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





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TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
I INTRODUCTION	14
II CONTEXT: OVERVIEW OF KEY DATA ON THE GENDERED ASPECTS OF SMALL ARMS	18
III INTERNATIONAL FRAMEWORKS	22
IV GENDER ANALYSIS OF LEGISLATION AND POLICIES RELEVANT TO SMALL ARMS CONTROL IN MONTENEGRO	28
1. LEGISLATIVE AND POLICY PRECONDITIONS FOR THE INTEGRATION OF THE GENDER PERSPECTIVE AND THE PARTICIPATION OF WOMEN IN SMALL ARMS CONTROL	30
2. LINKAGES BETWEEN FIREARMS AND DOMESTIC VIOLENCE, VIOLENCE AGAINST WOMEN, AND GENDER-BASED VIOLENCE	36
3. RESPONSE TO GENDERED ASPECTS OF FIREARM DEMAND, USE, AND MISUSE	60
4. GENDER SENSITIVE RECORD KEEPING AND DATA COLLECTION PRACTICES	62
5. ARMS TRADE	66
V CONCLUSIONS AND RECOMMENDATIONS	70
REFERENCE LIST	78

ABBREVIATIONS AND ACRONYMS

UNDP	United Nations Development Programme
SEESAC	The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
SALW	Small arms and light weapons
EU	European Union
CoE	Council of Europe
SEE	South East Europe
NGO	Non-governmental organizations
WNGO	Women's non-governmental organizations

EXECUTIVE SUMMARY

The misuse and proliferation of small arms and light weapons (SALW) is recognized as a serious threat to the security of citizens, stability, and development, especially in South East Europe. Firearm ownership has a strong gender dimension. Research on the impact of small arms on domestic violence has documented clear linkages between firearms possession and domestic violence. Studies by the World Health Organisation show that femicides committed by intimate partners account for somewhere between 40 and 70 percent of all femicides.¹

In Montenegro, men represent an overwhelming majority when it comes to the possession, use, and misuse of firearms. They dominate among both perpetrators and victims of firearm-related incidents. When men are victims of firearm homicides, the majority are killed by other men. Women rarely possess firearms, seldomly misuse them, and, unlike men, they are significantly more often the victims than the perpetrators of firearm incidents. This is particularly true in the domestic violence context. Perpetrators of firearm-related violence against women are most often their current or former intimate partners, and the presence of firearms drastically increases the likelihood of a lethal outcome.

Montenegro has made significant progress in gender mainstreaming SALW control legislation and policies. However, as documented by this analysis, further comprehensive action is needed in order to improve the gender-responsiveness of the SALW control legal and strategic framework and thus provide more effective measures aimed at ensuring security for all citizens - women, men, girls, and boys.

This analysis is intended and expected to contribute to a better understanding of the gendered aspects of small arms. This study aims to provide a comprehensive analysis of the relevant SALW legal and strategic framework and offer forward-looking recommendations for a more effective response to the use and misuse of firearms in the context of domestic violence and gender-based violence.

KEY FINDINGS

Significant legislative and policy efforts have been undertaken by institutions in Montenegro to integrate the gender perspective into SALW control. This is primarily reflected in legal provisions on the prevention of the misuse of firearms within the domestic violence context. In addition, the SALW control strategic framework is increasingly recognizing: the gendered aspects of small arms, such as gender factors

that boost the demand for firearms and shape risk behaviours; the essential importance of women's participation in SALW control; and the need for establishing the preconditions for mainstreaming gender into SALW control policies.

Below are the key findings of the analysis, according to the primary thematic areas outlined above.

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

The Law on Gender Equality (Official Gazette of Montenegro, No. 046/07 of 31 July 2007, Official Gazette of Montenegro, No. 073/10 of 10 December 2010, No. 040/11 of 8 August 2011, and No. 035/15 of 7 July 2015) serves as the primary basis for the integration of the gender perspectives into small arms control. State authorities, public and local administration bodies, public institutions, public companies, and other legal entities exercising public powers, as well as business entities, alongside other legal entities and entrepreneurs, have the duty to assess and evaluate in all the stages of planning, adopting, and enforcing decisions, as well as in carrying out activities within their mandate, the effect of such decisions and activities on the position of women and men with a view to achieving gender equality. This principle also applies to the SALW coordination bodies.

In addition to the legal provisions prescribing the implementation of gender equality in all the segments of the public and private sector, Montenegro has adopted the Action Plan for Achieving Gender Equality for 2017-2021 as a strategic document with the same goal. In this

1] L. L. Dahlberg, E. G Krug, A. J. Mercy, A. Zwi and R. Lozano, World report on violence and health. Geneva, World Health Organisation, 2002;

regard, one of the goals set out in the Plan is to create a society of equal opportunities and eliminate all forms of discrimination on the grounds of sex and gender. This goal includes a sub-goal aimed at integrating the gender equality principle into the design and implementation of all national policies (programmes and strategies) and actions by state bodies.

The Strategy for Combating Illegal Possession, Misuse and Trafficking in Small Arms and Light Weapons and their Ammunition for 2019-2025 and the Action Plan for the Implementation of the Strategy for Combating Illegal Possession, Misuse and Trafficking in Small Arms and Light Weapons and their Ammunition for 2019-2025 are key strategic documents aimed at the development of a comprehensive and effective system of SALW and ammunition control through establishing a legal framework for arms control and reducing illegal flows and the proliferation and misuse of firearms, ammunition, and explosives. The Strategy is explicit about the commitment to improve gender equality in SALW control, as stated in Goal 2 – *fully integrate gender and age perspectives into control policies, through the following activities:*

- develop measures and establish procedures for ensuring equal representation of women in the SALW Commission and other relevant bodies;
- implement training on gendered aspects of SALW/firearms for members of the SALW Commission and all other institutions responsible for the implementation of SALW control policies;
- conduct an analysis of the relevant procedures in cases involving the misuse of firearms in the context of domestic violence and intimate partner violence and propose follow-up measures;
- implement the training of police officers on domestic violence and the risks associated with the possession of SALW/firearms and ensure the meaningful participation of women in SALW/firearms control.

The Strategy also sets out a complementary goal of collecting firearms data disaggregated by sex and age regarding the seizure of legal and illegal SALW/firearms, armed violence incidents, ballistic evidence, and other firearms-related data.

In addition, the Action Plan for the Implementation of the UN Security Council Resolution 1325 - Women, Peace and Security for Montenegro establishes three priorities relevant to the issues of this study. These priorities, as defined in the Action Plan and intended to serve as entry points for achieving the plan's goals, include: increasing the participation of women in decision-making and peace building; protecting women and girls in conflict zones; and integrating the gender perspective and gender education into peace operations. Guided by these priorities, the Action Plan defines the following as goals relevant to this report:

- introducing gender-balanced representation into activities of the security sector system;
- increasing women's representation in actions and decision-making in security and peace- building.

Under the Ministry of the Interior's Decision No. 01/220/13-59418/2 of 12 September 2013, a Coordination Body has been set up for the control and reduction of SALW, and for the planning, coordination, implementation, and oversight of activities in this field. As set forth by the Decision, this body is to be chaired by an officer of the Ministry of the Interior, in his/her role as the National Coordinator, with representatives of the following authorities in its composition: the Ministry of the Interior, the Ministry of Foreign Affairs and European Integration, the Ministry of Defence, the Ministry of the Economy, the Ministry of Finance, and the Customs Administration. The Coordination Body is tasked with: managing, organizing, and planning the activities of the competent state authorities and public administration bodies and other relevant bodies in implementing the Strategy through; setting and monitoring the priorities, their dynamics, and the deadlines for their implementation; assessing the results achieved; and reporting to the Government. The Coordination Body reports annually on the degree and quality of the implementation of the Action Plan measures, makes an assessment of the current situation, and proposes measures for further action. At present, the Coordination Body consists of five (5) members, two (2) of whom are women.

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

Civilian possession and use of firearms are regulated by the Law on Weapons (Official Gazette of Montenegro, No. 010/15). The Law on Weapons recognizes domestic violence as an important aspect of the eligibility assessment of applicants for a firearm acquisition permit. Domestic violence is incorporated into three general requirements for the issuance of a firearm acquisition permit, which prescribe that:

- the applicant has no record of prior convictions for acts with elements of violence which are contained in criminal acts against marriage and family, human rights and freedoms, or sexual freedom, as well as that no criminal proceedings have been initiated for such a criminal act;
- the applicant has no record of prior convictions for misdemeanours indicating that firearms could be misused, especially for misdemeanours with elements of domestic violence, as well as that no proceedings have been initiated for such a misdemeanour;
- and that there are no indications that the firearms could be misused, such as, but not limited to, disturbed family relations.

The same applies to the firearm permit renewal procedure. When a person ceases to fulfil all of the legal requirements, Art. 48 (1) of the Law on Weapons prescribes that the Ministry of the Interior shall seize his/her firearms, ammunition, and relevant permits/documents for firearms and issue a decision thereon. The Law on Weapons further stipulates that if there are indications that firearms could be misused, especially due to the consumption of alcohol, drugs, or other psychoactive substances, or due to disturbed family relations, any firearms, ammunition, and relevant permits/documents for firearms shall be seized immediately, prior to the completion of any corresponding criminal, misdemeanour, or administrative proceedings, so that any appropriate preventive measures for protection against domestic violence or for the protection of public order can be immediately implemented.

Although these legal provisions play an important role in restricting access to firearms in domestic violence cases, several gaps have been identified that need to be addressed to further increase the effectiveness of the legislative framework:

1. The Law on Weapons does not explicitly stipulate whether criminal offences against marriage and family, sexual freedom, and the rights and freedoms of citizens which do not necessarily involve physical violence, but some other form of violence, such as psychological, economic, or sexual violence, would also disqualify an applicant from being issued a firearm acquisition permit.
2. The Law on Weapons and the relevant accompanying bylaws do not specify how relevant background checks are to be carried out, nor the exact manner in which a police officer shall collect data on an applicant with respect to the qualifying condition of the absence of any indications that firearms could be misused due to disturbed family relations. It is assumed that in practice the vetting of such indications amounts to institutional checks of completed criminal and misdemeanour proceedings, regardless of their outcomes. What represents a problem in this regard, however, are unreported domestic violence cases, as well as cases of such reports that have not yet been processed, neither of which would seem to be taken into account when an application for a firearm permit is reviewed.
3. Neither the Law on Weapons nor the corresponding regulations on its implementation mandate that interviews be conducted with an applicant's present or former intimate partners and/or with other family members or neighbours as part of the permit eligibility assessment procedure with regard to indications of disturbed family relations.
4. The Law on Weapons does not obligate the relevant line authority to inform present or former spouses or other immediate family members of the applicant of any applications filed by the applicant for a firearm acquisition permit.

5. The Law on Weapons does not explicitly require that a check be carried out on the presence or previous issue of any protective measures imposed in domestic violence proceedings on the applicant. This makes it unclear as to whether this is checked as part of the vetting procedure for any indications that firearms could be misused, or for indications of disturbed family relations.

Regarding health requirements, the legal framework does not contain an instrument to govern how the health status of an applicant for a firearm permit is assessed, which makes it unclear as to how an applicant's mental and physical capacities are assessed in practice.

