended (2020), Article 10, item 1, letter g, Article 10, item 4; Article 13/1, item 2, letter e.

residence; at the place where the DV has occurred; approaching persons involved in the conflict; the seizure of all weapons found at the scene for the purposes of evidence and to protect other persons present); the actions and procedures to be undertaken during the investigation and in interviewing the victim(s), the suspected perpetrator, witnesses and any children; the competence of the police to implement a PO or IPO; and all responsibilities relevant to the proper protection of the victim.

There is no explicit legal provision in the LDV (consolidated version, 2020) that refers to and consequently takes into account firearms owned by other family members.

CENTRES FOR SOCIAL CARE MANDATE AND PROCEEDING IN CASES OF DOMESTIC VIOLENCE

The mandate and responsibilities of the Centres for Social Care are stipulated by Law no. 9669/2006 “On Measures against Violence in Family Relations” (LDV, consolidated version 2020) and other laws and bylaws. Within the framework of the implementation of the LDV, local government units have the duty to ensure that Centres for Social Care provide adequate service, giving priority to: (a) specialized DV centres; (b) emergency centres for the immediate treatment of victims of DV and; (c) public centres for the treatment, training, and rehabilitation of perpetrators (Article 7, item 4, LDV).⁴⁶ Centres for Social Care are part of the Local Referral Mechanism for DV (CMD no. 327, dated .2.6.2021). Care services are categorized into: a) pre-social services, which encompass information and counselling, early intervention, and on-line counselling; b) community services, such as family services, alternative, multifunctional, daily and half-day, and *72-hour emergency services (offered to victims of DV)*, and shelter/protected accommodation; c) long-term residential services and specialized services.⁴⁷ Care services for victims of DV are further elaborated in CMD no. 518, dated 4.9.2018 “On community and residential social care services, and the criteria, procedures, and the amount of personal expenses for the beneficiaries of the organized services.” Shelter for the protection and rehabilitation of victims of domestic violence is covered by the following categories of services: specialised services providing accommodation; physical security; food; health care; legal assistance; psychosocial rehabilitation; empowerment for employment and reintegration services.

The social services of the local government and/or of competent organizations providing social care services should assess the specific needs of the victim, make a dynamic risk assessment, collaborate with other actors and services, and provide adequate protection and information. To fulfil their tasks, Centres for Social Care are to: provide psychosocial, health, and financial assistance to victims of domestic violence; monitor and observe the implementation of protection orders/measures and submit relevant reports (every 60 days) to the State Police and the Local Coordinator on referred cases of domestic violence; draft individual plans of intervention/protection containing the necessary measures and services to be taken to protect the victim(s) of DV from any on-going violence, specifying any immediate/urgent necessary services and minimizing the consequences of violence while also preparing a report on the mental health and psychosocial status of the victim(s); make home visits if the victim(s) is to remain at home; and provide residential accommodation if necessary (Articles 8, 10, 23 of the LDV). The Centres for Social Care can initiate a court proceeding for an IPO if the victim is an adult and both a PO and IPO if the victim of DV is a child (Article 13, LDV). The procedure can be initiated ex officio or at the request of the victim or any other person (Article 9, item 2 of the LDV). Order no. 100/21.2.2020 of the MHSP “On the standard operating procedures (PSV) for the treatment of cases of domestic violence and gender-based violence by employees of social care services, in the framework of cooperation as members of the coordinated referral mechanisms (NRM),” links DV to the risk of firearm misuse and sets out the obligations of social care services in documenting DV/GBV, including documenting **information that victims may provide as to whether firearms have been used (as well as what type)**, and to determine the risk factors, including any previous incidents of DV/GBV to the victim(s), a child or children, or any other family member(s). A history of abuse, the forms and types of violence committed, previous convictions or reporting to the police, as well as any weapons/firearms used, the legal or illegal possession of firearms, or any threat to use them are indicators that are to be considered in assessing the risks.

46] Law no. 125/2013 “On concessions and private public partnerships,” which opens up new avenues for outsourcing social services and funding them on a long-term basis.

47] Law no. 121/21.11.2016 “On Social Care Services in the Republic of Albania” (Articles 8, 15, and 23); CMD no. 518/4.9.2018.

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The access of DV victims to public and non-public residential social care institutions (shelters) depends on meeting eligibility criteria. The accommodation of DV victims in Centres for Social Care and their safety standards are established in a set of legal bases, such as: the LDV; Law no. 121/2016 "On Social Care Services in the Republic of Albania", Article 17, regarding "Shelters"; CMD no. 505, dated 13.7.2011, "On the standards of social care services for victims of domestic violence in public and non-public residential centres;" and Instruction no. 13, dated 17.12.2012, "On the implementation of standards of social care services for victims of domestic violence in residential centres, public and non-public." *MSHP Guideline no. 744/15.11.2019*⁴⁸ prescribes the minimum standards (seven main standards) of social care services for *public emergency residential centres (short-term) and non-public* (emergency shelters) for victims of DV and GBV: To guarantee and provide immediate protection in case of danger to the victim's safety, the Guideline may demand: assessment of the level of risk of the perpetrator; the protection of the environment with cameras; security and monitoring of images; installation of an alarm system; etc. Also, a set of other services are provided by Centres for Social Care for victims of DV, such as: legal aid and legal representation; assistance to the family for the regular education of a child; economic empowerment of the victim through his/her active inclusion in the labour market, etc. The Centre shall assess the need for the protection of the victim, according to the type, intensity, and context of the violence, the health and family status of the victim(s), his/her/their age, and other circumstances, and, based on the assessment the Centre, shall prepare a plan for individual work with the victim(s)/receiver(s) of services and the finding and opinion of an expert team.

LILIUM represents the first crisis management centre administered by the state for sexual violence cases in Albania that provides integrated cross-sectorial emergency services to victims of sexual violence. Through this institution, all health care services, forensic examinations, evidence gathering through criminal justice, and psychosocial services are provided at the same place, by professionals dealing with cases of sexual violence (Articles 7 and 23, LDV).⁴⁹

A national hotline (phone number: 116 117), covering the entire territory of Albania and dealing specifically with violence against women operates free of charge and 24/7. A set of eight standards for the services offered by the national hotline for victims of domestic violence are established by CMD no. 430, dated 8.6.2016.⁵⁰ The preliminary assessment of the level of risk is to pay specific attention to risks related to firearms. In order to provide a preliminary risk assessment, the employee of the counseling line shall ask questions such as: "*Does the perpetrator have a weapon?*" – "*A firearm? Cold weapons? Power tools, a hammer, an axe? Other weapons?*" "*Is the perpetrator intoxicated?*" "*Has he/she taken any drugs?*" The employee is also to complete a checklist where two main questions are highlighted: "*Has your partner ever threatened or used a weapon against you?*" "*Are firearms accessible to your partner at home?*"

VICTIM SUPPORT PROGRAMME AND MEASURES FOR PERPETRATORS

The protective measures issued by the court in responding to cases of DV are stipulated mainly in Articles 10 and 10/1 of the LDV (consolidated version 2020). It is the civil court that assesses in a decision on a PO or IPO whether the victim should be included in rehabilitation programs. Rehabilitation programs for victims of domestic violence are implemented by centres and services for the protection and rehabilitation of victims of domestic violence, which are licensed by the MHSP. Victims of DV are entitled to free legal aid (Law no. 111/2017 "On State Guaranteed Legal Aid") and economic and other social services support.⁵¹ The services provided include both short-term and

48] "On the approval of the minimum standards of social care services for victims/survivors of gender-based violence and domestic violence, in public emergency (short-term) residential centers and non-public (emergency shelters)".

49] Instruction of MHSP no. 816, dated 27.11.2018, 'On the approval of standards for the provision of services and the functioning of crisis management centres in cases of sexual violence'

50] Standard 1: Providing free National Hotline services for support, crisis counselling, and the referral of cases of DV and GBV; Standard 2: The protection, security, right to self-determination, and empowerment of beneficiaries; Standard 3: Appropriate formal procedures and mechanisms for internal administration and service delivery; Standard 4: Call policies and procedures and call management; Standard 5: Professional service and respect for the dignity and rights of beneficiaries; Standard 6: The referral of GBV and DV to other comprehensive support services; Standard 7: the storage of beneficiaries' personal data and their administration; Standard 8: Monitoring and evaluation.

51] Law no. 57/2019 "On Social Assistance in the Republic of Albania," which gives priority to housing of victims of DV and GBV. Article 60 - Special Housing for Victims of Trafficking/Potential Victims of Trafficking and Victims of Domestic Violence, which provides that: the special housing for victims of trafficking/potential victims of trafficking and victims of domestic violence: are provided through the services of specialized social workers and are guaranteed protection by State Police employees in cases of risk to the victim's life and health; must be provided with the necessary infrastructure for Police notification, in case of danger or emergency; and are rented subject to the observance of the conditions, rights, and obligations arising from the social house renting program as stipulated in; Law no. 7703/11.5.1993, "On Social Insurance," as amended; Law no. 22/2018 "On Social Housing"; and other relevant laws and bylaws that provide economic support to the

long-term solutions, such as healthcare support, shelter and protection, and the like. Through a PO/ IPO, the court may order competent authorities to support, where appropriate, victims of domestic violence through psycho-social, health, and financial assistance.

Amendments made in 2020 to the LDV provide a set of specific rules on perpetrator rehabilitation (Article 10/1, Law no. 125/2020, dated 15.10.2020). The court may order the perpetrator to participate in psychosocial rehabilitation programs and/or parental training programs. These programs are organized by public or private entities. The court may order the perpetrator to participate in rehabilitation programs at hospitals, outpatient centres, or community centres that provide mental health services, including alcohol support services. If the perpetrator does not participate in the program, unless there are objective, justified reasons for non-participation, the provisions of the Criminal Code apply in regard to actions committed in violation of a court decision on protection orders. If the perpetrator is convicted by a court decision to serve a sentence in a penitentiary institution, he/she may also still be required to participate in psychosocial rehabilitation programs.

Regarding victim compensation, it is worth noting that Albania has taken no clear position on Article 30 of the Istanbul Convention,⁵² though Albania has ratified the Council of Europe Convention "On the Compensation of Victims of Crimes" (Law no. 9265, dated 29.07.2004).

VICTIM INDIVIDUAL SAFETY PLAN

Risk assessment and individual safety plans are mentioned as important elements for an adequate strategy for victim protection (LDV, Article 8). Social workers responsible for DV at the level of local government units are to prepare individual intervention plans in cooperation with the multidisciplinary technical team as part of the NRM (Coordinated National Referral Mechanism for DV).

Also, in regard to incidents of DV, MHSP Order no. 100/21.2.2020 *"For standard operating procedures (PSV) for the treatment of cases of domestic violence and gender-based violence by employees of social care services in the framework of cooperation as members of the Coordinated Referral Mechanisms (MKR)"* defines the duties of social care services to provide an analysis of all risk factors and formulate a security plan to prevent future incidents of violence, avoid escalation of the situation, and propose measures to be considered (Section XII of the Order). The safety plan should be prepared to take into account the risk factors, the risk assessment, and any developments that have taken place after the risk assessment. To prepare an effective security plan, it is necessary to identify any factors that may lead to the recurrence and/or escalation of violence. To facilitate the risk assessment as a preliminary step for the development of the individual safety plan, *Order no. 100/21.2.2020 provides a list of potential risk factors to be considered and identified by the employees in charge of social care services and reflecting the risk assessments provided by other actors of the referral mechanism.* The list also includes as a consideration the lawful or unlawful possession of weapons/firearms and/or the use of weapons/firearms, or any threats to use them. The Order obliges the authorities to ask if any weapons/firearms have been used (such as firearms, knives, or other objects) to gain and maintain control over the victim.⁵³ Social care workers are expected to collect and record information about the DV case, including, among other relevant information, in regard to whether weapons/firearms have been used (as well as their type). This Order establishes in detailed the identifying of risk factors and the administering of any evidence to guarantee effective protection and an adequate safety plan.

A template for individual assistance / the individual safety plan of the victim for cases managed by the NRM is included in the *Domestic Violence Case Management Protocol* approved by the MHSP

victim.

52] Article 30 – Compensation: 1. Parties shall take the necessary legislative or other measures to ensure that victims have the right to claim compensation from perpetrators for any of the offences established in accordance with this Convention. 2. Adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This does not preclude Parties from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety. 3. Measures taken pursuant to paragraph 2 shall ensure the granting of compensation within a reasonable time.

53] In brief, those risk factors that the order recognizes are: previous incidents of DV/GBV against the victim(s), a child or children, or any other family member(s); a history of abuse (forms and types of violence committed, previous convictions, reports to the police, weapons used); violent behaviour of the perpetrator outside the family; if the DV episode coincides with the dissolution of a marriage/union; cooperation of family members with the perpetrator; the presence of illegal or unlawful possession of and/or the use of weapons/firearms, or the threat to use them; alcohol or drug use, which may not curb behaviours but lead to the escalation of violence; threats, in particular, death threats, which should be taken particularly seriously; jealousy and extreme possessiveness; entirely patriarchal concepts and attitudes; persecution and psychological terror (stalking); disagreement with a PO/IPO issued by the court or an IPO issued by the police; other motivating factors that may lead to the escalation of violence (e.g., changes in behaviour in the relationship).

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and adopted by local government units.

The safety plan should be prepared in collaboration with and with the consent of the victim. In this context, the victim should: provide a list of persons (friends, colleagues, neighbours, relatives, family members) who can be called on in the case of emergency or who can provide short-term shelter (a few days); identify one or more neighbours who they can confide in and tell about the violence and who can seek help if they hear suspicious noise, or register other suspicious elements, in the victim/survivor's home; practice how to get out of the house safely; and pack a briefcase with the necessary items and place it in a place from which it can be easily taken in an emergency situation.

