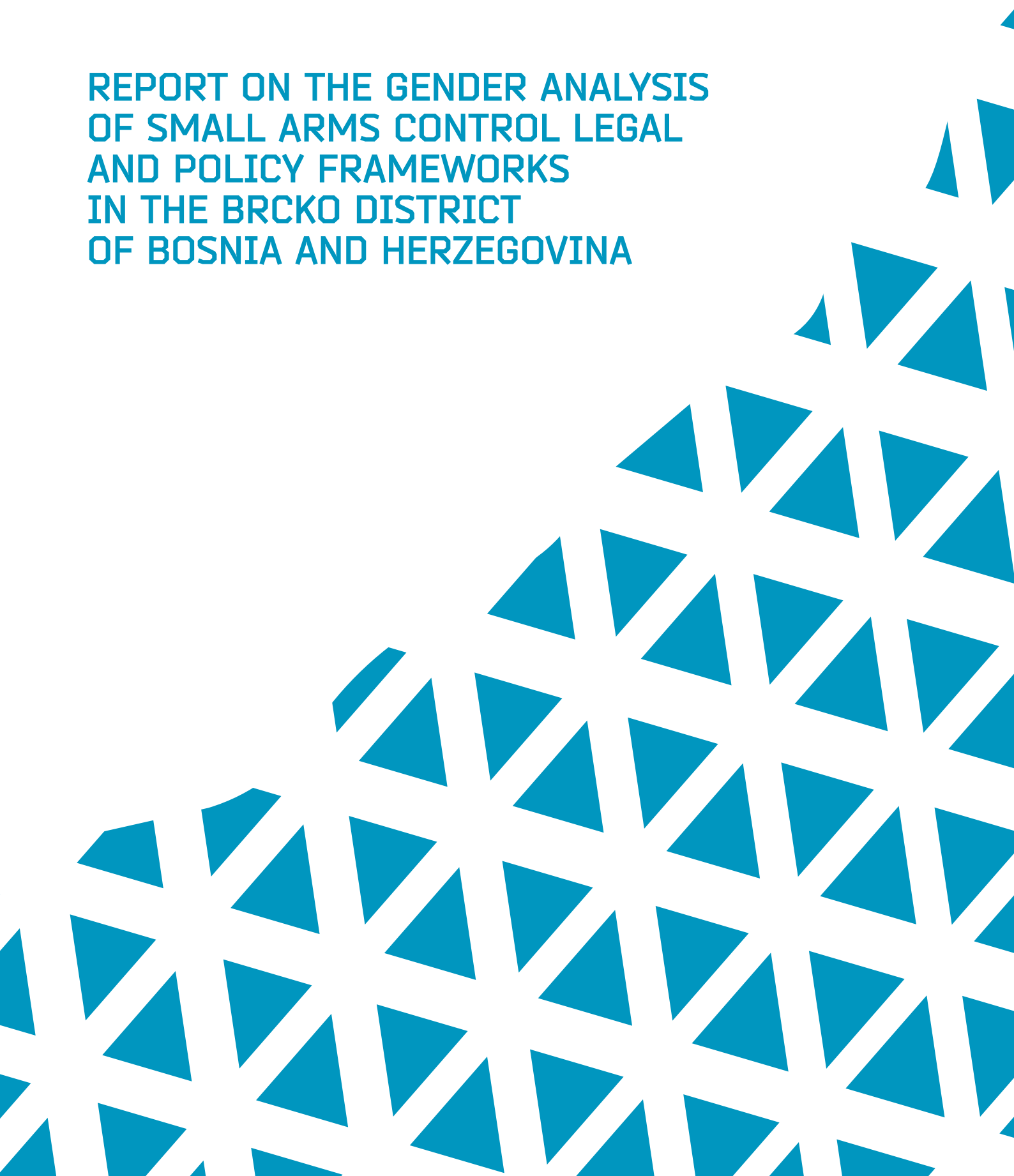




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REPORT ON THE GENDER ANALYSIS OF SMALL ARMS CONTROL LEGAL AND POLICY FRAMEWORKS IN THE BRCKO DISTRICT OF BOSNIA AND HERZEGOVINA





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

UNDP	United Nations Development Programme
SEESAC	South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
SEE	South East Europe
BiH	Bosnia and Herzegovina
BD	Brcko District of Bosnia and Herzegovina
EU	European Union
SALW	Small Arms and Light Weapons
CoE	Council of Europe
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
SDG	Sustainable Development Goals
GBV	Gender Based Violence
UNSCR 1325	United Nations Security Council Resolution 1325
NAP 1325 BiH	National Action Plan on the Implementation of United Nations Security Council Resolution 1325 in Bosnia and Herzegovina
SALW Coordination Board	Coordination Board for the Control of Small Arms and Light Weapons in Bosnia and Herzegovina
SALW Control Strategy in BiH	The Small Arms and Light Weapons (SALW) Control Strategy in Bosnia and Herzegovina
ATT	Arms Trade Treaty
SG	Strategic Goal
CSO	Civil society organizations

EXECUTIVE SUMMARY

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

- firearms ownership and access to firearms are highly gendered;
- the use and misuse of firearms have differential effects on women and men;
- there is a high incidence of firearms use in domestic violence, including in intimate partner violence; and
- the perception of firearms is somehow different between men and women.

The Strategy for SALW Control in Bosnia and Herzegovina for the Period 2021-2024 and the accompanying Action Plan contain the specific objective to integrate the gender perspective into SALW control, which further envisions a gender analysis of the legislative and strategic frameworks for SALW control and the developing of recommendations to enhance the current legislative and policy responses.

In order to facilitate the implementation of these commitments and support the authorities in Bosnia and Herzegovina to mainstream the gender perspective in small arms control, a comprehensive gender analysis of legislation pertaining to arms control was undertaken. The analysis has aimed to assess the gender responsiveness of legislation and policies, map gaps in legislative responses, and provide forward-looking recommendations for authorities. This represents 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.

In this report, the gender responsiveness of the legislation is assessed against the main gender concerns related to small arms:²

- legislative and policy preconditions for the integration of the gender perspective in small arms control policies and legislation;
- the participation and representation of women in arms control policy/legislation development and implementation;
- links between firearms and domestic violence and violence against women;
- responses to gendered aspects of firearms demand, use and misuse – including connections between specific forms of masculinity and firearms;
- gender-sensitive record keeping practices; and
- linkages between the arms trade and the risks of gender-based violence and violence against women.

THE SCOPE OF THE ANALYSIS

Bosnia and Herzegovina (BiH) has decentralized competence pertaining to the purchase, possession, and carrying of arms. These activities are governed according to the respective regulations of Republika Srpska and the cantons of the Federation of BiH and the Brcko District. In total, twelve laws on arms and ammunition are in effect in BiH.³

In cooperation with the Small Arms and Light Weapons Coordination Board in BiH (the SALW Coordination Board) and authorities in the Brcko District, the analysis presented in this report was undertaken in Brcko District with the idea that it could serve as an example and model for future analyses in other entities and cantons. Bearing in mind the decentralized structure of BiH, certain important aspects of arms control which are the subject of the analysis are regulated at the national, and not the Brcko District, level. In this regard, this report contains findings both from an analysis of legislation developed and implemented specifically in the Brcko District and of legislation and policies in effect at the state level in BiH.

Given the ongoing activities related to the harmonization of SALW control legislation in BiH, the recommendations stemming from this analysis could also provide useful guidance to institutions

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] UNDP SEESAC, Gender and SALW in South East Europe, 2016.

3] The Small Arms and Light Weapons Control Strategy in BiH (2016-2020).

in Republika Srpska and other cantons in integrating the gender perspective into their ongoing legislative efforts.

KEY FINDINGS

The recently adopted Strategy for SALW Control for the Period 2021-2024 and the accompanying Action Plan represent significant progress in addressing the gendered dimension of small arms control. This strategic framework more thoroughly addresses gender concerns related to firearms, such as their use in domestic violence, gendered factors fuelling demand for firearms and shaping risk-taking behaviours, the participation

of women in SALW control, and the establishment of preconditions for the integration of the gender perspective into SALW control policymaking.

In addition, there have been noticeable efforts to put in place legislative provisions to enable efficient firearms control alongside legislative and policy developments aimed at combatting domestic violence. However, these frameworks are not necessarily always coherent.

Below are the key findings of the analysis organized according to the main thematic areas outlined above.

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

The Law on Gender Equality in BiH (Official Gazette of BiH 32/10) provides a robust basis for mainstreaming gender in small arms control. The law stipulates the integration of the gender perspective into each phase of the development, adoption, implementation, monitoring, and evaluation of policies, and especially the integration of the gender perspective into legislation. Consequently, there is a legal responsibility for the adoption and implementation of gender-related measures for all social actors, including institutions responsible for small arms and light weapons control.

The Strategy for the Control of Small Arms and Light Weapons in BiH 2021-2024 contains explicit commitments for the advancement of gender responsiveness of firearms control and the integration of the gender perspective across different aspects of firearms control. This is particularly articulated in Strategic Goal 2 - Reducing the presence of the illegal possession and trafficking of firearms and ammunition, and in the specific **Sub-goal 2.2 – Integration of the gender perspective into SALW control measures.**

Within this specific sub-goal, the strategy specifically aims to contribute to:

- increasing women's participation in SALW control;
- enhancing the capacity of institutions in charge of SALW control to integrate the gender perspective and develop gender responsive policies; and
- improving institutional and strategic responses to firearms abuse in the context of domestic violence and intimate partner violence.

The Action Plan for the Implementation of the Strategy for the Control of Small Arms and Light Weapons in BiH for the Period 2021-2024 foresees a wide range of activities within these three priority areas. In addition, the action plan envisages several other activities in order to increase awareness about firearms misuse, increase the knowledge of civil society about the misuse and illegal possession of firearms, and increase cooperation with the media and CSOs.

State bodies at all levels of government, including legislative, executive, and judicial authorities, shall ensure and promote equal gender representation in governance, decision-making, and representation. This obligation exists for all relevant authorized entities when electing representatives and delegations to international organizations and bodies.

The Law on Gender Equality defines equal representation of women and men as each of the sexes represented with at least 40% in the bodies mentioned above.

As highlighted above, the Strategy for the Control of Small Arms and Light Weapons in BiH 2021-2024 and accompanying action plan recognize the necessity of increasing the participation of women in SALW control and foresee specific activities aimed at the establishment of cooperation with women's organizations and other organizations working on the promotion of gender equality.

The Coordination Board for the Control of Small Arms and Light Weapons in BiH, as an expert inter-institutional body, is tasked with planning, coordinating, directing, and supervising activities for the implementation of the Strategy for the Control of Small Arms and Light Weapons. The composition of the Coordination Board is determined by the decision of the Council of Ministers of BiH. The decision envisages cooperation with other stakeholders, including international organizations or experts in specific areas. The document does not explicitly refer to civil society organizations, though the SALW Control Strategy establishes a specific goal related to cooperation with international and civil society organizations.

In addition, **Gender Action Plan of BiH 2018-2022** (GAP) defines two priority areas relevant for women participation in firearms control: Public life and decision making, and Gender and security. Within the priority area Public life and decision making, the primary goal to achieve equal gender representation in creating policies and decision making at all levels of organisation of authorities in Bosnia and Herzegovina. With regard to the priority area Gender and Security, GAP defines as the main objective improving the security of women and men in BiH through equal participation of women in preventing and solving conflicts and in building and preserving sustainable peace.

The Action Plan for the Implementation of UN Security Council Resolution 1325 in Bosnia and Herzegovina for the Period 2018-2022 sets the **increased participation of women in security sector** (in the military, in the police, and in peace missions, including participation in decision-making positions) as its Strategic Goal 1.

Under this goal there are three mid-term goals:

- 1.1. Key policies, laws, and other regulations be created or amended to enable the increased participation of women in the military, in the police, and in peace missions, including in decision-making positions;
- 1.2. The necessary prerequisites should be created for the improvement of the position and promotion of women in the military, in the police, and in peace missions, including in decision-making positions;
- 1.3. Raising awareness on the importance of women's participation in decision-making and in peace keeping and security.

In order to achieve this, a comprehensive set of activities is envisioned.

In the section related to increasing human security from the perspective of gender equality - current security threats and challenges from the aspect of gender equality, the Action Plan refers to the use of small arms and light weapons, especially in the context of the impact of the illegal possession of small arms and light weapons on violence against women and domestic violence.

2. LINKS BETWEEN FIREARMS AND DOMESTIC VIOLENCE

Considering the specific risks related to the use of firearms in the context of domestic violence, the analysis is primarily focused on: the regulation of civilian possession of firearms, particularly license approval and security vetting; procedures regulating security sector personnel access, use, and carrying of firearms; and the proceedings of relevant institutions in responding to incidents of domestic violence.

Civilian possession of firearms in the Brcko District is regulated by the Law on Weapons and Ammunition of the Brcko District (Official Gazette of Brcko District 39/11, 2/12 and 6/13). **The Law on Weapons and Ammunition of the Brcko District of BiH does not explicitly refer to “domestic violence” as grounds for the rejection of an application for a firearm license.** However, the Law prescribes that an application for a permit to acquire a firearm is to be rejected if the applicant has been convicted for a criminal offense, fined for a misdemeanour against public order and peace or for other forms of violence, or if criminal or misdemeanour proceedings have been initiated against him/her. In the Brcko District, domestic violence is incriminated both as a misdemeanour and as a criminal offense. In this regard, a history of domestic violence will be taken into account if the applicant has been legally convicted for domestic violence, either as a misdemeanour or as a criminal offense, or if criminal or misdemeanour proceedings for domestic violence have been initiated against the applicant.

In addition, the Law requires that there be no circumstances indicating that the firearms could be misused by the applicant, such as **“severely disturbed family relations,”** “conflicts with the

environment,” or “aggressive and excessive behaviour and other behavioural disorders.”

While these legal provisions aim to restrict access to firearms or remove them if domestic violence occurs, **several issues remain to be addressed** in order to further enhance the prevention of the use of firearms in domestic violence:

1. In the context of domestic violence, general provisions set out in Article 10 of the Law on Weapons and Ammunition are pertinent and have legal application if an applicant has been convicted for domestic violence, either as a misdemeanour or as a criminal offense, or if criminal or misdemeanour proceedings have been initiated against the applicant. However, domestic violence goes unreported in the great majority of cases, limiting the effectiveness of legislative efforts to prevent the use of firearms in domestic violence. According to an OSCE led survey,⁴ even following the most serious incidents of such physical and/or sexual violence, the police did not come to know about it in 95% of cases. In addition, even when domestic violence is reported, criminal charges are often rejected due to the withdrawal of the injured party and/or the victim's refusal to testify in court, creating the risk that the perpetrator is practically acquitted even though he/she has indeed committed violence.⁵ Consequently, in the context of firearm license approval, this calls for the development of specific legal provisions which would adequately address the particular characteristics of domestic violence.
2. While the Law refers to “severely disrupted family relations”⁶ as grounds for the rejection of a firearm application, this term, unlike domestic violence, could be more ambiguous and subject to different interpretations than domestic violence, which is legally defined both as a criminal offence and misdemeanour.
3. The security vetting for the requirements prescribed for the granting of a permit to acquire a firearm is conducted using data from official records kept by state bodies and institutions ex officio upon the request of the Ministry of the Interior and through relevant operational field activities. The *Rulebook on Forms and the Content of Forms* provides guidelines on vetting the general and special conditions for the issuance of a permit for the acquisition of firearms, but it does not offer necessary operational guidance on security vetting with respect to the history of domestic violence (unless reported), nor regarding other circumstances which could negatively affect public order and peace, including severely disrupted family relationships. For instance, no precise guidance is provided on how “operational field activities” by the police are to be performed, nor on how data is to be collected for the vetting of the above-mentioned risks. In addition, it is not specified with whom relevant interviews should be conducted (family members, neighbours, relatives, friends), nor is any information provided on the exact content of such interviews. Without ensuring that intimate partners or other family members are interviewed, the current procedures risk failing to take into account whether the acquisition of a firearm would place an intimate partner, child, or other family member in reasonable fear or danger of the use of firearms in any form of domestic violence, including psychological violence and threatening.
4. The current provision does not explicitly include the vetting of the existence of emergency measures defined by the Law on Protection from Domestic Violence, Article 11, or of protective measures, Article 17.
5. The relatively short legally prescribed period of time upon which penalties for certain misdemeanours or criminal offences committed by legal, natural, and responsible persons are deleted from the records by the force of law after their occurrence and prosecution could create risks that a permit for the acquisition of weapons is issued to a person who has committed domestic violence but whose sentence has been removed from the records.
6. The Law on Weapons and Ammunition does not contain a specific provision mandating the notification of a spouse or close family member on behalf of the responsible state institution during the process of an applicant applying for a firearm license.
7. Also, the current provisions do not necessarily stipulate consultation with a social welfare centre.

4] OSCE-led Survey on Violence Against Women: Bosnia and Herzegovina, 2019, p.55.

5] Prevention and Suppression of Domestic Violence, Handbook for the Treatment of Subjects of Protection, Gender Center of the Government of the Republika Srpska, 2010, pages 52, 140, 144 and HANDBOOK: Multisectoral Response to Violence against Women and Domestic violence, Gender Centre of the Government of Republika Srpska, 2018, pages 61, 75, 82.

6] In the Family Law of Brcko District is primarily referenced in the context of divorce.

The validity of a firearm license is five years. Medical fitness for the possession and carrying of firearms is reviewed every five years, while an exceptional check may be conducted at the request of the police. Notably, the renewal process does not prescribe provisions for vetting circumstances that indicate that the firearm may be misused including severely disrupted family relationships.

The carrying of firearms for personal security requires additional approval from the police (Article 24, the Law on Weapons and Ammunition). The storage of firearms and ammunition by both natural persons (civilians) and by the legal entities, such as or operate civilian shooting ranges, is regulated by the Law on Weapons and Ammunition and several accompanying bylaws.

The Law on Protection from Domestic Violence of the Brcko District, which criminalizes domestic violence as a misdemeanour, extensively regulates the proceedings of relevant institutions in response to cases of domestic violence. However, it does not contain any specific reference to firearms.

The Rulebook on the Manner of Implementing Emergency and Protective Measures, the responsibility of which falls to the Brcko District Police of BiH, does not contain any references regarding possession (legal or illegal) or access to firearms by the perpetrator, nor does regulate specific procedures related to firearms, including in those provisions regarding the safety of the victim.

However, the Rulebook on the Content of Records and Reports on Domestic Violence, which regulates the obtaining and keeping of relevant records by the police, prescribes that the police, when interviewing victims of domestic violence, should determine whether the accused perpetrator possesses firearms and whether legal or illegal firearms were used in committing the violence.

The Law on Weapons and Ammunition prescribes that the police shall temporarily seize firearms and ammunition, parts of firearms, and any firearm permits if a misdemeanour or criminal offense, including domestic violence, has been committed with the use of firearms. Therefore, the police are to temporarily seize a firearm if there are grounds for suspicion that a misdemeanour or criminal offense has been committed, prior to the misdemeanour and criminal proceedings being completed. The status of such firearms then depends on the decision of the court upon the completion of misdemeanour or criminal proceedings. Firearms, ammunition, and firearm permits are to be temporarily seized immediately if circumstances indicate that these weapons could be misused.

Circumstances which indicate that firearms could be misused, such as severely disturbed family relations, conflicts with the environment, aggressive and excessive behaviour, and other behavioural disorders, are not explicitly listed as grounds for the confiscation of firearms, ammunition, and/or firearm permits from individuals and legal entities.

There is a large group of security personnel possess and carry firearms as part of their special official authorization (police, border police, judicial police, employees of the intelligence agency, customs officers, military personnel and employees in the military, etc.). For all such personnel, the carrying and using of a firearm is regulated by the respective laws and bylaws on these institutions or entities, and not by the Law on Weapons and Ammunition. The relevant legislation does not explicitly refer to domestic violence as a subject of security vetting during the recruitment and evaluation process of potential security sector personnel. Also, the basic security screening questionnaire does not contain any questions related to domestic violence.

The provisions of the Law on Weapons and Ammunition apply to private security personnel, including to procedures on firearms if such an employee commits domestic violence. However, the Law on Personal and Property Security Agencies and Private Detective Activity does not contain specific provisions on proceedings if the employee commits domestic violence.

The issue of carrying and using weapons within the security sector might require further regulation by specific bylaws for institutions whose employees have the authority to carry and use weapons.

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

The Strategy for the Control of Small Arms and Light Weapons in BiH 2021-2024 and accompanying action plan recognize linkages between specific gender norms of masculinity and the demand and misuse of firearms and envisage concrete awareness-raising activities to address them, particularly among young men. Such activities include:

- Implementation of awareness-raising activities targeting men, in particular young men, on risks related to the misuse of firearms, their ammunition and explosive,
- Organization of round table discussions with representatives of relevant institutions and civil society organizations on how gender roles and norms can fuel risky behaviours and demand for firearms among men.

In addition, relevant strategic documents highlight the use of firearms in suicides and call for further research on this issue.

The Law on Gender Equality in BiH (Official Gazette of BiH, No. 16/03 and 102/09) stipulates several provisions which in the long term could provide entry points for addressing gendered aspects of firearm demand, use and misuse. This includes elimination of gender stereotypical portrayal of women and men in curriculum or obligation of media to raise awareness on gender equality.

The Gender Action Plan of BiH for the Period 2018-2022 does not explicitly mention firearms, but it does prescribe measures whose implementation could foster associated actions to address the gender conditioning of firearm demand, use, and misuse.

4. GENDER-SENSITIVE RECORD KEEPING PRACTICES

Firearm record keeping is primarily regulated by the Law on Weapons and Ammunition of the Brcko District. According to the Law on Weapons and Ammunition and the accompanying Rulebook on Forms and the Content of Forms, the Police of the Brcko District keep records of the data from the application forms, permits, and approvals in a total of 11 registers. Currently, **data kept under the Law on Weapons and Ammunition of the Brcko District is not sex disaggregated**, despite the Law on Gender Equality stipulating that all statistical data and information that are collected, recorded, and processed in state bodies at all levels, public services and institutions, state and private enterprises, and other entities must be aggregated by sex.

The record keeping on the misdemeanour of domestic violence, in accordance with the Law on Protection from Domestic Violence of the Brcko District, is conducted in accordance with the Rulebook on the Content of Records and Reports on Domestic Violence. Records and reports kept by relevant institutions on perpetrator and victim of domestic violence contain data on the sex and age of the perpetrator and the victim, on the kinship or other relationship between the perpetrator and the victim, and on involved minors and persons with disabilities.

The police also collect data on the number of cases in which the perpetrator possessed and/or used a firearm - whether legally or illegally owned. Currently existing bylaws do not provide information on the number of firearms which were removed/returned on the grounds of domestic violence.

The SALW Control Strategy establishes improved data collection practices, including sex and age disaggregation, as a strategic priority.

5. ARMS TRADE

Bosnia and Herzegovina signed and ratified the Arms Trade Treaty and has therefore undertaken commitments to ensure that the national legislation on conducting export assessments takes into account the risks of conventional arms or other items being used to commit or facilitate serious acts of gender-based violence or violence against women and children.

The BiH Law on the Control of Foreign Trade in Weapons, Military Equipment, and Special Purpose Goods mandates that the Commission for the Control of Dual-Purpose Commodities takes into account international obligations and foreign policy interests of BiH as well as the intended end use and the risk of misuse of such goods.

The relevant legislation, however, does not explicitly refer to 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 as a consideration in conducting export assessments.

RECOMMENDATIONS

In line with their mandates, the extensive list of recommendations for both institutions of the Brcko District and institutions at the state level of Bosnia and Herzegovina is provided in Section V of this report, while here only main recommendations are outlined.

INTERNATIONAL COMMITMENTS

- The gender-responsive approach to small arms control should be further enhanced by fully undertaking commitments set out 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 and in the Outcome Document of the Seventh Biennial Meeting of States (BMS7) and by fully aligning legislation and practices with the provisions of the Arms Trade Treaty and criterion set by the Common Position of the Council of the European Union 2008/944/CFSP.
- In this respect, a tool for risk assessment should be developed and a bylaw regulating it adopted in order to prevent exported conventional arms from being used to commit or facilitate gender-based violence or violence against women.

LEGISLATIVE AND POLICY PRECONDITIONS FOR THE INTEGRATION OF THE GENDER PERSPECTIVE AND THE PARTICIPATION OF WOMEN IN FIREARMS CONTROL IN SMALL ARMS CONTROL

- Procedures should be established to ensure a balanced representation of women and men in the SALW Coordination Board (at least 40% of the underrepresented sex);
- The legally prescribed representation of women and men in the commission for deciding on a submitted request for the procurement, holding, and carrying of firearms and ammunition should be ensured;
- Procedures should be established for securing the participation of gender equality mechanisms, including relevant CSO's and women organizations working on gender equality and gender-based issues, in legislation and policy development, implementation, and evaluation;
- Gender-responsive budgeting should be utilised as a tool to enhance the implementation of gender equality commitments related to SALW control.