Carrying firearms in public is generally prohibited. Exempted from this rule is any physical person who has been issued a firearm license² to hold and carry weapons and who may carry weapons for use in hunting grounds, shooting ranges, sports competitions, or other places designated for shooting exercises. A natural person who has been issued a license for holding firearms may move them solely: for the purpose of their repair or modification; in cases of a change of residence; or for their use in shooting ranges. Natural persons are forbidden to carry or use firearms when under the influence of alcohol, drugs, or other psychoactive substances, or in any state which makes the person incapable of understanding the potential effects of their actions and/or of controlling their acts. Persons legally authorized to provide physical protection services to persons and property may carry weapons when exercising their duty, in line with the legislation governing physical protection services for the security of persons and property.

The most significant powers for protection against domestic violence rest with the police and social work centres. In this respect, police officers are authorized, at the request of the property holder or in order to, as a matter of necessity, prevent a crime, arrest the perpetrator, rescue victims, or save property, to enter a person's house or other residential property without a court warrant and conduct a search where necessary. In addition, police officers are authorized, even without possession of a warrant and without a witness attending, to search a relevant person when enforcing a forced apprehension order or arrest warrant, in cases in which it is deemed that there is a suspicion that the person is holding weapons or assault objects or a suspicion that the person might dispose of, hide, or destroy the items, including firearms, that are to be seized to serve as evidence in criminal proceedings. During such a search, only those items and documents that are linked to the purpose of the search shall be seized. The police are authorized to seize such items even before an investigation is launched if there is a danger of the proceedings being delayed. In addition, Art. 56 (a) of the Law on Internal Affairs provides that a police officer, in order to prevent the commission of a crime or misdemeanour, may seize an item, provided that: 1) according to the circumstances of the case, the nature and properties of the item(s) indicate that it is intended to be used for the commission of a criminal offence or misdemeanour; 2) it is necessary for the protection of general security; 3) the item could be used for self-harm or assault, or for the purposes of absconding, hiding, or destroying any item(s) serving as evidence that a criminal offence or misdemeanour has been committed.

Another legal basis for police action for preventing and protecting against domestic violence is the Law on Domestic Violence Protection. This legislation stipulates that in cases in which the police receive information on such violence, they shall take prompt action to protect the victim, in accordance with this law and the laws governing police work and powers, misdemeanour procedure, criminal procedure, and witness protection procedures. To eliminate any threat to the physical integrity of the victim, the police officer may order the accused perpetrator to abandon the residence, or restrict him/her from returning to the house or another residential property, for no longer than three days. The Protocol on Actions, Prevention of and Protection against Family Violence establishes the duty of the relevant police officer to check whether the perpetrator is in possession of weapons/firearms and, in cases in which the perpetrator is found to be in legal or illegal possession of weapons/firearms, to take all legal actions necessary to remove, or seize, such weapons from the accused perpetrator. After securing conditions of privacy for the purpose of interviews, police officers are to conduct separate interviews with the reported victim and accused perpetrator of domestic violence, utilizing the questions from the Risk and Security

² In this report, the firearm license shall refer to the following firearm documents as defined by Article 10 of the Law on Weapons: issued weapons acquisition permits, weapons registration cards for holding weapons, weapons registration cards for holding and carrying weapons, permits for holding weapons, permits to collect antique weapons, and permits for handling weapons.

Assessment Questionnaire, provided as an annex to the Protocol. One of the questions inquires as to whether the perpetrator is in possession of any weapons/firearms. However, this regards only the perpetrator and does not extend to other family members. Based on their observations and the responses received, the relevant police officers then assess the risk of violence as low, moderate, or high and apply their powers in accordance with these risk categories to ensure the security of the victim of violence and to prevent any reoccurrence of the violent behaviour. A large number of “Yes” answers circled points to a higher risk of violence, while any positive replies to the questions marked in red automatically imply a high risk. However, the question regarding the accused perpetrator’s possession of weapons/firearms is not marked in red. Correspondingly, if, in combination with the positive replies to other questions, the result is not more than eight “Yes” answers, a high-risk level will, worryingly, not be indicated.

The relevant regulations do not set out any specific tasks or duties on the part of social work centres in determining the presence of weapons in cases of domestic violence. However, these centres are responsible for a series of activities designed to protect victims of violence. For example, the centres are to draw up a victim protection plan together with members of the multidisciplinary team, including the police. The plan, therefore, should include measures to eliminate the risk of access to weapons/firearms.

Security sector officers are authorised to carry and use firearms while on duty. This primarily refers to police officers, officers of the National Security Agency, customs officers, army officers, authorized gamekeepers, and authorized employees of the Forest Service and private security companies. Private detectives are not allowed to use firearms in performing their duties. There is an explicit legal provision requiring security vetting, including the checking of records of any prior domestic violence criminal convictions as part of the review of general criminal records, that applies solely to applicants for positions in the Army and the National Security Agency, though these procedures do not include checking for misdemeanour offences. In regard to the security vetting of police and customs officers, however, checks of any prior domestic violence convictions are not specifically required as part of the obligatory employment-related security checks, although they may be part of internal controls. Personnel working in authorized private security agencies are not subject to checks on misdemeanour offences.

The employment status of police officers, officers of the National Security Agency, and customs officers remains unchanged in cases of domestic violence convictions with sanctions under six months in prison, and for military personnel, in cases of misdemeanour convictions.

While the relevant legislation extensively regulates the use of firearms by authorized security sector professionals while on duty, there is a need for additional legislation on the holding and carrying of service firearms outside of working hours by those officers who carry them 24 hours a day.

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

A number of strategic policies address issues relevant for enhancing the gender responsiveness of firearms control in Montenegro. The majority of measures for addressing the gendered aspects of small arms are provided by the Strategy for Combating Illegal Possession, Misuse and Trafficking of Small Arms and Light Weapons and Ammunition for the period 2019-2025. Other strategies only marginally address these aspects or fail entirely to recognize the specific convergences between firearms control and gender dimension.

Apart from measurers listed in the section on legislative and policy preconditions for mainstreaming gender in small arms control, **the Strategy for combating illegal possession, misuse and trafficking of small arms and light weapons and ammunition from 2019 to 2025** contains several measures to address gendered aspects of demand for firearms and their misuse. In that regard, the gender aspect of SALW/firearms control is recognized under goal 4 - *Significantly reduce the demand for and the supply and misuse of firearms through increased awareness, education, outreach, and advocacy*, through the following targets:

- increase awareness among (the) general population, both women and men, on the danger of misuse, illicit possession and trafficking of FAE;
- increase awareness among young men of the dangers of (the) misuse of SALW/

firearms since they account for the majority of perpetrators and victims of firearm-related incidents;

- increase awareness and reduce the misuse of firearms in violence against women, domestic violence and other forms of gender-based violence.

The Action plan for achieving gender equality 2017-2021 does not define any measures that are directly linked to the use or misuse of firearms. However, as part of its strategic goal – *Eliminate gender stereotypes and introduce gender equality policy in media, culture and sport* contain targets or preventive measures that may eventually contribute to reducing demand and misuse of firearms. The Strategy for Youth for 2017-2021 and the Strategy for the Protection and Promotion of Mental Health in Montenegro 2019-2023³ do not contain any specific firearm-related activities, but could provide important entry points for the prevention of firearms misuse.

4. GENDER-SENSITIVE DATA COLLECTION PRACTICES

A number of strategic policies address issues relevant for enhancing the gender responsiveness of firearms control in Montenegro. The majority of measures for addressing the gendered aspects of small arms are provided by the Strategy for Combating Illegal Possession, Misuse and Trafficking of Small Arms and Light Weapons and Ammunition for the period 2019-2025. Other strategies only marginally address these aspects or fail entirely to recognize the specific convergences between firearms control and gender dimension.

Apart from measures listed in the section on legislative and policy preconditions for mainstreaming gender in small arms control, SALW Control Strategy contains several measures to address gendered aspects of demand for firearms and their misuse. In that regard, the gender aspect of SALW/firearms control is recognized under goal 4 – *Significantly reduce the demand for and the supply and misuse of firearms through increased awareness, education, outreach, and advocacy*, through the following targets:

- increase awareness among (the) general population, both women and men, on the danger of misuse, illicit possession and trafficking of FAE;
- increase awareness among young men of the dangers of (the) misuse of SALW/firearms since they account for the majority of perpetrators and victims of firearm-related incidents;
- increase awareness and reduce the misuse of firearms in violence against women, domestic violence and other forms of gender-based violence.

The **Action plan for achieving gender equality 2017-2021** does not define any measures that are directly linked to the use or misuse of firearms. However, as part of its strategic goal – *Eliminate gender stereotypes and introduce gender equality policy in media, culture and sport* contain targets or preventive measures that may eventually contribute to reducing demand and misuse of firearms.

5. GENDER SENSITIVE RECORD KEEPING

The Law on Weapons stipulates that the Ministry of the Interior is responsible for keeping the records of: issued firearm acquisition permits; permits for holding firearms; permits for carrying firearms; and of surrendered weapons and ammunition, seized weapons and ammunition, etc. The Law does not prescribe gender disaggregated record-keeping. However, the Strategy for Combating Illegal Possession, Misuse and Trafficking in Small Arms and Light Weapons and their Ammunition for 2019-2025 recognizes the need to collect data disaggregated by sex and age to develop gender mainstreamed policies. In this respect, the report on the implementation of Action Plan for the Implementation of the Strategy for Combating Illegal Possession, Misuse and

Trafficking in Small Arms and Light Weapons and their Ammunition for 2019-2025 states that records have been updated and disaggregated by sex and age and that firearms data are collected and submitted for analysis annually.

6. ARMS TRADE

As per the Arms Trade Treaty, Montenegro has undertaken commitments to ensure that in conducting relevant export assessments, the national legislation takes into account the risk of conventional arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children. While the Law on Foreign Trade in Arms and Military Equipment (Official Gazette of Montenegro, No. 040/16) prescribes that a general risk assessment must be conducted with respect to the security of citizens, it does not specifically obligate the relevant authorities to conduct a specific assessment of the risk of arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children, which makes this aspect of the legislation non-compliant with the Arms Trade Treaty. On the other hand, the Law on Foreign Trade in Arms and Military Equipment incorporates all eight criteria from the EU Common Position 2008/944/CFSP on Arms Export that state parties have to take into account when making decisions on applications for the export of military technology and equipment.

RECOMMENDATIONS

An extensive list of recommendations is provided in Section V of this report; here only main recommendations are outlined.