HUNTING AND SPORTING WEAPONS HOLDERS

The LoW regulates the authorization for hunting and shooting sports purposes to natural persons, which are proved by a respective hunting or shooting sports certificate/permission to exercise professional shooting sports (sports shooters) or for hunting (Article 8, items 2/c and 318/2, 19/1, 19/2, and 19/3 of the LoW). The State Police issues weapon authorizations while the ministries responsible for sports or the environment issue the shooting sport and hunting certificate/authorization, respectively. As the LoW states, the applicant should meet the criteria of Article 34 of the Law on Hunting (no. 10253/11.3.2010, as amended by Law no. 43/14.2.2013). Here, the relevant criteria regarding the applicant include that he/she must: be 22 years old of age (note the age difference compared with Article 34 of the LoW); have the *authorisation to possess a weapon*; have successfully completed the theoretical and practical test for hunting activity; have a hunting permit (the Forest Service Directorate can issue hunting authorizations); recognize and respect the hunter's manual; and participate in the monitoring and inventory of the wild fauna of his/her area. The Forest Service Directorate can issue a hunting authorization only to a person who fulfils the requirements of Articles 35 and 37 of the LoH. The application for a hunting permit is made in writing and contains the specific characteristics of the applicant, the area where he/she shall practice hunting, and the duration of its exercise (a 5-year term or for one designated hunting season).

The vetting of applicants seeking to acquire authorization to hold weapons and ammunition for hunting and sporting purposes is done according to the LoW. The LoH does not prescribe any measures related to security vetting or any reliability checking procedure. The LoH states that a request to obtain a hunting permit can be denied (Article 37, item 4), but does specifying the reasons. A hunting permit can also be revoked (Article 41) and the grounds for revocation listed include: health; false data in the documentation; more than two administrative penalties; conviction by the court for serious crimes;⁵⁴ and if the authorization to use the hunting weapon has been given to another person. The LoH does not mention whether, or mandate that, any risk assessment regarding DV is to be undertaken by the authorities that provide hunting permits (Article 37, item 4, LoH).

2.2. SECURITY SECTOR PERSONNEL

Many security sector personnel are authorized to carry and use firearms as part of their special official authorization. Law no. 72/ 2014 "On the Use of Firearms" and the Regulation approved by CMD no. 839, 14.10.2015 "On the Use of Firearms"⁵⁵ authorizes the following personnel:

- Police officers (appointed to police structures and holding police ranks according to the Law on the State Police (Articles 2 and 3/a of Law no. 72/2014));
- Other security sector personnel such as: penitentiary police, employees of the State Intelligence Service,⁵⁶ employees of the Guard of the Republic of Albania, of the Armed

^{54]} As it currently stands, the legal framework requires remedial interventions since the serious crimes court is no longer officially part of the judicial administration/organisation. It would here be much more relevant to cite criminal offences or misdemeanours which could lead to the revocation of a license/authorisation, rather than cite a specific court.

^{55]} This regulation is mandatory for the employees of the State Police and for the Armed Forces, as well as for others authorized and equipped with weapons when weapons/firearms are used to establish order, according to the in-force Law "On Weapons."

^{56]} Article 16 of Law no. 8391/28.10.1998 "On the National Information Service" (Amended by Law no. 84479/29.4.1999 and Law no. 9400, dated 12.5.2005) stipulates that: "The Director of the National Intelligence Service authorizes special units to carry weapons during the exercise of duty, in accordance with the legal provisions in force;" Article 31 of Law no. 9357, dated 17.3.2005 "On the Status of Employees of the National Information Service" (amended by Law no. 97, dated 23.7.2020, "on Armament") prescribes that: "1. An employee on duty in special units of the State Intelligence Service, designated by the Director of this Service, may be equipped with weapons for the performance of duties, but these weapons must be used in accordance with applicable law. 2. When an employee on such duty, for various reasons,

Forces, and of private physical security services (the LoW is also applicable)⁵⁷.

- Other persons that carry firearms due to their duty based on a specific law (Article 2 and Article 3/b of Law no. 72/2014).

In this section the focus of the analysis is on: (1) security vetting with respect to DV during the recruitment of personnel; (2) proceedings when a member of the security sector commits domestic violence; (3) procedures for carrying and keeping firearms outside of the working hours and professional duties of persons authorized to carry and keep firearms.

(1) SECURITY VETTING OF SECURITY SECTOR CANDIDATES FOR EMPLOYMENT WITH RESPECT TO DOMESTIC VIOLENCE

The legal framework relevant to the security sector does not explicitly refer to DV as a consideration of the vetting procedure. Not a single regulation explicitly prescribes domestic violence be examined as a security vetting condition, though “conflicting relations in the family” are to be checked during the vetting.

The security-vetting procedures for employment in the State Police and Republic Guard are the same, while procedures applicable to the Judicial Police follow similar procedures (Article 18 of the Law on the State Police).⁵⁸ The rules on the security vetting process are stipulated by: Law no. 108/2014 “On the State Police” (as amended by Law no. 80/2020); the Council of Minister’s Decision no. 750/16.9.2015 “On the State Police Regulation” (as amended by CMD no. 1143/2020); and Order 417, dated 02.05.2018, of the GDSP “On the form and content of the certification of reliability”⁵⁹ (applicable without specific distinction between natural persons and security sector employees). All employee candidates shall fill in the required application form and provide authorisation for security vetting as well as the required documents (Article 130 of the State Police Regulation),⁶⁰ which certify that he/she has not being convicted by a final court decision for intentionally committing a crime or a misdemeanour, is not a user of narcotics (registered by health institutions), etc. The application form does not contain specific references to a history of domestic violence.

With respect to the vetting process, the crime investigation specialist and his/her direct superior at the applicant’s jurisdiction of residence play a key role.⁶¹ The crime investigation specialist conducts a preliminary inspection of each applicant for possible criminal records and prepares a vetting report. During the inspection, the crime specialist shall use all legal sources of information and, in doing so, has the right to access, check, and receive documents, records, and information, in written or electronic form, from all relevant offices, registers, secretariats, files, and archives of police structures and other institutions (Article 99 of the State Police Regulation). This vetting procedure is further elaborated by the Order of the General Directorate of the State Police no. 417/2018.⁶² The crime investigation specialist is to provide a written opinion regarding each applicant’s reliability. The report should provide information on whether the person has or has had *conflicting relations in the family*, in school, in society, in employment, etc. Based on these data, the final assessment on reliability is made. The vetting process at this stage is to be concluded within 15 days from the

terminates the employment relationship, he/she is to surrender his/her personal weapon. 3. When an employee on such duty dies, the family members are to hand over the authorized weapons of the deceased to the work centre within 30 days.”

57] In Albania, there isn’t a specific law on detective activity. Currently, being a private detective is considered a private profession, which may be practiced upon licensing (See Law no. 1081, dated 23.02.2009, “On Licenses, Authorizations, and Permits in the Republic of Albania”). A Council of Ministers Decision, no. 538/2009, contains the national list of private professions in the Republic of Albania in which private detective activity is mentioned. Also, there has been no specific financial police entity since Law no. 8720/26.12.2000 “On the Creation of the Financial Police” was abrogated by Law no. 9079/9.6.2003.

58] Law no. 25/2019 “On the Organization and Functioning of the Judicial Police” does not have any specific provision related to domestic violence.

59] Order no. 57, dated 28.01.2015, of the GDSP has been abrogated by this new Order with the same title.

60] The application documents for each applicant are as follows: a) the application form and the authorization to provide the required documentation; b) a photocopy of a relevant identity card; c) an official document certifying the completion of education; d) a photocopy of the proof of driving ability of vehicle type “B”; e) a certificate of judicial status; f) a family certificate; g) a certificate from the court; h) a certificate from the prosecution; i) a forensic report; j) a photocopy of the work book or a certificate of attendance at higher education (if available); k) a document issued by health institutions certifying that the applicant is not a user of narcotics.

61] See Article 133, paragraph 2 of the State Police Regulation and Order no. 417, dated 02.05.2018, of the GDSP “On the form and content of the certification of reliability.”

62] The crime investigation specialist shall request (formally or by email) from the Criminal Information Analysis Sector in the local police directorate information on whether the applicant and his family members (according to the family certificate) are registered for any criminal activity and on whether there are persons involved in criminal activity with whom the applicant has friendly or social relations.

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date of the application and the certificate issued is valid for 10 years. Verification at this stage relates to *all criminal activity or other activities that are inconsistent with State Police rules or good social behaviour*. **There are not specific provisions related to DV, unless the candidate has been convicted by a final court decision under Article 130/a of the CC for intentionally committing a crime or if other data indicate conflicting relations in the family.** Since verification also comprises examining for activities that are inconsistent with State Police rules or good behaviour, the verification could and should also take into consideration the protection orders (PO/IPO) issued by the court, as prescribed by the LDV, *but this is not explicitly mentioned or mandated* by the Law on State Police, the State Police Regulation, or Order no. 417, dated 02.05.2018, of the GDSP. Finally, upon the completion of the verification process, the recommendation on the reliability of the applicant is then delivered to the Commission established by the State Police to decide whether the applicant shall advance to the next stage of the recruitment process.

The next stage of the vetting process is managed by the Security Academy (Articles 37 and 38, Law no. 108/2014) which is the main and only entry point for employment in the State Police if the applicant has successfully passed the previous stages. This stage includes several physical and theoretical tests (Article 140 of the State Police Regulation) and special importance is placed on the applicant's mental and physical health.⁶³

The security-vetting procedure for employment in the **Republic Guard** follows almost identical vetting procedures (Law no. 33/2021 "On the Guard of the Republic of Albania") and does not contain any explicit reference to DV.

As for prison police, criteria for admission (Article 29 of Law no. 80/2020 "**On the Prison Police**") require that: no criminal proceeding has been initiated against the candidate and he/she has not been convicted by a final court decision for committing a crime or an intentional criminal offense; no disciplinary measures are in force against the applicant; and the applicant has not left the State Police due to transitional or periodic assessments provided by the legislation in force for State Police employees.⁶⁴ Another criterion is that the applicant has a *pure moral figure and social integrity*. The code of ethics for the prison police *requires the good and dignified behaviour of the applicant in private life* (Order no. 10228/2015 of the General Directorate of Prisons), though it lacks any explicit reference to domestic violence. In addition, domestic violence is not prescribed as a security vetting condition for prison police recruitment in the relevant bylaws.

The recruitment process in the **Ministry of Defence/Armed Forces** is primarily regulated by Law no. 64/2014, "On the Powers and Authorities of the Command and Direction of the Armed Forces of the Republic of Albania," as amended, and by Law no. 59/2014 "On the Military Career in the Armed Forces of the Republic of Albania."⁶⁵ With regards to the Military Police in the Armed Forces, Law no. 13/2015 "On the Military Police in the Armed Forces of the Republic of Albania" establishes the main legal framework. The relevant legislation for the military career does not stipulate any specific rule related to DV vetting. With respect to recruitment, Instruction no. 9, dated 31.12.2018, of the MoD "On procedures and criteria for the recruitment of active soldiers/naval personnel in the Armed Forces" sets out the principles, objectives, standards, responsibilities, procedures, and implementation of criteria for recruiting active soldiers/naval personnel in the Armed Forces.⁶⁶ These criteria include: Albanian citizenship; not having been convicted by a court for criminal offenses and not being under investigation; not having been or being in a criminal judicial proceeding; *having a clean moral character*; not having problems with drugs and alcohol; not being a suspect, having been identified, or having been implicated by law enforcement agencies for illegal or criminal activities; at least 18 years old; certified as medically fit by the health examination; 'without problems' according to the

63] A list of examinations is provided by: Order no. 984 of the GDSP, dated 17.12.2015, "On standard procedures for admission to the Security Academy, and for deadlines and review procedures of the documentation, verification, and filing of applicants;" Order of the GDSP no. 138/7, dated 4.07.2019, "On evaluation procedures for admission to the Security Academy of citizens who have completed the second cycle of higher education studies;" and Order of the GDSP no. 984, dated 17.12.2015, "On the care and health prophylaxis of police officers."

64] Law no. 12, dated 5.3.2018, "On the Transitional and Periodic Evaluation of the Employees of the State Police, the Guard of the Republic and the Service for Internal Affairs, and Complaints in the Ministry of the Interior".

65] Law no. 59/2014 "On the Military Career in the Armed Forces of the Republic of Albania" determines the criteria for admission to the Armed Forces, and for the rank order, promotion, and career advancement in, and the termination of, the military career, as well as the authorities responsible for career development within the Armed Forces. The law includes provisions on discharge from the military (Article 26, Law no. 59/2014) and, among others, it lists: b) imprisonment with a final court decision; c) inability because of health to conduct military service; and d) the committing of very serious disciplinary violations. An army employee is to be suspended from duty if criminal prosecution is initiated against him and/or the sanction of arrest in prison or house arrest is imposed, until a final court decision is reached, or when criminal proceedings are initiated against him for criminal offenses related to duty. If the army employee is convicted, he shall not return to duty.

66] See also, Order no. 1014, dated 22.05.2017 of the MoD "On policies and procedures for the recruitment of candidates for new officers in the Armed Forces of the Republic of Albania".

verification of the security conditions performed by the responsible structures. (2)

Law no. 65/2014 **“On the Intelligence and Security Defence Agency”** prescribes the security vetting procedures for its employees, highlighting that before being offered a job that requires confidentiality, loyalty, and reliability for duties relating to national security, a candidate must undergo a security check and be the subject of the vetting process. Furthermore, the candidate must be granted a security certificate.⁶⁷ In this case, Law no. 65/2014 does not explicitly reference the examination of any history of committing domestic violence.

Admission to office, appointment, parallel movement, promotion, and temporary transfer, specific elements of the procedure for issuing disciplinary measures of **customs administration personnel** (Article 12-16 of the Customs Code, Law no. 102/2014, dated 31.7.2014, amended by Law no. 32, dated 02.04.2015) are to be carried out according to the specific principles and procedures of the Customs Code, the Law “On Civil Servants” and relevant bylaws.⁶⁸

(2) PROCEEDINGS WHEN A MEMBER OF THE SECURITY SECTOR COMMITS DOMESTIC VIOLENCE

Legislation relevant to security sector personnel does not mention any specific procedures regarding occurrences of security sector employees committing DV, meaning that the same proceedings shall be initiated as would be if any other criminal offence had been committed. In cases of security personnel committing domestic violence, Law no. 9669/2006 “On Measures against Violence in Family Relations” (LDV, consolidated version, 2020), the Criminal Code, and the Criminal Procedure Code, as well as consequences and sanctions provided under the respective laws governing particular sectors of security personnel (since DV is a criminal offence), are applicable.

Bearing in mind that the regulation of DV procedures is similar for all for security sector personnel, only the provisions in the Law on the State Police and the State Police Regulation and their relevant bylaws are elaborated here as illustrative examples.