LINKAGES BETWEEN FIREARMS AND DOMESTIC VIOLENCE, VIOLENCE AGAINST WOMEN, AND GENDER-BASED VIOLENCE

- The prevention of firearm misuse in the context of domestic violence should be enhanced by the following amendments and addenda to the Law on Weapons and Ammunition of the Brcko District:
 - the inclusion of domestic violence as grounds for the rejection of firearm application and renewal of firearm license;
 - the inclusion of the definition of domestic violence (and the description of those actions incriminated as domestic violence) as contained in the Criminal Code and in the Law on Protection from Domestic Violence in the Brcko District of BiH;
 - the introduction of the obligation of spouse notification (current and former spouses from the last two years) and persons living in a joint household by the responsible state institution during the process of firearm license application and approval;
 - the improvement of the security vetting process through the provision of comprehensive guidance and by clearly defining standard operating procedures. Such guidance should contain the list of persons with whom interviews shall be conducted, the list of obligatory questions, and procedures on how to conduct interviews. In this regard, it is recommended that a specific bylaw regulating the security vetting of domestic violence by the Police of Brcko District be developed

and adopted or that the existing bylaw be amended so that these concerns are adequately addressed;

- mandating obligatory consultation with the Centre for Social Work with a view to obtaining data on history of domestic violence, including stalking;
 - mandating the verification of whether the applicant has previously been imposed with urgent protection measures in accordance with the Law on Protection against Domestic Violence in the Brcko District;
 - ensuring that the renewal process for firearm permits includes provisions for vetting circumstances that indicate that the weapon may be misused in domestic violence;
 - ensuring that the regulation of the confiscation of firearms and firearms permits fully takes into account the risk that firearms could be misused in domestic violence.
- Procedures for all security personnel authorized to carry and use firearms should be harmonized to establish a uniform approach; regulate the carrying and use of firearms outside of working stations; and ensure that security vetting during the recruitment process includes checking a candidate's history for domestic violence.
 - The approach governing risk assessment and risk management should be aligned in accordance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;
 - In this respect, both the possession of and access to firearms as risks should be considered as risks regardless of whether the firearms were used in committing domestic violence, or as a tool of threat in committing, domestic violence.
 - Risk assessment and risk management should equally address the inherent risks of firearms in both legal and illegal possession.
 - A comprehensive analysis should be conducted of the implementation of the relevant legislation and policies to map gaps in their implementation and develop recommendations for further improving the legislative response to preventing and combatting the use of firearms in domestic violence.
 - Extensive, clear guidance on the implementation of relevant legislation should be developed and adopted so that it recognises the linkages between firearms and domestic violence and envisages clear guidelines for proceeding when domestic violence is committed.

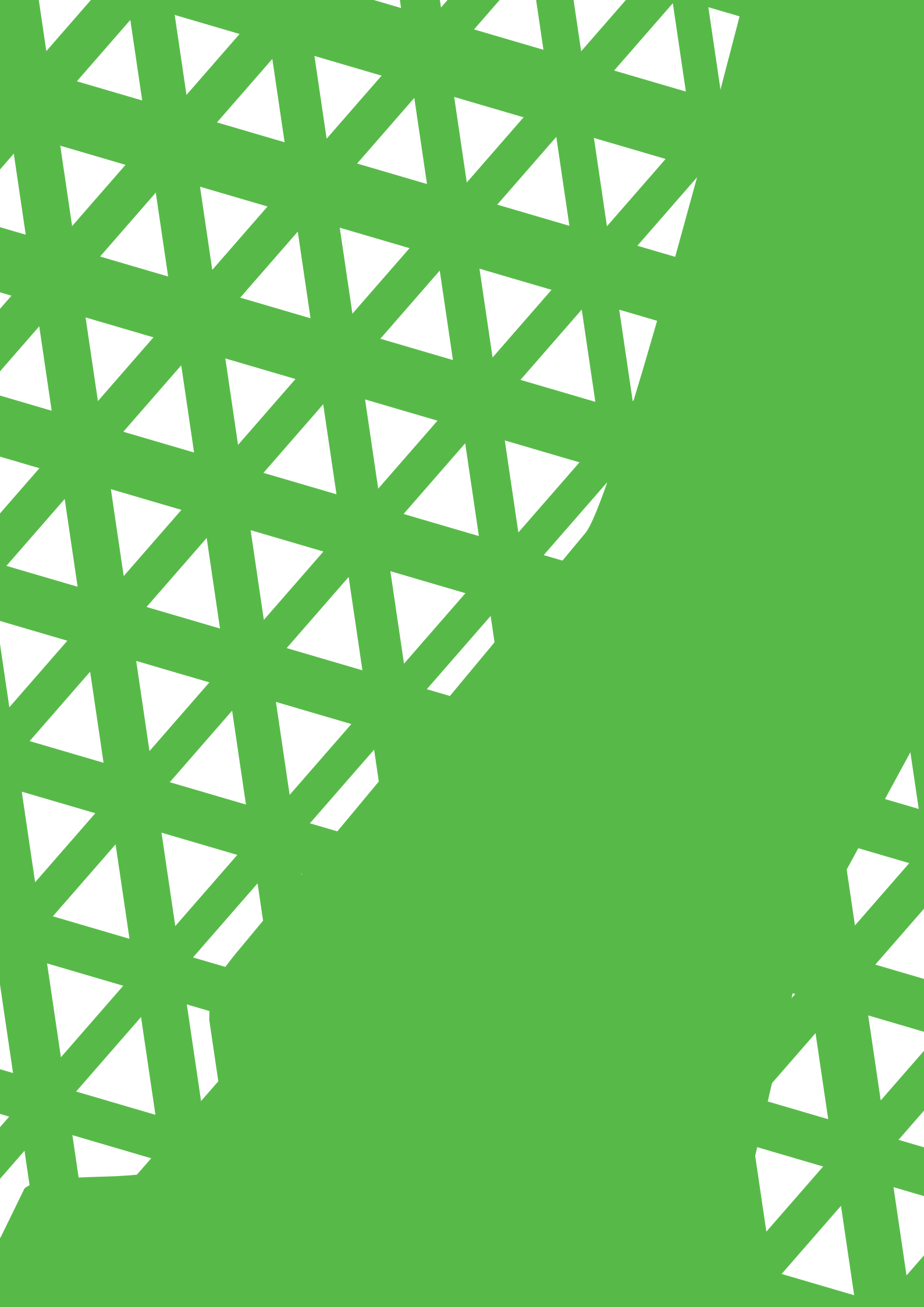
RESPONSE TO GENDERED ASPECTS OF FIREARM DEMAND, USE, AND MISUSE

- Strategic synergies between the Strategy and the Action Plan for the Control of Small Arms and Light Weapons in BiH for the period 2021-2024, and other relevant strategies, in particular the Gender Action Plan and the National Action Plan, should be enhanced to maximize the effects of the proposed actions in preventing and addressing firearm demand, use, and misuse.
- To foster such synergy, relevant actors should build upon experience related to the development of the Action Plan for the Implementation of UNSCR 1325 and the inclusion of gender and SALW concerns in this document.
- In addition, relevant institutions should actively seek to more fully harmonize strategic documents, to advance efforts to prevent the misuse of firearms, and to secure the required resources for the implementation of the foreseen policy measures.

GENDER-SENSITIVE RECORD KEEPING PRACTICES

- It should be ensured that all bylaws regulating data collection and record keeping include sex and age as mandatory factors for data disaggregation;
- Procedures should be established to ensure that records on seized and returned weapons are sex disaggregated and that the grounds for seizure are recorded;
- Procedures should be established to improve the exchange of data between responsible state institutions which play a crucial role in preventing and combating domestic violence, especially between the Centre for Social Work and the Police.

I INTRODUCTION



GOAL

The goal of this analysis is to contribute to enhancing the gender responsiveness of small arms control legislation and policies in the Brcko District of Bosnia and Herzegovina. As the analysis also includes selected laws, bylaws, and strategies in effect at the federal level of Bosnia and Herzegovina, it also aims to contribute to enhancing the gender responsiveness of these relevant legislative and strategic frameworks.

In addition, given the ongoing activities related to the harmonization of SALW control legislation in BiH, the recommendations stemming from this analysis could also provide useful guidance to institutions in Republika Srpska and other cantons in integrating the gender perspective into their ongoing legislative efforts.

OBJECTIVES

The objectives of this analysis are to:

- assess the gender responsiveness of the legislation and policies relevant to arms control in the Brcko District of Bosnia and Herzegovina and map gaps in legislative and policy responses; and
- provide recommendations for authorities on how to advance gender responsiveness in 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.⁷

SCOPE

Bosnia and Herzegovina has decentralized competence over segments pertaining to the firearm purchase, possession, and carrying of firearms. Thus, these are governed according to the respective regulations of Republika Srpska and the cantons of the Federation of BiH and of the Brcko District. Bosnia and Herzegovina has decentralized competence over segments pertaining to firearms purchase, possession, and carrying.⁸

In agreement with the Small Arms and Light Weapons Coordination Board in BiH and authorities in the Brcko District, the analysis was undertaken in Brcko District. However, since certain important issues relevant for this analysis are regulated at the state, and not at the Brcko District level, this report contains an analysis of the legislation and policies developed and implemented in the Brcko District specifically, as well as of the legislation in effect at the state level in BiH.

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

- Legislative and policy preconditions for the integration of the gender perspective and 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);
- The participation and representation of women in arms control policy/legislation making and implementation, as well as the legislative preconditions for gender-responsive small arms control (Section IV, Unit 3);
- Gender-sensitive record keeping 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).

7] Training Manual on Gender-Mainstreaming Small Arms Control, 2020 (unpublished); Lebrun (ed.). 2019. Gender-responsive Small Arms Control: A Practical Guide. Geneva: Small Arms Survey, p. 24.

8] The Small Arms and Light Weapons Control Strategy in BiH (2016-2020).

INTRODUCTION

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

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

List of laws/strategies/action plans which were analysed:

- Law on Weapons and Ammunition in the Brcko District of BiH and the accompanying bylaws:
 - Rulebook on the Determination of Health Ability for the Procurement, Keeping, and Carrying of Firearms of the Brcko District of BiH;
 - Rulebook on Determining the Conditions and Deadline for Firearms Inspection;
 - Rulebook on the Manner and Conditions for the Safe Storage and Keeping of Firearms and Ammunition;
 - Rulebook on Forms and the Content of Forms Prescribed by the Law on Weapons and Ammunition in the Brcko District of BiH;
 - Rulebook on the Training Program and the Manner of Training for the Proper Handling, Keeping, and Carrying of Weapons;
- Law on the Production of Weapons and Military Equipment;
- Law on the Control of the Movement of Weapons and Military Equipment;
 - Rulebook on the Manner and Procedure of the Supervision and Control over the Implementation of the Law on Control of the Movement of Weapons and Military Equipment;
- Law on the Production of Small Arms, Light Weapons, and Associated Ammunition;
 - Rulebook on the Procedures and Methods of Marking Weapons and Ammunition;
- Law on the Control of Foreign Trade in Arms, Military Equipment, and Special Purpose Commodities;
- Law on the Control of Foreign Trade in Dual-Purpose Commodities;
 - Instructions on the Conditions and Procedure for Issuing Documents in the Foreign Trade of Dual-Purpose Commodities;
- Law on Personal and Property Security Agencies and Private Detective Activity;
 - Rulebook on the Content, Appearance, and Keeping of Records Prescribed by the Law on Personal and Property Security Agencies and Private Detective Activity;
 - Rulebook on the Spatial Conditions and Technical Means and Equipment for Performing Physical and Technical Security and Detective Work;
 - Rulebook on the Use of Physical Force and Firearms in the Performance of Personal and Property Security Agencies and Private Detective Agencies;
 - Rulebook on the Conditions and Manner of Implementing Physical and Technical Security;
 - Rulebook on the Content, Appearance, and Keeping of Records Prescribed by the Law on Personal and Property Security Agencies and Private Detective Activity;
- The Criminal Procedure Code of the Brcko District of BiH;
- The Criminal Code of the Brcko District of BiH;
- Law on Protection against Domestic Violence in the Brcko District of BiH and the accompanying bylaws;
 - Rulebook on the Manner of Implementing Emergency and Protective Measures;
 - Rulebook on the Content of Records and Reports on Domestic Violence;
- Law on the Intelligence and Security Agency of BiH;
- Law on the Police of the Brcko District of BiH;
- Law on Police Officers of the Brcko District;
 - The Brcko District Police Code of Ethics;

- Rulebook on the Use of Force;
 - Rulebook on the Manner of Keeping and Carrying of Weapons and Ammunition
- Law on the Judicial Police of the Brcko District of BiH;
 - Rules on the Judicial Police of the Brcko District
- Law on the Indirect Taxation Authority;
- Law on Misdemeanours of the Brcko District of BiH;
- Law on Service in the Armed Forces of BiH;
- Law on the Prohibition of Discrimination;
- Law on Gender Equality in BiH;
- Law on the Protection of Classified Data;
- Strategy for the Control of Small Arms and Light Weapons in BiH for the Period 2021-2024;
- Action Plan of the Strategy for the Control of Small Arms and Light Weapons in BiH for the Period 2021-2024;
- Gender Action Plan of Bosnia and Herzegovina 2018-2022;
- Action Plan for the Implementation of the UN Security Council Resolution 1325 “Women, Peace and Security” in Bosnia and Herzegovina for the Period 2018-2022;
- Law on Youth of the Brcko District of BiH.

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 (Section II); and
- international frameworks relevant to this analysis (Section III).





II

CONTEXT: OVERVIEW OF KEY DATA ON THE GENDERED ASPECTS OF FIREARMS



For BiH, the issue of small arms and light weapons control is a high priority on the security scale, primarily due to the large backlog of weapons remaining from the armed conflicts in BiH in the 1990s exacerbated by new forms of criminal activities related to weapons, both in the region of Southeast Europe and in the member states of the European Union. Post-conflict BiH continues to struggle with a large surplus of small arms and light weapons (SALW) in illegal possession, as well as large quantities of old weapons, ammunition, and explosives (including mines). It is estimated that about 2.8% of the territory is contaminated with mines and that a significant military ammunition surplus exists.⁹ The illegal possession of firearms poses a serious risk to the safety of citizens. The overwhelming majority of firearm-related criminal offenses (95.7%) have been committed with or involved illegally owned firearms.¹⁰

In 2017, SEESAC, in cooperation with the SALW Coordination Board and other institutions in BiH, collected data on the distribution and impact of small arms and light weapons (SALW) for the period 2012-2016. This research aimed to contribute to a comprehensive and up-to-date understanding of the challenges of SALW control in BiH, which would further support relevant institutions in designing and implementing evidence-based policies. The research indicates that the gender perspective plays a significant role in shaping the distribution of and demand for firearms, as well as the specific risks that women and men face regarding firearms misuse. Findings and trends documented in this analysis¹¹ call for long and short-term responses, both at the legislative and policy levels.

The research indicates that the gender perspective plays a significant role in shaping the distribution of and demand for firearms and the specific risks that women and men face regarding firearms misuse.¹²

Firearms ownership and access to firearms are highly gendered

In BiH, the total number of registered firearm license holders increased by 26.3%, from 2012 to 2016. In contrast, the Brcko District experienced a significant reduction in the number of firearm license holders from 2012 to 2016, a decrease of 21.7%. The total number of firearm license holders in 2016 in BiH was 240,665, compared to 4,224 in the Brcko District. In BiH, men were found to own 98.5% of all firearms, leaving only 1.5% owned by women. Firearm license possession remained male-dominated during the Survey period. In 2012, 2.7% of applicants for new licenses were women, though this number had grown slightly by 2016, when women represented 5.1 % of applicants for licenses.

Personal safety was given as the most common reason for acquiring firearms. Hunting was also a popular reason, while to a lesser extent firearm license-holders also cited sport and collection purposes.

Based on the available data, men were employed in greater numbers across all state agencies during this five-year period and were more frequently authorized to carry a firearm than women. According to the available data, women accounted for only 5.3% of staff authorized to carry firearms throughout the period 2012-2016 compared to 94.7% for men. In private security companies, the share of women and men authorized to carry firearms was 1.4% and 98.6%, respectively.

Differentiated effects of firearms on women and men

In BiH firearms are predominantly misused by men. Of all firearm-related criminal offenses registered from 2012 to 2016, 98.9% were committed by men and 1.1% by women. The most frequent criminal offenses involving firearms were related to the unlawful manufacture, possession, carrying, or sale of firearms and explosives, which made up slightly less than one half (43.9 %) of all firearm-related criminal offenses. In addition, firearms were often used to commit robbery, the second-most common firearm-related offense, accounting for 28.7% of all such criminal offenses, followed by causing general danger, at 13.7%. Men aged 19 to 35 committed 40.6% of all homicides with firearms, while those aged 36 to 60 were statistically close behind. Among the very few women who committed

9] Source: https://www.ba.undp.org/content/bosnia_and_herzegovina/en/home/ourwork/crisispreventionandrecovery/in_depth.htm
<https://www.osce.org/files/f/documents/b/a/468291.pdf>

10] SALW Survey 2012-2016: Bosnia and Herzegovina, UNDP SEESAC, page 51.

11] Gender and Small Arms in Bosnia and Herzegovina: Fast Facts, 2019; UNDP SEESAC.

12] SEESAC, Bosnia and Herzegovina, Small Arms and Light Weapons Survey 2012-2016 https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms_BiH_ENG_WEB.pdf, Gender and Small Arms in Bosnia and Herzegovina, Fast Facts, https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms_BiH_ENG_WEB.pdf

homicides, those aged 19 to 35 and 36 to 60 were the most likely to do so with firearms. The misuse of firearms in committing homicides was prevalent. More than half of all homicides reported (139 out of 253) in BiH between 2012 and 2016 were committed with firearms. Young men in BiH were shown to be more likely to commit homicide with a firearm than men in other age groups.

Among homicides of women and men in BiH, firearm-related deaths of both were frequent, as 48.5% of murdered women and 57.2% of murdered men were killed with firearms. Men represented the majority of victims of firearm-related homicides, accounting for 76.9% of all victims (107 out of 139). Women accounted for 23.1% of the victims (32 out of 139). The patterns of women's victimization were predominantly related to the use of firearms in domestic violence.

Firearms and domestic violence

In BiH from 2012 to 2016, 73 people were killed by family members. Homicides committed within the domestic context accounted for 28.9% of all homicides in BiH, meaning that approximately every fourth person murdered in BiH was murdered by a family member. Domestic violence disproportionately affected women, who made up the majority of the victims. From 2012 to 2016, 44 women (out of a total of 66 women murdered), or 66.7% of those murdered, were killed by a family member, while 29 men (out of the 187), or 15.5% of those murdered, were killed by a family member. Out of all the murders committed by family members, about one third (34.2%) were committed by intimate partners. Intimate partner violence with a lethal outcome affected women even more disproportionately than domestic violence in general. **33.3% of all women killed in BiH were killed by their intimate partners.** While every third woman murdered in BiH was murdered by her intimate partner (22 out of 66 murdered woman), or 33.3%, intimate partner homicide accounted for only a minor share (3 out of 187 murdered men), or 1.6%, of male homicides.

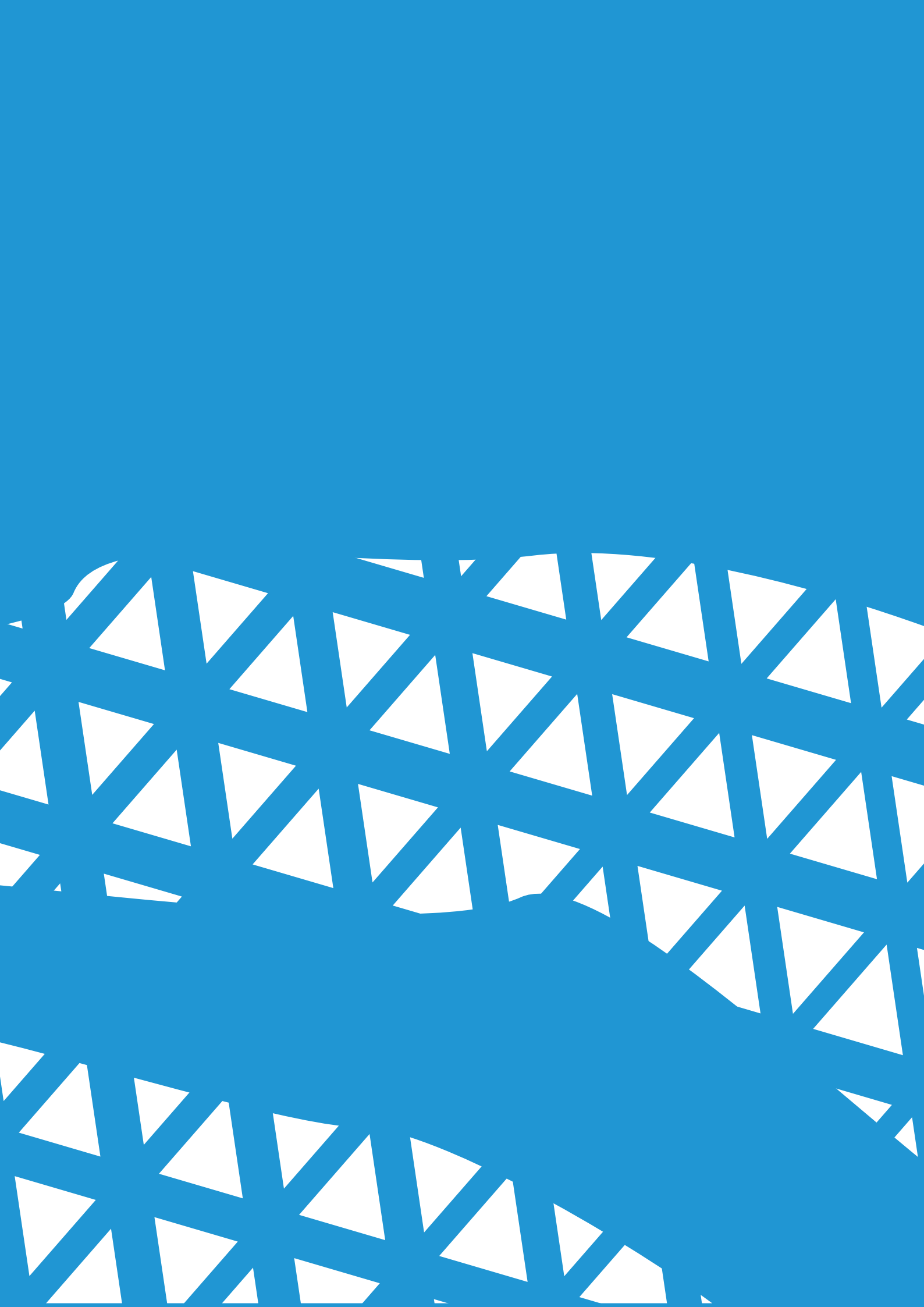
In BiH, throughout the survey period, domestic violence was rarely invoked as the grounds for rejecting a firearm license application. Between 2012 and 2016, only 1.9% of all rejected firearm license applications (73 out of 3,884) were rejected on the grounds of domestic violence. Domestic violence was even less frequently cited as the grounds for revoking firearm licences. During the survey period, only 1.3% of all revoked firearm licenses (where the data on the grounds for revocation was available) were revoked on the grounds of domestic violence (59 out of 4,426). In the Brcko District, there were no cases reported in which a firearm application was rejected on the grounds of domestic violence, nor was there any case of a firearm being seized based on the same grounds. In addition, there were no cases reported of the use of firearms in domestic violence.

Almost 96% of firearm-related criminal offenses were committed with illegally owned firearms, meaning that only 4.3% were committed with legally owned firearms. Although illegally owned firearms were predominantly used in the committing of firearm-related criminal offenses, the ratio of the misuse of illegal firearms varied significantly depending on the type of criminal offense. In this regard, legally owned firearms were more frequently misused to commit homicide or domestic violence.

Gendered aspects of the demand and misuse of firearms – masculinity and firearms

In BiH, 71% of respondents surveyed in 2017 reported that they would not own a gun, while 29% would own one. Women (79%) were significantly more likely than men (63%) to report that they would not own a gun. The group demonstrating the greatest tendency among the respondents in saying they would not own a gun were women aged 55 to 64 years (88%), while the respondents most inclined to indicate that they would own a gun were men aged 16 to 24 years. 58.8% of women and 46.2% of men indicated feeling that a gun at home makes them less safe. 62% of men aged 16 to 24 years responded that they would feel safer with a gun at home, while 74% of women aged 55 to 64 years responded that they would feel less safe.

III INTERNATIONAL FRAMEWORKS



As a UN Member, Bosnia and Herzegovina has assumed 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 particular, Bosnia and Herzegovina has undertaken commitments, obligations, principles, and recommendations derived from the following documents:

- The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) (2001),
- The 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),
- 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.

With respect to gender equality, Bosnia and Herzegovina has signed, ratified, and/or 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,
- UNSCR 1325 (2000).

Below is a brief overview of the main international frameworks relevant for enhancing gender responsiveness of small arms control.¹³ As noted, 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 control¹⁴.

The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA), adopted in 2001 by the 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 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” in its preamble. The Outcome Document of the Third Review Conference¹⁵ (2018) of the PoA highlights the necessity for the further integration of the gender perspective into small arms control.

In this regard, the Member 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 policy making, 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 gender considerations 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;

¹³] The overview of the main international frameworks in is excerpted from the forthcoming UNODA Training Manual on Gender-mainstreaming Small Arms Control.

¹⁴] Ibid.

¹⁵] https://www.un.org/en/ga/search/view_doc.asp?symbol=A/CONF.192/2018/RC/3&referer=/english/&Lang=E

- exchange national experiences, lessons learned, and best practices on mainstreaming gender dimensions into policies and programmes;
- ensure coordination between relevant national authorities in 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 International Tracing Instrument (ITI), adopted in 2005, requires Member States to ensure that weapons are properly marked and that records are kept. In addition, it provides a framework for cooperation in weapons tracing.

