



*This project is funded by  
the European Union*



## 13<sup>th</sup> REGIONAL MEETING OF SALW COMMISSIONS

# PRELIMINARY FINDINGS OF THE GENDER ANALYSIS OF FIREARMS LEGISLATION AND POLICIES IN THE WESTERN BALKANS AIMING TO ENHANCE GENDER RESPONSIVENESS OF SMALL ARMS CONTROL

Dragan Bozanic,  
Gender and Research Project Officer

Online  
13-14 April 2021

# Overview

---

- Background
- Goal and scope of the analysis
- Preliminary findings and recommendations
- SEESAC's support

# Background: Gender and SALW in South East Europe (2016)

---



- Firearms ownership and access to firearms are highly gendered;
- Use and misuse of firearms have differentiated effects on women and men;
- There is a high incidence of firearms use in domestic violence, including in intimate partners violence; and
- Perception of firearms differentiates among men and women.
- Weak to non-existent policy response: gender perspective not taken into account in SALW control policy making

# Gender analysis of small arms control legal and policy frameworks (2021)

---

**The specific objectives** of the analysis are to:

- Assess gender responsiveness of legislation relevant for arms control in the Western Balkans and map gaps in legislative response;
- Provide recommendations for authorities how to advance gender responsiveness of respective legislation and policies.

**Goal:** *To support authorities in the Western Balkans to fully integrate a gender perspective in small arms control and address specific risks women and men face with respect to firearms misuse*

**Gender-responsive arms control refers to** legislation, policies and programmes which takes into and actively respond to different experiences and risks women and men face with respect to small arms proliferation and misuse

**The scope of the analysis:** Albania, Bosnia and Herzegovina, Kosovo\*, Montenegro, North Macedonia.

UNDP Serbia has conducted the analysis for Serbia.

\*Reference to Kosovo shall be understood to be in the context of the Security Council Resolution 1244 (1999).

# Gender analysis of small arms control legal and policy frameworks (2021)

---

## The scope:

- Laws on weapons and relevant bylaws;
- Laws on arms export and relevant bylaws;
- SALW control strategies and action plans;
- Laws on the protection from domestic violence and other relevant laws and bylaws, including Strategies and Action Plans on combatting domestic violence;
- Criminal codes;
- Laws on police; Law on security intelligence agency; Laws on armed forces; Law on military intelligence agency; Law on custom; Law on hunting; Law on forest; Law on detectives; Law on private security companies etc;
- Gender equality legislation; including Strategy/Action Plans on gender equality; Action Plans for the Implementation of UNSCR 1325 on Women, Peace and Security;
- Youth strategies, Mental health strategies etc.

# Gender analysis of small arms control legal and policy frameworks (2021)

---

## Starting points:

- Legislative and policy preconditions for the integration of the gender perspective in small arms control/Participation of women ;
- Linkages between firearms and domestic violence;
- Response to gendered aspects of firearms demand, use and misuse;
- Gender-sensitive data collection practices; and
- Linkages between arms trade and risks of gender-based violence and violence against women.

## Steps in the analysis:

1. Development of the report
2. Presentation of the report to SALW Commission
3. Feedback from SALW Commission and finalization of the report

# **Key preliminary findings**

# 1. Preconditions for the integration of the gender perspective in small arms control and participation of women

---

- **Significant progress achieved:** Authorities in the Western Balkans have made considerable efforts to address the gendered dimension of small arms and integrate the gender perspective in SALW control strategies and action plans;
- SALW Control Strategies and Action Plans often contain the **explicit commitments for advancement of gender equality in small arms control** and specific objectives to **fully integrate gender perspective**;
- **Diverse set of activities:** capacity building of institutions, gender sensitive data collection; prevention of use of firearms in domestic violence, young men's exposure to armed violence, participation of women in SALW control;



# 1. Preconditions for the integration of the gender perspective in small arms control and participation of women

---

- The legislation on gender equality provides **robust basis for mainstreaming gender in small arms control** - although linkages gender equality frameworks and SALW control frameworks not always coherent;
- Laws on gender equality define obligation of authorities (and set procedures) to take measures to advance gender equality, including the integration of the gender perspective in legislation, policies, budgets in all areas;
- Legislation on gender quality sets out balanced representation of women and men that government bodies shall ensure and promote equal representation of women and men;
- SALW Control Strategies recognize the necessity to increase women's participation and envisage specific activities;
- Hindrances for the participation of women's organizations and other organization promoting gender equality.