The **Law “On the State Police”** (LSP, consolidated, 2020) does not provide or prescribe any specific procedures if a police officer commits DV. The LSP does regulate procedures for the discharge and dismissal of an employee from the police (Article 46 and Article 96, item 1, letter b/iii of the Law on the State Police) if a police officer has been convicted by a final court decision for committing a criminal offense. Since DV is a criminal offense according to Article 130/a of the Criminal Code, the same provisions would apply here. **The State Police Regulation** (approved by CMD no. 750/2015, consolidated version, 2020) does not contain any reference with respect to DV. The State Police Regulation provides procedural rules in cases of “disciplinary suspension,” which entails the temporary suspension of exercising police authority and duties in order to prevent other violations or any influence on the disciplinary investigation. Disciplinary suspension from duty is applied in cases: when criminal proceedings have been initiated against the police officer; when a court decision deprives him/her of the right to exercise public functions; and if the officer has been arrested/detained. The type of restriction applied according to the suspension procedure is to be specified in writing in the suspension decision (Article 222 of the State Police Regulation and Order of the GDSP no. 847/07.09.2018 “On the procedure of the evaluation of the performance of the structures of the State Police”). This includes restrictions such as the withdrawal of the right to hold firearms and assignment to another duty where the carrying of a firearm/weapon is not authorized. The temporary removal of an individual firearm is prescribed (Article 56 of the Regulation) in cases: where a criminal proceeding has been initiated against the police officer and the possession of the firearm is considered a source of danger; and/or if it is considered that there are circumstances that the weapon may be used as a means to commit a crime. Grounds for the temporary removal and return of an individual firearm are assessed by the head of the unit at which the police officer was issued the firearm. Any police officer that is released or dismissed from the police (Article 57 of the Regulation) is obliged to immediately hand over his/her individual firearm.

Order no. 1118/13.11.2017 of the GDSP “On standard procedures for cases of domestic violence” regulates cases when the perpetrator of DV is a police officer (item 11). In such cases, the superior

^{67]} Law no. 8457/11.02.1999 “On the Information Classified “State Secret TATE” (amended by Law no. 9541/22.05.2006; amended by Law no. 25/15.03.2012).

^{68]} CMD no. 921/29.12.2014 “On the staff of the customs administration;” Order of the Ministry of Finance no. 10/5.2.2015 “On competition regulations for customs administration staff.”

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'of the police perpetrator' and the relevant structures of the State Police are immediately notified for the purpose of the instant and temporary removal of the firearm up to the deadline set by the Court (through a PO/IPO). During this period, the employees may be assigned to other tasks that do not require or allow the carrying of a firearm. This order stipulates that the progress of the court proceedings against the police officer is to be monitored by a police officer with a higher rank, or if necessary, by a representative of another institution. This provision aims to eliminate the possibility of cases in which colleagues would try to protect each other by minimizing the real risk of a police officer as a perpetrator (reported as having happened in practice⁶⁹). The order clearly stipulates that in any case of proceedings against a police officer for domestic violence, the first and foremost concern of the police authority should be the safety of the victim(s) and family members. Thus, the police officer accused as a perpetrator of DV shall have no access to service/private firearms before the court issues its final decision.

Order no. 982, dated 17.12.2015, of the GDSP "On standard procedures for psychological counseling of police officers" aims to provide support to police officers that experiences stress, due to which they may react in a non-constructive way, or to officers whose attitudes/behaviors are not in harmony with a safe working environment *and safe family life*. The Order defines procedures on how to identify the need for psychological counseling and psychosocial support. Some of the signs/symptoms recognized as indicative of a police officer experiencing serious personal problems and mental health concerns are, inter alia: repeated disciplinary violations; alcohol abuse or the use of prohibited substances; sudden and unusual behavioral changes, self-closure, unwarranted conversations about suicide, direct or indirect suicide attempts; an increased number of complaints from citizens, colleagues, or family about the police officer related to the ill-treatment of colleagues, the unjustified use of force, **domestic violence**, financial problems, or alcohol abuse and drug use; and the unjustified, illegal, and/or suspicious use of a firearm.

All the measures established under the LDV can be employed if the perpetrator is a member of security sector personnel. Other laws on the security sector do not contain provisions for what happens if their employees conduct domestic violence.

(3) CARRYING AND HOLDING FIREARMS BY SECURITY SECTOR PERSONNEL

Law no. 72/2014 "On the Use of Firearms" and the regulation "On the use of firearms" (approved by CMD no. 839, date 14.10.2015) regulate the carrying and holding of weapons/firearms by security sector employees. This is further regulated by specific laws and bylaws relevant to particular security sector personnel.

Law no.72/2014 "On the Use of Firearms" stipulates that a weapon/firearm can be used only when it is absolutely necessary and only as a last resort: to protect the life, health, rights, and interests of a person or persons from an unjust, real, and immediate attack, provided that the character of the defence is in proportion to the dangerousness of the attack; to prevent or neutralize violent actions; to avoid danger to a person with a high risk to the life and health of the person and/or third parties; when other means of the use of force have not yielded results or achieved the legitimate objectives of functional duties. The Regulation "On the use of firearms" distinguishes between "weapons for Individual use," kept outside of service hours, and "unit weapons," which are not kept outside of service hours (held in the relevant weapons depot and given to authorized users before commencing their service shift or an authorized operation). Security personnel such as police employees, State Intelligence Service employees, and penitentiary police employees keep their personal firearms at all times, on and off duty, due to the inherent risks in carrying out their duties. Weapons carried by the Armed Forces personnel are kept, stored, administered, and issued to military employees, as well as returned to relevant depots, according to the technical rules approved by the Ministry of Defence.

The **Law "On the State Police"** (LSP, consolidated 2020) regulates the use of means of coercion (Article 133) and the use of firearms in the performance of duties (Articles 99, 134) and makes reference to Law no.72/2014 "On the Use of Firearms." On the other hand, CMD no.750/2015, as amended by CMD no. 1143/2020 "On the State Police Regulation" has a separate chapter (Chapter V, Article 54-60) that provides specific rules on arms and equipment. The State Police have an obligation to ensure that police officers and other employees, within the meaning of Law no.72/2014

(as amended in 2020), conduct training and testing in accordance with the standards established for the use of firearms, as well as provide authorization to hold firearms to persons/officers only after they have received special certification for this purpose (Article 12, LSP). Law no. 25/2019 "On the Organization and Functioning of the Judicial Police" stipulates that the same rules are applied in the case of judicial officers, in the services of the State Police, and in the National Bureau of Investigation in regard to the provision of firearms, according to the legislation in force for the use of firearms (Article 31, paragraph 3, Law no. 25/2019).

The Law "On the Intelligence Agency," no. 9357, dated 17.3.2005, and "On the Status of Employees of the National Information Service" (amended by Law no. 97/23.7.2020) and the bylaws relevant to this sector do not contain specific provisions regarding the carrying, using, and issuing of firearms. Law no. 80/2020 "*On the Prison Police*"⁷⁰ provides rules on the use of weapons and other means in Article 14. In particular, item 8 of Article 14 prescribes that detailed rules for determining the cases and the manner of the use of weapons that are different from those provided in the legislation in force for the use of firearms, as well as of restrictive devices, shall be approved by an order/decision of the CMD. Such a decision has not yet been adopted.

The Customs Code, (Law no. 102/2014, dated 31.7.2014, and amended by Law no. 32, dated 02.04.2015) stipulates that the supply of weapons/firearms and their use by customs officers is to be carried out in accordance with the provisions of the Law on Weapons and the Law on the Use of Firearms. Pursuant to Article 6 of the Customs Code, the Director General of Customs is to determine the categories of customs personnel who may be equipped with weapons, in accordance with the legislation in force for this purpose.⁷¹ The specific bylaws for this sector do not provide any other guidance.⁷² In Law no. 57/2020 "*On Forests,*" there is no provision relating to the carrying of weapons/firearms.

Employees of the *Intelligence, and Security Defence Agency*, according to the special functions determined by the General Director of this Agency, shall be equipped with a personal firearm, which is to be kept and used in accordance with the legislation in force for the use of firearms. An employee of the Defence Intelligence and Security Agency, when terminating the employment relationship, shall immediately submit the authorization document and the relevant armament to the relevant authority (Article 53 of Law no. 65/2014 "On the Intelligence and Security Defence Agency").

Law no. 33/2021 "On the Guard of the Republic of Albania" stipulates that Guard employees have the right to carry weapons and personal equipment. Guard employees shall use firearms in line with the legislation regulating the use of firearms (although within this law, the Law "On the Use of Firearms," no. 72/2014, the Guard is not cited). The Law on the Guard distinguishes between "arms and personal equipment" and "weapons and collective equipment." The law prescribes that the types of weapons should be determined and that "weapons are to be used only within Guard duties."

PRIVATE SECURITY COMPANIES

The carrying and using of firearms by private physical security entities (PPSE) is regulated by: the Law on Weapons (no.74/2014, as amended in 2020); Law no. 72/2014 "On the Use of firearms;" Law no. 75/2014 "On Private Physical Security Service;" the Regulation "On the use of firearms" (CMD no. 839, dated 14.10.2015); and the Instruction of the Mol no. 277/2015 (amended by Instruction no. 123/2018).

The manner and scope of the carrying and holding of firearms depends on the type of authorization (Article 24, LoW), such as: a) the authorization for carrying firearms of PPSE employees while performing duties (which is valid only in the working and service environment and within working hours - format no. 12 in the instruction); b) the authorization for the technical director and employees of PPSE to carry firearms while on duty and in transit (which is valid during working hours and while on duty - format no.13 in the instruction). In both cases, the authorization is given for a period of 5 years with the right of renewal. The authorization for carrying a firearm contains personal data and a photo of the security guard (Article 21). The type of firearms and their

70] As does Law no. 81/2020 "On the Rights and Treatment of Prisoners and Pre-prisoners," such as in stipulating that: service workers within the institution should not carry weapons, except in cases provided for in the legislation in force for the Prison Police (Article 71/3).

71] The customs personnel of investigative structures fighting against smuggling and illegal trafficking and regulating other customs structures defined by specific laws have the attributes of the Judicial Police. State Police structures shall assist the customs authorities whenever they seek their assistance in enforcing customs legislation.

72] Order no. 96/4.12.2014 "On regulations regarding the uniforms of the customs service"

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ammunition is approved by the State Police, in accordance with the requirements of the applicable legislation. The service employee can use the firearm only in the conditions of necessary protection and extreme need (Articles 34 and 35, Law no. 75/2014 “On the Private Physical Security Service”).

The State Police have the competencies to: approve the type of firearms and ammunition for PPSE; supervise the activities of PPSE; and carry out inspections on the criteria for the possession and use of weapons/firearms (Article 18 and Article 20 of Law no. 75/2014). The State Police exercise control over legal entities and private physical security service entities, which are obliged to ensure safe conditions in the keeping and carrying of firearms (Article 23 of the LoW).

In addition to Law no. 72/2014 “On the Use of firearms,” Articles 34 and 35 of Law no. 75/2014 regulate the use of firearms for the purposes of providing physical security services. As per these articles, the technical director and service employees of PPSE have the right to keep firearms and ammunition only during the performance of their duties. The head of an entity, the technical director, and any relevant service employee are obliged to immediately inform the State Police about any use of a firearm. Article 33 of Law no. 75/2014 regulates the use of means of force by private security entities and this is acceptable only when necessary and if other measures have not yielded results, in accordance with the criteria regarding escalation.

The vetting, certification, and licensing of PPSE is also regulated by, in addition to by the Law on Weapons, Law no. 75/2014 “On Private Physical Security Service” (Article 4-17).

Provisions of the Law on Weapons (Article 34) also apply to employees in those legal entities performing physical private security activities. Any private security personnel member is duly certified by the competent authority and the entity shall not employ any person that is not certified in compliance with the provisions of the LoW (Article 22, LoW). The head of a PPSE, the technical managers, and the service employees must be certified in their ability to perform their duties. Article 10 regulates the criteria for the certification of the head of the PPSE, recognizing in particular: the criterion of reliability and not having been previously convicted by a final decision for criminal offenses. Article 11 defines the criteria for the certification of technical directors⁷³ and Article 12 defines the criteria for the certification of service employees - these are virtually identical. Particularly relevant to this analysis are the criteria referring to security employees’ physical and mental ability to perform their duties, certified with: a medical report by the relevant commission; fulfilment of the reliability criteria; not having been previously convicted by a final decision for criminal offenses; and not having been punished with the disciplinary measure “Exclusion from the State Police” or “Discharge from the Armed Forces.”

DOMESTIC VIOLENCE RECORD KEEPING

Law no. 9669/2006 “On Measures against Violence in Family Relations” (LDV, consolidated version 2020) and CMD no. 327/2.6.2021 “On the mechanism of coordination of work between the authorities responsible for referring cases of domestic violence and on its proceedings for the support and rehabilitation of victims of violence” represent the main regulatory bases for data collection/record-keeping on DV. Based on Article 6, letter d of the LDV, the MHSP, as the leading responsible authority at the central level, is mandated to collect data on domestic violence. As the LDV establishes, the MHSP is to coordinate with central and local institutions to maintain and collect statistical data on domestic violence cases. All line ministries, local government units, and competent bodies and institutions mandated to proceed in cases of domestic violence shall establish specific DV records in accordance with the regulations for data protection. The LDV stipulates that the MHSP must conduct analysis, publish such data, and report annually to the responsible parliamentary committee/subcommittee on gender equality and on the prevention of violence against women. Neither the LDV nor CMD no. 327/2021 provide any concrete instruction related to data on firearms and their effects in DV cases.

The MHSP has issued three important orders defining the duties and responsibilities of these actors: [1] *Order no. 100/21.2.2020 “On standard operation procedures for the treatment of cases of domestic violence and gender-based violence by employees of social care services, in the framework*

73] Article 11, Law no. 75/2014: a) be an Albanian citizen with permanent residence in the Republic of Albania; b) have full legal capacity to act; c) have the physical and mental ability to perform duties, certified with a medical report by the relevant commission; c) have completed the higher police education, with the minimum rank of the first management level, or to have completed the higher military education, as well as to have completed the professional trainings that are organized for this purpose; d) meet the reliability criteria; dh) to not have been previously convicted by a final decision for criminal offenses; e) to not have been punished with the disciplinary measure “Exclusion from the State Police” or “Discharge from the Armed Forces.”

of cooperation as members of the coordinated referral mechanisms" (especially Section VIII on procedures); [2] Order no. 101/21.2.2020 "On the approval of standard operating procedures (PSV) for the treatment of cases of domestic violence and gender-based violence by employees of health services, in the framework of cooperation as members of the Coordinated Referral Mechanism" (especially Section X on procedures); and [3] Order no. 102/21.2.2020 "On the approval of standard operating procedures for employees of health services to reduce the risk of experiencing domestic violence and gender-based violence in situations of civil emergencies" (especially Section X on procedures).