- Improve the prevention and response to misuse of firearms in domestic violence cases by amending the Law on Weapons to incorporate the following:
 - an explicit provision establishing that a clean record with respect to all forms of domestic violence, including those that do not involve physical violence, is a requirement for the issuance of a firearm acquisition permit to an applicant;
 - secondary legislation defining the exact manner and procedure by which a police officer shall conduct security checks and collect data on a firearm license applicant with regard to the absence/presence of indications that firearms could be misused due to disturbed family relations;
 - provisions mandating that interviews be conducted with intimate partners, family members, and/or neighbours as part of the security vetting procedures assessing the applicant's eligibility with respect to disturbed family relations;
 - obligation of the relevant authorities to inform the present or former intimate partners (in the previous two years) of the applicant about submitted application for a firearm acquisition permit. In the event of any suspicions, a second revision of the application should be initiated;
 - an explicit provision mandating checks of any prior or current protective measures issued in domestic violence proceedings as part of the procedures to assess an applicant's eligibility for a firearm acquisition permit, and a provision stipulating that the existence of such protective measures automatically disqualify the applicant from obtaining a firearm acquisition permit.
- Secondary legislation needs to clearly define how the applicant's health status is assessed, in particular with respect to the ailments, diseases, and other conditions that would disqualify applicants from obtaining a firearm acquisition permit.
- Consider drafting and adopting a document, such as a Guide to the Implementation of the Law on Weapons, that would contain in one place all the relevant guidelines and

information regarding permits to acquire and hold firearms;

- Amend the Risk and Security Assessment Questionnaire, provided as an Annex to the Protocol on Actions, Prevention of and Protection against Family Violence, to mark the question on the possession of firearms in red. As a result, positive replies would automatically lead to the assessment of a high risk of violence.
- Introduce uniform provisions on security checks for criminal and misdemeanour convictions for all security sector officers regarding all forms of domestic violence.
- Introduce secondary legislation to govern the carrying of firearms outside of duty hours for those personnel of the security sector who are authorized to carry service weapons 24 hours a day.
- Ensure that records on domestic violence include explicit data on firearms, whether held legally or illegally, such as data on the presence of firearms, their use, type, etc.
- Enhance strategic synergies to maximise the effect of measures proposed to curb the demand for and the use and misuse of firearms between the Strategy for Combating Illegal Possession, Misuse and Trafficking in Small Arms and Light Weapons and their Ammunition for 2019-2025 and other relevant strategies, in particular the Action Plan for the Implementation of UN Security Council Resolution 1325 – Women, Peace and Security, and including the preparation of a financial plan so as to secure the necessary funds for the implementation of relevant policy measures.
- Mandate and regulate the balanced representation of women in the SALW Commission.
- Consider the participation of relevant women NGOs in the SALW Commission.

I INTRODUCTION



PURPOSE

This analysis aims to contribute to increased gender responsiveness and awareness of small arms control legislation and policies in Montenegro. The analysis identifies the main characteristics, but also the key shortcomings of Montenegro's legislative and strategic response to the gendered aspects of firearms.

OBJECTIVES

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

- assess the extent to which gender concerns are incorporated into the arms control policies and the legislative and strategic framework and, in particular, assess the extent to which gender concerns related to arms control are incorporated into policies on gender equality and on the prevention of gender-based violence;
- identify positive practices in the mapping of arms control policies, as well as highlight areas where additional efforts are needed to improve legislation and policies related to arms control;
- provide evidence-based recommendations on how to advance and enhance gender responsiveness in the relevant legislation.

SCOPE

This analysis is comprised of the following three chapters:

- Statistics and major characteristics and trends regarding the linkages between gender and SALW;
- The key international frameworks and commitments in the area of small arms and the prevention of domestic violence that are relevant to Montenegro;
- Analysis: of SALW legislation (SALW control, strategies, and action plans); of gender equality laws, strategies, and action plans; and of the laws, strategies, and action plans aimed at combating violence against women, domestic violence, and gender-based violence.

In this context, the gender responsiveness of the legislative and strategic framework will be assessed according to a number of key gender concerns that are relevant to small arms, namely:

- Linkages between firearms and domestic violence, violence against women, and gender-based violence, including in regard to the arms trade;
- Responses to gendered aspects of firearm demand, use, and misuse;
- 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; and
- Gender sensitive data collection practices.

A broad sample of regulations and strategic documents has been reviewed and analysed in order to assess if and to what degree the gender perspective is integrated into the small arms control legislative and police frameworks. Among others, the following relevant national legal and policy documents in the area of small arms, the prevention of domestic violence, and gender equality were analysed:

- The Law on Weapons (Official Gazette of Montenegro, No. 010/15);
- The Law on Foreign Trade in Arms and Military Equipment (Official Gazette of Montenegro, No. 040/16);
- The Law on Domestic Violence Protection (Official Gazette of Montenegro, No. 46/10, 40/2011-1);

INTRODUCTION

- The Criminal Code (Official Gazette of the Republic of Montenegro, Nos. 70/2003, 13/2004, 47/2006 and the Official Gazette of Montenegro, Nos. 40/2008, 25/2010, 32/2011, 40/2013 56/2013, 014/15, 042/15, 058/15, 044/17, 049/17, 003/20);
- The Criminal Procedure Code (Official Gazette of Montenegro, Nos. 57/2009, 49/2010, 47/2014, 002/15, 035/15, 058/15, 028/18, 116/20);
- The Law on Gender Equality (Official Gazette of the Republic of Montenegro, No. 46/2007, Official Gazette of Montenegro, Nos. 073/10, 040/11, 035/15;)
- The Law on the National Security Agency (Official Gazette of the Republic of Montenegro, No. 028/05, Official Gazette of Montenegro, Nos. 086/09, 073/10/, 020/11, 008/15);
- The Law on Internal Affairs (Official Gazette of Montenegro, Nos. 044/12, 036/13, 001/15, 087/18);
- The Law on the Protection of Persons and Property (Official Gazette of Montenegro, No. 043/18);
- The Law on the Army of Montenegro (Official Gazette of Montenegro, Nos. 051/17, 034/19);
- The Rulebook on the manner of the disposing of seized and surrendered weapons and ammunition (Official Gazette of Montenegro, No. 036/15);
- The Rulebook on the content and manner of record keeping in the area of the protection of persons and property (Official Gazette of Montenegro, No. 003/20);
- The Rulebook on the manner of the provision of security services and the enforcement of powers in the conducting of such duties (Official Gazette of Montenegro, No. 69/19);
- The Rulebook on the manner of conduct of certain police affairs and the enforcement of powers in the conducting of such affairs;
- The Decree on the possession, carrying and manner of handling of official weapons by officers of the National Security Agency (Official Gazette of Montenegro, No. 050/13);
- The Action Plan for Achieving Gender Equality (PAPRR) 2017-2021, together with the program for its implementation for 2019-2020;
- The Rulebook on the detailed manner of the execution of protection orders, of removal from the place of residence, of restraining orders, and of the prohibition of harassment and stalking (Official Gazette of Montenegro, No. 004/2014);
- The Strategy for Combating Illicit Possession, Misuse and Trafficking in Small Arms and Light Weapons and Ammunition for 2019-2025;
- The Strategy for Protection against Domestic Violence for 2016-2020 and the accompanying Action Plan for the same period;
- The Protocol on Actions, Prevention of and Protection against Family Violence;

All documents that were the subject of this analysis are listed in the List of Sources.



II

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



The regional surveys conducted by the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) and the collected data disaggregated by sex and age have provided extensive evidence of the highly gendered nature of small arms and documented multiple linkages between gender and firearms in South East Europe (SEE) and the important role that the gender perspective plays in shaping, mapping, and understanding various aspects of firearms ownership, use, and misuse. While significant progress has been made, it is recognized that further action is needed towards gender mainstreaming SALW control policy legislation and policies in Montenegro.

In the context of SEE, including in Montenegro, men make up an overwhelming majority when it comes to the possession, use, and misuse of firearms, and a majority among victims of firearm-related incidents. For male victims of firearm misuse, the majority are victims of acts committed by other men. On the other hand, women rarely possess firearms and almost never use them, yet are relatively often the victims of firearms misuse by men. Perpetrators of firearm-related violence against women are most often their present or former intimate partners, with the presence of firearms drastically increasing the likelihood of a lethal outcome. As a result of this, among other elements, women more often than men see the presence of firearms as a threat to their own security and that of their families.

Additionally, the ongoing crisis caused by the COVID-19 pandemic has been a contributory factor to an increased level of violence. Namely, the measures introduced to contain the pandemic have helped create an environment conducive to an escalation in domestic violence. While at the time of the writing of this report the official data are not yet accessible to the general public, EU member states have reported up to a sixty percent rise over April of the previous year in the number of emergency calls made by women victims of violence committed by their intimate partners.⁴ The National SOS Child Helpline in Montenegro, which offers information, counselling, and assistance to children by phone, received 80 calls in March this year from children reporting violence by one parent against the other. In Montenegro, the NGO Women's Safe House recorded a twenty-five percent increase in 2020 over the year before in specialized services provided to women survivors of violence.

Presented below is key data on major trends related to the possession, use, and misuse of arms in Montenegro.⁵

Possession of firearms

According to the SEESAC regional survey for the period 2012-2016, men accounted for an overwhelming majority of firearm owners in Montenegro. Namely, out of 65,862 registered owners, i.e., owners who held firearm licenses, 65,485 were men, while only 377 were women. Compared with 2012, the number of firearm license holders in 2016 had increased by 965. In 2016, 96,128 firearms were registered as being in civilian possession, 95,558 belonging to category B, and 570 to category A. Notably, the number of registered firearms in the observed period increased faster, by 3,612 from 2012-2016, than the number of license holders. The number of firearms on record for which the indicated reason for possession was hunting/sports increased more than those with the indicated reason of self-defence, by 1912 and 1130, respectively. Between 2012 and 2016, men acquired 98.4% of all licenses, compared to 1.6% by women. In 2016, 14,619 men and 323 women applied for new licenses. Men aged 36 to 60 accounted for 47.3% of all applicants, followed by men aged 61 and older, at 42.9%. Women aged 36 to 60 made up 51.4% of all female applicants.

In 2016, there were 3,663 men and 393 women employed as police officers, while 1,689 men and 164 women were enlisted as Ministry of Defence personnel authorized to carry firearms. In 2016, 3,004 men and 64 women were engaged by private security companies as personnel authorized to carry firearms.

4] Domestic violence in the time of the pandemic: the effect of corona virus preventive measures on domestic violence in Bosnia and Herzegovina / Nikolina Grbic Pavlovic, Sarajevo, November 2020.

5] The data has been taken from the following surveys conducted by SEESAC: SEESAC, Montenegro, Small Arms and Light Weapons Survey 2012-2016, available at: https://www.seesac.org/f/docs/SALW-Surveys/web_Montenegro_SALW-Survey_ENG.pdf;

SEESAC, Gender and Small Arms in Montenegro: Fast Facts, 2019 available at: https://www.seesac.org/f/docs/Gender-and-SALW/Gender-And-Small-Arms_Montenegro_ENG_WEB.pdf;

Differentiated effects of firearms on women and men

Between 2012 and 2016, a total of 5,790 firearm-related criminal offenses were registered in Montenegro, with offenses gradually increasing over the five-year period, from 1,050 cases in 2012 to 1,411 in 2016. Armed robbery was the leading criminal offense committed with firearms, accounting for 52.6% of all such criminal offenses. Illegal possession of firearms and explosives (25.4%) and robbery (12.1%) were also among the most common criminal offenses committed with firearms.

Firearms were shown to be predominantly misused by men. Out of 381 firearm-related criminal offenses committed within the period 2012-2016 where the sex of perpetrator was known, 371 (97.4%) were committed by men and only 10 (2.6%) by women. Male perpetrators of criminal offenses were most often in the 36-60 and 19-35 age groups.

Firearms were the most prevalent weapon used in the commission of homicides in Montenegro in the observed period, with 69.3% of homicides having been committed with firearms. Within the five-year period for which data was collected, 411 perpetrators of firearm-related criminal offenses were registered. Men committed all the 46 firearm homicides from 2012 to 2016. Every second man who committed a homicide was aged 36 to 60, closely followed by men in the 19 to 35 age group.

From 2013, the number of homicides committed with firearms kept increasing, reaching its maximum in 2016, at 15. In the commission of attempted murders and first-degree murders the arms used were mainly in illegal possession. Most firearm-related deaths were caused by guns and semi-automatic guns, while rifles, carbines, shotguns, and automatic firearms were used less often.