The **Arms Trade Treaty (ATT)**, adopted by the UN General Assembly in 2013 and entered into force in 2014, is a multilateral treaty that regulates the international trade in conventional weapons. In 2020, the inclusion of more than 100 State Parties¹⁶ was achieved, all committing to applying common standards in the international legal trade in conventional arms and ammunition. The ATT is the first legally binding treaty to recognize the link between the arms trade and gender-based violence and calls exporting states to take into account “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” (Article 7.4). In addition, the CEDAW Committee has called for the full implementation of the Arms Trade Treaty.¹⁷

These strategies linking the global disarmament agenda and gender equality, including gender-based violence, help 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, small arms and light weapons, and, most recently, the 2030 Agenda for Sustainable Development, are increasingly recognizing the gender perspective and including it into their agendas.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. The **Committee on the Elimination of Discrimination against Women**¹⁸ is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee formulates general recommendations and suggestions which are directed to Member States. The Recommendation **No. 35** (2017) provides further guidance aimed at accelerating the elimination of gender-based violence against women, updating General Recommendation 19. Paragraph 31c specifically recommends addressing “factors that heighten the risk to women of exposure to serious forms of gender-based violence, such as the ready **accessibility and availability of firearms, including their export**, a high crime rate and pervasive impunity, which may increase in situations of armed conflict or heightened insecurity.”¹⁹

The convergence between agendas 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)²⁰, 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

16] https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-8&chapter=26&clang=_en

17] Gender responsive Small Arms Control in the Decade of Action for the SDGs, Pathfinders for Peace, Just and inclusive Societies, February 2020.

18] Ibid.

19] UN Treaty Body Database. CEDAW/C/GC/35. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/35&Lang=en.

20] 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))

other resolutions on Women, peace and security: 1820 (2008),²¹ 1888 (2009),²² 1889 (2009),²³ 1960 (2010),²⁴ 2106 (2013),²⁵ 2122 (2013),²⁶ 2242 (2015),²⁷ 2467 (2019),²⁸ and 2493 (2019).²⁹ Particularly relevant to arms control are UNSCR 2122 (2013) which “urges Member States and United Nations entities, to ensure women’s full and meaningful participation in efforts to combat and eradicate the illicit transfer and misuse of small arms and light weapons” and UNSCR 2242 (2015) which includes explicit references on the impact of arms, armed conflict, or sexual violence on women and development, and to the key role of women’s participation in small arms control.

In addition, a number of United Nations Security Council resolutions on small arms and light weapons (UNSCR 2117 (2013) and UNSCR 2220 (2015)), United Nations General Assembly resolutions (GA resolution 65/69 (2010) and subsequent resolutions), Human Rights Council resolutions (A/HRC/RES/41/20) are relevant for enhancing gender responsiveness of small arms control.

The 2030 Agenda for Sustainable Development,³⁰ adopted by all United Nations Member States in 2015, establishes 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all governments 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, foresees two targets that are relevant to the key subject of this analysis: Target 5.2. - Eliminate all forms of violence against all women and girls in 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.

United Nations Secretary General’s Agenda for Disarmament Securing our Common Future: An Agenda for Disarmament launched by the 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 for all governments 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.

The **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic violence** (Istanbul Convention) came into force in 2014 and represent the first legally

21] UNSC (United Nations Security Council). 2008. Resolution 1820 (2008), adopted on 19 June 2008. S/RES/1820 of 19 June 2008. [https://undocs.org/S/RES/1820\(2008\)](https://undocs.org/S/RES/1820(2008))

22] UNSC (United Nations Security Council). 2009. Resolution 1888 (2009), adopted on 30 September 2009. S/RES/1888 of 30 September 2009. [https://undocs.org/S/RES/1888\(2009\)](https://undocs.org/S/RES/1888(2009))

23] UNSC (United Nations Security Council). 2009. Resolution 1889 (2009), adopted on 5 October 2009. S/RES/1889 of 5 October 2009. [https://undocs.org/S/RES/1889\(2009\)](https://undocs.org/S/RES/1889(2009))

24] UNSC (United Nations Security Council). 2010. Resolution 1960 (2010), adopted on 16 December 2010. S/RES/1960 of 16 December 2010. [https://undocs.org/S/RES/1960\(2010\)](https://undocs.org/S/RES/1960(2010))

25] UNSC (United Nations Security Council). 2013. Resolution 2106 (2013), adopted on 24 June 2013. S/RES/2106 of 24 June 2013. [https://undocs.org/S/RES/2106\(2013\)](https://undocs.org/S/RES/2106(2013))

26] UNSC (United Nations Security Council). 2013. Resolution 2122 (2013), adopted on 18 October 2013. S/RES/2122 of 18 October 2013. [https://undocs.org/S/RES/2122\(2013\)](https://undocs.org/S/RES/2122(2013))

27] UNSC (United Nations Security Council). 2013. Resolution 2242 (2015), adopted on 13 October 2015. S/RES/2242 of 13 October 2015. [https://undocs.org/S/RES/2242\(2015\)](https://undocs.org/S/RES/2242(2015))

28] NSC (United Nations Security Council). 2019. Resolution 2467 (2019), adopted on 23 April 2019. S/RES/2467 of 23 April 2019. [https://undocs.org/S/RES/2467\(2019\)](https://undocs.org/S/RES/2467(2019))

29] UNSC (United Nations Security Council). 2019. Resolution 2493 (2019), adopted on 29 October 2019. S/RES/2493 of 29 October 2019. [https://undocs.org/S/RES/2493\(2019\)](https://undocs.org/S/RES/2493(2019))

30] <https://sdgs.un.org/goals>

binding document to comprehensively tackle violence against women and domestic violence. Under the Convention, “violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The Convention requires criminalization or otherwise sanction the following behaviours: domestic violence (physical, sexual, psychological or economic violence), stalking, sexual violence, including rape, sexual harassment, forced marriage, female genital mutilation; forced abortion and forced sterilization. The Convention is based on four pillars³¹:

- **Prevention** of violence through sustained measures that address its root causes and aim at changing attitudes, gender roles and stereotypes that make violence
- **Protection** of women and girls and setting up specialist support services for victims and their children (shelters, round-the-clock telephone helplines, rape crisis or sexual violence referral centres);
- **Prosecuting** the perpetrators, including enabling criminal investigations and proceedings to continue, even if the victim withdraws the complaint;
- Adopting and implementing “**integrated policies**” that are effective, co-ordinated and comprehensive, in that they encompass all relevant measures to prevent and combat all forms of violence against women.

The **Article 51 - Risk assessment and risk management** requires that all necessary legislative or other measures are undertaken to ensure that the risk assessment referred duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

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.

Bosnia and Herzegovina is committed to the implementation of 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**.³²

The Roadmap was developed by the Western Balkans authorities with SEESAC’s technical support under the auspices of France and Germany and in consultation with the EU and all other relevant actors. The Roadmap includes seven goals, including ensuring that arms control legislation is in place, that it is fully harmonized with the EU regulatory framework and other related international obligations, and that it is standardized across the region by 2023. By 2024, the arms control policies and practices in the Western Balkans should be evidence-based and intelligence-led, the illicit flows of firearms, ammunition, and explosives into, within, and beyond the Western Balkans should be significantly reduced, the supply-demand and misuse of firearms should also be reduced through increased awareness, education, outreach, and advocacy, and the estimated number of firearms in illicit possession should substantially decrease in the Western Balkans. Additionally, as part of the Roadmap goals, the Western Balkans should systematically decrease the surplus of SALW and destroy seized SALW and ammunition and should significantly decrease the risk of the proliferation and diversion of firearms, ammunition, and explosives. The Roadmap places special importance on gender equality and calls for the full integration of the gender perspective and the balanced representation of women into SALW controls.³³

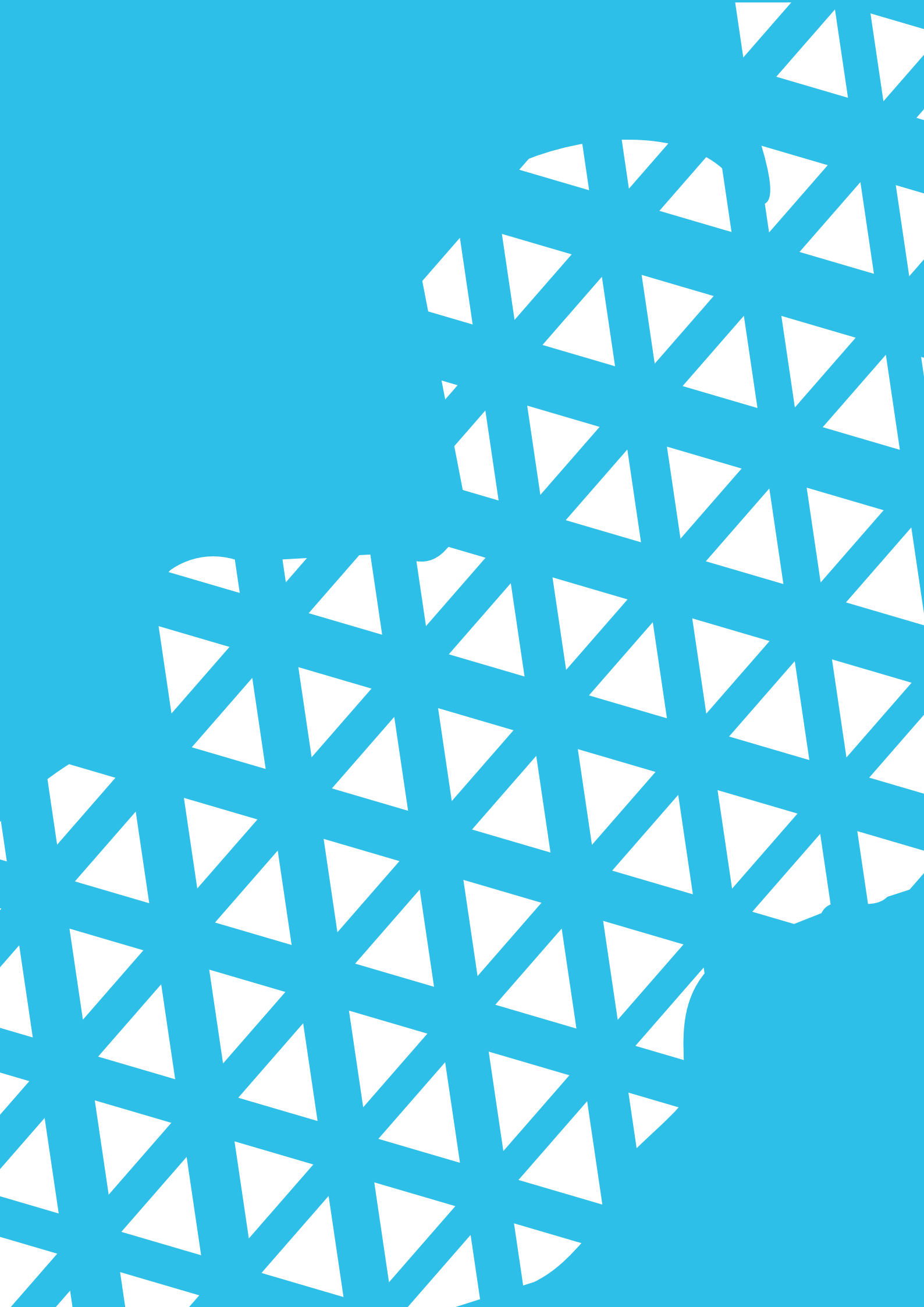
Due to central relevance of the Arms Trade Treaty and EU Common Position on Arms Export in regard to this analysis and their integration into the national legislative framework, the compliance of the national legislation with the standards set by these documents, particularly in respect to gender equality, is covered particularly and in detail in Section IV, Chapter 5.

31] Please see: Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence: A global tool to prevent and combat violence against women and girls, p. 4; Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence: Safe from Fear, Safe from Violence.

32] The Roadmap was adopted at the London Summit held on 10 July 2018.

33] The latest update on the implementation of the Roadmap, including implementation of activities related to the integration of gender equality is available in the 4th Regional Progress Report.

IV GENDER ANALYSIS OF LEGISLATION AND POLICIES RELEVANT TO SMALL ARMS CONTROL IN THE BRCKO DISTRICT OF BOSNIA AND HERZEGOVINA



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

This section provides an analysis of the legislative and policy preconditions and procedures which enable and mandate the integration of the gender perspective into firearms control. In addition, the regulatory preconditions for the balanced representation and participation of women in firearms control are outlined.

LEGISLATIVE AND POLICY PRECONDITIONS FOR THE INTEGRATION OF THE GENDER PERSPECTIVE INTO SMALL ARMS CONTROL

The Law on Gender Equality in BiH (Official Gazette of BiH, No. 16/03 and 102/09) establishes solid legislative preconditions for the integration of the gender perspective into firearms control.

Within the scope of this analysis, several legal provisions are particularly relevant since they provide entry points for mainstreaming gender in firearms control:

- The law establishes the **obligation of all institutions to pursue gender equality**.
- The law **prohibits gender-based violence** and obliges competent authorities to take appropriate measures to eliminate and prevent gender-based violence in both public and private spheres of life, and ensure instruments to provide protection, assistance, and compensation to victims (Article 6).
- The law mandates **equal representation** of women and men in the processes of managing, decision making, and representation.
- **Elimination** of elements of the curriculum that contain **stereotypical social roles for men and women**.
- With respect to **data collection**, the law stipulates that all statistical data and records collected, recorded, and processed in state bodies at all levels of public services and institutions, state and private corporations, and other entities must be gender disaggregated (Article 22). Furthermore, such statistical data must be an integral part of statistical records and accessible to the public.

Article 24 of the Law on Gender Equality of BiH stipulates that:

(1) Authorities at the state and entity level, cantonal bodies, local self- governance units, legal persons with public authorities, and legal persons primarily engaged in state institutions shall be obliged to take all appropriate and needed measures in order to implement provisions prescribed by this Law according to, but not limited to, the following operations:

- a) introducing programs for measures for achieving gender equality in all spheres and at all authority levels;
- b) adopting new laws or changing and amending existing laws and other regulations in order to harmonize them with provisions of this law and international standards for gender equality;
- c) implementing activities and measures from the Gender Action Plan of BiH through regular programs of work and ensuring budget resources;
- d) collecting data, keeping records, analysing, and presenting statistical data classified according to gender.

(2) An Integral part of the program measures for achieving gender equality in all spheres shall include, but shall not be limited to:

- a) analysing gender equality in specific areas;
- b) implementing adopted state policies through action plans for gender equality;
- c) taking measures to remove identified gender inequality in specific areas;

(3) Competent legislative, executive, and administrative bodies at all authority levels in BiH shall be obliged to establish adequate institutional mechanisms for equality that shall implement the Law on Gender Equality in BiH, coordinate the realisation of programmatic goals from the Gender Action Plan of BiH, and ensure the implementation of international standards in gender equality;

(4) Competent state, entity, and cantonal authorities, as well as local self-government units, shall be obliged to submit for examination all manners of regulations from their jurisdiction to institutional mechanisms for gender equality from paragraph 3 of this article so that they may be harmonized with the provisions of the Law on Gender Equality in BiH.

All provisions of this article of the Law and Gender Equality of BiH are applicable to the SALW Coordination Board and the Strategy for the Control of Small Arms and Light Weapons in BiH for the period 2021-2024.

The Gender Action Plan of Bosnia and Herzegovina for the Period 2018-2022. Article 24 of the Law on Gender Equality (Official Gazette of BiH 32/10) in BiH establishes the obligations of all government institutions to take appropriate measures to implement the provisions prescribed by this law and the Gender Action Plan (GAP) of BiH. The GAP stipulates that, in order to fulfil their obligations, government institutions shall establish and implement active public policies and strategic measures to achieve gender equality. The integration of gender equality standards in all areas of social life (gender mainstreaming) is not only the obligation of gender equality institutions, but of all competent institutions obliged to introduce and apply these standards within their mandate.

The Gender Action Plan of BiH for the Period 2018-2022 contains three strategic goals as well as priority areas for action:

Strategic goal 1. The development, implementation, and monitoring of programs of measures for the promotion of gender equality in government institutions, according to established priority areas;

Strategic goal 2. Building and strengthening systems, mechanisms, and instruments for achieving gender equality; and

Strategic goal 3. Establishing and strengthening cooperation and partnership.

Although the Gender Action Plan does not explicitly refer to firearms,³⁴ measures and activities in seven priority areas under Strategic Goal 1 could provide important entry points for enhanced small arms control. This is particularly relevant to the following priority areas:

- the prevention and suppression of gender-based violence, including domestic violence, as well as of trafficking in human beings;
- public life and decision making;
- gender and security (focusing on equal participation of women in preventing and solving conflicts and in building and preserving sustainable peace).

STRATEGY FOR THE CONTROL OF SMALL ARMS AND LIGHT WEAPONS IN BIH FOR THE PERIOD 2021-2024

With respect to specific policy preconditions for mainstreaming gender in firearms control, **Strategy for the Control of Small Arms and Light Weapons in BiH for the Period 2021-2024**³⁵ explicitly recognizes the specific importance of the integration of the gender perspective into arms control for addressing the gendered patterns of firearm ownership, use, and misuse.

The Strategy defines four strategic goals for the advancement of small arms control:

1. improvement/harmonization of the legal framework and the implementation of SALW control legislation;
2. reducing the misuse of illegal possession of, and trade in weapons and ammunition;
3. enhanced management of SALW in the possession of the Armed Forces in BiH;
4. increased cooperation with international and regional organizations and civil society organizations.

Within Goal 1, it is emphasised that the gender perspective plays an important role in understanding the distribution of and demand for firearms, as well as in explaining the specific risks that women and men face with respect to firearms misuse. The Strategy highlights the widespread abuse of firearms in the context of domestic and intimate partner violence and underlines that the existing firearms control measures and practices do not sufficiently consider the risks of firearms misuse in this context. Furthermore, it is underscored that the misuse of firearms has a striking gender dimension and men make up the vast majority of perpetrators of firearm incidents.

The Strategy contains a commitment stipulating that the relevant institutions shall integrate the gender perspective into SALW control measures, while special importance shall be placed on the prevention of the use of firearms in cases of domestic violence, on the prevention of the misuse of firearms, on strengthening the capacity of institutions to develop and implement gender responsive measures, and on increasing the participation of women in SALW control.

^{34]} In priority area - 1.7 Gender and Security, it is mentioned that NAP UNSCR 1325 refers to small arms and light weapons.

^{35]} The Strategy was adopted on February 24, 2021.

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

The Action Plan of the Strategy for the Control of Small Arms and Light Weapons in BiH for the Period 2021-2024 further operationalizes the strategic commitments and envisages the implementation of a wide range of activities to integrate the gender perspective into small arms control.

Under the Strategic Goal 2 - Reduction of illegally owned small arms and light weapons **Sub-goal 2.2. To integrate the gender perspective in SALW control measures** contains several objectives:

- To increase the participation of women in small arms and light weapons control
- To increase the capacity of institutions engaged in small arms and light weapons/firearms control so as to integrate the gender perspective into measures and develop gender responsive policies on small arms and light weapons
- Improving institutional and strategic responses to the misuse of firearms in the context of domestic violence and intimate partner violence

In addition, the Action Plan foresees the implementation of gender related activities with respect to data collection, awareness raising, and cooperation with civil society organizations.

The following specific goals entail measures which directly address the gendered aspects of firearm misuse:

Strategic Goal 2 - Reduction of illegally owned small arms and light weapons, contains a specific objective to improve the system for collecting data, **disaggregated by sex and age**, on the distribution and impact of firearms and ammunition. In order to achieve this, it is planned that:

- a gap analysis of record keeping practices be conducted;
- a standardized form for data collection, disaggregated by sex and age, for all security agencies be developed;
- the existing legal framework on record keeping be amended and expanded with the necessary data;
- training courses on the collection and exchange of data be organised;
- daily collection of firearms data be performed and data be periodically retrieved from the system for analysis.

Sub-goal 2.2. To integrate the gender perspective in SALW control measures, contains several objectives:

2.2.1 To increase the participation of women in small arms and light weapons control

In order to achieve this, following activities are planned:

- organise meetings for the exchange of information and experience between gender equality mechanisms, the Coordination Committee for Monitoring the Implementation of the AP for UNSCR 1325, women's organisations, and the SALW Coordination Board;
- conduct a workshop on the gendered aspects of firearms control for women's organisations and organisations dealing with the promotion of gender equality;

2.2.2 To increase the capacity of institutions engaged in small arms and light weapons/firearms control so as to integrate the gender perspective into measures and develop gender responsive policies on small arms and light weapons

Under this specific objective, two activities are planned:

- conduct training on the gendered aspects of small arms and light weapons for members of the SALW Coordination Board and other institutions in charge of the implementation of small arms and light weapons control policies;
- conduct a gender analysis of the legislative and strategic frameworks for SALW control and develop recommendations for their improvement;

2.2.3 Improving institutional and strategic responses to the misuse of firearms in the context of domestic violence and intimate partner violence

In order to achieve this, it is envisaged that:

- an analysis be conducted of institutional practices and actions of the competent institutions undertaken to prevent the misuse of firearms in the context of domestic violence and intimate partner violence;
- training be conducted on gender-based violence for personnel working on firearms licence approvals;

- procedures be developed for police officers to better deal with firearms in cases of domestic violence and relevant training be conducted for police officers (including operations centres and first-line officers).

In addition, the action plan envisages several other activities in order to increase awareness about firearms misuse, increase the knowledge of civil society about the misuse and illegal possession of firearms, and increase cooperation with the media, NGOs, and the like, such as:

- organize periodic workshops with civil society, including women's organizations and organizations promoting gender equality and the media;
- organize round table discussions with representatives of relevant institutions and civil society organizations on how gender roles and norms can fuel risky behaviours and demand for firearms among men;
- implement awareness-raising activities on the importance of preventing and combating the misuse of firearms in the context of domestic violence and intimate partnerships;
- conduct a thorough analysis of suicides committed using firearms and inform relevant institutions and the public about the findings.

The competent bodies in BiH have been designated as the responsible parties for implementing activities in this action plan, and the coordination of the implementation of the set goals is to be carried out by the SALW Coordination Board BiH.

It is expected that the implementation of the action plan will be supported by the funds of international institutions and organizations that monitor this area (the European Union, UNDP, SEESAC, OSCE, UNODC, etc.).

Box 1:
Institutional mechanisms for gender equality in BiH

The network of institutional mechanisms for gender equality in BiH includes all levels of legislative and executive power.

At the state level the relevant body is the Commission for Achieving Gender Equality of the Parliamentary Assembly of BiH and at the entity level the bodies are the Commission for Gender Equality of the House of Peoples and the Commission for Gender Equality of the House of Representatives of the Parliament of the Federation of BiH. Gender equality commissions of cantonal assemblies in the Federation of BiH have also been established. At the local level, there are commissions within municipal councils/assemblies in almost all municipalities in BiH, including the Brcko District.

The Agency for Gender Equality of BiH operates in the executive branch of the Ministry of Human Rights and Refugees of BiH, while at the entity level it is the Gender Centre of the Federation of BiH and the Gender Centre - Centre for Equality and Gender Equality of the Government of Republika Srpska. These three institutional mechanisms for gender equality are crucial instruments in initiating and implementing activities in the area of gender equality. They have a prominent position with regard to activities, projects, and measures undertaken with the aim of strengthening and ensuring the sustainability of institutional mechanisms for gender equality, as well as of initiating the establishment of such mechanisms at the local level.

At the cantonal level in the Federation of BiH, cantonal committees for gender equality have been established. Gender equality commissions have also been established within the offices of mayors. At the level of the Brcko District, the **Commission for Gender Equality** considers issues related to the enhancement of gender equality in general and reviews draft laws and other legislation from the gender perspective.

THE PARTICIPATION AND REPRESENTATION OF WOMEN IN SMALL ARMS CONTROL

Article 20 of the Law on Gender Equality mandates that **state bodies at all levels of the organizations of authorities** and local self-government bodies, including legislative, executive, and judicial authorities, political parties, legal persons with public authorities, legal persons engaged in state institutions or under the state's employ, entities, cantons, cities, or municipalities whose work is under the control of a public body, shall **ensure and promote equal gender representation in the processes of managing, decision-making, and representation**. This obligation shall exist for all authorized personnel during the elections of representatives and delegations to international organisations and bodies.

The law further stipulates that **equal representation of women and men shall exist in cases when both sexes are represented with at least 40% in the bodies listed above**, while in cases where there is no such no equal representation, it constitutes discrimination. Furthermore, all the above-mentioned actors are obliged to adopt temporary special measures in order to achieve equal gender representation. Special measures are introduced temporarily to achieve essential gender equality and they shall not be considered discrimination. This includes norms, criteria, or practices that can be objectively justified by a legitimate aim and which must be proportionate, appropriate, and necessary. Competent state, entity, and cantonal bodies and bodies of local self-government units may prescribe special measures to laws and other regulations and to other acts, policies, strategies, and plans that regulate certain areas of social life.

As previously mentioned, **Gender Action Plan of BiH 2018-2022** under its Strategic Goal 1 defines two priority areas which are relevant for women participation in firearms control: Public life and decision making, and Gender and security. Within the priority area Public life and decision making, the primary goal to achieve equal gender representation in creating policies and decision making at all levels of organisation of authorities in Bosnia and Herzegovina.

With regard to the priority area Gender and Security, GAP defines as the main objective improving the security of women and men in BiH through equal participation of women in preventing and solving conflicts and in building and preserving sustainable peace.

This comprises following measures:

- 1.1.1. Identifying priority laws, strategies, action plans, programmes, and other acts in the field of defence and security with the aim of introducing and applying international and domestic gender equality standards in these areas;
- 1.1.2. Regular systematic collection, analysis, and publication of data and information on gender equality in the defence and security sectors;
- 1.1.3. Implementation of the UNSCR 1325 Action Plan activities in BiH for the period 2018- 2022;
- 1.1.4. Conducting or supporting research on "Women, Peace and Security," with a special focus on current security threats and challenges;
- 1.1.5. The realization of promotional activities, information campaigns, and campaigns to raise public awareness of the importance of equal participation in the defence and security sectors; and
- 1.1.6. Regular monitoring and reporting on the progress of institutions in the application of international and domestic gender equality standards in the areas of defence and security.