The LDV prescribes that the MoJ,⁷⁴ as one of the relevant line ministries, and in collaboration with the High Judicial Council, should establish regulations for the database related to civil court decisions on DV and ensure unification of the registration of these cases (Article 7/ç, LDV). In addition, the LDV stipulates that the MoJ shall draft special forms for data processing and reporting on DV. This obligation is further elaborated in Joint Guideline no. 9, dated 17.6.2020, of the Ministry of Justice and the Chief of the High Judicial Council "On Defining the Rules for the Creation of a Special Database on Domestic Violence Cases in the Courts and the Unification of their Registration." **This guideline and two accompanying templates⁷⁵ do not provide or mandate any data related to the means used by the perpetrator, including firearms,** or related to protective measures issued by the courts, court-issued measures for the seizure and confiscation of weapons. MoJ data on DV are published in a statistical yearbook (Article 7/d LDV). In 2019, for the first time, upon considering recommendations of the GREVIO committee, the MoJ published some data on DV under the LDV in its Statistical Yearbook of 2019 (covering the period of January-December 2019). These data are available to the public. Data issued by the MoJ does not include information related to the implementation of Article 10, item 4 of the LDV such as: a) the number of cases of the suspension of firearms authorizations until the expiration of a protection order/measure; b) the number of firearms returned after the expiration of the term specified in the protection orders/measures. Data on the relationship between victims and perpetrators is available. This database also provides information regarding any request for the extension of a protection order.

At the local level, the main regulatory basis for data collection is CMD no. 327/2.6.2021.⁷⁶ Item 31 (Section II) defines the duties of the Local Coordinators for Domestic Violence, as one of the main actors of the referral mechanism at the local level. The Local Coordinator is the official responsible for updating and feeding the digitalized system with data generated at the municipality level. This digitalized data system is called REVALB.⁷⁷ According to the REVALB template, this system provides data on each DV incident that is reported to any of the actors of the referral mechanism. Each member of the interdisciplinary team of the referral mechanism is responsible for providing information biweekly on all DV cases addressed to a Local Coordinator.

The REVALB system also provides data from the courts, such as if a PO or IPO has been issued, and as well enables the updating of court decisions.⁷⁸ The REVALB data system provides data on both the victims and perpetrators of DV. These data are disaggregated by: sex; age; civil and family status; citizenship; employment/education status; disability status; emigrant status; the form/s of violence; the relationship between the perpetrator and the victim; the geographical location; who reported the case of DV; by whom is the victim accompanied; who is the first actor and next actor to which the case is/has been addressed and which support is/has been provided. In regard to the risk assessment, it is not clear if the REVALB data is referring to the risk assessment conducted by the police under Joint Guideline no. 866/2018, the risk assessment made under Order no. 100/2020 by social care services, or a risk assessment in general terms. Nevertheless, REVALB provides information that can be used for a risk assessment, such as: if the perpetrator is a drug/alcohol user, or a person is in conflict with the law; if he/she has any history of sexual violence, or if there is documentation of an extension of a protection order; and if previous court decisions have

74] Law no. 8678, dated 14.5.2001 "On the Organization and Functioning of the Ministry of Justice" (consolidated version 2017) in Article 6, item 15, mandates that the MoJ analyse statistical data and publish the statistical yearbook in the field of justice.

75] These data include: a) gender; b) age; c) civil status; d) educational level; e) employment status; dh) family relationship with the perpetrator; e) who filed the PO IPO claim; the victim; è) the victim's lawyer; f) the prosecution; g) the police; h) others; gj) if there has been a request for the evaluation of the preliminary measures of immediate protection by the police; i) who submitted the request for a child victim; j) if the request is related to the change, termination, or extension of a protection order; k) the court; l) any appeal against the protection order/immediate protection order; ll) any decision of the court of appeal; m) any previous court decisions regarding the victim; n) any criminal offenses related to domestic violence by the perpetrator; nj) any decision of the criminal court;

76] At the time of the preparing this analysis, this act was under revision.

77] WWW.REVALB.ORG

78] See the "Resolution for the evaluation of the activity of the prosecution for 2019," approved by the Assembly on 18.6.2020.

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been issued. Furthermore, the REVALB template requires information on whether the perpetrator possesses a weapon/firearm and whether it is possessed legally or illegally.⁷⁹ However, according to the current template, such information does not clarify if a firearm was used in committing DV for each such specific case of DV.

The digitalized online system also serves as a case-management tool to monitor progress and follow individual cases. It further serves to assess the effectiveness of local actors' responses to domestic violence, to measure progress, and to fine-tune policies and measures taken at the local level. *REVALB is a system that currently serves, and could potentially be enhanced, as an exchange for data between police, prosecutors, judges, and social care and healthcare professionals, as well as between other actors of the referral mechanism.*

Considering the relevance of the data provided by the REVALB system, this system could be a source of information for authorities during firearms authorization approval and security vetting. The Law on the State Police does not refer to this possibility. Relatedly, the LDV, CMD no. 327/2.6.2021, and the REVALB data system also do not establish any direct connections with the LoW; in this way, the REVALB system does not provide data on the grounds for the removal of authorisations. The LoW (consolidated version, 2020) prescribes that the General Directorate of State Police shall apply the effective provisions on state databases, as regards to any data on firearms, licenses, authorizations, purchasers, and owners and former owners of weapons (Article 47). The Data Storage System records all information on each firearm necessary for its tracking and identification in relation to the prevention, investigation, detection, or for the prosecution of criminal offenses or the execution of criminal sentences for a period of 30 years after the destruction of the firearm or its key parts in question (Article 10). This includes data on weapons as well as personal data on the issuance or revocation of authorizations and licenses for a period of 10 years after the destruction of the firearm. This data is deleted from the Data Storage System upon the expiration of these deadlines. Their deletion shall be without prejudice to cases where specific personal data have been transferred to a competent authority for the prevention, investigation, detection, or for prosecution of criminal offenses or the execution of criminal sentences. Neither Article provides any information related to license revocation due to firearm use/misuse in cases of DV, despite the LDV prescribing this be done. In this regard, there is room to improve both data systems (on DV and on firearms). Legal and technical solutions should be considered and should integrate the data on DV with those related to weapon/firearm authorisation/revocation and weapon/firearm use and misuse.

The Law on the State Police (consolidated version, 2020) establishes that the state police have the duty to identify, protect, and refer for assistance to the relevant authorities victims of domestic violence, especially children and women (Article 17, item 1/g). It is an obligation of the state police to process personal data for police purposes in order to maintain public order and safety, and prevent and detect criminal offenses (Article 124). For escorted, arrested, or detained persons, the police shall establish a central data bank to record the data collected (Article 112). The General Directorate of the State Police processes and analyses the data collected by the police to the extent necessary for the fulfilment of its duties and functions (Article 20).

In addition to the relevant articles of the Criminal Code, which distinguishes violations as either crimes or misdemeanours, this Instruction mentions that these data include those related to the Law on Measures against Violence in Family Relations (LDV no. 9669/2006, consolidated version 2020). It is Joint Guideline no. 9, dated 17.6.2020, of the Ministry of Justice and the Chief of High Judicial Council that "(defines) the rules for the creation of a special database on domestic violence cases in the courts and the unification of their registration." This guideline and the two templates included⁸⁰ therein do not provide or mandate any data related to the form(s) of DV committed, the means used by the perpetrator, including firearms, any protected measures issued by the court, or if the court provided any of the measures for the seizure and confiscation of weapons/firearms. In terms of data, according to the LDV, age and sex refer only to the victims, in order to assess the prevalence of domestic violence in Albania from the victim's perspective.

79] The question in the form reads: "Does the perpetrator have a weapon? Yes ☐; No ☐. If the answer is Yes, select if it is legal or illegal."

80] These data include: a) gender; b) age; c) civil status; d) educational level; e) employment status; dh) family relationship with the perpetrator; e) who filed the PO/IPO claim; the victim; ë) the victim's lawyer; f) the prosecution; g) the police; h) others; gj) if there is a request for the evaluation of the preliminary measures of immediate protection by the police; i) who submitted the request for a child victim; j) if the request is related to the change, termination, or extension of a protection order; k) the court; l) any appeal against the protection order/immediate protection order; ll) any decision of the court of appeal; m) any previous court decisions regarding the victim; n) any criminal offenses related to domestic violence by the perpetrator; nj) any decision of the criminal court;

Pursuant to the obligations established by Article 13 of the LGE, the Ministry of Health and Social Protection, as the main state authority responsible for implementing measures for the issues of gender equality and the fight against domestic violence at the ministerial level, has prepared and issued Instruction no. 1220, dated 05.27.2010, "On the determination of the indicators for the evaluation and monitoring of gender equality and violence against women, including DV, and of their supervision, collection, and related data processing." Based on the content of the forms attached to the ministerial instruction, no data provided by the Ministry of Interior and the State Police Directorate⁸¹ refers to any *sex-disaggregated data on firearms use/misuse*.

SPECIFIC CONCERNS UNDER COVID-19

Albania has seriously taken into consideration the European Commission for the Efficiency of Justice Declaration on "Lessons Learned and the Challenges of the Judiciary During and After the COVID 19 Pandemic," which underlines the importance of the principle of access to court.⁸² Normative Act no. 9, dated 25.3.2020, "On taking special measures in the field of judicial activity during the epidemic caused by COVID-19," approved by the Albanian Parliament on 16.4.2020, prescribes (Article 3, paragraph 3/b) that protection measures against DV cannot be postponed or suspended by the court, as a delay in reviewing could cause serious and irreparable harm to the concerned parties. Correspondingly, Normative Act no. 7, dated 23.3.2020, "On the temporary residence of convicted persons at home," which aimed to prevent the spread of infection caused by COVID-19 in the prison system, prohibits that this permit be granted to a person who has committed criminal offenses against children, marriage, and/or family, as established in Articles 128/b and 130/a (domestic violence) of the Criminal Code. This Act also stipulates that if the respective family members do not give consent for the convicted person to stay at home, then this possibility is also not applicable for other criminal offences. Law no. 5/2020 "On Granting Amnesty" provides as a criterion prohibitive to obtaining amnesty cases established by the Criminal Code for criminal offenses against children, marriage, and/or family, such as those stipulated by: Article 124 (second paragraph), Article 124 b (second and third paragraphs), Article 128 (128/a 128/b), and Articles 129 and 130/a (DV). A specific order was issued by the MHSP to particularly address the "COVID-19 Emergency Protocol for Shelters,"⁸³ while highlighting that the standards and procedures of the operation of public and non-public residential centres which provide specialized housing services for victims of domestic violence and trafficking shall remain mandatory in non-emergency situations.

The Strategic Goal 3 of the Strategy, 'Reduce gender-based violence and domestic violence' includes three priorities:

Box 3:

The National Strategy for Gender Equality 2016-2020

a) Information and prevention (Raising awareness - Objective 3.1) through different activities such as: the inclusion of a module on measuring the perception of society regarding the (non)acceptance and (non)tolerance of GBV;⁸⁴ improving school curricula at all levels of education; training of teachers and psychologists in schools, representatives of religious communities, and media professionals to ensure the engagement of boys and men against GBV & DV; national campaigns; improving the capacities of health, education, and police professionals to identify potential cases of GBV & DV (in the context of prevention and information); the mobilization and establishment of

81] The indicators that should be provided by the Mol and SP are: the number of registered cases of domestic violence, by type, sex, age, educational level, employment status, civil status, citizenship, minority, and place of residence (urban/rural); the number of State Police employees trained in the implementation of the Law "On Measures against Domestic Violence" for the implementing of standard procedures for the treatment and protection of victims; and the number of actions performed by State Police officers to protect victims of domestic violence, such as counselling, protection order applications, and referrals to the prosecutor's office.

82] <https://rm.coe.int/declaration-en/16809ea1e2>.

83] Order no. 254, dated 10.4.2020, "On the protocol of the operation of public and non-public residential centres which provide accommodation service (shelters) for victims of domestic violence and trafficking in the COVID-19 pandemic situation."

84] According to INSTAT's suggestions, this survey was to be conducted in 2020, as a need, and in a periodicity of 10 years. The National Population Survey on Violence against Women and Girls in Albania (2018) published by INSTAT in 2019, presents, inter alia, the problematic situation in the Albania regarding DV and GBV. The INSTAT survey has only one question related to the link between violence and the use of small arms and light weapons in Albania and, in the definition provided regarding the meaning of physical violence, connects it with gun attacks, in which armed violence (threatening/stabbing with a firearm or any other weapon) is considered as one of the most serious forms of physical violence.

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the national youth movement on gender equality and against GBV; the initiation of a national periodic study regarding GBV & DV in Albania.

b) Protection, security, rehabilitation, and reintegration of victims of violence (strengthening referral mechanisms and adding/improving specialized support services for protecting and addressing cases of GBV - **Objective 3.2**) through different activities, such as: extending the Referral Mechanism (RM) to all municipalities in Albania, and improving its effectiveness; ensuring the full efficiency of the database system for the management of GBV & DV, in a cross-disciplinary fashion; ensuring the efficiency of the national counseling line; improving the capacities of relevant professionals; training and reporting on data in regard to addressing cases of DV; the establishment of specialized services for sexual violence; support, with social housing, of single mother households/ women victims of domestic violence.

c) Punishment of and rehabilitation opportunities for perpetrators - Objective 3.3 through different activities, such as: improving relevant legislation; the annual reporting of statistical data on DV from the court system; monitoring court decision-making; the training of judges and prosecutors; evaluation of the services for counseling boys and men; improving the role of the Probation Office in the identification of the needs and the referral of concrete cases of offenders, depending on the type of violence.