# 1. Preconditions for the integration of the gender perspective in small arms control and participation of women

---

## Recommendations:

- Further strengthen the integration of the gender perspective is development of any new SALW control strategy/Action plan through practical activities to address gendered aspects of firearms demand and misuse;
- Utilize gender-responsive budgeting as a tool to enhance the implementation of gender equality commitments related to SALW control;
- Establish procedures to ensure balanced participation of women and men in SALW Commission;
- Establish mechanism for participation of the relevant gender equality bodies and CSO's working on gender equality and gender-based violence in SALW control policy development, implementation, and evaluation.

# 1. Firearms and domestic violence

---

- License approval, renewal, carrying of weapons, storage and safe keeping, procedures when domestic violence occurs including removal of weapons, proceeding when security sector personnel commit domestic violence;
- Laws on weapons increasingly recognize the risk of use of firearms in domestic violence;
- Different legal provisions in place which aims to **restrict access to firearms**, i.e. the authorization of firearm license, or **remove firearms if domestic violence occurs**:
  - Restrictions are based on the criminal history of the applicant as such and indirectly encompass domestic violence, since it represents a criminal offence and it is therefore a ground for refusal of license authorization;
  - Reasons for restrictions to access to firearms are explicitly connected with the criminal history of domestic violence (applicant has been convicted), or reference is made to the domestic context (‘severely disturbed family relations’), danger to public peace and order- circumstances which indicate that the firearms could be misused including in domestic violence or;
  - Solid legal basis

## Common challenges:

---

- The fact that **majority of domestic violence cases go unreported limits the effectiveness of existing legal provisions.**
- Even when violence is reported, criminal charges are often being rejected.
- Specific importance of adequate security vetting of these risks as potentially effective tool to prevent misuse of firearms in domestic violence.
- Lack of clear guidance how security vetting could be performed particularly related to “circumstances that indicate that weapons could be misused in domestic violence”, unless it is reported;
- Lack of provisions for having interviews with current and former partners and other family members;
- No obligatory notification of current (or former) spouse about submitted applications for acquisition of firearms;
- Not sufficiently regulated whether security vetting procedures include consultation with Center for Social Work;

# 1. Firearms and domestic violence

---

- Decisions on an issued temporary restraining order are often not stated as a part of the conditions for the vetting;
- Other forms of domestic violence;
- With **license renewal** usually the same set of conditions has to be fulfilled by the natural person as in the procedure for approval of the application for acquisition of weapons;
- **Procedures when domestic violence occurs** including removal of firearms are extensively regulated by the legislation on the protection from domestic violence and laws on weapons;
- Risk assessment usually, but not necessarily assess whether the perpetrator possesses weapons;
- **Temporary seizure of firearms from the perpetrator and weapons licenses** – increasingly framed as the protection measure;
- Insufficient guidance for **cases of illicit weapon and weapon possessed by other family members**.

# 1. Firearms and domestic violence

---

## Recommendations:

- Ensure that domestic violence is explicitly defined as a ground for application rejection in the Law on Weapons;
- Provide clear and extensive guidance how security vetting with respect to domestic violence should be performed (beyond checking existing registries);
- Ensure that temporary protection orders in cases of domestic violence are included as a ground of rejection/revocation of the license;
- Ensure that risk assessments consider both possession and access to firearms – special attention to be paid to illicit weapons.