As indicated above, the **Strategy for the Control of Small Arms and Light Weapons in BiH 2021-2024 and the accompanying Action Plan** address the issue of women's participation in SALW control. The Action Plan envisages a specific goal of increasing women's participation (2.2.4) and envisions activities for enhancing cooperation with women's organizations and gender equality mechanisms:

- organize meetings for the exchange of information and experience between gender equality mechanisms, the Coordination Committee for Monitoring the Implementation of the AP UNSCR 1325, women's organisations, and the SALW Coordination Board;
- conduct workshops on the gender aspects of firearms control for women's organisations and organizations dealing with the promotion of gender equality.

The Coordination Board for the Control of Small Arms and Light Weapons in BiH, as an expert inter-institutional body, is tasked with planning, coordinating, directing, and supervising activities for the

implementation of the Strategy for the Control of Small Arms and Light Weapons. The composition of the Coordination Board is determined by a decision of the Council of Ministers of BiH. The decision envisages cooperation with other stakeholders, including international organisations or experts in specific relevant areas. The document does not explicitly refer to civil society organisations, though the SALW Control Strategy includes a specific goal related to cooperation with international and civil society organisations.

Relevant participants represented in the Small Arms and Light Weapons Coordination Board in BiH and involved in strategy implementation are: the Ministry of Security of BiH, the Ministry of Foreign Affairs of BiH, the Ministry of Defence of BiH, the Ministry of Foreign Trade and Economic Relations of BiH, the Ministry of the Interior of Republika Srpska, the Federal Ministry of the Interior, the Police of the Brcko District, the Indirect Taxation Authority of BiH, the State Investigation and Protection Agency of BiH, the Border Police of BiH, and the Directorate for the Coordination of Police Bodies of BiH.

The Action Plan for the Implementation of UN Security Council Resolution 1325 in Bosnia and Herzegovina for the Period 2018-2022 sets the **increased participation of women in security sector** (in the military, in the police, and in peace missions, including participation in decision-making positions) as its Strategic Goal 1.

Under this goal there are three mid-term goals:

- 1.4. Key policies, laws, and other regulations be created or amended to enable the increased participation of women in the military, in the police, and in peace missions, including in decision-making positions;
- 1.5. The necessary prerequisites should be created for the improvement of the position and promotion of women in the military, in the police, and in peace missions, including in decision-making positions;
- 1.6. Raising awareness on the importance of women's participation in decision-making and in peace keeping and security.

In order to achieve this, a comprehensive set of activities is envisioned.

In the section related to increasing human security from the perspective of gender equality - current security threats and challenges from the aspect of gender equality, the Action Plan refers to the **use of small arms and light weapons, especially in the context of the impact of the illegal possession of small arms and light weapons on violence against women and domestic violence**.

In the mid-term goal 2.3. of the Action Plan for the Implementation of UN Security Council Resolution 1325 – Improving gender-responsive approaches and supporting systems in the context of current security threats and challenges, small arms are addressed within the expected result 2.3.2. - Preventive measures prepared and conditions established for a gender-responsive approach to current security threats and challenges, and during crisis and emergency situations (natural disasters, violent extremism, refugee/migrant crises). Under this result, the following activity is planned: Analysis and recommendations for amending regulations governing the issuance of firearm possession permits for the purpose of combating and preventing the abuse of small arms and light weapons in the context of gender-based violence (which implies professional and detailed verification of evidence of violent behaviour of the claimants).

The primary stakeholders envisaged for this activity are the Ministry of Security and the Gender Equality Agency, while NGOs and international organisations are envisioned as partners.

Box 2:
**Gender
responsive
budgeting
in BiH**

With the adoption of the Law on Gender Equality in BiH in 2003 and the first Gender Action Plan of BiH in 2006, the term gender responsive budgeting was officially introduced into BiH.

The Law on Gender Equality, in Article 24, stipulates that authorities at the state and entity level, cantonal bodies, local self- governance units, legal persons with public authorities, and legal persons primarily engaged in state institutions shall be obliged to take all appropriate and necessary measures in order to implement provisions prescribed by this law, including the implementation of activities and measures from the Gender Action Plan of BiH, through regular programs of work and by

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ensuring budget resources.

The Gender Action Plan of BiH establishes gender responsive budgeting as a principle in the development, implementation, and monitoring of the programme of measures for the advancement of gender equality in governmental institutions:

- The principle of the analysis of the budget impact on the different needs of men and women (gender-sensitive budgeting).

During the planning of activities and the situational analyses of individual areas, it is necessary that each budget beneficiary conducts an analysis to assess the impact of the existing budget funds on meeting the different needs of men and women. This analysis should serve as the basis for planning activities by area under GAP BiH.

The relevant legal framework in BiH regarding the budget system encompassing gender equality principles includes: the Strategic Plan for Introducing Gender Responsive Budgeting in FBiH 2013-2015; the Decision of the Government of FBiH no. 547/2016, (Official Gazette of BiH, no. 19/16); and the Decision of the Ministry of Finance and Treasury of BiH on the Application of the Gender Equality Law of BiH (December 6, 2013). GRB initiatives in BiH are carried out at the national, entity, and local (municipal) levels. All the Ministry of Finance's budgetary instructions provide guidelines for the GRB approach in the preparation of institutional budgets. With the signing of the Agreement on Joint Financing between the Council of Ministers of BiH by BiH and by the respective group of donors, the Financial Mechanism for the Implementation of the Gender Action Plan of BiH (FIGAP Program) was established.³⁶

2. LINKAGES BETWEEN FIREARMS AND DOMESTIC VIOLENCE

This section provides an extensive analysis of the legislative response to risks related to the presence and misuse of firearms in the domestic violence context. The analysis addresses both civilian firearms possession and the access to and carrying of service firearms by authorized personnel across the security sector, including private security companies. The procedures for firearm license approval, renewal, and revocation are examined with respect to the prevention of firearms misuse in the domestic context. Gaps in background checks/security vetting procedures are thoroughly mapped.

2.1. REGULATION OF CIVILIAN POSSESSION

PERMIT APPROVAL

Civilian possession of firearms in the Brcko District is regulated by the Law on Weapons and Ammunition of the Brcko District of BiH (Official Gazette of Brcko District, No. 39/11, 2/12, 6/13). This law prescribes the conditions for the acquisition, possession, and carrying of firearms in the territory of the Brcko District. Natural and legal persons may procure, keep, and carry weapons and ammunition only in accordance with the provisions of this law. The provisions of the law do not apply to members of agencies, bodies, and institutions of BiH who operate in the territory of the Brcko District and who procure and carry weapons and ammunition in accordance with the legislation specifically respective to them.

According to Article 6 of this Law, weapons are classified into four categories - A, B, C, and D. Category A weapons are prohibited, Category B weapons require an appropriate firearms permit, Category C weapons are allowed, but have to be reported to the police and require a permit, and Category D weapons are allowed and do not require approval or reporting to the police. A natural person who wishes to obtain a firearm shall submit an application for the issuance of a permit for the acquisition of a firearm. For this purpose, the form prescribed by the Police of the Brcko District is used.

As provisioned by Article 10, a natural person must meet both general and special requirements in order to obtain approval for firearm acquisition.

The general requirements are as follows:

- a) the applicant has reached the age of 21;
- b) has a justified reason for procuring the weapon;
- c) has not been previously convicted for a criminal offense or has not had criminal proceedings initiated against him/her, with the exception of criminal offenses against public traffic safety;
- d) has not been previously convicted for a misdemeanour against public order and peace, a misdemeanour prescribed by the Law on Weapons and Ammunition, or for violence prescribed by another law, as well as has no proceedings against him/her in progress for such misdemeanours/violence;
- e) there are no circumstances that negatively affect public order and peace, i.e., security interests, and no other circumstances that indicate that the firearm could be misused;
- f) there are no additional circumstances that indicate that the weapon could be misused, such as: excessive alcohol consumption, consumption of narcotics or other intoxicants, **severely disturbed family relationships, conflicts with the environment, aggressive and excessive behaviour or other behavioural disorders**, criminal-intelligence reasons, and reasons which indicate a connection with persons registered in criminal-intelligence records and the like.

The special requirements for the approval of the acquisition of firearms to a natural person are:

- a) medical fitness to hold and carry a firearm;
- b) possessing the appropriate technical knowledge on and skills for the proper use of firearms and knowledge on the regulations related to the possession and carrying of weapons;
- c) meeting conditions for the safe storage and keeping of firearms.

Exceptionally, a permit for the acquisition of weapons may also be issued to a person after turning 18 years of age during active service and to members of sports shooting associations who actively compete in archery.

The Law on Weapons and Ammunition of the Brcko District specifies that the applicants qualify as having a **justified reason for acquiring firearms** (Article 11) if: **1.** it is determined that his/her personal security is, or could be endangered to the extent that his/her protection would require a firearm, or if due to the nature of his/her job or the circumstances in which he/she performs professional duties there is a need for the acquisition of a firearm; **2.** he/she is a member of a hunting association and has passed the hunting exam, which can be proved by the membership certificate and a certificate

on the passed hunting exam; **3.** he/she is a member of a sporting shooting association which is confirmed by the certificate issued by the respective sporting association.

With regard to the approval for the collection and possession of **antique firearms** and the approval for the possession of **trophy firearms**, Article 27 of the Law on Weapons and Ammunition of the Brcko District stipulates that such approval is issued for an indefinite period of time by the police at the request of individuals. The police may issue such permits to a natural person who fulfils the already listed general and specific conditions for the acquisition of firearms. The police may issue this approval to both a legal entity and an entrepreneur who meets the requirements in accordance with this law. Firearms held under this permit must not be carried or used. Also, it is not allowed to procure, hold, or produce ammunition for these firearms. These firearms may be sold or handed over only to a natural or legal person to whom an approval for the collection and possession of **antique firearms** or **trophy firearms** has been issued. The natural and legal person is obliged to inform the Police within eight days from the day of any respective acquisition, i.e., sale or handover.

Firearms that are deactivated for use must not be repaired. Exceptionally, museums may, in addition to antique firearms, also collect Category A weapons which are no longer manufactured, or which are not used by the armed forces or the Police, provided that they are permanently deactivated.

Specific requirements set out by the Law on Weapons and Ammunition are further regulated by specific bylaws, which are:

- a) Rulebook on the Work of the Commission for Deciding on Submitted Requests for the Procurement and Carrying of Firearms and Ammunition;
- b) Rulebook on the Training Program and the Manner of Training for the Proper Handling, Keeping, and Carrying of Firearms;
- c) Rulebook on the Manner and Conditions for the Safe Storage and Keeping of Firearms and Ammunition;
- d) Rulebook on the Application Form for the issuance of a Permit for the Acquisition of Firearms, the Form and Content of the Firearm Certificate Form, the Permit to Carry a Firearm, the Application Form and Certificate of Reported Firearms, and the Certificate Issued by Legal Entities to Natural Persons for Firearms;
- e) Rulebook on the Destruction of Firearms and Ammunition;
- f) Rulebook on the Conditions that Must be Fulfilled by Persons Registered to Perform the Activity of Repairing and Modifying Firearms;
- g) Rulebook on the Spatial and Technical Conditions of Civilian Shooting Ranges;
- h) Rulebook on the Content and Manner of Keeping Records; and
- i) Rulebook on Determining the Medical Fitness to Acquire, Keep, and Carry weapons.

PERMIT APPROVAL AND DOMESTIC VIOLENCE

The Law on Weapons and Ammunition of the Brcko District of BiH does not explicitly refer to “domestic violence” as grounds for the rejection of an application for a firearm license.

However, as indicated above, this Law considers a criminal offense, criminal proceedings, and misdemeanours against the public order and peace, as well as for other forms of violence as grounds for the rejection of the application for a permit to acquire weapons. In the Brcko District, domestic violence is incriminated both as a misdemeanour and as a criminal offense. In this regard, the law stipulates that the **history of domestic violence would be taken into account - if the applicant has been legally convicted for domestic violence, either as a misdemeanour or as a criminal offense, or if such criminal or misdemeanour proceedings have been initiated against the applicant.**

In addition, the law requires that there are no circumstances such as **“severely disturbed family relations,”** “conflicts with the environment,” or “aggressive and excessive behaviour and other behavioural disorders” which could indicate that the firearms could be misused.

SECURITY VETTING

Security vetting for natural persons who have applied for a permit to purchase firearms is regulated by the Law on Weapons and Ammunition in the Brcko District and is further regulated by the Rulebook on the Forms and Content of the Forms Prescribed by the Law on Weapons and Ammunition in the Brcko District.

This rulebook establishes that the general conditions for issuing a permit for the acquisition of firearms are:

- a) a certified copy of identity document;
- b) a justified reason for the acquisition of firearms: a) for personal firearms, this is met through an application form, a written statement, or another act through which a justified reason is reported (from Article 10, para. 2, item b); b) for hunting, justification is provided with an annual membership certificate and a certificate of having passed the hunting exam; c) for sport shooting weapons, an annual membership certificate is required;
- c) a certificate of the Basic Court of the Brcko District of BiH stating that no criminal proceedings are in progress against the applicant, except for criminal offenses against public traffic safety, and a certificate of the body responsible for keeping criminal records on non-conviction confirming the applicant's innocent status;
- d) confirmation, achieved through checking the misdemeanour records of the police, that the applicant has not been convicted for a misdemeanour against public peace and order, for misdemeanours prescribed by the law or for violence defined by another law, as well as that no proceedings for such misdemeanours are in progress against the applicant; and
- e) an official note of the police that through operational field work it has been determined that there are no circumstances that negatively affect public peace and order, as security interests, and that there are no other circumstances that indicate that a firearm could be misused, such as: excessive alcohol consumption, consumption of narcotics or other intoxicants, **severely disturbed family relationships, conflicts with the environment, aggressive and excessive behaviour and other behavioural disorders**, criminal intelligence reasons and reasons indicating a connection with persons registered in criminal intelligence records, and the like.

The special conditions for issuing a permit for the acquisition of weapons are proven with:

- a) a certificate that the applicant is medically fit to hold and carry a weapon;
- b) a certificate of having passed the exam related to the proper keeping, carrying, and handling of weapons, and, for members of agencies, bodies, and institutions in BiH who procure and carry firearms and ammunition in accordance with their regulations and operate in the Brcko District, a certificate of employment or of the termination of employment due to retirement issued to the applicant;
- c) an official note from a competent police officer stating that the applicant meets the prescribed conditions for the safe storage and keeping of weapons.

These provisions also apply to applicants for hunting and sporting weapons. With respect to vetting for domestic violence, there is no difference in the procedures applying to any natural person and to those acquiring firearms and ammunition for hunting and sporting purposes. The **Law on Hunting** (Official Gazette of Brcko District, No. 1/15 and 52/18) contains no specific provision related to domestic violence.

With respect to the regulations on civilian possession and the prevention of the use of firearms in domestic violence, certain gaps are evident.

1. As underlined, the relevant law does not explicitly consider domestic violence as grounds for the rejection of a firearm license application.
2. In the context of domestic violence, general provisions set out by Article 10, items c and d, are to be effective if the applicant has been legally convicted for domestic violence, either as a misdemeanour or criminal offense, or if criminal or misdemeanour proceedings have been initiated against the applicant. However, in the vast majority of cases, domestic violence goes unreported, which inherently limits the effectiveness of these legislative efforts to prevent the

use of firearms in domestic violence. According to an OSCE led survey,³⁷ the victims contacted the police in only about one in twenty cases of partner violence. Even following the most serious incidents of physical and/or sexual violence, the police did not come to know about it in 95% of cases. Consequently, in the context of firearm license approval, this calls for the development of specific legal provisions which would adequately reflect the real characteristics of domestic violence.

3. Even when domestic violence is reported, criminal/misdemeanour charges are often rejected due to insufficient evidence. As per the current legal provisions, this could lead to an abuser being granted a permit to acquire firearms.
4. In the context of the prevention of domestic violence, special concerns are raised with respect to the handling of seized weapons after the criminal proceedings have been completed and charges that are mostly rejected due to insufficient evidence.³⁸ It has been documented that this could lead to situations in which despite it being evident that the owner of the legal firearm has committed violence against another person (in this case a spouse), the temporarily seized weapon is returned to him/her.
5. While the law refers to “severely disrupted family relations”³⁹ as grounds for the rejection of an application, this term, unlike domestic violence, can be more ambiguous and subject to different interpretations than domestic violence, which is legally defined both as a criminal offence and misdemeanour.⁴⁰ It has been noted that since domestic violence disproportionately affects women, it should be examined whether the use of specific terminology such as “severely disrupted family relationships” could elicit different institutional responses. As documented, certain terminology might diminish the seriousness of real risks, while also lead authorities to fail to consider appropriately the imbalance of power and responsibility between the victim and perpetrator, and thus, consequently, to ignore key safety concerns regarding the victim.
6. In addition, how exactly the existence of severely disrupted family relations is to be checked in the process of application approval is not specified. The *Rulebook on Forms and the Content of the Forms* provides guidance on vetting the fulfilment of general and special conditions for the issuance of a permit for the acquisition of weapons but **does not offer necessary operational guidance on the security vetting of circumstances which could negatively affect public order and peace, including severely disrupted family relationships**. For instance, no guidance is provided on how “operational field activities” by the police are to be performed, nor on the type of data and manner of it is to be collected in evaluating the above-mentioned risks. In addition, it is not specified with whom the interviews are to be conducted (family members, neighbours, relatives, friends), nor there is sufficient instruction on the content of interviews. Insufficient guidance allows for the possibility of inadequate and incomplete assessments.
7. The current provisions do not explicitly include **the vetting of the existence of emergency measures defined by the Law on Protection from Domestic Violence, Article 11, or of protective measures, Article 17**. This law stipulates that in order to eliminate the immediate danger to physical and mental integrity, to prevent the recurrence of violence, and to guarantee the safety of the victim, the perpetrator of domestic violence may be imposed with emergency measures before the initiation of legal proceedings or during the course of proceedings.
8. Penalties for misdemeanours committed by legal, natural, and responsible persons are deleted from the records by the force of law after a relatively short legally prescribed period of time expires, in accordance with Article 84 of the Law on Misdemeanours of the Brcko District (Official Gazette of Brcko District, No. 24/07 and 29/16). For example, a fine for a misdemeanour is deleted from the records if the convicted person does not commit a new misdemeanour within two years from the day that the decision became effective, or if he/she does not commit a criminal offense that contains the characteristics of a misdemeanour in this time. Data from the records for convicted persons may be provided only if there are justified reasons. If the decision on such a fine is deleted, information on that decision could be provided only in the context of court, by the competent prosecutor’s office, which maintains records in connection with misdemeanour

37] OSCE-led Survey on Violence Against Women: Bosnia and Herzegovina, 2019, p.55.

38] Gender and SALW in South East Europe, UNDP SEESAC, 2016.

39] In the Family Law of Brcko District is primarily referenced in the context of divorce.

40] Ignjatović, Tanja. 2011. *Nasilje prema ženama u intimnom partnerskom odnosu: Model koordiniranog odgovora zajednice*. Beograd: Rekonstrukcija ženski fond, p.31-32.

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proceedings against persons whose offense has been deleted from legal records. Therefore, such deleted misdemeanour sentences cannot be provided for the purpose of security vetting during the license approval. Bearing in mind that the deadline for deleting sentences from the records is relatively short (two years from the day the verdict becomes final), there is a risk of a permit being issued for the acquisition of weapons to a person who had committed domestic violence, but whose sentence was deleted in accordance with the provisions of the Law on Misdemeanours of the Brcko District of BiH. A similar gap is evident with respect to convictions for committed criminal offenses (Article 401 of the Criminal Procedure Code of Brcko District of BiH (Official Gazette of Brcko District No 19/20)), while similar provisions are applicable to suspended sentences and protective measures (as established by Article 71 of the Criminal Code of the Brcko District of BiH).

9. The **Law on Weapons and Ammunition of Brcko District BiH** does not contain a specific provision for the obligatory notification of a spouse or a close family member on behalf of the responsible state institution during the process of an applicant seeking to obtain a firearm license. Without ensuring that intimate partners or other family members are interviewed, the current procedures fail to take into account whether the acquisition of firearms could place an intimate partner, child, or other close family member in reasonable fear or danger of the use of firearms for any form of domestic violence, including psychological violence and threatening.
10. **Also, the current provisions do not necessarily mandate consultation with a social welfare centre.**

Psychological and economic violence are incriminated as a misdemeanour by the Law on Protection from Domestic Violence of the Brcko District of BiH. Therefore, the provisions of the rules on misdemeanours apply to applicants for firearms procurement. In accordance with Article 5, paragraph 1, item j of the Law on Protection from Domestic Violence of the Brcko District, the stalking of a family member is prescribed as a misdemeanour. However, there are no specific provisions stating that all forms of domestic violence, such as physical, psychological, sexual, and economic are to be considered when security vetting is performed, if the applicants have not been legally sanctioned for these violations.

MEDICAL FITNESS

The medical examination which determines the medical fitness of the candidate to acquire, keep, and carry weapons includes:

a) a general section (family anamnesis, personal anamnesis, status and measurement of blood pressure, orientation examination of hearing and balance); b) a specialist examination of the eyes and eyesight; c) a specialist neurological examination; d) a specialist psychiatric examination; e) a specialist psychological examination.

If for a final assessment of the medical fitness of a candidate additional specialist finding are required, the respective examinations are to be done according to the indication of the commission.

The rulebook also precisely defines conditions and diseases that, in the commission's opinion, can affect the safe handling of firearms. If a candidate seeking to acquire, keep, and/or carry a firearm has one of these diseases determined by the rulebook, then they are considered incapable of holding and carrying a firearm.

In case of any change in the health condition of a person who has acquired, is keeping, and/or is carrying a weapon, the relevant doctor of family medicine or doctor of medicine, i.e., an authorized doctor, and relevant specialty doctors are obliged to officially notify the Police of the Brcko District of BiH, which shall, based on the obtained opinion of an authorized doctor, initiate a procedure for an exceptional assessment of the health ability of that person to bear firearms.

The certificate of medical fitness to acquire, keep, or carry a weapon is valid for five years. In accordance with the regulations, a regular review of competencies is performed every five years.

At the proposal of the Police, an audit of medical fitness may be conducted before the expiration of this period.

AMMUNITION

In accordance with Article 26 of the Law on Weapons and Ammunition, the police may issue a permit for the procurement of ammunition to a natural or legal person who possesses a firearms permit, i.e., a permit to hold a firearm. This request must be submitted to the police. A permit to a natural person is issued by the police once in a calendar year for a maximum of 50 pieces of ammunition. An exception may be made for a natural person who has a justified reason, and the purchase of additional ammunition may be approved. Approval for such procurement of ammunition is issued with a validity period of six months. A natural or legal person who has not used the permit for the procurement of ammunition is obliged to return it to the police within eight days from the expiration of the validity period.

PERMIT RENEWAL

In accordance with Article 25 of the Law on Weapons and Ammunition of the Brcko District, the firearm registration card and the licence for keeping a firearm are issued by the police **with a validity period of five years**. Thirty days before the expiration of the five-year period, the owner of the weapon is obliged to submit a new request enclosing evidence of the functionality of the firearm (issued by a legal entity or entrepreneur registered to repair and modify weapons) and proof of medical fitness for keeping and carrying firearms. When renewing a firearm registration card, the police shall determine whether the owner of the weapon meets the already-stated conditions.

The Article 25, paragraph 6 of the Law on Weapons and Ammunition regulates that when extending the validity of a firearm registration card, the police shall determine whether the owner of the weapon (natural person) meets the conditions prescribed by the Law on Weapons and Ammunition, Article 10, paragraph 2, items c, d, and e:

- has not been convicted of a criminal offense and no criminal proceedings have been instituted against the person, except for criminal offenses against public traffic safety;
- has not been sentenced for a misdemeanour against public order and peace, a misdemeanour prescribed by the Law on Weapons and Ammunition, or violence defined by another law, and that no proceedings for such misdemeanours are currently ongoing or have been initiated against that person; and
- there are no circumstances present that negatively affect public order and peace, i.e., security interests, and no other circumstances that indicate that the firearm could be misused.

Notably, the **Law on Weapons does not stipulate that the police are obliged during the renewal process to vet requirements set out by Article 10, paragraph 2, item f, which are required during the license approval**. These requirements refer to other circumstances that indicate that the firearm could be misused, such as: excessive alcohol consumption, consumption of narcotics or other intoxicants, severely disturbed family relationships, conflicts with the environment, aggressive and excessive behaviour and other behavioural disorders, criminal intelligence reasons and reasons indicating connections with persons from criminal intelligence records, and the like. In light of this oversight, the process of license renewal does not sufficiently consider if relevant changes in the behaviour of a firearm licence-holder have occurred, unless there have been misdemeanour or criminal proceedings documented. In addition, other forms of unacceptable behaviour cited above as potential grounds for the revocation of a firearm registration card and the seizure of firearms could be insufficiently documented during the process of renewing a license to keep or carry a firearm.

The renewal process does not explicitly refer to domestic violence, unless the licence holder has been convicted for the criminal offense of domestic violence, has been charged with a misdemeanour related to domestic violence, or has had criminal or misdemeanour proceedings initiated against him/her. In such cases, the general provisions set by Article 10, paragraph 2 are applied.

In accordance with the Law on Weapons (Article 46), weapons, ammunition, and firearms licenses shall be confiscated from a natural person if he/she ceases to meet these conditions. Decisions on these matters are to be made by the Chief of Police.

Regarding the renewal of firearm registration cards for legal entities, it is the police who determine whether the owner of the firearm (legal entity) meets the conditions for the issuing of a permit

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for the procurement of firearms to legal entities and entrepreneurs, as stipulated by the Law on Weapons and Ammunition of the Brcko District of BiH.

CARRYING FIREARMS

The Law allows for the carrying firearms, but **only for personal protection reasons**. A natural person who wishes to carry a firearm for personal security for which he/she has a firearm certificate must submit to the police a written request for carrying the weapon, and the Chief of Police shall decide on such a request (Article 24, Law on Weapons and Ammunition of the Brcko District). The Rulebook on the Manner and Procedure of the Commission for Deciding on Submitted Requests for the Procurement and Carrying of Weapons and Ammunition establishes that with respect to “the request of a natural person for a permit for carrying firearms for personal security, the commission is to decide based on the explanation provided by the submitted request.”