The Strategy on Small Arms, Light Weapon, their Ammunition and Explosives Control (2019-2024), under Goal 2, Overall Target 5, sets as an objective the improvement of institutional and policy responses to the misuse of firearms in domestic and intimate partner violence. The Strategy further envisions the review of the current legal framework to address the misuse of firearms in domestic and intimate partner violence.

3. RESPONSE TO GENDERED ASPECTS OF FIREARM DEMAND, USE, AND MISUSE

This section provides an overview of measures required to address diverse gendered aspects of firearms use, misuse, and demand, including linkages between masculinity and firearms, the intersection of gender and age, and awareness raising. The majority of measures are envisaged by the SALW Control Strategy and the accompanying Action Plan, while in other relevant strategic documents, a complete or partial lack of convergence between the advancement of gender equality and firearms control is presented.

3. RESPONSE TO GENDERED ASPECTS OF FIREARM DEMAND, USE, AND MISUSE

Several specific policies and policy documents address issues relevant for enhancing the gender responsiveness of firearms control in of Albania. An overwhelming majority of measures for addressing the gendered aspects of firearms are envisioned by the Strategy on Small Arms, Light Weapons, Their Ammunition and Explosives 2019-2024 and its Action Plan 2019-2021.⁸⁵ Additionally, less numerous contributions derive from other strategies.

The Strategy on Small Arms, Light Weapon, their Ammunition and Explosives Control (2019-2024) and its Action Plan (2019-2021) highlights that the possession of firearms and their misuse are clearly gendered. Under Goal 2, Overall Target 5, the Strategy establishes a specific objective to enhance the **prevention of SALW/firearms misuse**. The Strategy recognizes linkages between masculine norms and firearms, particularly emphasizing young men as a target group. In addition, it is notable that there is a lack of preventive measures to address the impact of gender roles and dominant forms of masculinity in fuelling the demand for and misuse of firearms. The Strategy envisions specific action in this regard:

- Develop and implement preventive measures to address the impact of gender roles and dominant forms of masculinity in fuelling the demand for and the misuse of firearms, particularly among young men. The intended responsible parties for these activities are the MoESY, MoHSW, Mol, and the State Police.

In addition, the intersection of gender and age as factors which fuel the demand for and misuse of firearms is further recognized in awareness raising measures. **Under Goal 4, Overall Target 2 has the objective to increase awareness among the general population, both women and men, on the danger of the misuse, illicit possession, and trafficking of firearms, ammunition, and explosives** and envisions the following activities:

- develop and implement awareness campaigns focused on specific groups and/or targeting specific behaviours (young men, hunters, celebratory shooting, domestic and gender-based violence, private security, training centres, etc.);
- training on gender-sensitive communications;
- integrate programs for reducing violent behaviour among youth into the education system;
- plan extracurricular classes on the dangers of firearms.

The timeframe for the implementation of the above-mentioned activities is 2021. The responsible institutions for implementation are the State Police, Mol, GDC, MoFE, MHSP, the Ministry of Education, Sports, and Youth, and law enforcement institutions. There is no financial plan attached to the implementation, while the expected sources of funding are donors.

Under Goal 3, Overall Target 1 - Ensure the full implementation and monitoring of legal, policy, and procedural frameworks on the trafficking of firearms, ammunition, and explosives (and under its **Overall Target 3 and corresponding activities**), of the Strategy also envisage training on the gendered aspects of firearms related crimes.

Age concerns are only marginally addressed in current legislative and policy frameworks. The Law on Weapons (consolidated version, 2020) provides the minimum and maximum age requirement for firearm license approval (25 years and 70 years, respectively).

The National Youth Action Plan (2015-20) (approved by CMD no. 383/6.5.2015⁸⁶) was developed under the framework of the National Strategy for Development and Integration (2014-2020). The National Youth Action Plan aims to improve the quality of life of young people and strengthen their status, through increasing opportunities in education, employment, health, and culture. Additionally, it aims to increase the participation of young people in society and in decision-making.

The Action Plan contains six main objectives (and 29 specific objectives): encouraging and involving young people in decision-making; promoting youth employment through effective policies; health, sport, and the environment; youth education; social protection; and culture and volunteerism.

Objective 5, on social protection, could provide entry points for addressing gender and small arms concerns, particularly with respect to activities related to violence prevention, such as:

- *Activity 5.1.1* - Improving the curricula of pre-university education on violence

85] Approved by CMD no. 50/ 6.2.2019

86] In 2007, a National Youth Strategy (2007-2013) was drafted. Its main aim was to integrate strategies and youth policies and address the problems faced by young people.

(including gender-based violence), social inequality, forced labour, and trafficking in human beings.

- *Activity 5.1.2* - Training pedagogical, social, and medical staff to prevent and address the problems of cases of violence, trafficking in human beings (PSV), and prostitution, both within and outside of educational institutions.
- *Activity 5.1.3* - Strengthening the capacities of youth NGOs, youth groups, and the community in general for the prevention and early referral of violence and trafficking, as well as denouncing cases of violence and domestic violence.
- *Activity 5.1.4* - Raising the awareness of young people on their ability to report cases of trafficking and on institutions that provide services to victims of trafficking.
- *Activity 5.1.5* - An awareness campaign for educating the public on violence and trafficking, with a special focus on young people, girls, and young women in rural areas.

In addition, Objective 3, on health, sport, and the environment, also contains relevant activities with regards to the prevention of risk-taking behaviours:

- *Activity 3.3.4* - Creative activities within and outside of school dealing with topics related to health and healthy living and behaviours, and aimed at the reduction of risky behaviours among young people.
- *Activity 3.4.1* - Reopening youth-friendly centres, in accordance with the model of Youth Friendly Services, a service successfully piloted years ago by UNICEF, which would provide information, counselling, prevention activities, and referrals related to the prevention of risky behaviours in young people.

The Action Plan for the Development of Mental Health Services 2013-2022 is primarily related to distribution of services and does not contain any specific activities relevant for addressing the gendered aspects of firearms. For instance, the Action Plan does not contain any measures related to suicide prevention in general, nor specifically the use of firearms in such a context.

Furthermore, the strategy envisages: public health programs aimed at the most at-risk groups in relation to suicidal behaviour; awareness raising about depression and the basic symptoms of suicide risks; education of the staff in the educational institutions, in the police, in fire brigade units, in ambulance crews, and in the media; opening centres for the prevention of suicide and crisis situations; and celebrating September 10 - World Suicide Prevention Day.

This strategy does not recognize a specific risk related to use of firearms in suicides and does not envisage measures to be taken by responsible authorities in reducing the risk of the use of firearms in suicides.

The timelines for the implementation and the corresponding responsible institutions are stated in the brackets alongside the activities. The state budget is stated as the expected source of funding for all activities. As with the rest of the strategies mentioned, there is no financial plan.

The National Action Plan for Gender Equality does not contain any measure or activity directly referring to the use/misuse of firearms, but, through enhanced convergence between the prevention of gender-based violence and small arms control, it could offer important entry points for enhancing the gender responsiveness of SALW control.

4. GENDER SENSITIVE RECORD KEEPING PRACTICES

This section provides an analysis of the legal regulation of firearms data collection, including record keeping of data on the approval, removal, and revocation of firearms and their licenses with respect to gender statistics and sex and age disaggregation. It particularly aims to provide insight into the extent to which the applicable legislation enables gender-sensitive and age-sensitive record keeping.

Firearm data collection is primarily regulated by the legislative and policy framework of SALW control. The Law on Gender Equality in Society (LGE, 9970, dated 24.07.2008)⁸⁷ stipulates the general obligation of all public and private entities to present statistical data *disaggregated by sex* (to collect, record, process) and to submit them to the Institute of Statistics.

Firearms data record keeping is regulated by several articles of the LoW and it is further elaborated in accompanying bylaws. Article 10 (LoW) stipulates that a 5-day deadline for the registration of firearms, their main parts, and ammunition should be respected by natural and legal persons dealing with weapon activities and responsible for data storage systems. The State Police is the responsible authority for firearm registration. The electronic register is maintained by the State Police. Article 10 of the LoW stipulates that the rules for the establishment, access, operation, and administration of the electronic register of weapons, their parts, and ammunition shall be determined by a Council of Ministers Decision. Article 10 of the LoW (consolidated version, 2020) does not prescribe that data should be sex disaggregated. According to CMD no. 292/8.4.2015 "On the establishment and administration of the weapons register," which further elaborates Article 10 of the LoW, the registered data shall include: a) the identity of the person who owns the weapon (name, surname, father's name, birthday, place of residence, telephone number); b) information related to the weapon; c) the license and authorization decision (number and date of decision); ç) documents of the equipping and removal of the weapon (number and date). The register format as prescribed by this bylaw does not contain a column for sex. As this CMD prescribes, *the date and number of decisions of removed and returned weapons are to be recorded*. It should be taken into account that CMD no. 292/8.4.2015 requires updating following recent amendments made to Article 10 of the LoW (consolidated version, 2020).

Other articles of the LoW (consolidated version, 2020) such as Article 47, item 1 on the maintenance of evidence / the register on weapons, in general terms states that the General Directorate of the State Police apply the "effective provisions on state databases," regarding any data on weapons, licenses, authorizations, purchasers, and their owners, as well as on former owners of weapons. Also, legal and natural persons licensed for eligible weapon/firearm activities in compliance with the provisions of the LoW shall maintain detailed and explicit records (a register), whether in electronic form or in hard copy on any eligible and performed weapons activities (Article 47, item 2 of the LoW). Correspondingly, Article 22, letter 'dh' (LoW) prescribes that it is the obligation of any licensed legal entity possessing weapons/firearms to keep complete records on the activities performed, providing also information on their weapons/firearms and ammunitions as well as on persons to whom the weapons are issued for use. As the LoW stipulates, all these records shall be made available to the competent authority (the State Police) for inspection at any time. The register formats for legal entities were approved by Mol Instruction no. 277/2015, as amended by CMD no. 123/2018. Another register mentioned by the LoW is that of collection weapons (Article 45, item 7 of the LoW), further elaborated by CMD no. 96/4.2.2015 "On the rules and procedures for the declaring, storage, registration, and invalidity of collection weapons." The LoW provides rules on the registration of the entry/exit of these weapons from the territory of the Republic of Albania, and on the selling of weapons of categories "B" and "C" possessed by foreign and Albanian citizens (Article 9, item 7 of the LoW, further elaborated by CMD no. 348/2015).⁸⁸

None of the above-mentioned bylaws mandate that data should be sex disaggregated.

In addition, Law no. 72/2014 "On the Use of Firearms" does not provide any provisions on sex disaggregated data recording or any specificities to the format of the registers other than the general obligation related to police and to the authorized entities to record the relevant data in the registers of respective units (Article 5 of Law 72/2014).

Challenges⁸⁹ related to record-keeping, including sex disaggregated data, are identified by the

87] The LGE, in Article 13, item 2, letter d) stipulates that: The State Authority responsible for the implementation of this law and the state programs on gender equality is the ministry responsible for gender equality and it has the duty to: d) establish mechanisms for gathering gender disaggregated statistics in collaboration with the Institute of Statistics and other state institutions, as well as supervise data gathering and processing. Under Article 14, item 3: "local self-government units shall gather and process gender disaggregated statistics at the local level."

88] See also CMD No. 348/29.4.2015 "On procedures of entry/exit, marking of arms and registration of Albanian citizens and foreigners carrying category "B" and "C" arms in the territory of the Republic of Albania". This register is kept at the border crossing points for the registration of the entry and exit of weapons/firearms. There is no gender data included in this register.

89] The legal framework does not prescribe that the methodology for gathering data have a comparative summary of the statistical data and information; there are no procedures for registering data on the distribution and impact of firearms, including gender sensitive data; there are no specific firearms related statistics in compliance with the requirements of international institutions; there is a lack of integration

4. GENDER SENSITIVE RECORD KEEPING PRACTICES

Albanian Strategy on Small arms, Light Weapons, their Ammunition and Explosives Control 2019 – 2024 and its Action Plan 2019-2021. Under Goal 2 of the Strategy, *Overall Target 1 is to standardize and institutionalize data collection on firearms, by gender and age, regarding legal and illegal SALW/ firearms interdictions, armed violence incidents, ballistic evidence, and other firearms related data resulting in periodic risk analysis and threat assessment.* Specific activities under this goal include the institutionalization of data collection methodology in all relevant institutions regarding the distribution and impact of firearms, ammunition, and explosives, **with data disaggregated by gender and age**; training on the implementation of distribution; and impact data collection, including gender sensitive aspects and training on the gender analysis of firearms data and gun crimes.

As per the Law “On the Organization and Functioning of the Ministry of Justice” (Article 6, item 15 of Law no. 8678, dated 14.5.2001, consolidated version, after amendments made by Law no. 40/2017), the MoJ is mandated to analyse statistical data and publish the statistical yearbook. Instruction no. 4/15.4.2019 of the MoJ “For completing statistical data” determines the collection and processing of statistical data by the Courts of the First Instance and the Court of Appeal as per standardized formats and defined sections. These data are to be kept disaggregated by sex and age. Therefore, data on offenders are sex and age disaggregated, but there is not specific disaggregation of offenders who committed firearm related offenses.

The Institute of Statistics (INSTAT) regularly gathers and analyses sex-disaggregated data on crime and criminal justice statistics. This includes data on juveniles and adults as perpetrators, injured persons, defendants, prisoners, etc. Furthermore, this data is also broken down by percentage and is sex-disaggregated regarding: victims of murders committed, victims of intentional homicide; the number of intentional homicides and the victims of these crimes; the relation between the victims and perpetrators of domestic violence. No data on the use of firearms is provided. In addition, the Institute annually publishes the publication “Men and Women in Albania,” which provides data on women and men in and across various fields.

Law no. 10 138, dated 11.5.2009, “On Public Health” (Article 58-60), defines the ‘health information system’ as a combination of the health statistics from various sources, which is used to retrieve information related to health status, health care, health service provision and use, health impacts, and the role of the Institute of Public Health in health records, data collections, and registers in the field of health. The main instrument is the document Internal Regulations of the Institute of Public Health; these regulations stipulate that all health indicators are disaggregated by sex and age, such as: general death indicators (all causes for both genders, all age groups, and by specific gender and specific age); and death indicators by specific causes according to gender and age group. In addition, the internal regulation stipulates that the mental health sector shall conduct studies to identify and research risk factors related to behaviours that affect mental health.