Men accounted for 91.8% of all firearm-related homicide victims, compared to 8.2% for women. Five (5) out of 11 women killed and 56 out of 77 men killed from 2012 to 2015 were killed with firearms.

Firearms were relatedly documented as also being frequently misused to inflict injuries. In the reporting period, 157 injuries inflicted with firearms were recorded. Men accounted for the majority of those injured by firearms (93.6%), and they were mainly in the 19-35 and 36-60 age groups. Women accounted for 6.4% of victims of firearm injuries.

The misuse of firearms and domestic violence

Out of 88 people killed in Montenegro in the period 2012-2016, 15 people (11 women and 4 men) were killed by a family member, whether with a firearm or by other means. 73.3% of all family-related homicides were committed by intimate partners. While 10 of the 11 women killed in Montenegro between 2012 and 2016 were killed by their intimate partners, this was the case for only one of the 77 men killed in the same period. 5 out of 11 women and 3 out of 4 men killed by a family member were killed with fire arms. Of 920 domestic violence cases registered in the period 2012-2016, the misuse of firearms was reported in only 4 cases. The misuse of firearms in domestic violence contexts has been shown to be more lethal than their misuse in any other type of incident, corroborated by 45.5% of domestic violence incidents involving firearms in the observed period in Montenegro resulting in a lethal outcome.

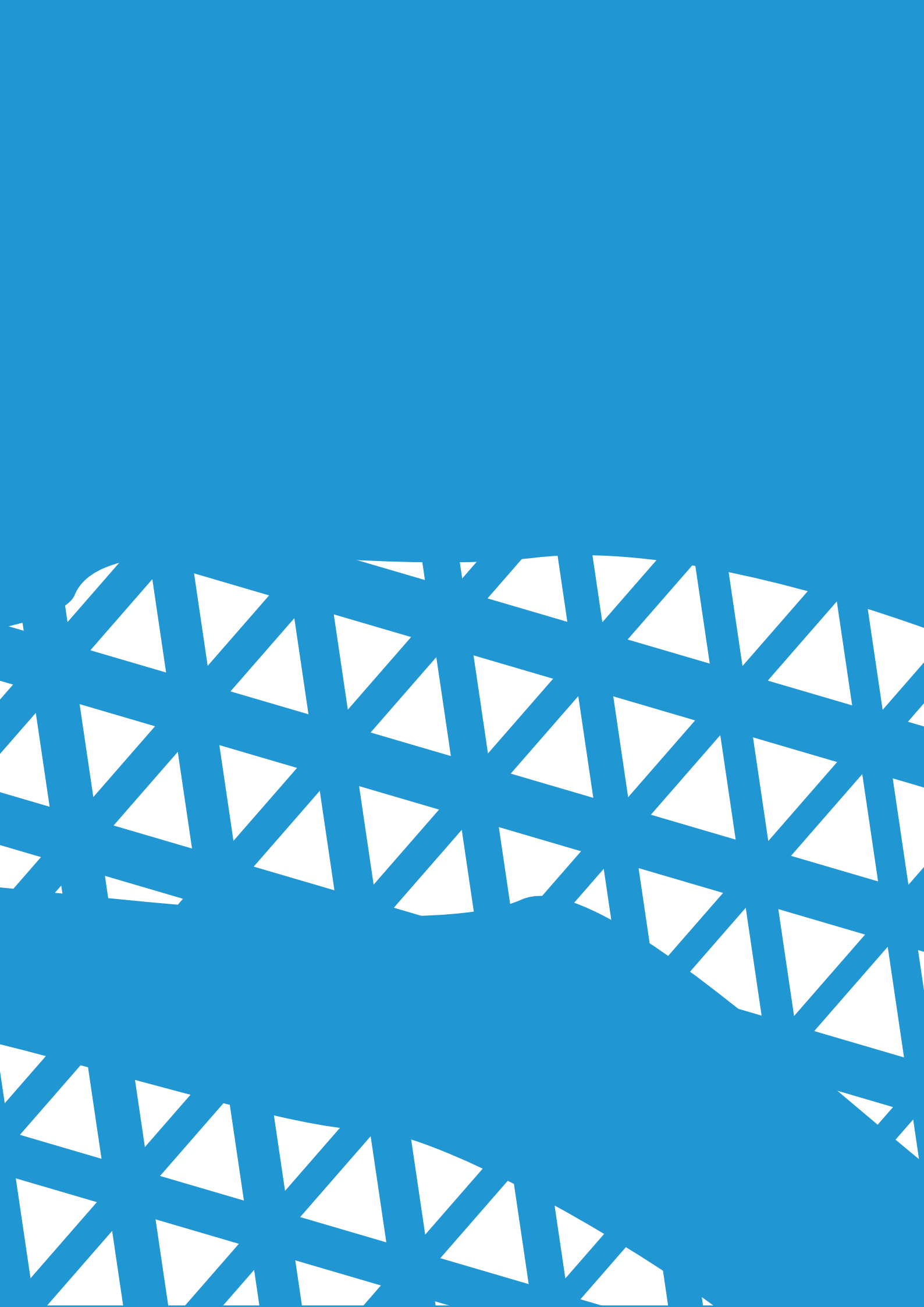
In 2019, five incidents with a lethal outcome resulting from domestic violence were registered: three were first-degree murders and two were murders. In one incident, a brother murdered his brother; in two incidents, a son murdered his mother - in one such incident, the son then committed suicide; in one a wife murdered her husband; and in one an ex-wife set the house of her ex-husband on fire, causing the death of her ex-husband and his partner.⁶

Domestic violence was documented relatively commonly as grounds for the denial of license applications in the observed period. 872 applications for new firearm licenses were rejected from 2012 to 2016, with 1 in 5 applications (22.5%) being denied on domestic violence grounds.

Attitudes to firearms

In Republic of North Macedonia, the majority of respondents (76%) said they would not own a gun. 38.6% men and 19.1% women interviewed in 2017 said they would own a firearm. Women were significantly more likely than men to indicate feeling that a gun at home would make them less safe, while men were more or less evenly split over this issue. Men aged 16 to 24 were documented as most likely to feel safer with a gun at home (65.6%), while women aged 35 to 44 were indicated as the most likely to feel less safe with a gun at home (63.5%).

III INTERNATIONAL FRAMEWORKS



Montenegro is committed to its international obligations arising from the relevant conventions and other documents in the field of the control and non-proliferation of small arms and light weapons, and actively participates in international efforts towards restricting or fully prohibiting certain arms categories.

In its efforts to prevent and eradicate trafficking in SALW, Montenegro relies particularly on the following major international instruments and on its commitments, obligations, principles, and recommendations stemming from them:

- The United Nations Convention against Transnational Organized Crime and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition;
- 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);
- European Union strategies for the prevention of illegal accumulation and trade in Small Arms and Light Weapons and their Ammunition;
- The International Tracing Instrument (ITI);
- The Organization for European Security and Cooperation (OSCE) Document on Small Arms and Light Weapons;
- The Arms Trade Treaty (ATT);
- The Common Position of the Council of the European Union 2008/944/CFSP laying down common rules governing the control of exports of military technology and equipment;
- The Roadmap for a Sustainable Solution to the Illegal Possession, Misuse and Trafficking of Small Arms and Light Weapons and their Ammunition in the Western Balkans for 2019-2024.

In the area of gender equality, Montenegro has ratified a large number of international instruments, including the following:

- The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Optional Protocol to this convention;
- Council of Europe Convention on the Prevention and Fight against Violence against Women and Domestic Violence (Istanbul convention);
- United Nations Security Council Resolution 1325.

OVERVIEW OF THE MOST SIGNIFICANT INTERNATIONAL INSTRUMENTS⁷

The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (PoA) is a globally agreed upon, politically binding instrument, establishing a framework for activities to counter the illicit trade in small arms and light weapons and control the negative impact of SALW. It was adopted by all UN member states in 2001. The PoA includes one reference related to gender, with its preamble expressing a concern over the negative effect of the illegal trade of small arms and light weapons on “women and the elderly.” **The outcome document of the Third Review Conference PoA (RevCon3)** represents a significant step forward in this respect. More specifically, it calls for the gender mainstreaming of SALW control policies and programmes, and highlights the importance of: eradicating the illicit trade in small arms and light weapons to more effectively fight against gender-based violence (para. 14); increasing women’s participation in decision-making and implementing agreements regarding small arms control (para. 15); integrating gender equality into small arms control policies and programmes (para. 76); and of collecting gender disaggregated data. 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 July 26-30, 2021.

7] This section builds on the UNODA Training Manual on Gender-mainstreaming Small Arms Control, (forthcoming).

Montenegro signed and ratified the **Arms Trade Treaty** on June 3, 2013 and in July 2014, respectively. The Treaty is the most important document of its type and the only one providing for the unification of international arms trade control within the broad UN membership. Montenegro was the 44th country to ratify the ATT, thus joining a group of countries that have made it possible for the Treaty to come into effect.⁸ The ATT was the first binding agreement to recognize the linkages between trafficking in the arms trade and gender-based violence and calls 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 this regard, **UN Security Council Resolution (UNSCR) 1325 on “Women, Peace and Security”** of 2000 is the first Security Council document to take into account the disproportionate impact of armed conflicts on women. Highlighting the importance of the equal, full, and active participation of women in peace and security, UN Security Council Resolution 1325 goes beyond representing women as victims or vulnerable people only. The key provisions include commitments to: i) increase women's participation and representation at all decision-making levels; ii) pay attention to the specific protection needs of women and girls in armed conflict; and iii) integrate the gender perspective into post conflict processes. In addition to UNSCR 1325, there are nine other resolutions on Women, Peace and Security (Security Council Resolutions Nos. 1820, 1888, 1889, 1960, 2106, 2122, 2242 and 2467). The National Action Plans (NAP) are the primary instruments in meeting national obligations under the UNSCR.

This convergence is also visible in the **2030 Agenda for Sustainable Development**. The Agenda was adopted in 2015 and sets out 17 interlinked sustainable development goals, along with 169 specific targets and 232 indicators. The SDG's address global challenges linked to poverty, gender inequality, climate, degradation of the environment, injustice, and violence. Agenda 2030 sets forth that “sustainable development cannot be realized without peace and security; and peace and security will be at risk without sustainable development.” More specifically, Goals 5 and 16 contain certain elements that are relevant to gender concerns and arms control. In this regard, Goal 5 strives to “Achieve gender equality and empower all women and girls,” also setting out corresponding targets, including 5.1: “End all forms of discrimination against all women and girls everywhere;” and 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.” Goal 16 aims to: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” and includes five relevant targets: 16.1. – Significantly reduce all forms of violence and related death rates everywhere; 16.2. – End abuse, exploitation, trafficking and all forms of violence against and torture of children; 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; 16.6 – Develop effective, accountable and transparent institutions at all levels; and 16.7. – Ensure responsive, inclusive, participatory and representative decision-making at all levels.

Montenegro was one of the first countries globally to start integrating the 2030 Agenda's Sustainable Development Goals into its national frameworks through the National Sustainable Development Strategy by 2030 (NSDS), whose draft was completed in June 2016. During the work on the NSDS, the global SDGs were thoroughly reviewed and transposed into the national SDGs, in line with national priorities.