FIREARMS STORAGE

The **Law on Weapons and Ammunition**, in Article 32, regulates the storage of firearms and ammunition by both natural persons and legal entities, such as those selling weapons or operating civilian shooting ranges. Special requirements for the issuing of a permit for the procurement of firearms to a natural person include conditions for the safe storage and keeping of such weapons. A police officer shall determine whether these conditions are met by direct observation in a residential or other premise where the firearms are kept; in doing so, the officer shall make an official record.

The owner of a firearm is obliged to keep the weapon in good condition, to handle it carefully, and to store it in a manner that prevents the access of unauthorized persons (Article 32). This is further regulated by the Rulebook on the Manner and Conditions for the Safe Storage and Keeping of Weapons and Ammunition. This rulebook stipulates that:

1. natural persons who keep and carry firearms and ammunition in accordance with the law must keep them in such a way that the weapons and ammunition are not accessible to persons who are not authorized to possess them, **especially children**, that they are locked and separated from ammunition in metal cash registers, metal cabinets, a wooden cupboard, or another similar safe storage unit which cannot be opened with tools of normal use and which must be attached to the floor or wall of the room in which it is located;
2. firearms and ammunition shall be stored at a residential or other premise located in the place of residence of the owner of the weapon, or other relevant unit within the jurisdiction where the owner resides;
3. if the weapon is kept in a wooden cabinet, the cabinet must be made of solid wood, with a metal frame along the joints, and be locked with a security lock that has at least two locking mechanisms.

1.2

PROCEDURES REGARDING CIVILIANS UPON INCIDENTS OF DOMESTIC VIOLENCE, INCLUDING PERMIT REMOVAL

Domestic violence is incriminated both as a misdemeanour (the Law on Protection from Domestic Violence in the Brcko District of BiH, Official Gazette of Brcko District 7/18) and as a criminal offense (the Brcko District Criminal Code, Official Gazette of the Brcko District 19/20, Article 218).

Pursuant to Article 218, paragraph 3 of the Brcko District Criminal Code, if a person who has committed a criminal offense, including domestic violence, has used weapons, dangerous tools, or other objects that can cause serious bodily injuries or health impairments, the perpetrator shall be sentenced more severely than if he/she had committed that criminal offence without the use of such implements.

The Law on Protection from Domestic Violence of the Brcko District, which criminalizes domestic violence as a misdemeanour, **does not contain any specific reference to the misuse of weapons**.

In accordance with the Law on Protection from Domestic Violence of the Brcko District of BiH, the

institutions (enactors of protection) which are obliged to provide protection, assistance, and support to victims of violence are:

- a) the Police of the Brcko District of BiH,
- b) the Prosecutor's Office of the Brcko District of BiH,
- c) the Legal Aid Office of the Brcko District of BiH,
- d) the Department of Health and Other Services, the Department of Social Protection,
- e) Health care institutions, and
- f) other relevant specialized organizations (such as associations for the protection of women, for gender equality, etc.).

Article 12 of the Law on the Police of the Brcko District (Official Gazette of the Brcko District 18/20 and 41/20) determines the tasks that are within the competence of the Police of the Brcko District. Article 13 of this law describes the measures and actions to be taken by the police in performing the tasks prescribed by the law. Among the activities that the police shall undertake in the course of their duties are the search and seizure of property and objects. Article 51 of the Brcko District Criminal Procedure Code stipulates that a search of dwellings and other premises of a suspect, an accused person, or other persons, as well as their personal property outside the dwelling, may be conducted only when there are sufficient grounds for suspicion that the perpetrator, or an accomplice, has left traces of the criminal offense at such locations or that objects relevant to the criminal proceedings might be found there.

A search warrant conducted by the police may only be issued by the Court, under the conditions prescribed by the Criminal Procedure Code. A search warrant may be issued by the Court at the request of the Prosecutor or at the request of authorized officials who have the approval of the Prosecutor.

According to Article 64 of the Brcko District Criminal Procedure Code, an authorized official, including the Police of the Brcko District, may enter a dwelling or other premises without a warrant and without a witness, and if necessary conduct a search if: the tenant has so requested; if someone has sought for help; if it is required to apprehend the suspect of a criminal offense who has been caught in the act; for the sake of the safety of a person or property; the person who is to be apprehended by the Court order is in the respective dwelling or other premises; or if the person is hiding in the respective dwelling or other premises.

The provisions of the Law on the Criminal Procedure of the Brcko District of BiH, which establish the manner and grounds for the searching of apartments, premises, and persons, are also applicable in misdemeanour proceedings (Article 9 of the Law on Misdemeanours of the Brcko District).

As per Article 10 of the Law on Protection from Domestic Violence of the Brcko District, procedures for implementing protection against domestic violence with the mandatory reporting of domestic violence. This reporting is regarded as the obligation of family members, institutions in charge of protection, employees in educational, social, and health institutions, and of every other citizen. According to the Rulebook on the Manner of the Implementation of Emergency and Protective Measures under the Responsibility of the Brcko District Police of BiH, under Article 9, when a police officer is notified of domestic violence, he/she is obliged to immediately interview the victim of violence if their health condition allows it, and if this is not possible due to bodily injury, the interview should be conducted within three days. Article 11 of this rulebook regulates that the **police**, upon receiving a notification of domestic violence and then interviewing the victim(s) of violence to determine if domestic violence has occurred, are obliged to take the following actions:

- a) inform the victim(s) of violence about the possibilities of temporary accommodation in a safe house, and if he/she/they agree(s) (the prior consent of the victim is required), immediately inform the Social Welfare Department to implement the measures within their competence, with the assistance of the police;

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- b) submit a proposal for imposing an emergency or protective measure to the Basic Court in accordance with the Law.

The *Rulebook on the Content of Records and Reports on Domestic Violence*, which regulates record keeping by the police, stipulates that the police, during interviews with victims of domestic violence, **should determine whether the perpetrator possesses legal or illegal firearms and whether they were used in committing the reported violence**. If the police determine that the accused perpetrator legally possesses a firearm, the firearm should be seized, in accordance with Article 48 of the Law on Weapons and Ammunition. If the police during an interview with the victim or another person find out that the accused perpetrator illegally possesses a firearm, the police should act in accordance with the Criminal Procedure Code, Articles 54, 55, 56, and submit to the competent court, with the consent of the prosecutor, a request for the issuance of a search warrant of the apartment, premises, and movable objects.

According to Article 28 of the Law on Protection from Domestic Violence of the Brcko District, the Basic Court is obliged to submit to the Police the decision of the court on the requested imposition of emergency or protective measures.

According to the Rulebook on the Manner of the Implementation of Emergency and Protective Measures under the Responsibility of the Brcko District Police of BiH, under Article 13, when the Police receive a court decision on the imposing of emergency or protective measure, the head of the competent organizational unit of the police is obliged to immediately appoint a police officer (Coordinator) who shall be in charge of the implementation of the imposed emergency or protective measures. According to the Article 14 of this rulebook, the Coordinator, upon receiving the decision on the imposing of emergency or protective measures, is obliged to check on the safety of the victim of violence without delay and constantly collect the necessary information to determine whether the perpetrator is acting in accordance with the imposed emergency or protective measure for the entirety of its duration.

The Rulebook on the Manner of the Implementation of Emergency and Protective Measures under the Responsibility of the Brcko District Police of BiH does not contain any references regarding the possession (legal or illegal) of or access to firearms by the perpetrator, nor does it prescribe any specific procedures related to firearms, including those procedures related to checking on the safety of a victim.

In accordance with Article 15 of the Rulebook on the Manner of the Implementation of Emergency and Protective Measures under the Responsibility of the Brcko District Police of BiH, the Coordinator shall prepare **a risk assessment and plan for the implementation of emergency and protective measures**. The risk assessment shall be developed on the basis of data obtained through police records, information obtained from the victim of violence, his/her relatives, neighbours, friends, and acquaintances in the living and working environment, and from relevant data collected from competent institutions, all with the purpose of becoming thoroughly acquainted with the personality of the perpetrator and the victim of violence, so as to assess their behaviour.

The risk assessment of a victim of violence includes:

- a) data on the perpetrator of violence and information on his/her behaviour before and after the imposition of emergency and protective measures;
- b) information on the victim and her/his behaviour before and after any imposed emergency and protective measures;
- c) information on the perpetrator of violence available to the Social Protection Division;
- d) a conclusion on the assessed behaviour of the perpetrator of violence and of the victim of violence throughout the duration of any emergency and protective measures, with an assessment of the vulnerability of the victim of violence;
- e) the opinion of the Subdivision for Social Protection on the possibilities for accommodating the victim of violence in a safe house in accordance with the Law and in accordance with the assessment of the degree of the victim's vulnerability.

The risk assessment does not explicitly mention any assessment of a perpetrator related to the possession of firearms, the previous use of firearms, the threat to acquire or use firearms, access to firearms, etc., although in practice this could be taken into account. It is stipulated that the data needed for the assessment is to be obtained by checking police records, but without any detailed guidance on the type of data to be collected. Furthermore, neither the Law on Protection from Domestic Violence of the Brcko District nor any accompanying bylaw explicitly specifies which

data should be collected (including information about the possession or availability of firearms by perpetrators) as factors in the risk assessment when determining which measures need to be taken in accordance with this law.

According to Article 16 the Rulebook on the Manner of the Implementation of Emergency and Protective Measures under the responsibility of the Brcko District Police of BiH, based on the prepared risk assessment, a **plan for the implementation of the imposed emergency and protective measure is to be prepared**. In accordance with Article 15 of the Law on Protection from Domestic Violence, the Government of the Brcko District shall establish an expert team of representatives from the Subdivision for Social Protection, the police, and health workers dealing with family issues and with protection from domestic violence in order to develop an **individual protection plan for victims of domestic violence**. The plan should contain measures that need to be taken in accordance with the law regulating social health and child protection.

In submitting a proposal for imposing an emergency or protective measure in accordance with the respective rulebook, the police officer is obliged to also submit an appropriate report to the competent prosecutor's office if there are grounds for suspicion that the perpetrator has committed a crime under Article 218 of the Criminal Code of Brcko District BiH. If it is determined that the act of domestic violence does not have the characteristics of a criminal offense, the police officer is obliged to submit a request to initiate misdemeanour proceedings.

The Subdivision for Social Protection is also to participate in the preparation of the risk assessment prepared by the Police and in the implementation of any emergency and protective measures within its competence (data collection, activities that facilitate the appropriate implementation of protective measures, delivery of opinions, etc.).

According to Article 16 of the Rulebook on the Manner of the Implementation of Emergency and Protective measures, the plan for the implementation of the imposed emergency and protective measures developed by the police shall also prescribe the activities to be implemented by the Subdivision for Social Protection, the Department for Social Protection, and other institutions or non-governmental organizations involved in providing protection from domestic violence. In addition, the plan should also prescribe steps on how these stakeholders are to cooperate in the planned implementation of the established duties.

Article 17 of this rulebook stipulates that the Subdivision for Social Protection, in the process of the development of the plan for the implementation of emergency and protective measures, shall propose measures and actions within its competence, in particular:

- a) compile and submit the social anamnesis of the family to the police;
- b) obtain opinions of the experts of the team of the Subdivision for Social Protection (psychologist, pedagogue, social workers, and other experts as needed);
- c) determine conditions for the safe implementation of the imposed emergency and protective measure(s);
- d) collect information on the activities undertaken with respect to psychosocial treatment and counselling; and
- e) ensure the participation of the police in providing assistance to the Social Welfare Division in carrying out tasks within its competence.

The Subdivision for Social Protection is obliged to submit this information to the police within 48 hours of being informed of the imposed emergency or protective measures.

At the request of the Subdivision for Social Protection, the police are obliged to provide all necessary assistance as well as the instructions and guidelines to be followed by the Social Welfare Division.

When proposing emergency and protective measures, competent police officers may consult with the Subdivision for Social Protection on the proposed emergency and protective measures and, if so, shall make a record of it. This record shall be attached to the proposal for imposing emergency and protective measures to the Basic Court and shall also be submitted to the Subdivision for Social Protection (Article 18 of this rulebook).

During the implementation of emergency and protective measures, police officers are obliged to conduct interviews, using sensitized (carefully chosen) terms, with the victim of domestic violence and the perpetrator of violence in the presence of representatives of the Subdivision for Social Protection, about which a record is made. The record shall be signed by a police officer and a representative of the Subdivision for Social Protection who were present at the interviews with

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the victim of violence and the perpetrator of violence (Article 22 of this rulebook). The interview with the victim of violence is to be conducted without the presence of the perpetrator of violence (Rulebook on the Manner of the Implementation of Emergency and Protective Measures under the Responsibility of the Brcko District Police of BiH, Article 10).

Law enforcement officers are often the first to react and intervene in cases of domestic violence. In doing so, they may experience specific security risks, often accompanied by threat against, or danger to, their lives by the perpetrators. The intensity of an attack often increases upon the arrival of police officers to the scene of such incidents, and the possession of firearms by a perpetrator directly puts both victims of violence and police officers at greater risk, while other present persons, such as household members, could be held as hostages. With respect to the misuse of firearms in domestic violence, the large number of illegal firearms present in BiH as a result of the relatively recent conflicts poses specific risks.

PROCEEDINGS IN CASES OF ILLICIT FIREARMS AND FIREARMS POSSESSED BY OTHER FAMILY MEMBERS

There is not any explicit provision within the Law on Protection from Domestic Violence of the Brcko District or the accompanying rulebooks stipulating that law enforcement officers are required to conduct a search for firearms and ammunition when domestic violence is reported, regardless of whether firearms are legally or illegally owned.

In addition, the risk assessment does not contain any question related to firearms being possessed by the accused perpetrator or other family members.

REGULATION OF THE REMOVAL/REVOCATION OF FIREARMS/LICENSES FROM CIVILIANS WITH RESPECT TO DOMESTIC VIOLENCE

According to Article 46 of the Law on Weapons and Ammunition of the Brcko District, firearms, ammunition, and firearms licenses are to be revoked from a natural person if he/she ceases to meet the conditions provided by Article 10, paragraph 2, items b, c, d, and e), by Article 10, paragraph 3, items a and c, and by Article 11, paragraphs 2 and 3. Such actions include the **confiscation of firearms** from a person convicted of criminal offenses (including the criminal offense of domestic violence), from a person against whom criminal proceedings are in progress for a criminal offence prosecuted ex officio as specified by the Criminal Code (except for criminal offenses against public traffic safety), from a person who has been convicted of a misdemeanour against public order and peace, a misdemeanour defined by the Law on Weapons and Ammunition, or violence specified by another law (including domestic violence), as well as from a person if misdemeanour proceedings have been initiated or are ongoing against the person for such misdemeanours. In these cases, trophy and antique firearms shall be confiscated as well. These cases are to be decided upon by the Chief of Police. An appeal may be filed against this decision to the Appellate Commission within 15 days from the day of the receipt of the decision, but the appeal shall not delay the execution of the decision. An administrative dispute may not be instituted against the decision rendered upon an appeal.

Severely disturbed family relations, as well as conflicts with the environment, aggressive and excessive behaviour and other behavioural disorders, described in Article 10, paragraph 2, item f, are not recognized as grounds for the confiscation of firearms, ammunition, and firearm licenses to individuals and legal entities.

According to Article 48 of the Law on Weapons and Ammunition, a police officer shall **temporarily seize firearms**, ammunition, parts of firearms, and firearms licenses of the owner of a firearm if there are grounds for suspicion that: the owner of the firearms has committed a criminal offense (except a criminal offense against public traffic safety) or if a firearm has been used to commit a misdemeanour against public order and peace. These provisions are also applicable to domestic violence, both as a misdemeanour or as a criminal offense. Firearms, ammunition, and firearms documents are to be

immediately temporarily seized prior to the completion of administrative, misdemeanour, and/or criminal proceedings if there are circumstances that indicate that they could be misused. In these cases, the police officer is obliged to issue a certificate on temporarily seized items.

According to the Article 51 of the Law on Weapons and Ammunition of the Brcko District, if a firearm is temporarily seized due to the commission of a criminal offense or misdemeanour (which includes domestic violence), the respective weapons and/or ammunition seized in the legally terminated misdemeanour or criminal proceedings shall be treated in accordance with the decision of the Basic Court.

As per Article 78 of the Criminal Code of the Brcko District, objects (including firearms) which in any way, whole or in part, have been used or were intended to be used to commit a criminal offense, as well as any objects gained in the perpetration of a criminal offence, shall be confiscated if they are the property of the perpetrator or in his/her possession. Furthermore, these items are to be confiscated even when they are not the property of the perpetrator, through this does not affect the rights of third parties to compensation from the perpetrators. Confiscated items and funds become the property of the Brcko District.

According to Article 391 of the Criminal Procedure Code of the Brcko District, those items that are to be mandatorily confiscated under the Criminal Code of the Brcko District of BiH shall be confiscated even if a criminal proceeding is not completed with a convicting judgment if this is required for the interests of public safety, about which a separate decision shall be issued. This provision of the Criminal Procedure Code also refers to weapons and firearms.

The Law on Weapons and Ammunition of the Brcko District specifies that weapons and ammunition seized in a legally terminated misdemeanour or criminal proceeding shall be handled in accordance with the decision of the Basic Court.

In the context of the prevention of domestic violence, special concerns are raised with respect to the handling of seized weapons after the criminal proceedings are completed. Relevant research has documented that even when violence is reported, charges are in many cases rejected, mostly due to insufficient evidence.⁴¹ Since domestic violence occurs in the family setting, very often without the presence of other witnesses who are not family members, the statement of the witness/injured party is frequently the only evidence used in such proceedings. In accordance with Article 83 of the Criminal Procedure of the Brcko District, the spouse or extramarital partner of the suspect or the accused party, as well as the parent or child, adoptive parent, or adoptee of the suspect or the accused party, may refuse to testify in criminal proceedings against the accused perpetrator of the crime. Often, victims or other witnesses do refrain from testifying against the perpetrator, which, if there is no other evidence, often eventually results in the investigation being dropped or in the indicted person being found not guilty in the court proceedings. A body of research has documented that this could lead to situations in which despite it being seemingly apparent that the owner of a legal firearm has committed violence against another person (in this case a spouse), the charges against him/her could be dropped.⁴² Consequently, any temporarily seized weapons are almost surely to be returned after it has been determined that he/she is not criminally responsible for the offence he/she has been charged with, in this case domestic violence.

Given that in such cases the current legal provisions do not provide grounds for the competent authorities to initiate administrative proceedings for the confiscation of firearms and firearms licenses in such cases (regardless of the outcome of misdemeanour or criminal proceedings) so as to prevent such firearms from being used to perpetrate domestic violence, the circumstances which indicate that firearms could be misused (Article 10, item f) should be duly considered and potentially invoked as grounds for firearm confiscation.

In accordance with Article 49 of the Law on Weapons and Ammunition of the Brcko District, temporarily seized firearms and ammunition from persons who cease to meet the general requirements of Article 10 of the Law on Weapons and Ammunition of the Brcko District shall be kept in a police deposit unit until the end of the proceedings. If the owner of the firearm is not found guilty for a misdemeanour or criminal offense (which is often an outcome in cases of domestic violence), there is no basis for firearms to be confiscated and they will be returned to the owner.

41] Gender and SALW in South East Europe, UNDP SEESAC, 2016.

42] For instance: Analysis of judicial practice in cases of domestic violence in Bosnia and Herzegovina, Atlantic Initiative 2018, pages 40, 41, and 56.

VICTIM SUPPORT PROGRAMMES AND PERPETRATOR PROGRAMMES

In accordance with the Law on Protection from Domestic Violence of the Brcko District (Article 17), the Protective Measures that can be applied independently are the following:

- a) removal from the apartment, house, or other living space of the perpetrator of domestic violence;
- b) restraining order on the perpetrator forbidding the approaching of the victim of domestic violence;
- c) prohibition of the harassment, stalking, and monitoring of victims of violence in the family or family community;
- d) mandatory psychosocial treatment of perpetrators of domestic violence; and
- e) compulsory treatment for addiction for perpetrators of domestic violence.

The methods of implementing these protective measures are stipulated by two ordinances: the Ordinance on the Implementation of Emergency and Protective Measures within the Competence of the Police on the Implementation of the Protective Measure - Mandatory Psychosocial Treatment and the Ordinance on the Implementation of the Protective Measures - Mandatory Treatment for Addiction.

The Brcko District has established the Protocol on Cooperation and Action in Cases of Violence against Women and Domestic Violence in the Brcko District of BiH. This protocol was signed in April 2018 by the Prosecutor's Office, the police, the Department of Health and Other Services, the Department of Education, the Health Centre, the Association of Active Women CSO GENDER, and the Association of BiH Journalists Club Bosanska Posavina with the aim of providing comprehensive support and assistance to women victims of violence, including domestic violence, and to actively contribute to enabling a systematic response to violence.

1.3

HOLDERS OF HUNTING AND SPORTING FIREARMS

The requirements set in the Law on Weapons apply to holders of hunting and sporting firearms just as they do for other natural persons. A natural person is recognized as having a justified reason for procuring a hunting firearm if he/she is a member of a hunting association and if he/she has passed the hunting exam, which must be proven by a certificate of membership in a hunting association and a certificate of having passed the hunting exam. A natural person is recognized as having a justifiable reason for procuring a sports weapon if he/she is a member of a sports shooting organization, which must be proven by a certificate from the sports shooting organization of which he/she is a member. There is no difference in the security vetting for domestic violence for general natural persons and those that are seeking to acquire firearms and ammunition for hunting and sporting purposes. Notably, there is no provision related to domestic violence in the Law on Hunting of the Brcko District.

1.4

SECURITY SECTOR PERSONNEL

A large group of security personnel carry firearms as part of their special official authorization (the police, border police, and judicial police, employees of the intelligence agency, customs officers, military personnel, etc.). As per Article 3 of the Law on Weapons and Ammunition of the Brcko District, provisions of this law do not apply to members of agencies, bodies, and institutions in BiH operating in the Brcko District who procure and carry weapons and ammunition in accordance with their respective regulations.

Given that professional authorized to carry firearms have direct access to firearms and are trained to use them, and in certain cases could have access to sensitive information, central issues considered in this section include: proceedings when domestic violence is committed by a member of the security sector; security vetting during security sector recruitment; and procedures for carrying and keeping weapons outside working hours and professional duties.

SECURITY VETTING OF SECURITY SECTOR PROFESSIONALS WITH RESPECT TO DOMESTIC VIOLENCE

With respect to security sector professionals (law enforcement officers, military personnel and other persons applying for work in intelligence or defence and security institutions), security vetting does not explicitly mention domestic violence.

The legal basis for conducting security vetting is the Law on the Protection of Classified Information (Official Gazette of BiH, No. 54/05 and 12/09) and: the Rulebook on the Manner of Conducting Security Checks and Data Sources when Conducting Security Checks (Council of Ministers of BiH - Official Gazette BiH, No. 63/13); the Rulebook on the Appearance and Content of Security Permits, Security Questionnaires, Statements, and other Documents (Ministry of Security); the Rulebook on Security Checks Prescribed by the Law on the Protection of Classified Information (Intelligence-Security Agency of BiH), and the Instructions on the Procedure for Conducting Security Checks Prescribed by the Law on the Protection of Classified Information (Intelligence-Security Agency of BiH). None of these documents contain explicit references to domestic violence.

According to Article 4 of the Law on Protection of Classified Information of BiH, security vetting of a person is a process which is to be carried out by an authorized body responsible for obtaining information on possible security breaches for the performance of duties. A security clearance is a document on the basis of which a person who has been the subject of a security check and for whom there are no security breaches acquires the conditions for accessing, using, protecting and storing classified information. Security breaches are regarded as data or facts obtained through a security clearance process for which there exists suspicion of a violation of trust or loyalty by a person who has been appointed to a particular position or who has acquired security clearance.

According to Article 30 of the same law, persons working or applying for a job where classified information is produced or in a body dealing with intelligence or defence and security issues shall be subject to a basic security vetting in accordance with the procedure for granting access to classified information.

As per Article 33 of this law, checks on the "CONFIDENTIAL" level of secrecy for the following members of the Ministry of Defence and the Armed Forces of BiH are performed by the Ministry of Defence, i.e., the internal organizational unit in the Ministry of Defence of BiH, designated by the Minister of Defence of BiH:

- a) professional military personnel in the Armed Forces of BiH;
- b) non-commissioned officers and officers in the reserves of the Armed Forces of BiH;
- c) other military personnel in the Armed Forces of BiH, in accordance with this Law; and
- d) civil servants, employees, and other servants in defence institutions in BiH.

Confidentiality checks of those police officers and civil servants and employees of the police, other security bodies in BiH, and in all police agencies in BiH with CONFIDENTIAL security status are performed by the State Investigation and Protection Agency (SIPA).

Extended security clearance is performed by the Intelligence-Security Agency of BiH on the basis of a completed basic and special questionnaire and based on data from other bodies and sources, including records available to the Intelligence-Security Agency of BiH.

According to Article 49 of the Law on the Protection of Classified Information of BiH, **the basic questionnaire for obtaining access to classified information** inquiries about data related to the marital status of the person being checked, personal data of the spouse or common-law partner of this person, or adults living in a community with this person, but **does not contain an explicit reference to domestic violence**. The questionnaire requests data on the final verdicts for criminal offenses, i.e., decisions on misdemeanours, prescribed by the Law, as well as on any ongoing court proceedings, which could be relevant to domestic violence.