The necessity to improve the availability of sex disaggregated data is also recognized in the SALW Control Strategy, **under Goal 2, Overall Target 1 - Standardize and institutionalize data collection on firearms, by gender and age, regarding legal and illegal SALW/firearms interdictions, armed violence incidents, ballistic evidence, and other firearms related data resulting in periodic regional FAE risk analysis and threat assessment**, in which the following activities are planned:

- develop and institutionalize data collection methodology in all related institutions regarding the distribution and impact of firearms, ammunition, and explosives, with data disaggregated by gender and age;
- training on the implementation of distribution and impact data collection, including gender-sensitive aspects;
- training on the gender analysis of firearms data and gun crimes;
- develop a periodic risk analysis and threat assessment.

The specific objective of this target is to establish a data collection system in all related

institutions regarding the distribution and impact of firearms, ammunition, and explosives, with data disaggregated by gender and age. The timeframe for the implementation of these activities is 2019- 2021, and the responsible institutions for its implementation are the State Police (the General Directorate and Office of Statistics), MoD, AKSHE, MHSP, Prosecution Office, Courts, and the MoJ. There is no financial plan attached to the implementation, while the expected sources of funding are the State Budget, donors, and UNDP SEESAC/EU.

5.

ARMS TRADE

This section analyses whether legislation regulating arms export takes into account the risks of arms being used to commit gender-based violence. The analysis is focused on an obligation stemming from the Arms Trade Treaty (Article 7.4) and the EU Common Position on Arms Export.

Arms Trade Treaty (ATT)

The ATT, in its preamble, underlines the need to prevent and eradicate the illicit trade in conventional arms and to prevent their diversion to the illicit market, for unauthorized end use, and to unauthorized end users. Additionally, it underlines that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict and armed violence. Article 7, item 4 on the Export and Export Assessment of the ATT prescribes the obligation that the *exporting State Party, in making this (the export) assessment, shall take into account the risk of the conventional arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children*. Albania ratified the ATT with the passing of Law no. 6/30.01.2014.

Law no. 46/2018 "On State Control of International Transfers of Military Goods and Dual-use Items and Technologies" (amended by Law no. 90/9.7.2020)⁹⁰ stipulates provisions that indicate alignment with the ATT. The purpose of this law is to establish state control over the international transfer of military goods and dual-use items and technologies, to ensure the protection of the national interests of Albania, its security, foreign policy, and international credibility, and to guarantee the observance of the international commitments of Albania in this field. This law regulates the state control of international transfers of military goods and dual-use items and technologies, including control before, during, and in the implementation of licenses or authorizations for the export, temporary export, import, temporary import, transit, transshipment, brokering and technical assistance of such goods.

Under Law no. 46/2018, the State Export Control Authority, which regulates export-import control over military goods, and dual-use goods and technologies (AKSHE),⁹¹ and which is under the Ministry of Defence, has authority on issuing licenses (and revoking them), authorizations, and certificates (end-user certificates / international import certificates) (Article 5, Article 14, items 3, 4, and 5).

The request for licenses, authorizations, or certificates for export-import, transit, and brokerage services is to be assessed by the AKSHE (Article 29) and rejected if:

- Institutions or other governmental bodies with authority over international transfer controls have not given their consent during the evaluation. Besides the AKSHE, the MoD, the Ministry of Economy, the Ministry of Uniforms, the Intelligence Services, etc., are involved in processing an application;
- The analysis of the risk assessment on the criteria established under Article 12 of Law no. 46/2018 (amended 2020) indicates that an international transfer endangers compliance with the international obligations of the Republic of Albania;
 - endangers the respect for human rights in the end-user country or contributes to the violation of the rules of international humanitarian law;
 - endangers the security and defence interests of Albania and is against its foreign policy interests or economic interests;
 - endangers the maintenance of peace, security, and stability in the region;
 - enables the initiation or continuation of armed or other conflicts or would exacerbate existing tensions or conflicts at the end-user⁹² site;
 - has a negative impact on the attitude of the country of final destination towards the international community, especially on its attitude towards terrorism, international organized crime, and respect for international law;
 - the goods included in the international transfers are not in line with the technical and economic capacity of the receiving country, taking into account that it is desirable for States to meet their legitimate needs for security and defence with the least diversion for armaments of human and economic resources.

90] This law has abrogated Law no. 9707/5.4.2007 "On the State Import-export Control of Military Goods and Dual-use Items and Technologies," amended by Law no. 75/2013). This law was adopted prior to Albania's ratification of the Arms Trade Treaty.

91] AKSHE has provided a website, www.akshe.gov.al, where entities involved in conventional arms transfers may find the necessary information regarding international transfers on conventional arms.

92] The LoW defines the meaning of the "end user certificate" as a document in which the end-user determines the place where the firearms will be used/kept and the final purpose of their use, and guarantees that the firearms will not be used for any purpose other than that specified in the certificate, will not be transferred to any other entity in the territory of the country of destination, and will not be re-exported without permission from the exporting country. This certificate shall be considered valid when submitted to the authorities within 6 months from the date of issue. The responsible authorities shall issue an end-user certificate in cases where natural or legal persons intend to obtain an import license and when required by the exporting country (etc.).

- there is a risk that the goods may be diverted, re-transferred, or re-exported from the final destination, in undesirable conditions;
- The information provided in the request is intentionally incomplete or inaccurate, or formulated in contradiction with the requirements provided in this Law;
- There are other reasons that contradict the Albanian legislation in force or the ratified international agreements.

The AKSHE shall adopt a decision for the revocation of the issued license, authorization, or certificate if: a) it determines that after the issuance one or [all] the criteria established in Article 12 are met; b) an exporter, importer, or person responsible for the transit, brokerage, or technical assistance does not act in accordance with the license; c) it determines that the license was issued on the grounds of inaccurate or incomplete information; ç) the respective entity has been removed from the register of entities that deal with the international transfer of military goods; d) if the entity involved in the international transfer of goods goes bankrupt and the relevant bankruptcy legal procedures have been commenced against it; dh) it is established that after the issuance the criteria under letter “b” and “c” of Article 13 are not met.

Also, Article 14 prescribes a list of criteria that should be fulfilled and specific cases in which the AKSHE shall refuse to provide a natural/legal person with a relevant registration certificate, such as: the applicant subject submits false or falsified documentation or intentionally conceals information or misinforms regarding the application for registration; the applicant entity has been found responsible, and has been convicted by a final decision, for the violation of the provisions in the legislation on international transfers of controlled goods, which constitutes a criminal offense, or of other provisions related to national security; the applicant entity has been found responsible for violating an international embargo or sanction; a criminal charge has been filed against the applicant entity for a violation of the provisions in the legislation on international transfers of controlled goods or a civil or criminal proceeding related to national security has been initiated against the applicant; there is a reasonable suspicion that the representative of the entity or its employees have entered into an agreement or negotiated a contract with a company, individual, or organization that is involved in illegal activities involving the transfer, use, and/or production of military goods or weapons of mass destruction; *there are other reasons for the violation of national security*.⁹³

While the risk assessment under Law no. 46/2018 takes into account the human rights situation in the end user country, it does not specifically refer to the risks of conventional arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.

EU COMMON POSITION ON ARMS EXPORT

The EU adopted the EU Common Position on Arms Export in 2008 (2008/944/CFSP) *laying down common rules governing the control of exports of military technology and equipment*, which is the successor to the 1998 EU Code of Conduct on Arms Export. The Council of Ministers of the Republic of Albania adopted the EU Code of Conduct on Arms Export (CMD no. 604, dated 28.08.2003). Therefore, the basic principles, policies, and national practices on the export of conventional arms and related technologies are based on the EU Code of Conduct.

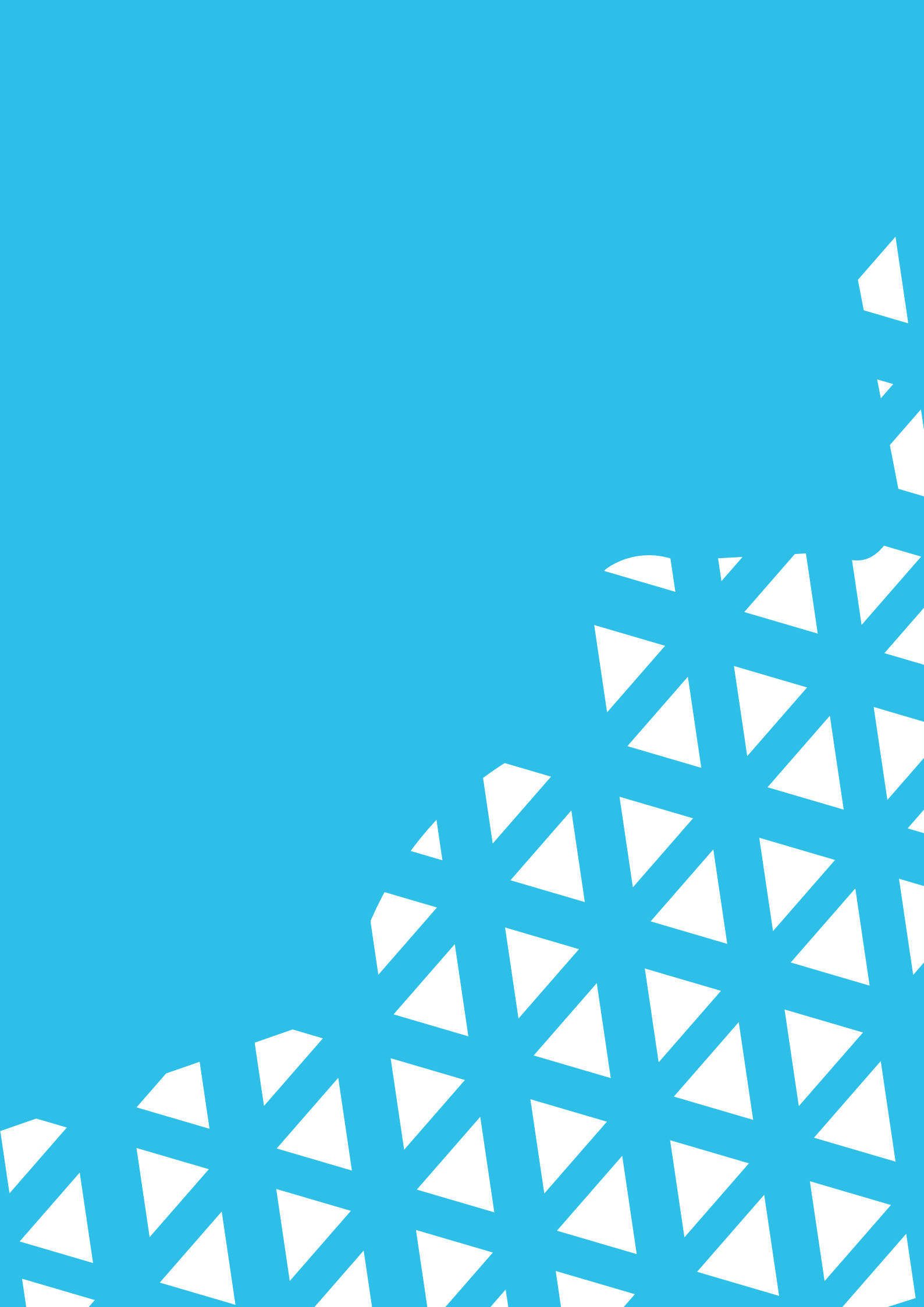
The EU Common Position on Arms Export, in Article 2, establishes the following criteria: Criterion One: Respect for the international obligations and commitments of Member States, in particular the sanctions adopted by the UN Security Council or the European Union, agreements on non-proliferation and other subjects, as well as other international obligations and commitments; Criterion Two: Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law; Criterion Three: Internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts; Criterion Four: Preservation of regional peace, security and stability; Criterion Five: National security of the Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries; Criterion Six: Behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its

93] See also CMD no. 31/22.1.2020 “On the organization, functioning, and status of the Albanian State Export Control Authority, defining procedures of inter-institutional coordination and procedures of issuing documents of guarantee and state control.” This has been abrogated by CMD no. 304/25.3.2009, CMD no. 305/25.3.2009, and CMD no. 43/16.1.2008.

alliances and respect for international law; and Criterion Seven: Existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions.

Considering the analysis provided above of Article 12 of Law no. 46/2018, (amended by Law no. 90/9.7.2020), all the criteria of Article 2 of the EU Common Position on Arms Export are integrated.