The 2018 Agenda for Disarmament calls on all state parties to integrate the gender perspective into the development of their national legislative framework and disarmament and arms control policies, including consideration of: the gendered aspects of the possession, use, and misuse of arms; the differentiated effects of arms on women and men; and of the ways in which gender roles may shape control and disarmament policies and practices.

The 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 the key principles which guided the development of the Strategy. At the international level, the EU will systematically mainstream gender considerations into the design of new projects

relating to the fight against gun violence and SALW control in general, as well as into the sharing of good practices in this regard.

The EU Common Position on arms export control was adopted in 2008, and amended in 2019. The Common Position includes eight risk assessment criteria that all EU Member States apply when making their conventional arms export licensing decisions. The EU Common Position has made a significant contribution to a greater convergence among arms export control national policies. It extends control to include the brokering, transit, and transfer of immaterial technology. Its principles and criteria have been officially adopted by many third-party countries.

The last two decades have seen a convergence of global agendas on arms control, women's participation in peace and security and sustainable development. This convergence is reflected in the increasing integration of small arms control concerns into the Women, Peace and Security agenda.

The **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic violence** (Istanbul Convention) came into force in 2014 and represents the first legally binding document to comprehensively address 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 the criminalization, or other sanctioning, of 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 pillars:⁹

- **Prevention** of violence through sustained measures that address its root causes and aim at changing attitudes, gender roles and stereotypes that make violence against women acceptable;
- **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.

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

Montenegro adopted the **Roadmap for a Sustainable Solution to the Illegal Possession, Misuse and Trafficking of Small Arms and Light Weapons and their Ammunition in the Western Balkans by 2024**. Under the auspices of the Ministry of Foreign Affairs of the Republic of Germany, the European Union and the Regional Cooperation Council, and with UNDP SEESAC expert support, the relevant line authorities in the Western Balkans expressed their political commitment to enhance SALW control and curb their proliferation. The Roadmap was developed on the basis of the Joint Statement of the SEE internal and foreign affairs ministers. This document was officially adopted at the Western Balkans Summit in London on July 10, 2018. The Roadmap places special emphasis on improving gender equality. Accordingly, this document was made on the basis of gender analysis of SALW control in the region and highlights its key recommendations. Gender mainstreaming and its implementation through national action plans will be closely monitored and assessed as key elements towards achieving better, more sustainable, and more effective results.

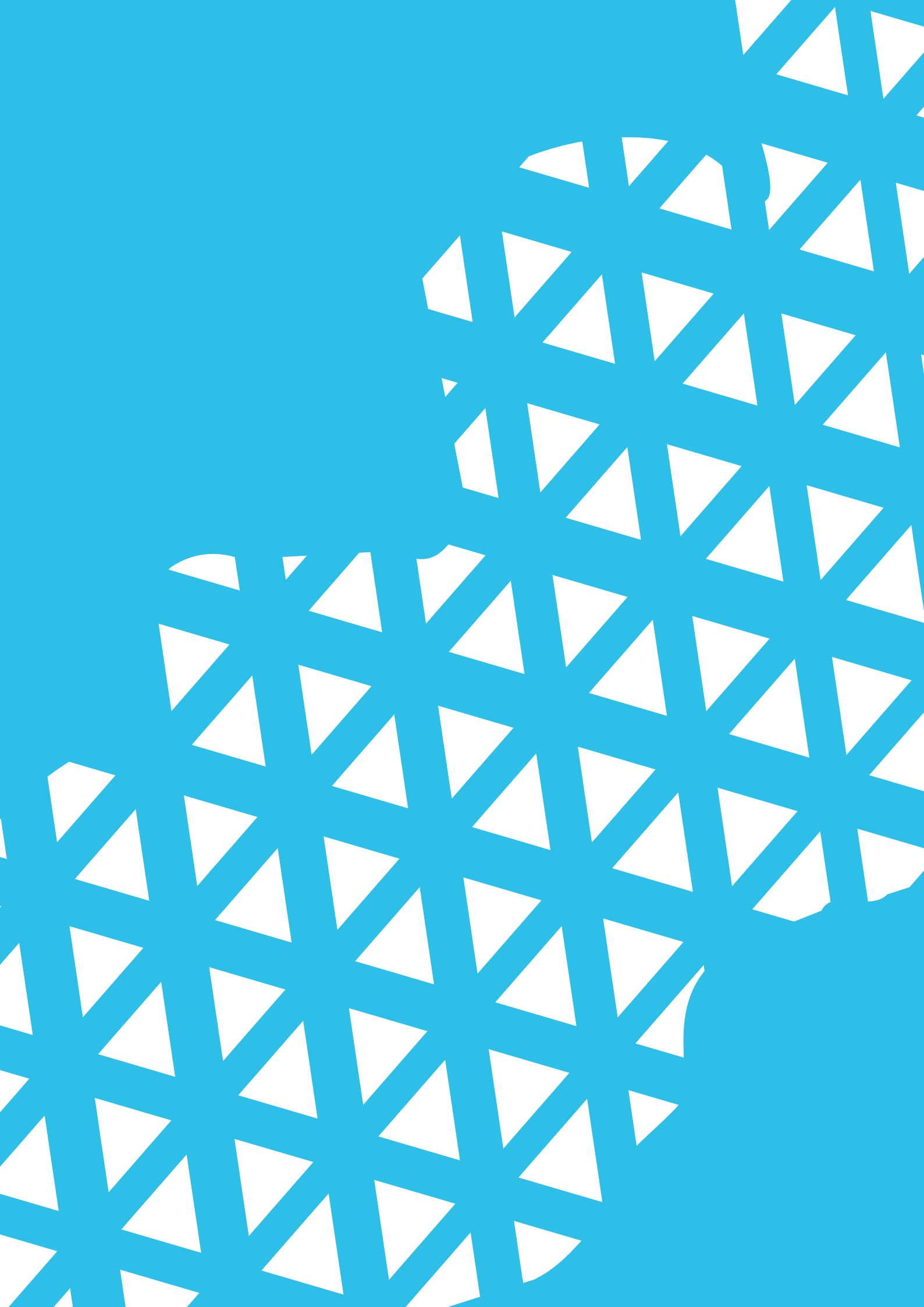
9] Please see: Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence: A global tool to prevent and combat violence against women and girls, p. 4; Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence: Safe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

INTERNATIONAL FRAMEWORKS

As the Arms Trade Treaty (ATT) and the EU Common Position on Arms Export represent the international frameworks which primarily contain the provisions governing the duty of relevant authorities to assess the risk of use the use of arms in the context of gender-based violence, what follows in Chapter 5 is an analysis of the level of compliance of the national legislative framework with the standards contained in these documents.

IV

GENDER ANALYSIS OF LEGISLATION AND POLICIES RELEVANT TO SMALL ARMS CONTROL IN MONTENEGRO



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

This chapter provides an analysis of the legislative requirements and procedures which would enable and mandate the integration of the gender perspective into small arms control. In addition, the chapter details the regulatory requirements for the balanced representation and participation of women in small arms control.

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

The Law on Gender Equality¹⁰ establishes a basis for gender mainstreaming in small arms control. Namely, Art. 2 of the Law defines gender equality as: equal participation of women and men, as well as persons with different gender identities, in all spheres of the public and private sectors, equal position and equal opportunities to exercise all rights and freedoms and to use personal knowledge and skills for the development of society, as well as to realize equal benefits from work achievements. The law stipulates that all state organs, organs of state administration and local self-government, public institutions, public enterprises and legal persons exercising public authority, as well as business companies, other legal persons, and entrepreneurs shall be obliged, **in order to achieve gender equality in all phases of planning, making, and implementing decisions, as well as in taking actions in their competency, to assess and evaluate the impact of those decisions and activities on the position of women and men.** The Law calls for the implementation of general and specific measures for the achievement of gender equality. General measures are statutorily defined measures that apply in certain spheres to prohibit discrimination based on sex or order an appropriate behaviour/response in certain circumstances in order to achieve gender equality and that prescribe sanctions in case of violation of the prescribed prohibitions or orders. General measures also include measures set forth by other acts (declarations, resolutions, etc), whose goal is to achieve gender equality. Special measures are applied to remove existing obstacles that objectively lead to or may result in unequal representation of women and men, or the unequal position of persons of one sex compared to those of the other sex, or which are taken to provide special benefits in terms of encouragement of persons of the underrepresented sex.

It is prescribed that the Parliament of Montenegro and the Government of Montenegro shall, within their competencies, promote and apply the principles of gender equality, in particular the principle of gender-balanced representation in the election and appointment to certain functions, in the establishment of working bodies, and in establishing the composition of official delegations. In addition, the law envisages that local level authorities (municipality, the capital city of Podgorica, and the Old Royal Capital of Cetinje), within their competencies, shall promote and realize gender equality, or undertake measures and activities relevant to the achievement of gender equality. Additionally, it is stipulated that political parties shall, by their acts, define manners and measures to achieve gender balanced representation of women and men in their organs, on lists of candidates for the election of members of parliament and councillors, in elected committees of members of parliament and councillors, and for election to public functions at all levels.

The Government of Montenegro adopted in 2014/2015 three important documents that address gender equality issues: Information on women representation in legislative, executive, and judicial branches of power; Guidelines for creating a favourable environment for women's entrepreneurship in local communities; and **Guidelines for strengthening interinstitutional, non-governmental organization, and local community cooperation in order to prevent and combat violence against women and domestic violence.**

Under the amendments to the Law on the Election of Members of Parliament and Councillors of 2011, a system of quotas was introduced in Montenegro for the first time in the electoral lists of candidates. In doing so, the legislature attempted to improve women's participation in the bodies of representative government. The system prescribed that electoral lists must have at least 30% of candidates of the less represented sex to be officially approved by the State Election Commission.

In addition to establishing a legal basis for the implementation of gender equality in all spheres of the public and private sector, Montenegro has adopted the Action Plan for **Achieving Gender Equality (PAPRR) 2017-2021** to serve as a strategic document with the same goal. In this regard, one of the goals set out in the Plan is to create a society of equal opportunities and eliminate all forms of discrimination on the grounds of sex and gender. One target within this goal is that: **the gender equality principle is integrated into the design and implementation of all national policies (programmes and strategies) and actions by state bodies**, to be realized through the following three measures:

- ensure that the design of all national policies (strategies, action plans) is gender mainstreamed, with special consideration of the position of the Ministry of Human and Minority Rights;
- implement training for representatives of state authorities on gender mainstreaming the design and implementation of all national policies (programmes and strategies);
- implement training for representatives of local self-government on gender mainstreaming of the design and implementation of all local policies (programmes and action plans).

PARTICIPATION OF WOMEN IN SMALL ARMS CONTROL

Under Art. 10 of the Law on Gender Equality, the Parliament of Montenegro and the Government of Montenegro are obligated, in the conduct of their responsibilities, to promote and implement gender equality principles, in particular the principle of gender-balanced representation in the election and appointment to certain offices, in the setting up of working bodies, and in determining the composition of official delegations. This principle is also applicable to the SALW Commission. Unequal representation is defined as the representation of one sex in a given area which is smaller than the share of that sex in the overall population.