Security obstacles which shall deny the issuance of a permit for access to classified information (Article 59 of the Law on the Protection of Classified Information of BiH) are, inter alia: a final court sentence of at least three months in prison; the existence of one or more final decisions for violations contained in Article 49, item I of the Law on the Protection of Classified Information; and ongoing proceedings for criminal offenses for which prison sentences of at least three months may be imposed, which could also be related to domestic violence.

It is mandated that a person who has access to classified information of the CONFIDENTIAL level be security-checked every 10 years (Article 58).

SECURITY VETTING OF PRIVATE SECURITY PERSONNEL AND DETECTIVES

Security vetting of **private security personnel and detectives** is regulated by the Law on Personal and Property Security Agencies and Private Detective Activity of the Brcko District (Official Gazette of Brcko District, No. 27/04, 15/05, and 37/05). In accordance with Article 7 of this law, approval for such duties is issued by the Brcko District Police and can be issued to an agency for the protection of persons and property if it meets the following conditions:

1. it is registered in the Register of the Basic Court of the Brcko District of BiH;
2. that it provides a governing act on the systematization of the jobs of security staff with the defined education, job description, and authorizations of the employees for each job; and
3. that it has an appropriate business premises and the technical means and equipment for performing the activities of the agency, in accordance with the regulation issued by the Chief of Police of the Brcko District of BiH.

The owner of such an agency must meet the following conditions:

- a) that he/she is a citizen of BiH;
- b) that he/she is of legal age;
- c) that he/she has completed at least secondary education;
- d) that his/her general medical fitness is documented by a certificate issued by an authorized health institution;
- e) that he/she has not been indicted by the International Criminal Tribunal for the former SFRY for war crimes;
- f) that he/she has not been convicted of a criminal offense and that no criminal proceedings have been instituted or are ongoing against him/her;
- g) **that he/she has not been sanctioned for violations of public order and peace with features of violence or any other offenses that make him/her unfit to perform the activity of protecting persons and property;**
- h) that he/she has not been imposed with a security measure prohibiting him/her from performing a profession, activity, or duty, or with a protective measure prohibiting him/her from performing an independent activity.

In addition, Article 7 of this law stipulates that, even if fulfilling the conditions above, the approval will not be issued to a natural person who, through his/her previous behaviour has indicated his/her potential unreliability to perform the relevant duties, and especially those who often and excessively consumes alcohol, show a passion for gambling or extravagance, **exhibit any tendency for domestic violence**, or for any other reasons contrary to the morals of the environment in which he/she lives.

While the law clearly recognizes risks related to domestic violence, the meaning of “tendency to domestic violence” remains unclear.

According to the Article 13 of this Law, the same conditions must be met by any natural person authorized to perform physical security activities, including that he/she has passed the professional exam for performing physical security activities before the examination commission of the Republika Srpska or has obtained a certificate for performing protection activities from the Ministry of Interior of the Federation of BiH.

The same conditions are required for the establishment of detective agencies, as well as for the obtaining of authorization to perform detective work by natural persons.

The carrying and use of firearms and ammunition by security agencies by persons and property and private detective agencies are regulated by two specific bylaws, the Rulebook on the Spatial Conditions and Technical Means and Equipment for Performing Physical and Technical Security and Detective Work and the Rulebook on the Use of Physical Force and Firearms in the Performance of Duties of Personal and Property Security Agencies and Private Detective Agencies.

The procurement of firearms and ammunition may be carried out on the basis of the approval of the Brcko District Police in accordance with the Law on Weapons and Ammunition of the Brcko District of BiH. This law prohibits security guards from carrying their own firearms while performing duties of physical security (Article 20). The use of physical force by private security agencies is regulated by the Instructions on the Use of Physical Force and Firearms in the Performance of Agency Duties (Article 53).

PROCEEDINGS WHEN DOMESTIC VIOLENCE IS COMMITTED BY A MEMBER OF THE SECURITY SECTOR PERSONNEL

Proceedings in cases of domestic violence committed by security sector personnel are for the most part not regulated by the respective laws of relevant agencies. Sector security personnel laws do not explicitly prescribe procedures if an employee commits domestic violence. Domestic violence in these cases could only be addressed through the general provisions of these laws regulating proceedings in cases of security sector personnel committing criminal offenses and/or misdemeanours.

Regarding private security agencies, the Law on Personal and Property Security Agencies and Private Detective Activity states and references the term “tendency to domestic violence,” but does not explain precisely what this term implies.

THE CARRYING AND HOLDING OF WEAPONS BY PERSONS AUTHORIZED TO CARRY FIREARMS OUTSIDE WORKING HOURS AND PROFESSIONAL DUTIES

The possession, storage, carrying, and use of firearms by authorized persons is generally regulated by the bylaws issued on the basis of the governing relevant law.

In BiH, there are 17 police agencies whose members are authorized to carry and use firearms. Since the work of each of these police agencies is determined by a special law, there are numerous bylaws which regulate issues related to firearms as part of the official authorizations that members of these police agencies have, ex officio.

The bylaws related to agencies in the Brcko District (the Judicial Police, Customs Officers, the Brcko District Police, state police agencies, and military personnel) exhibit a high degree of similarity.

BRCKO DISTRICT POLICE

Procedures when domestic violence occurs

In accordance with the **Law on Police Officers of the Brcko District** (Official Gazette of Brcko District No. 18/20), Article 118, the unauthorized use of means entrusted to officers for the performance of tasks and duties (including firearms) constitutes a serious breach of official duties. For serious breaches of official duty, a police officer may be sanctioned with a fine or be dismissed. A police officer may, among other reasons, be suspended from the duties he or she performs or suspended from the police if:

- a) an indictment has been confirmed against him/her and if his/her presence at work would harm the interests and reputation of the Police;
- b) there are grounds for suspicion that he/she has committed a criminal offense if this would damage the reputation of the Police.

Both of these general provisions are equally applicable in cases of domestic violence.

According to the Article 137 of the **Law on Police Officers of the Brcko District**, during such a suspension, the service weapon, the official police ID, and the police badge of the police officer are to be confiscated, and he/she is forbidden from wearing an official uniform. A police officer who is suspended from duties may be engaged in other duties within the police in a position where they do not apply police authority. The law does not regulate procedures with respect to a suspended police officer possessing private weapons and how such private weapons are to be handled. In such cases, the provisions of the Law on Weapons and Ammunition of the Brcko District shall apply. As soon as a criminal procedure is initiated and the respective report on the committed criminal offense is made, the Criminal Police Unit shall inform the relevant unit that maintains administrative reports in the field of weapons and ammunition in order to check the records on the suspended police officer to verify whether he/she has been issued firearms certificates. If the suspended police officer legally possesses a firearm, it is to be temporarily confiscated until the completion of the criminal proceedings. After the end of the procedure, if the police officer is found guilty, a decision on the confiscation of the firearm is to be issued to him/her, with the possibility to sell the firearm within 3 months.

2. LINKAGES BETWEEN FIREARMS AND DOMESTIC VIOLENCE

Carrying and keeping weapons

The manner of keeping and carrying weapons by the Brcko District Police is regulated by the Rulebook on the Manner of Keeping and Carrying Weapons and Ammunition (Official Gazette of the Brcko District, 13/08). As per the rulebook, Brcko District Police Officers may carry and handle only firearms for which they are trained, authorized, and qualified. Service weapons must not be used for any purpose other than police operations. In accordance with this Rulebook, **police officers cannot carry official weapons when off-duty**, and after the end of their working hours, they must place their weapons in the specific place in their organizational unit dedicated for that purpose. The Chief of Police or a chief **may authorize a police officer to carry a weapon outside working hours**, for which the police officer must complete a statement and the chief must issue a written approval. A police officer may carry a weapon outside of service if the needs of service require it, or if the police officer's security is endangered. Records are kept on the issuance of this authorization. When a police officer carries a firearm home, he/she must keep it in a metal or wooden box, locked and emptied, with frames and ammunition separated. The conditions for storing firearms and ammunition at home are to be controlled by a police officer authorized to conduct an inspection.

It is important to emphasize that this Rulebook **does not contain any provisions relating to the confiscation of official weapons from a police officer** under specific conditions. The Law on Police Officers (Official Gazette, No. 18/20, 41/20) stipulates that weapons shall be confiscated from a police officer during a suspension. Among the reasons for which a police officer may be suspended, the commission of a misdemeanour is not specified. Bearing in mind that certain acts of domestic violence in the Brcko District are incriminated as a misdemeanour, the committing these acts of domestic violence by a police officer does not qualify as grounds for the confiscation of official weapons from the police officer. Neither the Law on Police Officers nor its accompanying bylaws explicitly mention domestic violence. In the context of domestic violence, according to the current legal solutions, **if a police officer commits a misdemeanour of domestic violence, there are currently no grounds for the confiscation of official weapons.**

STATE POLICE AGENCIES OF BIH

Procedures when domestic violence is committed by agency officers

A police officer may be temporarily suspended from the tasks and duties he/she performs or suspended from a **police body** if there are grounds for suspicion that he/she has committed a crime which would damage the reputation of the police. A police officer may also be suspended if disciplinary proceedings for a serious breach of duty have been initiated against him/her and if it can be reasonably assumed that his/her work would harm the interests of the service or an internal proceeding. The suspension of a police officer may last until the end of the disciplinary or criminal proceedings. During the suspension, the official weapon and the official ID of the police officer are temporarily seized, and he/she is forbidden from wearing an official uniform.

Carrying and keeping weapons

The keeping and carrying of weapons by police agencies in BiH is determined by the Rulebook on the Manner of Keeping and Carrying Weapons and Ammunition.

The regulations on carrying and keeping service weapons during and outside working hours by state police agencies exhibit a high degree of similarity with the respective regulations described for Brcko District Police. However, the rulebook relating to police officers of state police agencies contains clear provisions regarding the confiscation of official weapons and the revocation of authorizations for the possession and carrying of weapons and ammunition by police officers of state agencies. **Yet despite this, domestic violence is not explicitly mentioned as grounds for confiscating official weapons from a police officer.**

CUSTOMS OFFICERS

Procedures when domestic violence is committed

An employee of the Indirect Taxation Authority of BiH may be suspended if an indictment has been confirmed against him/her in criminal proceedings. The suspension may last as long as there are reasons for upholding it.

Carrying and keeping weapons

In accordance with Article 31 of the Law on Indirect Taxation (Official Gazette of BiH 89/2005), authorized officials of the Indirect Taxation Authority can use reasonable force when necessary to perform official duties and can carry firearms if it is provided by a law or bylaw. An authorized official must pass a psychophysical test regarding the conditions for carrying a firearm, undergo appropriate training, and obtain a certificate from the competent authority before being granted a permit to carry firearms. The permit to carry firearms must be renewed every 12 months. If the authorized official does not meet these conditions, he/she will be assigned to another position that corresponds to his/her education and abilities. The Executive Board, at the proposal of the Director, shall issue more detailed, specific regulations on the manner of carrying and using firearms, on issuing approvals and authorizations for firearms, and on the training of persons for carrying and using firearms. This article envisages the adoption of a specific bylaw which would define the carrying of firearms by officers. The drafting of this rulebook is ongoing.

THE ARMED FORCES OF BOSNIA AND HERZEGOVINA

Procedures when domestic violence is committed

With respect to **military personnel**, the use of force or firearms contrary to the Law on the Armed Forces of BiH and regulations adopted on the basis of it (Official Gazette of BiH, No. 88/05, 53/07, 59/09, 74/10, 42/12, 41/16 and 38/18) is qualified as a disciplinary offense. In addition, the commission of a criminal offense or the indication of well-grounded suspicion that a criminal offense has been committed also constitutes a disciplinary offense.⁴³ This general provision is also applicable to the criminal offence of domestic violence.

Carrying and keeping weapons

The keeping, use, and carrying of weapons by **members of military defence structures in BiH** is regulated by the Rulebook on Carrying and Using Weapons, adopted pursuant to Article 18 of the Law on Service in the Armed Forces of BiH (Official Gazette of BiH, No. 88/05).

To bear arms, members of the armed forces must have appropriate training and must have passed a required exam in the last 12 months. Outside respective military facilities, firearms may be carried by personnel of the BiH Defence Institution who are engaged in official duties with the approval of an officer with a rank of Major or higher.

Members of military defence structures in BiH are obliged to store firearms in specially designated official premises and **no permit shall be issued approving the storage of firearms in residential buildings**.

Authorization to carry firearms shall not be granted or allowed to the following military personnel:

- 1) those whose health condition, character, or characteristics of behaviour can be defined as disqualifying factors;
- 2) those whose security clearance has been revoked under the Policy Program on Security Checks of Personnel in the Armed Forces of BiH;
- 3) those persons who have prescribed drugs and other medications that may cause drowsiness or poor reaction or judgment;

Members of the defence structures of BiH who possess a license to carry firearms are prohibited from consuming alcoholic beverages 24 hours before carrying them.

Each member of the BiH defence structures is obliged to inform the relevant superior officer if he/she assesses/feels that he/she is not, for any reason, capable of handling the assigned weapons.

The Rulebook on Carrying and Using Weapons by Members of the Armed Forces of BiH does not explicitly list domestic violence as grounds for a ban on carrying firearms or for the confiscation of firearms, nor does it define which characteristics of behaviour constitute a prohibitive factor.

^{43]} Sanctions for disciplinary offenses are: cessation of promotion for a period of one to four years; salary reduction from 21% to 33% for a period of 4 to 12 months; military detention of up to 30 days; demotion of rank to the immediately lower rank and the revocation of the previous rank; removal from office with assignment to a formation position of immediately lower rank for a period of one to three years; removal from command or managerial position with a ban on any appointment to such an office for one to five years; and dismissal from professional service.

2. LINKAGES BETWEEN FIREARMS AND DOMESTIC VIOLENCE

Non-duty military personnel may possess civilian firearms but must have a valid civilian license.

The relevant rulebook explicitly states that the carrying of weapons in the Brcko District is not permitted, except with the special approval of EUFOR.

JUDICIAL POLICE

Procedures when domestic violence is committed

According to of Article 109 the Law on the Judicial Police of the Brcko District (Official Gazette of Brcko District, 3/21), a judicial police officer must be temporarily removed from the duties and tasks he/she performs if he/she has committed a criminal offense in the performance of his/her duties, if an indictment for a criminal offense by him/her has been confirmed, or if he/she has been ordered into custody. A judicial police officer may be suspended from his or her duties if criminal or disciplinary proceedings are instituted against him or her for a serious violation of the law or if his or her presence can reasonably be assumed to harm the interests of the service if he/she were to remain in the workplace where he/she is assigned.

The suspension of a judicial police officer from the Judicial Police may last until the end of the criminal or disciplinary proceedings.

During a suspension, the judicial police officer is deprived of his/her official weapon, means of coercion, and of his/her official badge and identification card, as well as is prohibited from wearing a uniform.

During the suspension, the judicial police officer is entitled to salary compensation in the amount of 70% of his/her basic salary.

In special cases, when he/she has a dependent family, the suspended judicial police officer is entitled to 85% of his/her basic salary.

Carrying and keeping weapons

According to the information received from the Judicial Commission of the Brcko District, the Regulation on the Use of Firearms and Other Coercive Means by the Judicial Police of the Brcko District of BiH from Article 17 of the Law on Judicial Police of the Brcko District (Official Gazette of the Brcko District, No. 18/18) has not yet been adopted.

FOREST GUARD

In accordance with Article 56 of the Law on Forests of the Brcko District, forest guards, among other conditions, must meet the requirements for carrying firearms in accordance with the Law on Weapons and Ammunition of the Brcko District of BiH. The Law on Forests does not provide for other special conditions or bylaws related to the carrying and use of firearms by its personnel.

PRIVATE SECURITY COMPANIES

Procedures when domestic violence is committed

According to Article 49 of the Law on Personal and Property Security Agencies and Private Detective Activity of Brcko District, police shall revoke the license of the personal and property security **agency or detective agency**, the authorization to perform physical security activities, or the authorization to perform detective work if any of the legal conditions on the basis of which the approval or authorization was issued ceases to exist. Consequently, this also includes the committing of a crime or a misdemeanour of domestic violence, although there are no explicit references to it.

A fine shall be imposed upon a person and property insurance agency as a legal entity if a member of the private security agency carries a firearm when he/she is not on duty performing the direct activities of guarding and protecting persons and property or if a member of the insurance agency carries his/her own firearm while performing duties.

The law does not recognize a domestic violence temporary protection order as a condition for the temporary seizure of firearms. The law also **lacks any provision regulating procedures if employees of these entities commit domestic violence.**

Carrying and keeping weapons

According to Article 20 of the Law on Personal and Property Security Agencies and Private Detective Activity of the Brcko District, private security personnel are allowed to carry firearms only during the direct performance of guarding and protecting persons and property. Private security personnel are prohibited from carrying any personal firearms while performing their duties.

Detectives **are prohibited from using firearms** and other means of coercion in the performance of their duties, except for personal protection (Article 40 of the same law).

In performing supervision activities, authorized officials shall check the legality of the operations of security agencies and detective agencies, and in particular shall inspect the approvals for the carrying of weapons and control the number, storage, and carrying of firearms, as well as the ability of personnel to handle firearms (Article 51, the Law on Personal and Property Security Agencies and Private Detective Activity of the Brcko District).

1.5

DOMESTIC VIOLENCE RECORD-KEEPING

In the Brcko District, the keeping of records on persons convicted of criminal and misdemeanour offenses in the territory of the Brcko District, as well as on persons born in the territory of the Brcko District and convicted by other courts in BiH or abroad is regulated by the Rulebook on Criminal and Misdemeanour Records (Official Gazette of the Brcko District, No. 17/02).

According to this rulebook, criminal records are kept for all persons convicted of criminal offenses, including criminal offenses related to firearm misuse. The entry of data in the criminal records is done based on information from final court decisions (Article 4). Criminal records contain information on the perpetrator of a criminal offense, the criminal offense, the sentence imposed, etc. Criminal records and acts on the basis of which data are entered into criminal records are to be classified (the Rulebook on Criminal and Misdemeanour Records, Article 10). The bodies responsible for keeping criminal records may provide data from criminal records only on the basis of a relevant request and under the conditions prescribed by law (Article 10).

In accordance with the Law on Protection from Domestic Violence of the Brcko District, subjects of protection and other organizations acting in accordance with this law are obliged to keep records of actions taken and data on the number of initiated and completed proceedings, as well as other measures taken, and submit reports to the Department of Health and Other Services (Article 29). The Department of Health and Other Services collects, processes, and records data on domestic violence in accordance with the Rulebook on the Content of Records and Reports on Domestic violence (Official Gazette of Brcko District, No. 29/18).

In accordance with Article 2 of this Rulebook, records of domestic violence are to be kept by the police, the social protection service, health care institutions, educational institutions, and the courts. The consolidation of this data is to be performed by the Department of Health and Other Services.

The relevant records should provide data on the number of initiated proceedings, the number of completed proceedings, and the number of measures imposed and implemented by the agencies providing protection (Article 6).

The records and reports on victims and perpetrators which are kept by the agencies providing protection should contain information about the sex and age of the perpetrator and victim(s), the family or other relationship between the perpetrator and victim(s), and on affected minors and persons with disabilities (Article 6).

The police are to collect data on the number of cases in which the perpetrator possessed a firearm - legally or illegally, and the number of cases in which the perpetrator possessed and used a weapon - legally or illegally (Article 7).

Currently existing bylaws do not provide information on the number of firearms which have been removed/returned on the grounds of domestic violence. If a firearm was revoked in the administrative or court proceeding, the requisite note shall state the name and seat of the court, the number and date of the court decision, or the number and date of the police decision. These records do not contain information on the grounds for the revocation of firearms or firearm licenses.

2. LINKAGES BETWEEN FIREARMS AND DOMESTIC VIOLENCE

In accordance with the Law on Police Officers of the Brcko District of BiH, Article 42, the Police shall keep the records on the following:

1. persons deprived of liberty;
2. persons for whom there are grounds for suspicion that they have committed criminal offenses;
3. committed criminal offenses, as well as persons damaged by criminal offenses;
4. criminal offenses committed by unknown perpetrators;
5. submitted reports on committed criminal offenses and requests initiating misdemeanour proceedings;
6. persons and objects sought;
7. **temporarily seized items;**
8. verification of identity;
9. persons whose identity has been established;
10. operational reports, operational sources of information, and protected persons;
11. events;
12. instances of the use of force;
13. complaints of citizens;
14. fingerprints.

In addition to these records, the Police may, for the purpose of the efficient performance of duties, keep other records that do not contain personal data. The type, content, and manner of keeping specific or exceptional records shall be determined by a special regulation of the Chief of Police.

According to the Rulebook on the Content of Records and Reports on Domestic Violence, the Police are to keep records on the number of: a) cases of each type of proposed emergency protection measure; b) cases of each type of proposed protection measure; and c) cases of each type of implemented protection measure within the competence of the police (removal from the apartment, house, or other living space; restraining order prohibiting the approaching of the victim; and restraining order prohibiting the harassment, stalking, and/or monitoring of victims of domestic violence).

The imposition of restraining orders and protective measures in accordance with the Law on Protection from Domestic Violence is under the jurisdiction of the Misdemeanour Court. In accordance with the Law on Misdemeanours of the Brcko District, a court that issues a decision on a misdemeanour and the authorized body that issues a misdemeanour order shall without delay enter the data on fines and protective measures imposed on natural, legal, and responsible persons in electronic form. Therefore, any court that issues restraining orders and protective measures is obliged to keep records (in electronic form) (Article 83). In accordance with Article 10, paragraph 2, item d of the Law on Weapons and Ammunition of the Brcko District of BiH, in the process of deciding on a submitted request for the procurement of firearms, these records are also to be checked by the Brcko District Police.

According to the Rulebook on the Content of Records and Reports on Domestic Violence, the records kept by the court should contain data on the number of submitted proposals for imposing an emergency measure, the number and type of imposed emergency measures by sex and age of the perpetrator, and the number and type of protective measures imposed on the perpetrator of domestic violence (Article 11).

According to Article 84 of the Law on Misdemeanours of the Brcko District, imposed protective measures (as defined in Article 19 of the Law on Misdemeanours) shall not be deleted from the misdemeanour records until they are fully executed or until the statute of limitations for their execution expires.

Data from the records on persons convicted of a misdemeanour, including the records on emergency and protective measures kept by the court for domestic violence, may be provided only if there are justified reasons. Data from the records for convicted persons may be provided only to another court, to a competent prosecutor's office, to competent internal affairs bodies and inspection bodies in connection with criminal or misdemeanour proceedings against a person previously convicted of a misdemeanour, to bodies competent for the execution of sanctions for misdemeanours, or to the

competent authorities involved in the deletion of such sentences.

At the request of the competent authority or person, data from the records of a convicted person may be provided if certain legal consequences of the sentence or protective measure are still ongoing or if there is a justified interest based on the law. **This provision may be applied to the Law on Weapons and Ammunition, meaning that information on restraining orders and protective measures may be provided during security checks on persons who have applied for a permit to procure firearms.**

Records on measures undertaken related to domestic violence in accordance with the provisions of the Law on Protection from Domestic Violence and the Rulebook on the Manner of Implementation of Emergency and Protective measures under the Responsibility of the Brcko District Police of BiH are kept in accordance with the Rulebook on the Content of Records and Reports on Domestic Violence.

According to the Rulebook on the Manner of the Implementation of Emergency and Protective Measures under the Responsibility of the Brcko District Police of BiH, Article 40, the organizational unit of the police responsible for the implementation of emergency and protective measures shall open and maintain a case file in which all acts created during the preparation, planning, and implementation of emergency and protective measures and the threat assessment and plan for implementing emergency and protective measures shall be documented. After the expiration of the deadline for the implementation of emergency and protective measures, case files are to be stored in the archives and kept in accordance with the regulations on archival operations.

Box 3:
Good Practices:
Australia and
Canada

Legislative reforms with respect to ownership and licensing undertaken in Canada and Australia correlate with a decrease in the overall homicide rate (15% in Canada and 45% in Australia) and particularly in the female homicide rate (45% in Canada and 57% in Australia) (IPU, CHD, 2007, p. 86), which indicates that there is a strong link between introducing tougher firearm control measures and a decrease in the lethality of the outcome in cases of intimate partner violence (AI, IANSA, OI, p. 14).

One of the most recognized measures in this regard is spouse notification, which was first introduced in Canada and has been widely promoted. Spouse notification was included in the application process for acquiring a license to possess a firearm (Possession and Acquisition License - PAL). Namely, if an individual wishes to obtain a firearm license, her/his current and former spouses (last 2 years) are to be notified. Even though the spouse's consent is not required, in the case that a spouse has any suspicions, a second revision of the application will be initiated. Furthermore, a PAL application will be reviewed in the case of any report of crimes, including domestic violence (CGA, p. 2).

This builds upon previously adopted measures as a response to the lethality of firearms in the domestic context and the restriction of access to firearms to perpetrators of domestic violence such as: the strengthening and improvement of the screening process and that 'extensive background checks are conducted on every person who applies for a license and continuous monitoring of firearm licensees is intended to ensure that license eligibility is immediately reviewed when there is a domestic violence incident' (Ibid., 2).

Legislative reforms in Australia have aimed at addressing, among other issues, the use of firearms in the context of domestic violence and numerous provisions have been introduced. The Firearms Act (1996) introduced the mandatory suspension of an adult firearm license 'if the registrar believes on reasonable grounds that the licensee has been charged with, committed, or threatened to commit a domestic violence offence. A license is automatically suspended under the Domestic Violence and Protection Orders Act 2008, if the Magistrates Court makes an interim protection order, unless the court orders otherwise. Under this section, the Magistrates Court may also order the seizure of a license, and the seizure and detention of firearms and ammunition, for the period of the interim order. A license is also automatically suspended under the Domestic Violence and Protection Orders Act 2008 (s 80 - Firearms and emergency orders) if a judicial officer issues an emergency order. The officer may also order the seizure of a license, and the seizure and detention of firearms and ammunition, for the period of the emergency order. If the registrar suspends a license under this section, the registrar must give written notice of the decision to the licensee.