「 **SALW Control Strategy**, under **Goal 3, Overall Target 1** - *Ensure full implementation and monitoring of the legal, policy, and procedural frameworks on the trafficking of firearms, ammunition, and explosives* (and **under Overall Target 3 and its corresponding activities**) envisions training on the risk assessment of the potential misuse of exported arms to commit gender-based violence. 」



V

CONCLUSIONS AND RECOMMENDATIONS



CONCLUSIONS

- The Republic of Albania has undertaken the key international commitments in the areas of gender equality, peace and security, small arms and light weapons control, and the 2030 Agenda for Sustainable Development;
- Legislative and policy developments show significant efforts to address the gendered dimensions of firearms at both the legislative and policy levels. This is reflected in the adopted legislative provisions to prevent and combat the use of firearms in the context of measures against domestic violence and in policy efforts to address other gender concerns related to small arms, such as: gendered factors fuelling demand for firearms and shaping risk taking behaviour; the participation of women in SALW control; and establishing preconditions for the integration of the gender perspective into SALW control policy-making;
- With respect to the *regulation of the civilian possession of firearms and the prevention of their misuse*, a series of positive amendments have been introduced into the Law on Weapons (LoW) with the most recent amendments made in 2020;
- The LoW (Article 34) explicitly considers domestic violence as grounds for the rejection of an application for a firearm license/authorization;
- Firearm applications are to be rejected: if the applicant is *identified as a person involved in criminal offences of domestic violence*; if the applicant has been legally convicted for domestic violence as a criminal offence; if the applicant has been prosecuted with an inconclusive decision for committing various crimes; and if security measures have been imposed against the applicant;
- In doing so, the Law on Weapons ensures that vetting for “domestic violence,” as well as for other criminal offences, does not depend on a final decision legally sanctioned by the criminal court;
- The relevant legislation, however, remains ambiguous regarding whether the same vetting procedures are to be followed in cases of renewing a firearms license/authorisation;
- Albania has a well-established institutional framework against DV under civil law and criminal law (courts, prosecutors, the penitentiary system, etc). The National Referral Mechanism against DV (NRM) is established at the local level as an organized network of responsible institutions for the prevention of DV and the protection, support, and rehabilitation of victims of DV;
- The legislation prescribes the proceedings of relevant institutions as part of the National Referral Mechanism against DV, the Local Coordinator for DV, the State Police, and Centres for Social Care in cases of domestic violence when a firearm has been used, or if there is a threat that it could be used;
- The LDV and its accompanying bylaws stipulate the risk assessment, protective measures, and proceedings which should be followed by the courts, the police, and other relevant actors of the National Referral Mechanism against DV in cases when a firearm has been used or if there is a threat that a firearm could be used;
- The protection measures envisaged by the LDV and the relevant bylaws include the temporary seizure of firearms from the perpetrator and informing the employer about the reported domestic violence in cases when the perpetrator, within the performance of his/her official duties, has access to service firearms. Consequently, any such license/authorization is temporarily revoked until a final court decision is made, which can result in the license being permanently revoked, depending on the decision. If the relevant authorities assess that the return of a firearm may pose a threat or a danger, they may decide not to return it, even without grounds for prosecution;
- The police, as a vetting authority, have access to all police evidence on reported cases of DV and any order issued by them (OPIP) or by the civil court (PO/IPO). As part of the National Referral Mechanism against DV, they may access and utilize all

sources of information derived from agents of this system;

- The storage of firearms and ammunition by both natural persons and by authorized legal entities, such as those selling weapons or operating civilian shooting ranges, is regulated;
 - Relevant standards and procedures do not provide clear enough guidance or procedures in regard to the specific security vetting of security sector personnel during recruitment and employment with respect to domestic violence;
 - The carrying and using of firearms are regulated in Law no. 72/2014 “On the Use of Firearms” and to a certain extent in the specific laws applicable to particular security sector personnel. Most relevant regulations prescribe the possibility of using weapons/firearms as a means of force only in the employees’ carrying out of their duty, while certain regulations define the situations and limitations of the use of weapons/firearms more precisely.
 - The relevant legislation on the security sector does not provide specific provisions related to cases when domestic violence is committed by an employee, though Order no. 1118/13.11.2017 of the GDSP “On standard procedures for cases of domestic violence” is an example of good practice, since it provides guidance and procedures on cases in which the perpetrator of DV is a police officer.
 - According to the current relevant legal provisions, court protection orders are not mentioned by the Law on the State Police or in the State Police Regulation and Order no. 417, dated 02.05.2018, of the GDSP. Since conditions of verification extend to activities that are inconsistent with State Police rules or good social behaviour, the process of verification could and should take into account protection orders issued by the courts, yet this is not explicitly stated or mandated.
 - The relevant legislation has introduced the obligation for all institutions that have a mandate to proceed in cases of domestic violence to collect data on domestic violence and refer to the local Coordinator for DV as an agent of the National Referral Mechanism.
- Despite the important progress made toward preventing the use of firearms in domestic violence outlined above, certain gaps still remain:
 - Article 34 of the LoW prescribes, in only a single sentence (item 1, letter ‘ç’), several criteria as grounds for the rejection of a firearm license/authorization by the authorities. Such provisions could lead to an inadequate focus on DV as an important criterion for rejecting these licenses/authorizations. In addition, the expression “have not been identified” that is employed in this article could lead to ambiguous interpretations. Also, there is room for ambiguity between the meanings established in letter c), letter ç), and letter b/1) of this same article (Article 34) of the LoW;
 - Security vetting procedures do not provide firm guidance on assessing whether firearms could be misused in the domestic violence context. Bearing in mind the findings that the vast majority of cases domestic violence go unreported and considering the high lethality of firearms in this context, special importance needs to be placed on security vetting as a potentially effective tool for the prevention of firearms misuse in the context of domestic violence;
 - In addition, neither the Law on Weapons nor any accompanying bylaws mandate or envision that interviews be conducted with current and former partners and/or other family members or close persons during the background checks for domestic violence. Similarly, there is no provision as to whether security vetting procedures include or mandate consultation with agents of the National Referral Mechanism against DV with respect to any history of domestic violence;
 - The relevant legislation does not envision or mandate a legal obligation to notify the spouse or close family members of the applicant during the process of seeking to obtain a firearm license/authorization;
 - The court decisions on the issuing of Protection Orders or Immediate Protection

Orders to prevent acts of domestic violence are not stated as a mandatory element for consideration in the conditions for the security vetting of firearm licenses/authorizations in the Law on Weapons. These should be included in this process, as this procedure may be initiated parallel to a criminal procedure.

- There are no provisions/obligations for consultation with the National Referral Mechanism against Domestic violence for information it could provide (including data from the REVALB data system) regarding any domestic violence committed by an applicant for a firearm license/authorization.
 - There is no specific provision stating or mandating that all forms of domestic violence such as physical, psychological, sexual, and economic violence are to be considered/checked during security vetting. Neither the Law on Weapons nor relevant bylaws provide a definition of domestic violence, despite Article 34 of the LoW citing domestic violence as grounds for the rejection of an application for a firearm license/authorization.
- Regarding the response to the gendered aspects of firearms, the Small Arms and Light Weapons, their Ammunition and Explosives Control Strategy 2019-2024 and its Action Plan 2019-2021 contain explicit commitments towards the advancement of gender equality within small arms control and aim to mainstream the gender perspective across different areas of firearms control;
 - The Strategy has prioritized several specific objectives, such as: increasing the participation of women in SALW/firearms control; increasing the capacities of institutions in charge of SALW/firearms control to mainstream the gender perspective and develop gender responsive SALW/firearms policies; improving institutional and policy responses to the misuse of firearms in domestic and intimate partner violence and enhancing the prevention of SALW/firearms misuse through specifically targeting young men. These specific objectives are followed with a set of practical activities;
 - In addition, the Strategy envisages activities such as *increasing awareness among the general population, both women and men, on the danger of the misuse, illicit possession, and trafficking of firearms, and the standardization and institutionalization of firearms data collection, disaggregated by sex and age.*
 - The legislation in Albania provides a solid basis for the integration of the gender perspective into each phase of the process of building, adopting, implementing, monitoring, and evaluating policies, and especially of the integration of the gender perspective into legislation;
 - Albania has adopted a vast number of strategies which could provide important entry points for gender responsive firearms control. However, key strategic documents, such as the National Youth Action Plan (2015-2020), the National Action Plan for the Implementation of UN Security Council Resolution 1325 – Women, Peace and Security 2018 – 2020 (NAP 1325), the National Strategy for Gender Equality 2016-2020 and its Action Plan 2016-2020, the National Strategy of Integration with the EU and its Action Plan 2020–2022, and the Action Plan for the Development of Mental Health Services 2013 – 2022, indicate a complete or partial lack of convergence between the advancement of gender equality and firearms control;
 - The relevant legislative and strategic frameworks prescribe and regulate the equitable representation of women, while increasing women's participation in SALW policy making and implementation is recognized as a specific objective in the SALW Control Strategy;
 - Data collection on firearms is stipulated in the legislative and policy frameworks of SALW, in the Law on Weapons, and in other relevant bylaws;
 - There is a general obligation for state and private entities, stipulated by the LGE, to collect, record, and process sex-disaggregated data, including the obligation to present these data and to submit them to the Institute of Statistics; and
 - Albania has introduced the legal obligation of all institutions that have a mandate to proceed in cases of domestic violence to collect data on domestic violence.

RECOMMENDATIONS

Despite documented progress at both the legislative and policy levels, in light of the goal of this analysis - to contribute to the increased gender responsiveness of firearms control legislation and policies in the Republic of Albania, the following recommendations for the further improvement of the legislation and policy responses are proposed:

INTERNATIONAL COMMITMENTS

- In order to enhance the gender responsiveness of SALW control in Albania and beyond, the authorities should address renewed commitments set in the Outcome Document of the Third Review Conference⁹⁴ of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects – PoA, including: mainstreaming gender considerations into small arms and light weapons policies and programmes, particularly in the areas of programme design, planning, implementation, and the monitoring and evaluation of their implementation efforts; increasing funding for policies and programmes that take into account the differing impacts of illicit small arms and light weapons on women, men, girls and boys; collecting gender sensitive data; and ensuring coordination between the relevant national authorities on the implementation of the PoA with institutions working on gender equality and women's affairs, including women's civil society groups;
- Albania should fully embrace the 2030 Agenda for Sustainable Development⁹⁵ so as to revise the next steps presented in the Voluntary National Review submitted in 2018 by Albania and to continue taking steps in achieving the targets set under SDG 5 - Achieve gender equality and empower all women and girls, and SDG 16 - Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels;
- In order to prevent exported conventional arms from being used to commit or facilitate gender-based violence or violence against women, a bylaw prescribing and regulating necessary risk assessments should be adopted, as provisioned by the ATT.

LEGISLATIVE AND POLICY PRECONDITIONS FOR GENDER MAINSTREAMING AND THE PARTICIPATION OF WOMEN IN SMALL ARMS CONTROL

- Establish a mechanism to ensure that relevant gender mechanisms (representatives from the Sector of Policies and Strategies for Social Inclusion and Gender Equality of the MHSP) and relevant CSOs working on gender equality and women's rights participate in the work of the SALW Commission;
- Ensure balanced representation of women and men in the SALW Commission.

LINKAGES BETWEEN FIREARMS AND DOMESTIC VIOLENCE

- Article 3 of the Law on Weapons (consolidated version, 2020) should include the **definition of domestic violence** aligned with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), the

Criminal Code, and Law No. 9669/2006 “On Measures against Violence in Family Relations” (consolidated version, 2020) in order to ensure that all forms of domestic violence, such as physical, psychological, sexual, and economic, are considered when security vetting related to “domestic violence” is performed;

- In addition, a new item should be added to Article 34 of the Law on Weapons (consolidated version, 2020) to ensure that grounds for the rejection of an application for a firearms licence/authorisation include PO/IPOs issued to an applicant. It should be written as follows: “a protection order (PO/IPO) for domestic violence has been issued against the applicant;”
- The obligation of spouse notification (current and former from the last two years) and/or of the notification of close family members by the responsible state institution during the process of an applicant seeking to obtaining a license/authorization should be introduced into the Law on weapons;
- The Law on Weapons (consolidated version, 2020) and bylaws related to the security vetting of firearms should include and further elaborate the procedures of verifying and obtaining evidence on each of the circumstances stated in Article 34 (item 1) and further elaborate the institutional collaboration prescribed in Article 46 of the LoW:
 - Regarding the criteria of ‘personal security measure,’ under Article 34 of the LoW as grounds for the prohibition of the applicant to be granted authorization to possess a firearm, it is important that vetting authorities are properly trained and provided with adequate guidelines on the meaning and classification of personal security measures considering the links with the Criminal Procedure Code of the Republic of Albania.
 - Regarding the content of Article 34 of the LoW, certain criteria mentioned under letter ‘ç’ need to stand “on their own,” either separately or grouped, based on clear legal grounds and written in a clear, legally defined manner. Also, ambiguity between the meaning of letter c) and letter b/1) of the same article (Article 34/1 of the LoW) should be properly addressed in the same law or in bylaws dedicated to security vetting.
 - Security vetting should be further improved through the adoption of guidelines on/ instructions for comprehensive security vetting/background checks of domestic violence to be developed and adopted by the Ministry of the Interior. In addition, Order no. 1118/13.11.2017 of the General Director of the State Police should be revised considering amendments made with the passing of the LDV and CMD no. 327/2021 on the National Referral Mechanism against DV.
- In the Law on Weapons or relevant bylaws provisions for mandatory consultation with the National Referral Mechanism against DV and the Local Coordinator for DV, as well as with other relevant actors, should be included with the aim of obtaining data on any history of domestic violence by applicants for firearm licenses/authorizations, including data from the REVALB data system.
- Bylaws, such as Order no. 417/2018 of GDSP, should clearly include and mandate the consultation of vetting authorities with the Local Coordinator of DV, Centres for Social Care and rape crisis centres, the REVALB data system (to obtain data on any history of domestic violence), court decisions on POs/IPOs, including for stalking, harassment, and other forms of GBV that Albanian legislation recognizes, considering also the provisions of the Istanbul Convention as a binding instrument.
- Bylaws issued by the Mol (such as Instruction no. 277/2015, amended in 2018, of the Mol, etc.) and orders of the GDSP (such as Order no. 417/2018) on the security vetting of domestic violence should be revised and developed;
- Regarding relevant certificates issued by the court, in the context of the links between firearms and DV, they should provide information on any decision undertaken after a request made for a protection measure.
- In order to ensure a comprehensive security vetting process, it is recommended that a template be provided of the report to be prepared by the relevant vetting authorities that prescribes clear instructions on how to extend verifications.

CONCLUSIONS AND RECOMMENDATIONS

- The decision on the “reliability” of a person to enter the security sector must be based on clear evidence and clear legal provisions. Also, in order to ensure that the vetting process is comprehensive, the report prepared by the relevant vetting authorities should be extended to include mandatory verification of conditions related to DV, specifically as specified under the Criminal Code and the LDV;
- It is recommended that specific laws/bylaws on the security sector also clearly define proceedings in cases in which a member/employee commits domestic violence, using as best practice-guidance the proceedings defined in *Order no. 1118/13.11.2017 of the GDSP*.
- The LoW and Joint Instruction no. 88/2015 of the Minister of Interior and the Minister of Health should provide clear and perhaps revised instructions regarding the duration of the medical fitness from a perspective of mental health in regard to a holder of a firearm license/authorization.
- Comprehensive research should be conducted on the implementation of the legislative provisions relevant to preventing the use of firearms in the context of domestic violence in order to map both challenges and good practices in the implementation and provide recommendations for the further improvement of legislative and policy frameworks.

RESPONSE TO GENDERED ASPECTS OF FIREARM DEMAND, USE, AND MISUSE

- Strategic synergies should be enhanced for maximizing the effects of the proposed actions in preventing and addressing firearm demand, use, and misuse between Small Arms and Light Weapons, their Ammunition and Explosives Control Strategy 2019-2024 and other relevant strategies, including the preparation a financial plan that would secure and allocate the resources necessary for the implementation of the envisioned policy measures. In addition, relevant institutions should actively seek to increase convergence between strategic documents.
- During the development of the new Youth Strategy, consideration should be focused on how to address factors stemming from the intersection of gender and age, which has resulted in a predominance of young men among firearm license applicants and owners, including a dominant presence among those who would own a gun;
- Security vetting procedures prescribed by Article 34 of the Law on Weapons should also include an assessment of the risk that firearms could be used in the context of suicide;
- A gender-sensitive methodology for the monitoring and evaluation of SALW control legislation and policies should be developed.