Under the Ministry of Interior's Decision No. 01-220/13-59418/2 of 12 September 2013, a Coordination Body has been set up for SALW control, whose duties include reducing SALW and the planning, coordination, implementation, and oversight of activities in this field. Under the Decision, this body is chaired by a Ministry of Interior officer in his/her role as the National Coordinator, with representatives of the following authorities in its composition: the Ministry of Internal Affairs, the Ministry of Foreign Affairs and European Integration, the Ministry of Defence, the Ministry of the Economy, the Ministry of Finance, and the Customs Administration. The Coordination Body is tasked with: managing, organizing, and planning the activities of the state authorities, public administration bodies, and other relevant bodies in SALW Control Strategy implementation; setting and monitoring the priorities, dynamics, and deadlines for their implementation; assessing the results achieved; and reporting to the Government. The Coordination Body reports annually on the implementation of the SALW Control Action Plan measures and proposes measures for further action. According to unofficial information, the Coordination Body has five members at present, two of whom are women.

The Strategy for Combating Illicit Possession, Misuse and Trafficking in Small Arms and Light Weapons and Ammunition for 2019-2025 includes among its activities the full integration of gender and age dimensions into SALW/firearms control policies and ensuring the meaningful participation of women in SALW/firearms control. Towards this purpose, plans have been established to develop measures and institute procedures to ensure the equal representation of women in the SALW Commission and other relevant bodies and implement training on the gendered aspects of SALW/firearms for members of the SALW Commission and all other institutions responsible for the implementation of control policies in this field.

ACTION PLAN FOR THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325 – WOMEN, PEACE AND SECURITY IN MONTENEGRO (2019-2020)

The Action Plan for the implementation of United Nations security council resolution 1325 – women, peace and security in Montenegro (2019-2020)¹¹ includes three priorities addressed by the Action Plan goals. These priorities are to serve as an entry point for further development and include the following: increasing women's participation in decision-making and peacebuilding; protecting women and girls in conflict zones; and integrating the gender perspective and gender education into peacekeeping operations. Guided by these priorities, the Action Plan defines the following goals which are relevant to this report:

- introducing gender-balanced representation into the activities of the security system;
- increasing women's representation in actions and decision-making in security and peacebuilding;
- setting up effective protections for women and girls from discrimination and gender-based violence.

Regarding the gender dimension of small arms, the Action Plan makes reference to the adoption of the Strategy for Combating Illicit Possession, Misuse and Trafficking in Small Arms and Light Weapons and Ammunition for 2019-2025 as a document which has placed special emphasis on the promotion of gender equality in this field. It is suggested that the gender perspective in the SALW context be viewed from two different aspects; namely, through women's representation in SALW control decision-making and technical levels, and through SALW effects in the context of violence against women.

Box 1:

Gender equality mechanisms in Montenegro

In Montenegro, institutional mechanisms for the implementation of gender equality policy include the following: the Ministry of Human and Minority Rights, the Gender Equality Committee of the Parliament of Montenegro, and the Institution of the Protector of Human Rights and Freedoms of Montenegro, together with contact persons from all the relevant institutions

responsible for all actions related to the achievement of gender equality at national and local levels. The Gender Equality Committee of the Parliament of Montenegro was established on July 11, 2001. In line with its mandate, it: reviews bills, other regulations, and general legal instruments that address the implementation of the gender equality principle; monitors the exercise of these rights through the enforcement of legislation and the improvement of the principle of gender equality, especially in the fields of child rights, family relations, employment, entrepreneurship, decision-making, education, health care, social policy, and information; takes part in preparing, drafting, and harmonizing laws and other instruments in line with European legal standards and EU programmes addressing gender equality; promotes the signing of international documents addressing this issue and monitors their implementation; and cooperates with relevant working bodies of other parliaments and NGOs active in this area. In addition, the Committee overviews and assesses the level of compliance of the Montenegrin legislation with EU Acquis and, on the basis of government reports, monitors and assesses the implementation of relevant laws, especially those laws that make effective commitments under the EU's Acquis. The Parliament's Gender Equality Committee, as the line committee, reviewed the bill amending the Law on Gender Equality, which was adopted in 2015.

The Government of Montenegro established the Office for Gender Equality at its session

of 27 March 2003. Under the Law on Gender Equality of 2007, the Ministry of Human and Minority Rights was assigned as a unit responsible for gender equality issues. In April 2009, the Department of Gender Equality became an organizational unit of the Ministry of Human and Minority Rights. The Department is invested with: coordinating activities aimed at achieving gender equality; participating in the preparation and adoption of action plans for achieving gender equality at all levels; monitoring the implementation of international documents and conventions, as well as of adopted international standards, in the field of gender equality and taking measures for their incorporation into the legal system of Montenegro, while ensuring quality monitoring of compliance with such documents; preparing a Plan of Action, proposing its adoption, and monitoring its implementation; preparing programmes for the implementation of the Plan of Action on the basis of reports filed by the line bodies; organizing surveys and analyses of the gender equality situation required for the implementation of the Plan of Action, as well as collecting data as part of its cooperation at the national and international levels; preparing reports on Montenegro's fulfilment of international commitments in the area of gender equality; cooperating with local self-government and providing support for the introduction of mechanisms for the implementation of gender equality at the local level; establishing cooperation with non-governmental organizations; implementing and promoting gender equality education activities and organizing the publication of thematic publications aiming to promote gender equality; and reporting annually to the Government on the implementation of the Plan of Action.

The National Gender Equality Council was established on October 24, 2016 as a new institutional mechanism for realizing gender equality. As a technical advisory body, it was formed in order to discuss and address gender equality policy implementation at the national and local levels. The Council activities are related to the analysis and implementation of regulations governing gender equality and assessing the effect of such regulations on the position of women and men. The Council is chaired by the Minister of Human and Minority Rights. In addition to the representatives of the relevant institutions, sitting as members of the Council are also four NGO representatives. For work on issues in areas relevant to gender equality, the Council has set up advisory bodies, eight in total, which closely follow the implementation and promotion of the equal opportunity policies in their respective areas, with presidents being assigned to each of these respective advisory bodies and committees. The Council has the following committees:

- Committee for greater political participation of women,
- Committee for economic empowerment of women in the labour market,
- Committee for protection against domestic violence and violence against women,
- Committee for the health and social care of women,
- Committee for science, culture, education, and sports,
- Committee for sustainable and rural development,
- Committee for international cooperation, and
- Committee for cooperation with local governments.

The Protector of Human Rights and Freedoms of Montenegro (Ombudsperson) is an independent and autonomous institution which was established in Montenegro by a special Law enacted by the Parliament of the Republic of Montenegro on July 10, 2003. The Protector acts independently and autonomously, observing the principles of justice and fairness, and initiates measures for the protection of human rights and freedoms when they are breached by a legal instrument, action, or inaction by a public authority, as well as takes measures to prevent torture and other forms of inhuman or degrading treatment and punishment, alongside taking anti-discriminatory measures. The Protector is accessible to any citizen who believes that his/her rights and freedoms have been violated by a legal instrument, action, or inaction. The Protector is authorized to follow up on complaints against the work of courts in cases of unreasonable duration of proceedings, misuse of procedural powers, or failure to enforce court judgments. The Protector has a duty to submit to the Parliament an annual report on the institution's work over the

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

preceding year which must include in particular a description of any cases acted upon, a statistical overview and assessment of the situation regarding human rights and freedoms in Montenegro, recommendations and measures that the Protector suggests should be taken to improve human rights and remove the problems identified, and to assess the situation regarding discrimination. The Protector handles citizen claims that point to direct or indirect discrimination on the grounds of sex, among other grounds, establishes positions on various issues, and issues opinions and recommendations.

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

This chapter provides an extensive analysis of the legislative responses to the risks linked to the presence and use of firearms in the context of domestic violence. The analysis also provides an overview of the provisions governing the civilian possession of firearms, as well as regulating access to and the carrying of service firearms by authorized personnel across the security sector, including private security companies. The procedures for the issuing of permits/licenses, and for their renewal and revocation, are analysed according to their success in preventing the risk of misuse and the misuse of firearms in the context of domestic violence, with the gaps in the relevant security vetting procedures identified and highlighted.

2.1. REGULATION OF CIVILIAN POSSESSION

LICENSE APPROVAL

The Law on Weapons regulates the procurement, possession, carrying, collecting, and transport of firearms, as well as the conditions for the production, testing, and marking of firearms, their repair and modification, the trade and transport of arms, the provision of services of sports-recreational shooting, and the training of citizens in the proper use of firearms. The Law does not apply to the procurement, possession, carrying, collecting, transport, production, testing and marking of firearms, their repair and modification, their trade and transport, or shooting ranges for the needs of the Army of Montenegro, law enforcement policing bodies, and other state bodies and legal entities, which are regulated and prescribed by their respective special laws, nor does it apply to arms transported across the territory of Montenegro for the needs of authorized, relevant bodies, organizations, companies, and other such entities of other states, according to international agreements.¹²

The Law on Weapons stipulates that the license for the acquisition of a firearm is to be issued by the Ministry of Interior and is valid for a period of six months from the date of issue.¹³ A license for the acquisition of a category B¹⁴ firearm may be issued to natural persons (civilians) for personal safety or for the holding and carrying of hunting or sporting firearms, provided that the person fulfils the statutory general and special requirements.¹⁵

Art. 14 of the Law on Weapons prescribes that natural persons meet the following requirements to qualify for a permit to acquire category B weapons: [the natural person] 1) has a legitimate reason to acquire firearms; 2) is 18 years of age or older; 3) has not been sentenced by an enforceable court decision for criminal offences against: the constitutional order and security of Montenegro, humanity and other values protected by international law; the life, body, and general safety of people and property; or sentenced by an enforceable court decision for criminal acts containing elements of violence, contained in criminal acts against: property, human freedoms and rights, sexual freedom, marriage and family, the judiciary, public peace and order, official duty, the Army, and the environment, in terms of the killing and torturing of animals; or if criminal proceedings have been initiated against such a person for any of these criminal offences/acts; and 4) has not been sentenced by final decisions for misdemeanour offences indicating that firearms could be abused, especially for offences with elements of domestic violence, and provided that no proceedings are underway for such offences; as well as 5) that there are no other circumstances indicating that the weapons could be abused, especially regarding the abuse of alcohol, drugs, and other psychoactive substances, disturbed family relations, conflicts with the community, aggressive behaviour, and other disorders in behaviour, or disciplinary violations of hunting and sports shooting regulations.

The special statutory requirements that a natural person must meet to be issued a license for the acquisition of firearms are listed in the same article and read as follows: [the natural person] 1) is medically fit for holding and carrying firearms; 2) possesses the technical knowledge and skills for the proper use, holding, and carrying of firearms, which, in cases of firearms for personal safety, is proven by a certificate issued by a relevant legal entity or authorized business entity that the person in question is qualified in the proper use of weapons, while in cases of category B

12] Art. 2, Law on Weapons.

13] Art. 22, Law on Weapons.

14] Category B weapons include: 1) semi-automatic or repeating short firearms; 2) single-shot short firearms with centre-fire percussion; 3) single-shot short firearms with rimfire percussion whose overall length is less than 28 cm; 4) semi-automatic long firearms whose magazine and chamber can together hold more than three rounds; 5) semi-automatic long firearms whose magazine and chamber can together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose magazine and chamber can together hold more than three rounds; 6) repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length; 7) repeating long firearms other than those listed under point 6 of this paragraph; 8) single-shot long firearms with one or more rifled barrels; 9) semi-automatic long firearms other than those listed under points 4-6 of this paragraph; 10) single-shot short firearms with rimfire percussion whose overall length exceeds 28 cm; 11) single-shot long firearms, with one or more smooth-bore barrels; 12) antique weapons; 13) single-shot long firearms with a combination of rifled or smooth-bore barrels; and 14) semi-automatic firearms for civilian use which resemble automatic firearms, other than those listed under point 9 of this paragraph.