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

This section provides an overview of legislative and policy responses to gendered aspects of firearms demand, use, and misuse, including linkages between masculinity and firearms. In this regard, the particular focus is on measures for the prevention of firearms misuse, particularly by young men. The section aims to capture the response to the intersection of the factors of gender and age.

As outlined in the section on legislative and policy preconditions, the majority of measures aimed at addressing the gendered aspects of firearms are envisaged by the Strategy for the Control of Small Arms and Light Weapons in BiH 2021-2024 and the Action Plan for the Implementation of the Strategy for the Control of Small Arms and Light Weapons in BiH for the Period 2021-2024. Both documents reflect the increasing recognition of the interplay between gender and age. The Gender Action Plan of BiH for the Period 2018-2022 does not explicitly address firearms-related issues, but it does envision a set of measures whose implementation could establish favourable conditions for addressing and resolving the gendered conditioning of firearm demand, use, and misuse.

THE STRATEGY FOR THE CONTROL OF SMALL ARMS AND LIGHT WEAPONS IN BOSNIA AND HERZEGOVINA FOR THE PERIOD 2021-2024

As highlighted, the Strategy for the Control of Small Arms and Light Weapons in BiH for the Period 2021-2024⁴⁴ acknowledges that gender perspective plays an important role in understanding the distribution of and demand for firearms, as well as in explaining the specific risks that women and men face with respect to firearms misuse.

The Strategy also recognizes the links between dominant masculine norms and firearms and underlines that and that men, particularly young men, make up the vast majority of perpetrators of firearm incidents.

THE ACTION PLAN OF THE STRATEGY FOR THE CONTROL OF SMALL ARMS AND LIGHT WEAPONS IN BOSNIA AND HERZEGOVINA FOR THE PERIOD 2021-2024

The Action Plan of the Strategy for the Control of Small Arms and Light Weapons in BiH for the Period 2021-2024 further operationalizes the strategic commitments and envisages the implementation of specific activities related to gendered aspects of firearm demand, use and misuse. Under Sub-goal 2.3, two specific activities tackling linkages between masculinity and firearms are foreseen:

- implement awareness-raising activities targeting men, in particular young men, on risks related to the misuse of firearms, their ammunition and explosive,
- organize round table discussions with representatives of relevant institutions and civil society organizations on how gender roles and norms can fuel risky behaviours and demand for firearms among men.

The competent bodies in BiH have been designated as the responsible parties for implementing activities in this action plan, and the coordination of the implementation of the set goals is to be carried out by the SALW Coordination Board BiH.

In addition, as indicated above, the Action Plan places special importance on the disaggregation of firearm data by sex and age, which is a precondition for gender and age responsive policies.

Age concerns are to a limited extent addressed in current small arms control legislative and policy frameworks. As per the **Law on Weapons**, the minimum age requirement for firearm license approval is 21 years, except for persons engaged in active security or military service and members of sports shooting associations who actively compete in archery, to whom weapons can be issued from the age of 18. Security vetting procedures fail to provide comprehensive guidance on specific risk factors which might determine whether an applicant, a young man in particular, could resort to violence (such as socializing with delinquent peers, criminal organisations, etc.).

Article 18 of the Law on Youth of the Brcko District of BiH (Official Gazette of Brcko District, No. 18/17), adopted in 2017 by the Assembly of the Brcko District of BiH, envisages the development of a document with a programmatic approach towards engaging young people. However, such a document has not yet been adopted.

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

The Law on Gender Equality in BiH (Official Gazette of BiH, No. 16/03 and 102/09) stipulates several provisions which could provide entry points for addressing gendered aspects of firearm demand, use and misuse:

- Addressing stereotypical gender roles could prove effective in addressing the long-term gendered factors which fuel demand for firearms or shape risk-taking behaviours. Regarding **education**, the law envisages that the relevant authorities, educational institutions, and other legal persons shall ensure that their plans and methodology provide for the establishment of an educational system that will guarantee the elimination of elements of the curriculum that contain stereotypical social roles for men and women and that result in gender discrimination and gender inequality (Article 10).
- The media are required in their programming to raise awareness on gender equality (Article 21).

FIREARM SUICIDES

The SALW Control Strategy recognizes that the presence of firearms could facilitate suicides. In that regard, it is highlighted that suicides accounted for the overwhelming majority (82.8%) of all firearm-related deaths, followed by homicides (14.3%), and accidental deaths (3%). In addition, the gender and age aspects of suicides by firearm are underlined.

The accompanying action plan envisages that a comprehensive analysis of suicides by firearm be conducted, with relevant institutions informed about the findings.

4. GENDER SENSITIVE RECORD KEEPING PRACTICES

This section provides an analysis of the legal regulation of firearms data collection, including the record-keeping of data on license approval, removal, and revocation 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 and age sensitive record-keeping.

4. GENDER SENSITIVE RECORD KEEPING PRACTICES

The issue of firearm data collection and sex and age disaggregated data is of the outmost importance in capturing the specific risks that men and women face with respect to firearms and addressing them through adequate policy responses.

The content and manner of keeping these records are determined by a rulebook issued by the Chief of Police. The Rulebook on the Content and Manner of Keeping Records is currently in force in the Brcko District (Official Gazette of the Brcko District, No. 56/11, 28/12).

As per the Law on Weapons and Ammunition of the Brcko District and the accompanying Rulebook on the Content and Manner of Keeping Records, the Police are to keep the following records:

- a) issued authorizations for the acquisition of firearms;
- b) issued approvals for the procurement of ammunition;
- c) issued firearms certificates;
- d) issued permits for carrying firearms,
- e) issued permits for the possession of firearms to legal entities;
- f) revoked, seized, and handed over firearms and ammunition;
- g) issued permits for the collection of antique firearms and permits for the possession of trophy firearms;
- h) reported firearms;
- i) missing firearms;
- j) optical sights for firearms;
- k) mechanical tracing of firearms;
- l) an electronic database.

The following data are entered in the register of issued approvals for the acquisition of firearms: the ordinal number, surname and name, address, i.e., name and premises, of the legal entity, the number and date of the issued approval, the type and quantity of the firearm(s) for which procurement was approved, and **remarks**.

Appropriate notes are entered in the "Remarks" section in cases such as: a firearm holder changing his/her personal name, or changing residence and moving to other municipality, the holder transferring (sells or donates) the weapon, **if the weapon is confiscated according to the application of a security measure or protective measure or according to in administrative proceedings**, if the weapon has been stolen or gone missing, or in the event of the death of the weapon holder (Article 18 of the Rulebook on the Content and Manner of Keeping Records).

The following data shall be entered in the **register of issued firearm certificates**: ordinal number, the surname, name, and address of the holder, the unique identification number, and relevant data on the firearm(s), such as: type, brand, and model; factory number and calibre; the serial number; the case number and date of issue of the firearm; and remarks.

The following data shall be entered in the **register of permits for carrying firearms**: ordinal number; data on the owner of the weapon (surname and name, address, unique identification number); data on the firearm (type, brand, and model; factory number and calibre); the serial and registration number of the weapon certificate; the number of the decision on the authorization to carry a firearm and the serial number of the permit to carry a firearm; the expiration date and date of issue of the permit; and remarks.

In addition, records to be kept by legal entities and individuals are as follows:

1. A sports shooting organization and a legal entity registered for the performance of hunting activities, and other legal entities that have acquired firearms and ammunition for the purpose of performing their activities, are obliged to keep records of:
 - a) procured firearms and ammunition;
 - b) issued certificates for carrying firearms and ammunition;
2. An authorized arms dealer is obliged to keep records of:
 - a) procured firearms and ammunition;
 - b) sold firearms;
 - c) sold ammunition;

- d) firearms and ammunition received for safekeeping;
- 3. A legal entity and an entrepreneur authorized to repair and modify weapons is obliged to keep records of repaired and modified weapons.
- 4. A legal entity and an entrepreneur authorized to run a civilian shooting range is obliged to keep records of:
 - a) procured firearms and ammunition;
 - b) firearms and ammunition issued for use and used ammunition;
- 5. A legal and natural person who has been issued an authorization for the collection and possession of antique firearms or for the possession of trophy firearms is obliged to keep records of the collected and trophy firearms.

All the above records are to be kept permanently, and in the event of the death of the natural person or the termination of the existence of a legal entity or entrepreneur, the records are to be handed over to the police.

The following data shall be entered in the **register of revoked, seized, and handed over firearms and ammunition (under f)**:

- the ordinal number;
- the last name and first name and address of the holder;
- the name and jurisdiction of the legal entity from which firearm was seized;
- the place of the discovery of the firearm;
- the name of the body that confiscated the firearm;
- the number and date of the act of confiscation;
- **data on the confiscation of firearms and ammunition in administrative/court proceedings;**
- **data on revoked, seized, and handed over firearms and ammunition;**
- the type, brand, model, serial number, calibre, and quantity of the seized firearm(s) and ammunition;
- seized weapons or ammunition;
- the manner of the further handling of firearms and ammunition;
- the number and date of the respective act;
- remarks.

It is not stipulated that any of the records described above are to be disaggregated by sex.

As per the Rulebook on the Content and Manner of Keeping Records, which is in accordance with the Law on Weapons and Ammunition of the Brcko District of BiH, a total of 22 templates for keeping records are prescribed. **None of these templates prescribes sex and age disaggregation of the data requested in the template.** The data entered in the records on the basis of these forms refer to the name, surname, address, and unique identification number of the person to whom the records refer, which indirectly enables sex and age disaggregation.

However, as already indicated, in accordance with Article 22 of the Law on Gender Equality, all statistical data and information that are collected, recorded, and processed in state bodies at all levels, in public services and institutions, in state and private enterprises, and in all other entities must be presented by sex.

From an analysis of the chapter "Records" of the Law on Weapons and Ammunition of the Brcko District of BiH, as well as of the Rulebook Regulating the Field of Record-Keeping, i.e., Defining the Content and Manner of Keeping Records, it can be concluded that the police as a competent body does not keep records of the requirements for the procurement of firearms and ammunition. Data on seized, found, and handed over firearms and ammunition are kept. However, this data enables only limited application for gender analysis, since existing records do not necessarily state the grounds for the seizure of firearms and ammunition, but only the name of the body that made the decision and the number and date of the decision.

Since data is not disaggregated systemically, this hinders gender analysis, which would often

4. GENDER SENSITIVE RECORD KEEPING PRACTICES

require further insight into individual cases. Bearing in mind that personal data contained in the records related to the Law on Weapons and Ammunition are to be collected, stored, and processed in accordance with the provisions of regulations governing the protection of personal data, a reasonable question arises as to who accesses this data, and in what way and with what purpose, in the case of the need for further analysis of such situations.

It is important to note that the **records kept under the Rulebook on the Determination of Health Ability for the Procurement, Keeping, and Carrying of Firearms of the Brcko District of BiH are sex disaggregated** (Report of the Commission for Health Examinations of Candidates for the Procurement, Keeping, and Carrying of Firearms on the Health Examination of Candidates and the Certificate on Health Ability for the Procurement, Keeping and Carrying of Firearms).

As already indicated, the SALW Control Strategy and accompanying Action Plan recognize the necessity to improve the system for collecting data, disaggregated by sex and age, on the distribution and impact of firearms and ammunition.

Strategic Goal 2 - Reduction of illegally owned small arms and light weapons, contains a specific objective to improve the system for collecting data, **disaggregated by sex and age**, on the distribution and impact of firearms and ammunition. In order to achieve this, it is planned that:

- a gap analysis of record keeping practices be conducted;
- a standardized form for data collection, disaggregated by sex and age, for all security agencies be developed;
- the existing legal framework on record keeping be amended and expanded with the necessary data;
- training courses on the collection and exchange of data be organised;
- daily collection of firearms data be performed and data be periodically retrieved from the system for analysis.

5.

ARMS TRADE

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

The implementation of the commitments undertaken under the Arms Trade Treaty, article 7.4 assumes that the national legislation considers the risk of conventional arms or other items being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children when conducting the export assessment.

The EU Common Position on Arms Export⁴⁵ article 2 foresees 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: Behavior of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its 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.

BiH ratified the United Nations Convention against Transnational Organized Crime on February 24, 2002 and acceded to the Protocol against the Illicit Manufacturing and Trafficking of Firearms, their Parts and Ammunition on April 1, 2008. BiH also signed and ratified the Arms Trade Treaty on September 25, 2014.

In terms of improving the legal framework of BiH, activities have been completed to divide the Law on Control of Foreign Trade in Goods and Services of Strategic Importance for BiH Security into two laws, while foreign trade in arms and military equipment is currently being harmonized with the UN Protocol, EU Common Position on Arms Exports and commitments under the ATT. The following laws have been adopted in this regard:

- Law on Control of Foreign Trade in Weapons, Military Equipment and Special Purpose Goods ("Official Gazette of BiH", No. 53/16);
- Law on Control of Foreign Trade in Dual-Use Goods ("Official Gazette of BiH", No. 53/16)⁴⁶.

THE LAW ON CONTROL OF FOREIGN TRADE IN ARMS, MILITARY EQUIPMENT AND SPECIAL PURPOSE GOODS

The conditions and procedures for the export of weapons, military equipment, and special purpose goods are prescribed by the Law on the Control of Foreign Trade in Weapons, Military Equipment, and Special Purpose Goods (Official Gazette of BiH, No. 53/16) and the Instruction on the Conditions and Procedure for Issuing Foreign Trade Documents for Foreign Trade Trafficking in Weapons, Military Equipment, and Special Purpose Goods (Official Gazette of BiH, No. 69/17).

The Ministry of Foreign Affairs of BiH grants its consent on fulfillment of the stated conditions.

The Ministry of Foreign Trade and Economic Relations of BiH issues the following documents⁴⁷:

- a) a license for the export, import and brokering of arms and military equipment listed in the Common list of Weapons and Military Equipment, a license for the export of special purpose commodities specified in the List of Special Purpose Commodities, and a license for the export and import of services related to weapons and military equipment.

Permits can be: 1) individual permits and 2) global permits,

- b) import license for special purpose commodities,
- c) international import certificate
- d) end-user certificate

45] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02008E0944-20190917>

46] Available at: http://www.msb.gov.ba/PDF/SALW_Bosanski%20FINAL_web.pdf, p. 10.

47] Article 5 of the Law on Control of Foreign Trade in Weapons, Military Equipment and Special Purpose Goods.

- e) confirmation of receipt of commodities.

Prior to issuing the above licenses, the Ministry of Foreign Trade and Economic Relations of BiH shall request the prior consent of the Ministry of Foreign Affairs of BiH, the Ministry of Security of BiH and the Ministry of Foreign Affairs of BiH. It may, if necessary, request a prior opinion from other bodies⁴⁸. The BiH Ministry of Security issues a document for the transit of weapons and military equipment⁴⁹.

The Law stipulates that the request for the issuance of the end-user certificate and the international import certificate must be submitted to the Ministry of Foreign Trade and Economic Relations of BiH. This request must be accompanied by a statement from the end-user certified by the responsible person of the end-user, stating the following:

- a) end-use of the goods, description of the goods, quantity and value and name of the exporter and importer;
- b) that the goods will not be used in whole or in part for the development, production, management, operation, maintenance, storage, detection, identification or proliferation of chemical, biological or nuclear weapons, i.e., for the development, production, maintenance and storage of missiles capable of carrying chemical, biological or nuclear weapons;
- c) that the goods will not be re-exported without the prior written approval of the Ministry, i.e., without a permit issued in accordance with this Law⁵⁰.

The Ministry of Foreign Trade and Economic Relations of BiH updates and publishes the Common list of weapons and military equipment ("Official Gazette of BiH", no. 6/17)⁵¹. This list is a translation of the Common Military List of the European Union adopted by the EU Council on February 9th 2015 (equipment covered by the Council's Common Position 2008/944 / CFSP, establishing common rules for the control of exports of military technology and equipment).

Pursuant to Article 11 of the Law on Control of Foreign Trade in Arms, Military Equipment and Special Purpose Goods, the Commission for Control of Foreign Trade in Arms and Military Equipment has the following tasks⁵²:

- a) make recommendations to the competent ministries when deciding on granting or refusing prior consent for the issuance of a license, based on the exchange of information and analysis of the subject request for foreign trade;
- b) make a proposal to the Ministry of Foreign Trade and Economic Relations of BiH on the issuance of a document or rejection of the request for the issuance of a document in case of certain ambiguities or remarks, in this case giving consent and opinion referred to in Article 8 of the Law on Control of Foreign Trade in Arms and Military Equipment, and
- c) make a proposal for revocation of the license (document) in the cases specified in Article 29 of the Law.

THE LAW ON CONTROL OF FOREIGN TRADE IN DUAL-USE GOODS

Conditions for export, brokering and transit of dual-use goods, provision of technical assistance services related to dual-use goods, issuance of international import certificate and receipt of dual-use goods is determined by the competent authorities for issuing documents and supervision of dual-use goods prescribed are by the Law on the Control of Foreign Trade in Dual-Use Goods and the Instruction on conditions and procedure for issuing documents in foreign trade in dual-use goods (Official Gazette of BiH 12/17)⁵³. The Ministry of Foreign Affairs of BiH gives its consent regarding the fulfillment of the stated conditions.

The Ministry of Foreign Trade and Economic Relations of BiH publishes the List of dual-use goods in

48] Article 8 of the Law on Control of Foreign Trade in Weapons, Military Equipment and Special Purpose Goods.

49] Article 6 of the Law on Control of Foreign Trade in Weapons, Military Equipment and Special Purpose Goods.

50] Article 25 of the Law on Control of Foreign Trade in Weapons, Military Equipment and Special Purpose Goods.

51] <http://sluzbenilist.ba/page/akt/pS2c1oxwtIA=>

52] <http://www.sluzbenilist.ba/page/akt/K7C4y8s1MK8=>

53] <http://www.sluzbenilist.ba/page/akt/BzyWnOWGaHk=>

5. ARMS TRADE

the Official Gazette of BiH, which is the official translation of the relevant List of dual-use items of the European Union⁵⁴.

The Ministry of Foreign Trade and Economic Relations of BiH issues licenses related to foreign trade in dual-use goods⁵⁵:

- a) License for export of dual-use goods;
- b) License for transit of dual-use goods;
- c) License for the provision of brokerage services with dual-purpose goods;
- d) License for the provision of technical assistance for dual-use goods.

The export of dual-use goods listed on the List requires a permit that may be⁵⁶:

- a) individual export license;
- b) global export license and
- c) general export license.

Under Article 8 of the Law on Control of Foreign Trade in Dual-Use Goods, the Commission for Control of Dual-Use Goods shall take special account of⁵⁷ the following:

- a) international obligations and foreign policy interests of BiH;
- b) realization and protection of security interests of BiH;
- c) defence interests of BiH;
- d) chemical safety;
- e) radiation and nuclear safety;
- f) trade restrictions;
- g) intended end-use and risk of abuse.
- h) When giving the prior consent, the Ministry of Foreign Affairs of BiH shall take into account the following⁵⁸ :
 - i) bans and sanctions by the United Nations Security Council, the OSCE and the European Union;
 - j) assumed international obligations, foreign policy interests and specific interests of BiH in relation to strategic foreign policy partners of BiH;
 - k) **the Common Position of the European Union;**
 - l) the principle of non-proliferation of weapons of mass destruction.

However, the Law does not explicitly mention the risk of conventional weapons or other items defined by the Arms Trade Treaty (Article 7.4) used to commit or facilitate serious acts of violence against women or serious acts of violence against women and children when conducting export assessments.

54] Article 4 of the Law on Control of Foreign Trade in Dual-Use Goods, <http://www.glasila.ba/page/akt/VTvj0IHFFH0=>

55] Article 5 of the Law on Control of Foreign Trade in Dual-Use Goods.

56] Article 10 of the Law on Control of Foreign Trade in Dual-Use Goods.

57] <http://www.sluzbenilist.ba/page/akt/lohZ4nh78h77jZxfSpvdQ=>, Article 2, paragraph 4.

58] Article 9 of the Law on Control of Foreign Trade of Dual-Use Goods.

V

CONCLUSIONS AND RECOMMENDATIONS



CONCLUSIONS

This section summarizes the conclusions from each chapter and highlights the main findings of the gender analysis of the legislation and policies relevant for small arms control. Based on comprehensive analysis the following can be concluded:

- BiH maintains highly decentralized competence pertaining to the purchase, possession, and carrying of weapons. These issues are governed according to the regulations of Republika Srpska, the cantons of the Federation of BiH, and the Brcko District. Twelve laws on arms and ammunition are in effect in BiH.
- For BiH, the issue of small arms and light weapons control is highly ranked on the security scale, primarily due to the large backlog of weapons from the war in BiH and new forms of criminal activities related to weapons, both in the region of Southeast Europe and in the member states of the European Union.
- Recent policy developments in BiH have demonstrated its increasing commitment to address the gendered dimension of small arms.
- In this regard, the **Strategy for the Control of Small Arms and Light Weapons 2021-2024** presents a significant step forward in the efforts to practically mainstream gender in small arms control policies and comprehensively address the gendered aspects of small arms.
- The SALW Control Strategy and accompanying Action Plan have the specific objective of integrating the gender perspective into SALW control.
- **The Action Plan** for the implementation of the Strategy further operationalizes these strategic commitments. It contains a comprehensive set of activities envisaged to integrate the gender perspective into relevant measures and reduce the misuse of weapons in cases of domestic violence, such as: increasing the participation of women in small arms and light weapons control; increasing the capacity of relevant institutions to integrate the gender perspective into their approaches, developing gender responsive SALW control policies, and improving institutional and strategic responses to the misuse of firearms in the context of domestic violence and intimate partner violence;
- **The SALW Control Coordination Board** is an expert inter-institutional body founded by the Council of Ministers of BiH. It is responsible for the planning, coordination, and monitoring of the implementation of the Small Arms and Light Weapons Control Strategy and the accompanying Action Plan. In addition, it is to coordinate and initiate activities with the competent authorities in BiH, prepare a revised strategy and action plan, and report annually to the BiH Council of Ministers on the implementation of the Strategy and Action plan. The Coordination Board is to be composed of representatives of the BiH Ministry of Security, the BiH Prosecutor's Office, the BiH Ministry of Foreign Affairs, the BiH Ministry of Defence, the BiH Ministry of Foreign Trade and Economic Relations, the BiH Border Police, the State Investigation and Protection Agency, the BiH Police Coordination Directorate, the Indirect Taxation Authority, the Police of the Brcko District of BiH, the Federal Ministry of the Interior, and the Ministry of the Interior of Republika Srpska.⁵⁹
- With respect to the regulation of the civilian possession of firearms and the prevention of their misuse in the context of domestic violence, the Law on Weapons and Ammunition of the Brcko District of BiH considers criminal offenses, criminal proceedings, and misdemeanours against public order and peace and other forms of violence as grounds for the rejection of an application for a permit to acquire firearms. Since in the Brcko District domestic violence is incriminated both as a misdemeanour and as a criminal offense, the history of domestic violence will be taken into account if the applicant has previously been legally convicted for domestic violence, either

for a misdemeanour or criminal offense, or if criminal or misdemeanour proceedings have been instigated against the applicant.

- In addition, the Law requires that there are no circumstances that negatively affect public peace and order, including circumstances which indicate that the firearms could be misused, such as “**severely disturbed family relations**,” “conflicts with the environment,” or “aggressive and excessive behaviour and other behavioural disorders.”
- The legislation also prescribes that the police shall undertake operational field work in order to determine that such circumstances are not in place.
- The legislation prescribes conditions for the safe storage of firearms and ammunition by both natural persons and legal entities, such as sale shops or civilian shooting ranges.
- The Law on Protection from Domestic Violence and its accompanying bylaws have extensively regulated the proceedings of relevant institutions, in particular the Subdivision for Social Protection and the police. These include proceedings related to risk assessment, the development and implementation of emergency and protective measures, and providing support to victims of domestic violence and mandatory psychosocial treatment to perpetrators.
- The relevant legislation on protection against domestic violence also regulates record-keeping by the police and enables record-keeping on the possession and use of firearms by perpetrators of domestic violence. This applies to both legally and illegally owned firearms.
- The Law on Weapons stipulates that firearms shall be **temporarily seized** (including ammunition, parts of firearms, and firearm permits) from the owner if there are grounds for suspicion that: the owner of the firearm has committed a criminal offense (except a criminal offense against public traffic safety) or the firearm has been used to commit a misdemeanour against public order and peace.
- Furthermore, the same law mandates the **confiscation of a firearm** from a person convicted of criminal offenses (including the criminal offense of domestic violence), a person against whom criminal proceedings are in progress for a criminal offence prosecuted ex officio as specified by the Criminal Code (except for criminal offenses against public traffic safety), a person who has been sentenced for a misdemeanour against public order and peace, for a misdemeanour defined by the Law on Weapons and Ammunition, or for violence specified by another law (including domestic violence), and if misdemeanour proceedings have been initiated or are ongoing against the person for such misdemeanours.
- However, despite these important provisions to prevent the use of firearms in domestic violence, certain gaps remain that should be addressed.
- As underlined in this report, **the Law on Weapons does not explicitly recognize domestic violence grounds for the rejection of a firearm license application**. With respect to domestic violence, general provisions set by this law are only effective if the applicant has been legally convicted for domestic violence, either for a misdemeanour or criminal offense, or if criminal or misdemeanour proceedings have been initiated or are ongoing against the applicant. However, in the majority of cases, domestic violence goes unreported, severely limiting the effectiveness of legislative efforts to prevent the use of firearms in domestic violence.
- In addition, even when domestic violence is reported, criminal charges are often rejected, thus creating the risk that a perpetrator will be acquitted despite having committed violence.⁶⁰ Consequently, in the context of firearm license approval and removal, specific legal provisions which would adequately address the real characteristics of domestic violence should be developed.