### 3. Response to gendered aspects of firearms demand, use and misuse

---

- SALW Control Strategies increasingly recognize how some specific gender norms on masculinity can be a factor which could fuel demand for firearms;
- Addressing exposure of young men to armed violence (e.g. through awareness raising campaigns);
- Limited recognition of linkages between firearms and suicides;
- Limited intersectoral synergies between SALW Control Strategies and Gender Equality Strategies, Youth Strategies, Mental Health Strategies etc.

#### **Recommendations:**

- Enhance strategic synergies to maximize the effects of the proposed actions in prevention and address of firearm demand, use and misuse between SALW Control Strategies and Action Plans and other relevant strategies;
- Develop preventive programmes specifically targeting young men most at risk of firearms misuse;
- Propose measures to address use of firearms in committing suicides.

## 4. Data collection practices

---

- Laws on weapons and accompanying bylaws (rulebooks, instructions) regulate data collection;
- Data in accompanying templates is not usually sex disaggregated, neither there are provisions which regulates this,
- Legislation on gender equality sets out obligation that all statistical data and information that are collected, recorded and processed by governmental bodies at all levels, public services and institutions, state and private enterprises and other entities must be disaggregated by sex;
- SALW control strategies recognize necessity to standardize and institutionalize data collection on firearms, by sex and age;
- Good examples – reports on violent deaths by statistical offices (International Statistical Classification of Diseases and Related Health Problems 10<sup>th</sup>)

### **Recommendations:**

- Regulate (in Law on weapons or accompanying bylaws) that all data would be sex disaggregated, when applicable;
- Establish procedures to facilitate exchange of data between responsible institutions;
- Ensure that record keeping on domestic violence include data on firearms, both legal and illegal, such as data on the presence of firearms, use, type, etc.



## 5. Arms trade

---

- Significant level of harmonization with international standards – Arms Trade Treaty, EU Common Position
- ATT, Article 7.4: *take into account the risk of the conventional arms covered under Article 2 (1) or of the items covered under Article 3 or Article 4 being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.*
- Lack of guidance for risk assessment.

### **Recommendations:**

- Develop tool/Adopt specific bylaw regulating necessary risk assessment to prevent that exported conventional arms is used to commit or facilitate gender-based violence or violence against women.

# Overall findings

---

- Through recent policy developments, **authorities in the Western Balkans have made evident progress in integrating the gender perspective in SALW control strategies and action plans;**
- SALW Control Strategies increasingly recognize genders concerns related to small arms as important policy issue and sets out measures how to address them practically;
- Laws on weapons and recently adopted legislation on protection from domestic violence aim to address the linkages between domestic violence and firearms and provide measures to mitigate risks related to the presence of firearms in the context of domestic violence;
- Extensive regulation of the response to domestic violence of relevant institutions;
- However, **more specific solutions are needed to effectively combat domestic violence;**
- **Challenges remain in the operationalization of some legal provision and implementation of activities foreseen by SALW Control Strategies and Action Plans.**

# SEESAC support

---

## **Capacity building of SALW Commissions**

- Advanced Regional Gender and SALW Training (to be followed up with activities in jurisdictions), Gender training, Gender Coach Programme, Gender and SALW Crash Course
- Analysis of preconditions for sustainable mainstreaming gender in SALW control and gender budgeting for SALW control

## **Prevention of use of firearms in domestic violence**

- Regional analysis of institutional response to the misuse of firearms in domestic violence;
- Development of gender sensitive licensing tools followed by the regional training of trainers and trainings in jurisdictions;
- Development of risk assessment tools for first line responders to address risks related to the presence of firearms in domestic violence, followed by the regional training of trainers and trainings in jurisdictions;

## **Balanced participation of women and men in SALW control**

- Analysis of women's participation in SALW control
- Regional workshop on gender and small arms for women's CSO and organizations working on promotion of gender equality among men.



THANK YOU!