15] Art. 12, Law on Weapons.

weapons for hunting, this is proven by a certificate confirming that the applicant has passed an authorized hunting test and possesses a certificate of active membership in a recognized hunting organization; in cases of category B firearms for sporting purposes, this is proven by a certificate of active membership in a sports shooting organization.

A natural person is considered to have a **legitimate reason for the acquisition of category B weapons** when the weapons are to be acquired for personal safety, hunting, or sports.¹⁶

Following the acquisition of weapons on the basis of a license for the acquisition of firearms, a natural person must then file an application for the issuance of a license for holding firearms, or of a license for holding and carrying firearms. A license for holding category B weapons may be issued to natural persons for personal safety, a license for holding and carrying firearms may be issued for firearms for hunting and sporting purposes, while legal persons/entities may be issued permits to hold firearms, according to the prescribed form(s).

DOMESTIC VIOLENCE AND LICENCE APPROVAL

As has been highlighted above, the Law on Weapons recognizes domestic violence as an important criterion in assessing the eligibility of applicants to be issued a license for the acquisition of firearms. Thus, the Law cites the domestic violence context in the following three general eligibility requirements for the issuance of such a license:

- the applicant has no record of prior convictions for violent crimes in cases of criminal offenses against marriage and family, human rights and freedoms, or sexual freedom, as well as that no criminal proceedings have been initiated for any such criminal acts;
- the applicant has no record of prior convictions for misdemeanours indicating that the firearms could be misused, especially for misdemeanours with elements of domestic violence, as well as that no proceedings have been initiated for any such misdemeanours; and
- there are no indicators, such as and in particular, but not limited to, disturbed family relations, that the firearms could be misused.

BACKGROUND CHECKS

Evidence of proof that an applicant for a firearm license has no record of prior criminal or misdemeanour convictions is obtained by the Ministry of Interior in an ex officio procedure from the Ministry of Justice and Human and Minority Rights, which is responsible for keeping criminal¹⁷ and misdemeanour records.¹⁸

Certificates showing that there are no criminal and misdemeanour proceedings pending against a person are issued by the relevant competent courts.¹⁹

To verify whether eligibility requirements from Art. 13(5) are fulfilled, i.e., to conduct checks on the presence/absence of indicators that firearms could be misused, a police officer is authorized to request and collect data and information about the applicant for a license for the acquisition of a firearm and make an official note on the collected data, which is then submitted to the Ministry. The official note must include detailed statements, supported by the facts that clearly confirm the contents of the note.

While the Law on Weapons incorporates domestic violence as an important aspect in the security vetting of the eligibility of persons applying for a license for the acquisition of firearms, there are certain gaps that must be addressed:

^{16]} Art. 14, Law on Weapons.

^{17]} Decree on the Manner of Keeping Criminal Records, Official Gazette of Montenegro, No. 051/11 of 28 Oct. 2011, 012/13 of 1 March 2013, 054/13 of 22 Nov. 2013.

^{18]} Law on Misdemeanours, Official Gazette of Montenegro, No. br. 001/11 of 11 Jan. 2011, 006/11 of 25 Jan. 2011, 039/11 of 4 Aug. 2011, 032/14 of 30 July 2014, 043/17 of 4 July 2017, 051/17 of 3 Aug. 2017.

^{19]} Courts Rule of Procedure, Official Gazette of Montenegro, No. 065/16 of 12 Oct. 2016, 019/19 of 29 March 2019, 058/19 of 18 Oct. 2019, 006/20 of 31 Jan. 2020, 093/20 of 11 Sep. 2020.

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

1. The Law prescribes as general requirements for the issuance of a license for the acquisition of firearms that the applicant has no record of prior criminal convictions for criminal offenses against the freedoms and rights of persons, sexual freedom, or against marriage and family which include violence, and that no criminal proceedings have been initiated for any such criminal offenses. Here, it is not clear whether criminal offenses against marriage and family, sexual freedom, and the freedoms and rights of persons which do not include physical violence, but other types of violence, such as psychological, economic, or sexual violence, would disqualify an applicant from gaining eligibility to obtain the license for the acquisition of firearms. Namely, domestic violence covers a broad spectrum of actions that are not limited only to the physical, but also includes violence that is sexual, economic, or psychological in nature. For example, stalking, abduction, coercion, and illegal deprivation of liberty are qualified as criminal offenses against the freedoms and rights of persons, but do not inherently include direct physical violence, nor do all types of criminal offenses against sexual freedoms.²⁰ What is needed, therefore, are explicit provisions prescribing that a clean record with respect to all forms of domestic violence is a prerequisite for the issuance of a license for the acquisition of a firearm.
2. Neither the Law nor the corresponding regulations on its implementation specify the exact manner and procedure that a police officer shall follow in collecting data on the applicant with regard to the presence/absence of any indicators that the firearms could be misused due to disturbed family relations. It is assumed that in practice the vetting of such indications amounts to institutional checks of completed criminal and misdemeanour proceedings regardless of their outcomes. What represents a problem in this regard, however, are unreported domestic violence cases, as well as cases of such reports that have not yet been processed. According to an OSCE domestic violence survey, only 4% of women in Montenegro immediately reported violence by their present partners, and 12% by their former partners.²¹ In addition, some earlier surveys conducted by women's NGOs have indicated that the reason for the non-reporting of domestic violence and for victims' withdrawal from participation in the proceedings is their lack of trust in state institutions.²² The survey also showed that the police failed to record all reports filed by the reporting victims of violence, especially if violence was reported by calling 122, and even including reports filed in person, orally, especially those that resulted in the police simply warning the perpetrator, most often without any contact with the prosecutor. Such warnings have been reported to be given orally, with no official record which could serve as evidence in case the victim were to report violence again. It has also been observed and documented that the outcomes of domestic violence reports frequently appear to depend on the willingness of the victims to take part in the proceedings and that the police and prosecution often drop the case if the victim withdraws. An additional challenge is represented in those cases involving the institution of delayed prosecution. While the institution of delayed prosecution partly ensures the rights of victims of criminal offenses, the same institution can leave the offender not punished and therefore not registered in the criminal records, which raises concerns regarding the risk and danger of the reoccurrence of the violence, as this would seemingly prevent the relevant state bodies from realistically assessing both the threat to the community of the applicant being issued a firearm license and the applicant's eligibility for such a license.
3. Neither the Law on Weapons nor the corresponding regulations on its implementation mandate that interviews be conducted with a firearm license applicant's present or former intimate partners, or with other family members or neighbours, as part of the permit eligibility assessment procedure with regard to indications of disturbed family relations. Disturbed family relations are checked exclusively through the record of prior convictions and pending proceedings and the record of prior criminal and misdemeanour proceedings, regardless of their outcome. As has been already pointed out, the key problem here is the large number of unreported cases of violence (and the documented non-reporting by the police responding to such cases). Including the obligation to interview family members and neighbours as part of

20] Under the 2017 Criminal Code amendments, the basic form of the criminal offense of rape was redefined and is now based on the "absence of consent" instead of the use of "force/threat."

21] OSCE Survey on Violence against Women, Welfare and Safety of Women, Montenegro, Report with results: https://www.osce.org/files/f/documents/0/0/425291_0.pdf;

22] Tijana Saveljić, Jovana Hajduković, Nataša Međedović, Maja Raičević, The Analysis of compliance of legislative and strategic framework of Montenegro with the Council of Europe Convention on Prevention and Suppression of Violence against Women and Domestic Violence, 2016 Report, Podgorica 2016: <http://www.potpisujem.org/doc/4af853545b208a21bfc4d808cda0de10.pdf> ;

the applicant's eligibility assessment procedure with respect to the absence/presence of disturbed family relations would help make the checks of any such indications more comprehensive and truly effective. This would enable authorities to more accurately check whether the potential and real acquisition of firearms provokes fear in the intimate partner or in a child that the firearms might be used in any form of domestic violence, including psychological violence and threats.

4. None of the relevant provisions mention whether, or mandate that, security checks include consultations with the social work centre, especially in checking for any history of domestic violence on the part of the applicant for a firearm license.
5. The Law on Weapons does not obligate the competent authorities to inform any present or former spouses or other immediate family members of the applicant about any applications made by him/her for a license for the acquisition of a firearm.
6. The Law on Weapons does not contain any explicit provisions requiring a check on applicant's for a firearm license regarding the existence of protective measures pronounced in proceedings involving domestic violence. It remains unclear, therefore, whether this is checked as part of the checks for any indicators that the firearms could be misused, or for any indications of disturbed family relations.

In light of all of the above, there is a need for the detailed regulation of the manner in which police officers conduct checks as to whether there are any indications that the firearms might be misused, which should include, but not be limited to, the specific measures suggested above.

HEALTH ELIGIBILITY CHECKS

When the Ministry of Interior finds that the applicant meets the general requirements, the applicant must submit within 15 days the proof of fulfilment of the relevant special requirements, or the health certificate. An applicant documents his health eligibility with a certificate of medical fitness issued by a health care institution so authorized under the health care regulations and which is valid for five years. The competent health care institution has the duty to immediately notify the Ministry of any changes in the health status of a person who has been granted a medical fitness certificate for holding and carrying weapons in case it is deemed that the change bears an impact on the person's health fitness for holding and carrying weapons.²³ The present legal framework, however, does not include any instrument governing the exact manner by which an applicant's health status shall be assessed, which makes it unclear as to how an applicant's health fitness is assessed in practice.

This area, therefore, requires further regulation, with a special focus on ailments, diseases, and conditions that could compromise one's health fitness as a requirement for a license for the acquisition of firearms. What's more, the health certificate's five-year validity period would seem too long, as during such an expanse of time, it is too likely that serious changes in a person's mental health status could occur, alongside changes to other parameters that are used to confirm that one is fit to possess firearms.

CARRYING WEAPONS

Art. 28 of the Law on Weapons stipulates that a firearm must not be carried or transported without valid accompanying documents. The act of carrying a firearm implies the carrying of a weapon which is loaded or ready for instant use. The act of transporting firearms implies the transporting of firearms, accompanied by the required documents, from one location to another, exclusively unloaded and not ready for use, secured in adequate boxes, cases, or casing separately from their ammunition, in case of: a change of the owner's permanent or temporary residence; repairs or modifications of such weapons; their being used in hunting, at a shooting range, in sports competitions, when visiting other locations designated for shooting exercises, and in other authorized situations.

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

The Law on Weapons prescribes that firearms and ammunition must be handled with special care. ²⁴Carrying firearms in public is prohibited. Exceptionally, a natural person to whom a license for holding and carrying firearms has been issued may carry firearms only for use on authorized hunting grounds, at shooting ranges, in sports competitions, or in other places designated for shooting exercises. A natural person to whom a license for holding firearms has been issued may transport firearms from one location to another only for the purposes of repair, modification, in cases of a change in the holder's permanent residence, or for the purpose of use in shooting ranges. Natural persons are not allowed to carry and use firearms when under the influence of alcohol, drugs, or other psychoactive substances, or in any such state in which the person is deemed incapable of understanding the significance of their actions or of controlling their actions. Security officers providing physical security services for the protection of persons and property may carry firearms while providing such services, in accordance with the legislation governing the provision of services for the security of persons and property.