- While the Law refers to “severely disrupted family relations”⁶¹ as grounds for the rejection of an application to acquire a firearm, this term can be interpreted more ambiguously than domestic violence, which is legally defined both as a criminal offence and misdemeanour. This could potentially lead to risk and danger resulting from the issuance of a firearm permit.
- The security vetting procedures do not provide firm guidance on the assessment as to whether firearms could be misused in the domestic violence context, unless the violence has been reported. That domestic violence most often goes unreported places special importance on security vetting as a potentially effective tool for preventing firearms misuse in the context of domestic violence.
- In addition, neither the Law on Weapons nor any accompanying bylaws prescribe interviews with current and former partners and other family members during the background checks for domestic violence. Similarly, there is no provision mandating that security vetting procedures include consultation with the Centre for Social Work, nor one for mandatorily checking the history of domestic violence.
- The Law on Weapons does not contain any specific provision legally mandating the notification of the spouse or close family member on behalf of the responsible institution during the process of a person applying for/obtaining a firearm license.
- The issuance of a temporary restraining order for the prevention of acts of domestic violence is not explicitly stated as a condition of the security vetting for firearm applications in the Law on Weapons.
- While all forms of domestic violence are criminalized within the Criminal Code, there is no specific provision stipulating that all forms of domestic violence, such as physical, psychological, sexual, and economic, are to be considered during security vetting, unless the perpetrator has been legally sanctioned for such violence.
- The relatively short legally prescribed period after which penalties for misdemeanours, convictions for committed criminal offenses, suspended sentences, and protective measures (as envisaged by the Article 71 Criminal Code of the Brcko District of BiH) are deleted could negatively affect the effectiveness of measures to prevent the use of firearms in domestic violence cases.
- Notably, the Law on Weapons does not stipulate that the police, during the renewal process of a firearm permit, are obliged to vet requirements related to the absence of circumstances which could indicate that firearms could be misused, including severely disturbed family relationships, conflicts with the environment, aggressive and excessive behaviour, and other behavioural disorders.
- As per Article 46, paragraph 1 of the Law on Weapons and Ammunition of the Brcko District and Article 10, paragraph 2, item f, referring to severely disturbed family relationships, conflicts with the environment, aggressive and excessive behaviour, and other behavioural disorders, such circumstances are not recognized as grounds for the confiscation of firearms and ammunition from a natural person.
- The Law on Protection from Domestic Violence of the Brcko District, which criminalizes domestic violence as a misdemeanour, does not contain any specific reference to the misuse of weapons. The Rulebook on the Manner of Implementing Emergency and Protective Measures under the Responsibility of the Brcko District Police of BiH does not include any references regarding possession (legal or illegal) or access to firearms by the perpetrator, nor does it prescribe any specific procedure related to firearms, including in checking the safety of a victim.
- The Law on Protection from Domestic Violence, as well as the accompanying bylaws regulating this area, do not mention or take into account the possibility that the accused perpetrator possesses legal or illegal firearms, nor cite the possession of firearms as potentially increasing the risk to the victim of violence.
- Domestic violence risk assessment does not explicitly prescribe any assessment related to the possession of firearms, the previous use of firearms, the threat to

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acquire or use firearms, access to firearms, etc., although in practice these factors could and should be taken into account.

- There is not any explicit provision in the Law on Protection from Domestic Violence of the Brcko District or the accompanying rulebooks that stipulates that law enforcement officers are required to conduct a search for firearms and ammunition when domestic violence is reported, regardless of whether a firearm is legally or illegally owned.
- With respect to security sector professionals (law enforcement officers, military personnel, and other persons seeking employment in intelligence, defence, or security institutions), there are no clear provisions on whether candidates to be employees in security sector institutions are vetted for domestic violence during the recruitment process. The legislation regulates the carrying and keeping of weapons of personnel in security sector institutions authorized to carry firearms. For these professionals, the carrying and use of weapons are regulated by the laws and bylaws of their respective agencies and not by the Law on Weapons and Ammunition.
- The relevant legislation does not explicitly mention domestic violence as a subject of security vetting during the recruitment process of security sector personnel. Also, the basic security screening questionnaire does not contain any questions related to domestic violence.
- The provisions in the Law on Weapons and Ammunition apply to private security personnel, including procedures regarding firearms when an employee commits domestic violence. However, the Law on Personal and Property Security Agencies and Private Detective Activity, which regulates the operation of this group of professionals, does not contain any specific provision on proceedings if an employee commits domestic violence.
- The relevant legislation on gender equality provides a solid base for the mainstreaming of the gender perspective in small arms control. It stipulates that state bodies at all levels of the organizations of authorities shall ensure and promote equal gender representation in the process of managing, decision making, and representation. This includes: the introduction of programs for achieving gender equality in all spheres; the adoption of new laws or the amending of existing laws and other regulations in order to harmonize them with provisions of the Law on Gender Equality and international standards for gender equality; the implementation of activities and measures from the Gender Action Plan of BiH; data collection and analysis and measures for the elimination of identified gender inequality in a specific area.
- The Gender Action Plan recognizes the security field as a priority area and envisages several activities relevant for the integration of the gender perspective into small arms control, such as: the introduction and application of international and domestic gender equality standards; and systematic data collection and analysis.
- The Action Plan for the Implementation of UNSCR 1325 establishes the increased participation of women in the security sector as a strategic goal. In addition, it highlights the misuse of small arms and light weapons, especially in the context of the impact of the illegal possession of small arms on violence against women and domestic violence.
- With respect to record keeping, none of the templates regulated by the Rulebook on the Content and Manner of Keeping Records, which operates in accordance with the Law on Weapons and Ammunition of the Brcko District of BiH, prescribes that data requested in the template be disaggregated by sex and age. The data entered in the records on the basis of these forms refer to the name, surname, address, and unique identification number of the person to whom the records refer, which indirectly enables disaggregation by sex and age.
- The Law on Gender Equality, however, prescribes that all statistical data and information that are collected, recorded, and processed in state bodies at all levels, public services and institutions, state and private enterprises, and other entities must be disaggregated by sex.

- With respect to the arms trade, BiH has signed and ratified the Arms Trade Treaty. The relevant legislation stipulates that the Commission for the Control of Dual-Purpose Commodities take into account the international obligations of BiH and the intended end use and the risk of the misuse of exported arms. However, it does not explicitly state the risk of conventional arms or other items cited by the Arms Trade Treaty being used to commit or facilitate serious acts of GBV, domestic violence, or of violence against women and children when conducting export assessments.

RECOMMENDATIONS

BiH has established solid preconditions, both in terms of legislation and policy, for enhancing gender responsiveness in small arms control. Following the analysis of legislative and policy responses to diverse gendered aspects of small arms ownership, use, and misuse, the following recommendations for further improving legislation and policy responses are proposed:

GENERAL RECOMMENDATION

- Given the highly decentralized competence over the purchase, possession, and carrying of arms in BiH and the high degree of similarity in the relevant legislative frameworks, recommendations from this analysis could be used in the ongoing amendments and harmonization of the laws on weapons across BiH.

INTERNATIONAL COMMITMENTS

- In order to further bolster the gender responsiveness of SALW control legislation and policies, the authorities should address commitments to gender equality set in the Outcome Document of the Third Review Conference⁶² 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.
- With respect to the fulfilment of obligations stemming from the Arms Trade Treaty and its Article 7.4, which obliges states to take into account the risk of conventional arms covered under Article 2 (1) and of the items covered under Article 3 or Article 4 being used to commit or facilitate serious acts of gender-based violence, of domestic violence, or of violence against women and children, it is recommended that a bylaw regulating the necessary risk assessment be adopted.

LEGISLATIVE AND POLICY PRECONDITIONS FOR THE INTEGRATION OF THE GENDER PERSPECTIVE INTO FIREARMS CONTROL. THE PARTICIPATION OF WOMEN IN FIREARMS CONTROL

- Procedures should be established to ensure the legally prescribed number of women in the Small Arms and Light Weapons Coordination Board in BiH (at least 40%).
- The legally prescribed number of women should be ensured in the commission for assessing and deciding on submitted requests for the procurement, keeping, and carrying of firearms and ammunition (at least 40%).
- A mechanism should be established to ensure the participation of gender mechanisms and CSO's working on gender equality and gender-based violence in SALW control policy development, implementation, and evaluation.
- Gender-responsive budgeting should be utilized as a tool for enhancing the implementation of gender equality commitments related to SALW control.

LINKAGES BETWEEN FIREARMS AND DOMESTIC VIOLENCE

In the Law on Weapons, in Article 2, the term domestic violence should be included in accordance with its definition in the Criminal Code of the Brcko District, as well as in defined acts of violence, in accordance with the Law on Protection from Domestic Violence.

- Article 10 of the Law on Weapons and Ammunition of Brcko District should include a specific provision for the obligatory notification of the firearm applicant's spouse (current and former from the last two years) or close family member(s) living in the same household by the responsible state institution during the process of seeking to obtain a firearm license. If any suspicion is raised, a second revision of the application should be initiated.
- Article 10 of the Law on Weapons and ammunition **should define the procedures for the verification and obtaining of evidence on domestic violence**. This is especially important given the existing shortcomings in reporting and documenting cases of domestic violence.
- The Rulebook on the Forms and Content of the Forms Prescribed by the Law on Weapons and Ammunition in the Brcko District regulating security vetting should provide comprehensive procedures, and guidance on procedures, with respect to the security vetting of circumstances indicating that firearms could be misused. These should include domestic violence, but also other circumstances cited by Article 10 of the Law on Weapons, such as: severely disturbed family relationships, conflicts with the environment, aggressive and excessive behaviour, and other behavioural disorders. This guidance should specify with whom interviews are to be conducted (spouses, former spouses, family members, neighbours, relatives, friends) and an exhaustive list of the obligatory questions and procedures in conducting the interviews.⁶³ It should be ensured that intimate partners or members of the same household are interviewed, and their opinions appropriately considered.:
- In addition, the term "severely disturbed family relationships" requires a more precise definition, while the method of its determination should also be more precisely established.
- Security vetting regarding firearms should include consultations with the Centre for Social Work as a mandatory procedure in order to obtain data on any history of reported domestic violence on the part of the applicant, including stalking, as well as checks on any protective and restraining orders imposed.
- In addition, the manner of the "operational work of the police in the field" should be specified by establishing clearly defined procedures for officers when conducting security vetting and developing accompanying practical guidelines. This could help reduce the possibility of subjective, inadequate, and incomplete assessment.
- The security vetting of persons seeking to acquire weapons should include records of aggressive or anti-social behaviour, which may include records of hostility likely to lead to violent acts against particular groups categorized by race, gender, disability, sexual orientation, age, religion, class, or the like.
- In Article 25, paragraph 6 of the Law on Weapons and Ammunition of the Brcko District, it should be added that the Police, during the renewal of a firearm license, determine whether the owner of the weapon meets the conditions prescribed in Article 10, paragraph 2, item f. Currently, Article 25, regulating the renewal of firearm licenses, does not stipulate that the Police are obliged to vet the general conditions from Article 10, paragraph 2, item f referring to severely disturbed family relationships.
- Amend Article 46, paragraph 1 of the Law on Weapons and Ammunition of the Brcko

63] Such interviews need to be conducted with sensitivity, and officers must take into account that a victim of domestic violence may be unwilling to speak openly with the police for fear of further violence or reprisals. Information provided during interviews must be treated as confidential. Officers must have received adequate training so that they are aware of the indicators of domestic abuse, and how to support victims and keep them safe. They should be aware that there may be a need to take active steps to protect an applicant's partner from reprisals. This is particularly important in the event that the partner is interviewed in connection with the application and provides information which leads to a refusal or revocation since the applicant might blame their partner and resort to violence.

Source: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/518193/Guidance_on_Firearms_Licensing_Law_April_2016_v20.pdf, page 101.

District, to include as grounds for the confiscation of firearms, ammunition, and firearms permits the general conditions of Article 10, paragraph 2, item f, which refer to “other circumstances that indicate that the weapon could be misused, such as: excessive alcohol consumption, consumption of narcotics or other intoxicants, severely disturbed family relationships, conflicts with the environment, aggressive and excessive behaviour and other behavioural disorders, criminal intelligence reasons, and reasons that indicate a connection with persons from the criminal intelligence records, etc.”

- Article 24 of the Law on Weapons and Ammunition of the Brcko District regulates that a natural person seeking to carry a firearm for which he/she has a firearm permit for the purpose of personal security shall submit to the police a written request for a permit to carry a firearm and the request shall be decided upon by the Chief of Police. It is recommended that the conditions which need to be fulfilled in order for a natural person to be issued a permit to carry a firearm be precisely defined.
- Unified procedures should be developed and adopted for police officers for checks related to firearms in cases of domestic violence, such as: a mandatory check on whether the reported person possesses a firearm before the arrival of the police to the scene; the mandatory seizure/confiscation of firearms if the accused perpetrator possesses a firearm – whether legally or illegally; the mandatory searching of the house, car, ancillary facilities, etc., in order to check for the possession or presence of illegal firearms and verify whether the perpetrator has access to firearms owned by other family members or friends, or through memberships in associations – hunting, sports, etc.
- Include detailed guidance on the risk assessment related to use of firearms in domestic violence in the Rulebook on the Manner of the Implementation of Emergency and Protective measures under the Responsibility of the Brcko District Police of BiH. The risk assessment should provide a comprehensive list of precisely defined questions which should guide police officers in the risk assessment.⁶⁴
- The carrying and keeping of service firearms by security sector personnel outside of working hours and working stations might require further regulation. Therefore, it is recommended that this issue be thoroughly and appropriately regulated by specific bylaws regulating the operation of the security sector personnel.
- Security vetting of the history of all forms of domestic violence during the recruitment process for all security sector professionals authorized to carry firearms should be more thoroughly regulated.
- The Rulebook on the Carrying of Weapons and Ammunition by the Brcko District Police (adopted in 2008) should be reassessed and aligned with The Council of Europe Convention on preventing and combating violence against women and domestic violence so as to contain provisions relating to the seizure of service weapons from a police officer in specific circumstances, including for the misdemeanour of domestic violence.
- A comprehensive analysis of institutional practices and actions of the competent services undertaken to prevent the misuse of firearms in the context of domestic violence and intimate partner violence should be conducted.

RESPONSES TO THE GENDERED ASPECTS OF FIREARM DEMAND, USE, AND MISUSE

- Strategic synergies should be enhanced to maximize the effects of the proposed actions in the prevention of, and in addressing, firearm demand, use, and misuse contained in the Strategy for Small Arms and Light Weapons Control and the accompanying Action Plan and in other relevant strategies, such as the Gender Action Plan of BiH. In doing so, it is

^{64]} These questions could include those seeking information on the possession of legal or illegal firearms, ammunition, explosives, etc., on the threat to acquire weapons, ammunition, or explosives, on the threat to use firearms, ammunition, or explosives, and on the possibility of the illegal procurement of or access to firearms and ammunition (for example by relatives, friends, and acquaintances or through hunting or sporting associations, etc.).

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recommended that relevant actors build on experiences gained in integrating gender and small arms concerns in the Action Plan for the Implementation of UNSCR 1325.

- The security vetting procedures related to firearms should take into account specific risks factors stemming from the specific gender norms of masculinity and the intersection of the factors of gender and age, resulting in a predominance of young men among the perpetrators and victims of firearm misuse.

- Security vetting procedures for Article 10 of the Law on Weapons of the Brcko District of BiH should also provide tools for the assessment of risks on whether firearms could be used in the context of suicide.⁶⁵
- Gender sensitive methodologies should be developed for the monitoring and evaluation of SALW control legislation and policies.

GENDER SENSITIVE RECORD KEEPING

- It should be ensured that the Law on Weapons and Ammunition and relevant bylaws stipulate that all data collected and records kept be disaggregated by sex and age.
- Into the existing forms kept on the basis of the Law on Weapons and Ammunition, the category of the ground for the confiscation of firearms and ammunition should be introduced in order to facilitate enhanced monitoring and analysis and to provide information on how many firearms are removed/returned on the grounds of domestic violence.
- Procedures should be established for keeping records on seized and returned firearms, including sex-disaggregated statistics and the grounds for confiscating firearms.
- Procedures should be established to improve the exchange of data between responsible state institutions which play crucial roles in preventing and combating domestic violence, especially between the Centre for Social Work, health care institutions, and the police.

⁶⁵ For instance, the American Foundation for Suicide Prevention provides practical advice on how to prevent firearm suicides - from practicing safe storage and the temporary removal of access to firearms when someone is at risk to learning about common risk factors and warning signs of suicide. More information at: <https://afsp.org/an-introduction-to-firearms-and-suicide-prevention>

REFERENCE LIST

INTERNATIONAL DOCUMENTS

The Arms Trade Treaty

Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)

United Nations Convention against Transnational Organized Crime

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol)

EU Common Council Position on Arms Export 2008/944/CFSP

The Roadmap for a Sustainable Solution to the Illegal Possession, Misuse and Trafficking of SALW and their Ammunition in the Western Balkans by 2024

LAWS

Law on Weapons and Ammunition in the Brcko District of BiH, "Official Gazette of Brcko District" No.39/11, 2/12, 6/13

Law on the Production of Weapons and Military Equipment, "Official Gazette of BiH" No. 9/04, 25/09

Law on the Control of the Movement of Weapons and Military equipment, "Official Gazette of BiH" No. 53/09, 22/16

Law on the Marking of Small Arms, Light Weapons, and Associated Ammunition, "Official Gazette of BiH", No. 83/16

Law on the Control of Foreign Trade in Arms, Military Equipment, and Special Purpose Commodities, "Official Gazette of BiH" No. 53/16

Law on the Control of Foreign Trade in Dual Purpose Commodities, "Official Gazette of BiH" No. 53/16

Law on Personal and Property Security Agencies and Private Detective Activity, "Official Gazette of Brcko District" No. 27/04, 15/05, 37/05

The Criminal Procedure Code of the Brcko District of BiH, "Official Gazette of Brcko District" No.34/13, 27/14, 3/19, 16/20

The Criminal Code of the Brcko District of BiH, "Official Gazette of Brcko District" No.19/20

Law on Protection from Domestic Violence of the Brcko District of BiH, "Official Gazette of the Brcko District of BiH", no. 7/18

Law on the Intelligence and Security Agency of BiH, "Official Gazette of BiH" No. 61/14

Law on Police Officers of the Brcko District, "Official Gazette of Brcko District" No.18/20

Law on the Police of the Brcko District of BiH, "Official Gazette of Brcko District" No. 18/20, 41/20

Law on the Judicial Police of the Brcko District of BiH, "Official Gazette of Brcko District" No.3/21

Law on Indirect Taxation Authority "Official Gazette of BiH" No. 89/05

Law on Service in the Armed Forces of Bosnia and Herzegovina, "Official Gazette of BiH" No. 88/05, 53/07, 59/09, 74/10, 42/12, 41/16 and 38/18

Law on Misdemeanours of the Brcko District of BiH, "Official Gazette of Brcko District" No. 24/07, 29/16

Law on Service in the Armed Forces of BiH, "Official Gazette of BiH" No. 88/05, 53/07, 59/09, 74/10, 42/12, 41/16 and 38/18

Law on Prohibition of Discrimination, "Official Gazette of BiH" No. 59/09

Law on Gender Equality in BiH, "Official Gazette of BiH", No. 16/03 and 102/09

Law on the Protection of Classified Data, "Official Gazette of BiH" No. 54/05, 12/09

Law on Hunting, "Official Gazette of Brcko District" No.27/07

Law on Forests of the Brcko District of BiH, "Official Gazette of Brcko District" No. 14/10, 26/16

Law on Youth of the Brcko District of BiH, (Official Gazette of Brcko District 18/17)

REFERENCE LIST

Law on Public Order and Peace of the Brcko District of BiH, "Official Gazette of Brcko District" No. 32/09, 14/10
Law on the Transport of Explosive Materials and Flammable Liquids and Gases, "Official Gazette of Brcko District" No. 27/07
Law on Customs Policy in BiH, "Official Gazette of BiH" No. 58/15

BYLAWS

Rulebook on the Determination of Health Ability for the Procurement, Keeping, and Carrying of Firearms of the Brcko District of BiH, not available online, "Official Gazette of Brcko District" No.17/12
Rulebook on Determining the Conditions and Deadline for Firearms Inspection, "Official Gazette of Brcko District" No. 28/12
Rulebook on the Manner and Conditions for the Safe Storage and Keeping of Firearms and Ammunition, "Official Gazette of Brcko District" No.28/12
Rulebook on the Forms and the Content of Forms Prescribed by Law on Weapons and Ammunition in the Brcko District in BiH, "Official Gazette of Brcko District" No.28/12
Rulebook on the Training Program and the Manner of Training for Proper Handling, Keeping, and Carrying of Firearms, "Official Gazette of Brcko District" No.28/12
Rulebook on the Manner and Procedure of Supervision and Control over the Implementation of the Law on the Control of the Movement of Weapons and Military Equipment, "Official Gazette of BiH" No. 95/16
Rulebook on the Procedures and Methods of Marking Weapons and Ammunition, "Official Gazette of BiH", No. 49/18
Instructions on the Conditions and Procedure for Issuing Documents in the Foreign Trade of Dual-Purpose Commodities, "Official Gazette of BiH" No. 12/17
Instructions on the Supervision over Legal and Natural Persons Who Have Been Issued Documents, or Who Have Been Registered, for Foreign Trade of the Control List goods, "Official Gazette of BiH" No. 28/10
Rulebook on the Content, Appearance, and Keeping of Records Prescribed by the Law on Personal and Property Security Agencies and Private Detective Activity, "Official Gazette of Brcko District" No.46/04
Rulebook on the Spatial Conditions and Technical Means and Equipment for Performing Physical and Technical Security and Detective Work, "Official Gazette of Brcko District" No.46/04
Rulebook on the Use of Physical Force and Firearms in the Performance of Duties of Personal and Property Security Agencies and Private Detective Agencies, "Official Gazette of Brcko District" No.46/04
Rulebook on the Conditions and Manner of the Implementation of Physical and Technical Security, "Official Gazette of Brcko District" No.46/04
Rulebook on the Content, Appearance, and Keeping of Records Prescribed by the Law on Personal and Property Security Agencies and Private Detective Activity, "Official Gazette of Brcko District" No. 46/04
Rulebook on the Manner of Implementing Emergency and Protective Measures, not available online
Rulebook on the Content of Records and Reports on Domestic Violence, not available online, "Official Gazette of the Brcko District of BiH", no. 29/18
Brcko District Police Code of Ethics, "Official Gazette of Brcko District" No.18/03
Rulebook on the Use of Force, "Official Gazette of Brcko District" No.13/08
Rulebook on the Manner of Keeping and Carrying Firearms and Ammunition, "Official Gazette of Brcko District" No.13/08
Rulebook on Carrying and Using Weapons (by Members of the Military Defence Structures of BiH), not available online, not published in Official Gazette
Rulebook on the Manner of Performing Basic Security Checks in the Ministry of Defence of Bosnia and Herzegovina and the Armed Forces of Bosnia and Herzegovina, not available online, not published in Official Gazette

REFERENCE LIST

Rulebook on the Appearance and Content of the License for Access to Classified Information, Security Questionnaires, Statements, and other Documents Prescribed by the Law on the Protection of Classified Information, "Official Gazette of BiH" No. 12/04, 20/04, 56/06, 12/09

Rulebook on Criminal and Misdemeanour Records of the Brcko District, not available online

Rulebook on the Manner of Keeping and Carrying Firearms and Ammunition (for Police Officers and State Level Agencies), not available online

Rulebook on the Manner of the Performance of Security Vetting and Sources of Data when Performing Security Vetting, "Official Gazette of BiH" No. 63/13

Rulebook on the Conditions of Accompanying and Securing the Transport of Money, Securities, Precious Metals, and Metals, not available

Rulebook on the Mandatory Conditions for Retailers of Explosives, and for Containers and other Warehouses for Keeping Explosives, as well as on the Conditions and Manner of their Use, "Official Gazette of Brcko District" No. 32/08

Rulebook on Processing Applications for the Issuance of Documents for the Transit of Goods Specified in Control Lists, "Official Gazette of BiH" No. 8/11

List of Special-use Goods, "Official Gazette of BiH" No. 65/19

Judicial Police Rules, available online

Decision on the List of Weapons and Military Equipment whose Movement Requires Approval, "Official Gazette of BiH" No. 62/17

STRATEGIC DOCUMENTS

Strategy for the Control of Small Arms and Light Weapons in BiH for the Period 2021-2024.

Action Plan, the New Action Plan of the Strategy for the Control of Small Arms and Light Weapons in BiH for the Period 2021-2024, not available online

Gender Action Plan of Bosnia and Herzegovina for the Period 2018-2022, "Official Gazette of BiH" No. 89/18

Action Plan for the Implementation of UN Security Council Resolution 1325 in Bosnia and Herzegovina for the Period 2018-2022, "Official Gazette of BiH" No. 89/18

Protocol on Cooperation and Action in Cases of Violence against Women and Domestic Violence in the Brcko District of BiH

OTHER REFERENCE MATERIALS USED

Bosnia and Herzegovina, Small Arms and Light Weapons Survey 2012-2016, UNDP SEESAC, 2019

Gender and Small Arms in Bosnia and Herzegovina: Fast Facts, UNDP SEESAC, 2019

Training Manual on Gender-Mainstreaming Small Arms Control, UNODA, 2020 (unpublished)

Lebrun (ed.), Gender-responsive Small Arms Control: A Practical Guide. Geneva: Small Arms Survey, 2019

Gender Responsive Small Arms Control in the Decade of Action for the SDGs, The Pathfinders for Peaceful, Just and inclusive Societies, February 2020

Guide on Firearms Licensing Law, Home Office, 2016

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 Council Position on Arms Export 2008/944/CFSP



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