GENDER SENSITIVE DATA COLLECTION PRACTICES

- Article 10 of the Law on Weapons (consolidated version, 2020) and bylaws such as CMD no. 292, dated 08/04/2015, “On determining the rules for the creation and administration of the weapons register” should be amended so that sex is included as a basic variable in data collection;
- The exchange of data between responsible state institutions working on domestic violence should be enhanced, especially between the National Referral Mechanism against DV, the courts, prosecutors, and the police;
- It should be ensured, through amendments to existing bylaws, that record-keeping on domestic violence includes data on firearms, both legal and illegal, such as data on the presence of firearms, their use, their type, etc., data on all the decisions undertaken by the police under the LDV and under the LoW, and data on all other relevant measures.

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Control Arms, How to Use the Arms Trade Treaty to Address Gender-Based Violence. Control Arms Practical Guide. A Practical Guide for Risk Assessment. August 2018

EU Common Position on Arms Export 2008/944/CFSP

United Nations Programme of Action on Small Arms and Light Weapons, (PoA, 2001);

United Nations Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition (2001);

International Tracing Instrument (2005);

OSCE Document on Small Arms and Light Weapons (adopted in 2000 and reissued in 2012);

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Optional Protocol to this convention;

Council of Europe Convention on preventing and combating violence against women and domestic violence (ratified by law No. 104/2012);

United Nations Security Council Resolution (UNSCR) 1325 (2000)

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STRATEGIES

Small Arms and Light Weapons, their Ammunition and Explosives Control Strategy 2019-2024 and its Action Plan 2019-2021 (CMD no. 50, 6.2.2019)

National Youth Action Plan, 2015-20 (CMD no. 383/6.5.2015)

National Strategy for Development and Integration (2014–2020)

National Strategy of Integration with the EU and its Action Plan 2020–2022 (CMD no. 151 of 19.2.2020)

National Action Plan for the Implementation of UN Security Council Resolution 1325 – Women, Peace and Security 2018 – 2020 (NAP 1325), (CMD no. 524 of 11.9.2018)

National Strategy for Gender Equality 2016-2020

Action Plan for the Development of Mental Health Services 2013 - 2022

Strategy on the Development of the Primary Health Service 2020-2025, approved by CMD no. 405/20.5.2020

National Health Strategy 2016 – 2020, (CMD no. 439, dated 17.5.2017)

LAWS

Constitution of the Republic of Albania

Criminal Code of the Republic of Albania and the Criminal Procedure Code

Law “on Weapons” (no. 74/2014, amended by Law no. 152, dated 17.12.2020)

Law “On the Use of Firearms” (no. 72/2014)

Law “On Measures against Violence in Family Relations” (no. 9669/2006 consolidated version after 2020 amendments)

Law “On Gender Equality in Society” (no. 9970/24.7.2008)

Law “On the Prohibition of Discrimination” (no. 10 221/4.2.2010, amended 2020)

Law “On State Control of International Transfers of Military Goods and Dual-use Items and Technologies”, (no. 46/2018, amended by Law no. 90/9.7.2020)

Law “On the Guard of the Republic of Albania” (no. 33/2021)

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Law on State Statistics (no. 17/2018)

Law "On Public Health" (no. 10 138, dated 11.5.2009)

Law "On the Governing Bodies of the Justice System" (no. 115/2016)

Law "On the Organization and Functioning of the Ministry of Justice" (no. 8678, dated 14.5.2001, consolidated version after amendments made by Law no. 40/2017)

Law "On Public Notification and Consultation" (no. 146/2014)

Law "On Granting Amnesty" (no. 5/2020)

Law "On the State Police" (no. 108/2014, consolidated version, 2020)

Law "On Private Physical Security Service" (no. 75/2014)

Law "On the Intelligence and Security Defence Agency" (no. 65/2014)

Law "On the Prison Police" (no. 80/2020)

Law "On the Intelligence Agency" (no. 9357, dated 17.3.2005, and "On the Status of Employees of the National Information Service," amended by Law no. 97/23.7.2020)

Law "On Discipline in the Armed Forces of the Republic of Albania" (no. 173/2014)

Law "On the Organization and Functioning of the Judicial Police" (no. 25/2019)

Law "On Licenses, Authorizations, and Permits in the Republic of Albania" (no. 10081, dated 23.02.2009)

Law "On Forests" (no. 57/2020)

Law "On Hunting" (no. 10253/11.3.2010, as amended by Law no. 43/14.2.2013)

Law "On Military Police in the Armed Forces of the Republic of Albania" (no. 13/2015)

Law "On the Powers and Authorities of the Command and Direction of the Armed Forces of the Republic of Albania" (no. 64/2014)

Law "On the Transitional and Periodic Evaluation of the Employees of the State Police, the Guard of the Republic, and the Service for Internal Affairs and Complaints in the Ministry of the Interior" (no. 12, dated 5.3.2018)

Law "On the Military Career in the Armed Forces of the Republic of Albania" (no. 59/2014)

Customs Code (Law no. 102/2014, dated 31.7.2014, amended by Law no. 32, dated 02.04.2015)

Law "On Social Assistance in the Republic of Albania" (no. 57/2019)

Law "On Social Insurance" (no. 7703/11.5.1993, as amended)

Law "On Social Housing" (no. 22/2018)

Law "On State Guaranteed Legal Aid" (no. 111/2017)

Law "On Social Care Services in the Republic of Albania" (no. 121/2016)

Law "On the Rights and Protection of the Child" (no. 18/2017)

Law "On Youth" (no. 75/2019)

Law "On International Agreements in the Republic of Albania" (no. 43/2016)

BYLAWS, DECISIONS, ETC.

CMD "On the mechanism of the coordination of work between the authorities responsible for referring cases of domestic violence and on its proceedings for the support and rehabilitation of victims of violence" (no. 327/2.6.2021);

CMD "On the State Police Regulation" (750/16.9.2015, amended by CMD no. 1143/2020)

CDM "On the Law "On the Use of Firearms"" (no. 839, dated 14.10.2015)

CMD "On the approval of the types of weapons and the manner of their use by the prison police" (no. 471, dated 6.5.2009)

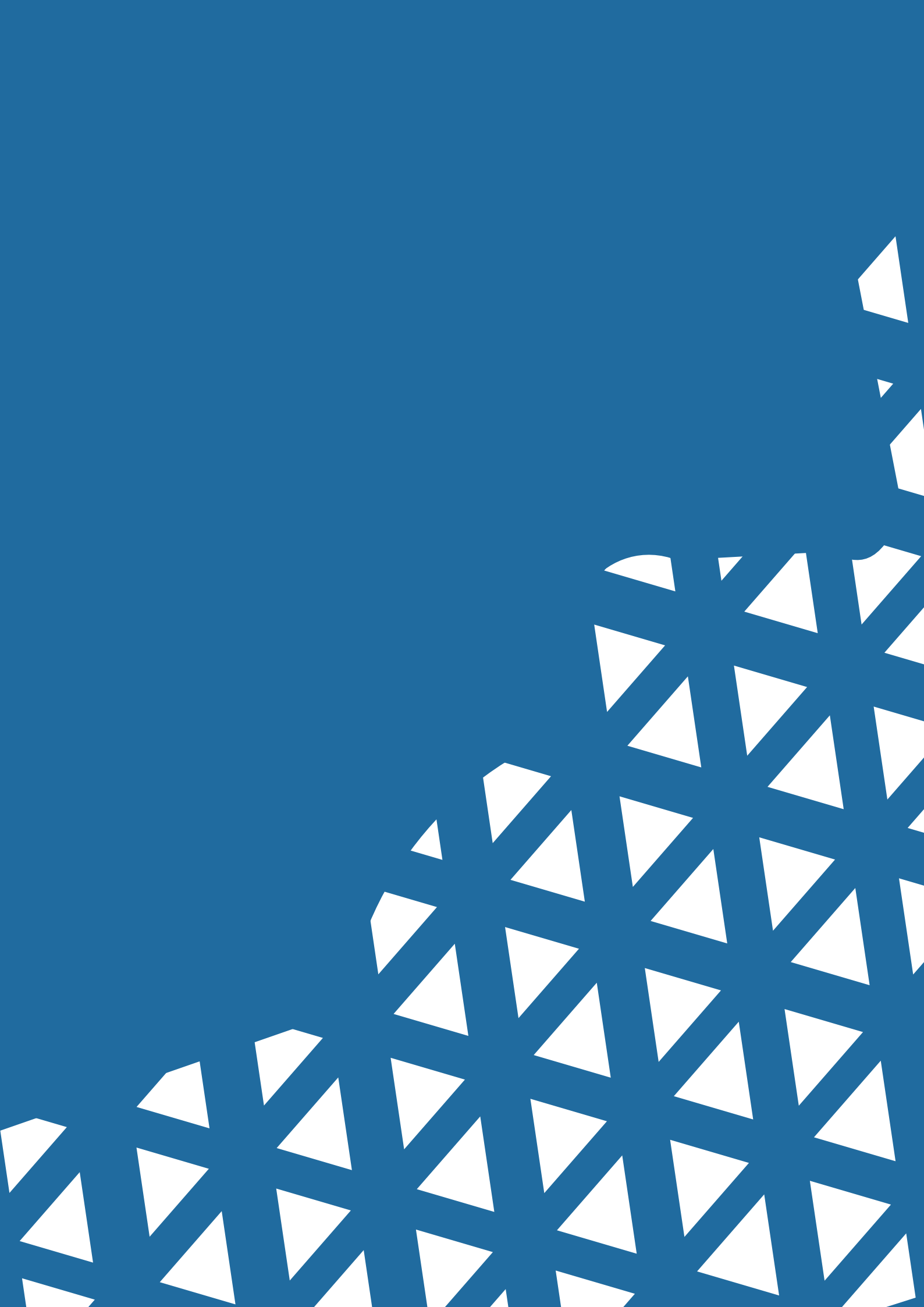
CMD "On approval of the types of weapons, neuro-paralyzing materials, and other means of use of force by the State Police" (no. 293, dated 8.4.2015)

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- CMD "On the procedures for examining applications, documentation, their deadlines, and special licensing criteria for eligible weapons activities" (no. 421/13.15.2015);
- CMD no. 94/4.2.2015 "On the procedures with weapons, in the cases of the declaration of their owner's death, the declaration of the legal completion of weapons related business or of the study of a weapon, or of the loss or theft of its document/authorization;"
- CMD no. 31/22.1.2020 "On the organization, functioning, and status of the Albanian State Export Control Authority, defining procedures of inter-institutional coordination and procedures of issuing documents of guarantee and state control;"
- CMD no. 972, dated 2.12.2020, "On the organization, functioning, and determination of the competences of the information technology centre for the justice system;"
- CMD no. 348/29.4.2015 "On procedures of entry/exit, marking of arms, and the registration of Albanian citizens and foreigners carrying category "B" and "C" arms in the territory of the Republic of Albania;"
- Minister of the Interior Instruction "On the procedures, documents, and time frame of evaluation for the issuance of authorizations for firearms to legal entities, on the format of the firearms register for subsidiary licenses for activities with guns, and for the rules, procedures, and the form to be filled in at the time of the execution of experimental firing and bullet administration in a data bank" (no. 277/2015, amended by no. 123/2018);
- Ministry of the Interior and the Ministry of Health Joint Instruction "On the types of visits and the content of the medical certificate" (no. 88/2015);
- Order of the Ministry of Health and Social Protection "On standard operating procedures for the treatment of cases of domestic violence and gender-based violence by employees of social care services, in the framework of cooperation as members of the Coordinated Referral Mechanism" (no. 100/21.2.2020);
- Order of the Ministry of Health and Social Protection "On the approval of standard operating procedures for the employees of health services to reduce the risk of experiencing domestic violence and gender-based violence in situations of civil emergencies" (no. 102/21.2.2020);
- Order of the GDSP "On the form and content of the certification of reliability" (no. 417, dated 02.05.2018);
- Joint Guideline of the Mol and MHSP "On the Procedures and the Model/form of the Order for Preliminary Immediate Measures of Protection (OPIP)" (no. 912/27.12.2018);
- Joint Guideline of the Mol and MHSP "On the Procedures and Models of Risk Assessment for Cases of Domestic Violence" (no. 866/20.12.2018)
- Order of the Ministry of Health and Social Protection "On the approval of standard operating procedures (PSV) for the treatment of cases of domestic violence and gender-based violence by employees of health services, in the framework of cooperation as members of the Coordinated Referral Mechanism" (no. 101/21.2.2020);
- Order of the GDSP "On standard procedures for cases of domestic violence" (no. 1118/13.11.2017);
- Mol no. 144, dated 31.01.2019, amended, "On the approval of special criteria for admission to the State Police of citizens who have completed the second cycle of higher education;"
- Order of the Ministry of Justice "On the procedures for the admission of candidates in the prison police" (no. 7375, dated 24.11.2015)
- Order of the Ministry of Justice "On the approval of the Law "On the Definition of Rules and Procedures for Employment, Training, and Performance in the Career and Imposing Disciplinary Measures for Employees of the Prison Police"" (no. 3125/1 dated 4.9.2009)
- Order no. 984 of the GDSP, dated 17.12.2015, "On standard procedures for admission to the Security Academy, and for deadlines and review procedures of the documentation, verification, and complaints of applicants;"
- Order of the GDSP no. 138/7, dated 4.07.2019, "On evaluation procedures for admission to the Security Academy of citizens who have completed the second cycle of higher education studies;"
- Order no. 1014, dated 22.05.2017, of the MoD "On the policies and procedures for the recruitment of candidates for new officers in the Armed Forces of the Republic of Albania" and Instruction no. 9, dated 31.12.2018, of the MoD "On procedures and criteria for the recruitment of active soldiers/naval personnel in the Armed Forces;"
- Order no. 69, dated 22.05.2017 "On establishing a National Commission for Small Arms and Light Weapons (SALW)."

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