Category B weapons must not be carried in public, carried in such a way that they are made visible to other persons, or carried in a manner which might disturb the public.

STORING OF WEAPONS

Firearms and ammunition must be kept in a way which makes them inaccessible to persons not authorized to own firearms, especially minors, and must be kept locked and separate in a metal box, safe deposit box, or other similar storage facility, or in other ways deemed appropriately safe. Firearms and ammunition must be kept in the owner's residential or other suitable premises and in the jurisdictional area of his permanent or temporary residence, or in the case of legal entities, in their registered area of jurisdiction. Any owner of firearms and ammunition who temporarily leaves his/her permanent or temporary residence and does not take along the firearms and ammunition, as well as the relevant license, owned under this Law may hand in such firearms and ammunition for safekeeping to a person possessing a license for holding or for holding and carrying firearms, or to an authorized arms dealer. Failure to store firearms and ammunition in the prescribed way constitutes a misdemeanour and carries a fine of 500 to 20,000 euros in case of legal persons, and 150 to 6,000 in case of natural persons.

LICENSE RENEWAL

A firearm license which has expired can be renewed following a written application made on a prescribed form no later than within 30 days of the expiration date of the previously issued firearm license on the condition that the natural person meets the same requirements as those that apply to the procedure for the issuing of a license for the acquisition/holding of firearms. In this regard, the renewal procedure for a license for the acquisition/holding of firearms should take into account any domestic violence risks as provided for by law. A person who has not filed a renewal application within the statutory deadline shall be notified by the Ministry of the duty to submit an application for the issuance of a firearm license within the deadline set by the Ministry, such a deadline being potentially subject to an extension following the request of the relevant person. This request must be filed before the expiry of the previous deadline, provided such an extension is approved based on there being recognized valid reasons for such an extension.

NOTIFICATION OF THE SPOUSE OF AN APPLICANT SEEKING A FIREARM LICENSE

It is clear from the aforesaid that the Law does not establish any obligation on the part of the relevant authorities to notify the spouse of the applicant for a firearm license, or any close relative, that such a license has been issued or is being sought.

1.2.

ACTIONS BY COMPETENT AUTHORITIES IN DOMESTIC VIOLENCE CASES

Art. 5 of the Law on Domestic Violence Protection (Official Gazette of Montenegro, No. 46/10, 40/2011-1) establishes and regulates the duty of the Police Directorate, misdemeanour bodies, the public prosecution service, social work centres or other social and child care institutions, health care institutions, and other bodies and institutions responsible for domestic violence protection to provide, within their respective competences, full and coordinated protection in accordance with the needs of the victims and depending on the severity of the risks. As an illustration, Art. 11 prescribes that the relevant social work centre shall set up an expert team composed of its representatives as well as representatives from local government bodies, the police, NGOs, and experts for family issues to draw up a victim assistance plan and coordinate victim assistance activities, in accordance with the victim's needs and choices. In addition, protection providers are obliged by law to give priority to domestic violence cases, ensure mutual communication, and provide assistance in order to prevent and detect cases of violence, eliminate their causes, and provide assistance to the victims in regaining conditions for secure living.²⁵ Given that victims of domestic violence require expedited actions, the legislature imposes, under Art. 6 of the Law, the duty of the bodies concerned to act in an expedited procedure, focusing on the interest and wellbeing of the victim, in particular when the victim(s) is a child, elderly person, person with a disability, or a person who is not capable of taking care of themselves, whose cases must be given even greater priority in such procedures.

To ensure efficient cooperation among various actors within the domestic violence protection system, a Protocol on Actions, Prevention of and Protection Against Family Violence was signed in 2019,²⁶ replacing the 2011 Protocol. Under this instrument, the duty to take appropriate action in domestic violence cases lies with the police, social work centres, and the relevant health and judiciary institutions, as well as, for cases involving a child as a victim or witness of violence, with the relevant pre-school, primary, and secondary schools.

A fundamental problem, however, as well as an aggravating factor, is that the Protocol is not legally binding, but serves instead as a procedural tool (i.e., as instructions).

The most significant competences aimed at protection against domestic violence, outlined below, rest with the police and social work centres.

a) Police duties and competences

A number of regulations serve as the legal basis for police competences. When it comes to police actions, the Criminal Procedure Code (Official Gazette of Montenegro, Nos. 57/2009, 49/2010, 47/2014, 002/15, 035/15, 058/15, 028/18, 116/20) includes general provisions on the competences and duties of the police that apply to all criminal offenses, including domestic violence. Namely, where there are grounds for suspicion that a criminal offence which is subject to prosecution according to its essential characteristics has been committed, the police have a duty to inform the competent state prosecutor and take the necessary measures at their own initiative or upon a petition by a state prosecutor, with a view to: discovering the perpetrator; preventing the perpetrator and/or accomplice(s) from fleeing or hiding; discovering and securing traces of the criminal offence and items which may serve as evidence; and gathering all information which could be useful for conducting the criminal proceedings successfully.²⁷ To fulfil these duties, the police

^{25]} Art. 5 of the Law on Domestic Violence Prevention.

^{26]} The Protocol was made as part of the IPA 2010 Gender Equality Programme implemented in partnership with the Ministry of Human and Minority Rights of Montenegro, the UNDP, and the EU Delegation to Podgorica. Participating in the drafting of the Protocol were representatives of the institutions of the system, NGOs (Women's Safe House, the SOS Hotline for Women and Children Victims of Violence Niksic, the SOS Hotline for Women and Children Victims of Violence Podgorica), and international organizations (UNICEF and UNHCR). The Protocol was officially signed on November 25, 2011 by the heads of the Ministry of Justice, the Supreme Court, the Supreme State Prosecution Service, the Ministry of Education and Sports, the Ministry of Health, the Ministry of Labour and Social Care, the Police Directorate, and the Misdemeanour Council of Montenegro. Essentially, the Protocol is a special type of agreement among a number of institutions and organizations under which the signatories undertake to engage in multidisciplinary cooperation with clearly described actions for each individual system. It regulates the obligations for undertaking the measures which are necessary to ensure the organization, equipping, and education of a sufficient number of specialized experts who deal with domestic violence issues.

^{27]} Article 257, Criminal Procedure Code.

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

are authorized to take a number of actions. More specifically, police officers may arrest a person caught in the commission of a criminal offense provided there are reasons for the detention (such as, for example, danger of reoffending or of exerting influence on the witnesses). In addition, an authorized police officer may, without a court warrant, enter a person's premises or other facilities and conduct a search, where necessary, if the tenant of such residential premises so requests, or if it is deemed necessary to prevent the commission of a criminal offense, to arrest the perpetrator, or to rescue people and property.²⁸ Also, the police officers may, without a court order or any witnesses present, search a person when enforcing an order on forced apprehension or arrest, if there is suspicion that the person owns a firearm or instruments for assault, or if there is suspicion that the person may discard, hide, or destroy any items that are supposed to be seized from the person so as to serve as potential evidence in criminal proceedings. During the search, only those objects and documents that are linked to the purpose of the search can be seized. The police may, even before the investigation is launched, seize objects if there is a risk of delay.²⁹ The police have a duty to immediately return the seized objects to the owner or holder if criminal proceedings are not launched, or if criminal charges are not filed with a state prosecutor within three months. At this stage, a decision may be considered and rendered that the item(s) shall remain sequestered, i.e., a decision to not return the seized item(s) if it has been assessed that returning the item(s) would pose a risk or danger in spite of there being no established grounds for criminal prosecution.

The items and documents seized must be listed and clearly described in the official record, as well as in the receipt confirming the seizure which is immediately issued to the person whose items or documents have been seized. If a search of a dwelling or a person reveals items that are unrelated to the criminal offense for which the search was ordered, but indicate the commission of another criminal offense that is prosecutable according to its essential characteristics, they shall be described in the record and provisionally seized, and a confirmation of the seizure shall be issued immediately. The item(s) in question, including firearms, shall be immediately returned if the state prosecutor establishes that there are no grounds to initiate criminal proceedings and if no other legal grounds for the seizure of these objects are established.³⁰ Items and illicit proceeds seized in the course of criminal proceedings shall be returned to the owner or holder if the proceedings are discontinued or a final decision is rendered acquitting the defendant or dropping the charges against the defendant, on the condition that there are no established reasons for their seizure and on the condition that the further keeping of such items is not necessary for reasons of general security or moral integrity. If these conditions are not met, the security measure of the seizure of items is to be issued.³¹

Additionally, the Law on Internal Affairs (Official Gazette of Montenegro, Nos. 044/12, 036/13, 001/15, 087/18), in Art. 56a, stipulates that a police officer, to prevent the commission of a crime or misdemeanour, may seize an item provided that: 1) the circumstances, nature, and features of the item indicate that it is intended for the commission of a criminal offense or misdemeanour; 2) it is necessary for the protection of general security; 3) the item could be used for self-harm or for the purposes of absconding, hiding, or destroying any item(s) serving as evidence that a criminal offence or misdemeanour has been committed. The item(s) seized will be returned to the person that it was seized from when the reasons for seizure no longer exist, unless otherwise prescribed by law.

Another legal basis for police action is the Law on Domestic Violence Protection, which prescribes that the police, upon receiving a report of a case of domestic violence, have a duty to immediately take the necessary action and measures to protect the victim, in accordance with this law and other laws governing the duties of the police and their competences, misdemeanour procedure, criminal procedure, and witness protection. The Law provides that a police officer must accompany the victim to his/her apartment or other residential facility so that the victim can take personal belongings for daily use, and/or to where the victim seeks temporary accommodation, unless this is strongly rejected by the victim. To eliminate risk to the victim's physical integrity, the police officer may order the perpetrator to **leave the apartment or prohibit his/her return to the apartment or other residential facility**, for no longer than three days. The police officer must administer a written order of removal or prohibition of return to the apartment or another residential facility

28] Article 257, para 1, Criminal Procedure Code.

29] Art. 263, para 1, Criminal Procedure Code.

30] Art. 82, para. 2, Criminal Procedure Code.

31] Art. 97, Criminal Procedure Code.

to the perpetrator and victim immediately, within two hours, and in the presence of an adult, who may be another police officer, provided he/she is not a family member. According to the Survey of Domestic Violence and Violence Against Women³² conducted by Ipsos as part of the programme Support for Anti-discriminatory and Gender Equality Policies, the police apply this measure only rarely since, in their own words, this measure is supposed to be ordered by the court, while the police competences apply to shorter orders, i.e., the 72-hour restraining order, which is to be ordered only in cases in which the assessment shows the victim's life is at risk. That this efficient measure, which could solve the victim's accommodation issue and foster, if not ensure, at least a temporary sense of security, is rarely used is confirmed by official statistics, which document that of all protective measures issued in 2016, only 31 were the measure of removal from the shared residence (28 of which were issued by police officers).

If it is deemed that there is a risk of the reoccurrence of the violence, or that the accused perpetrator's presence in the victim's immediate environment would provoke severe suffering which would prevent the victim from engaging in regular psychological activities, **a restraining order** is to be pronounced.³³ **The order prohibiting harassment or stalking of the victim** may be issued to the accused perpetrator if it is deemed that there is a risk of his/her reoffending.³⁴ The Law states that a request for a protective measure may be filed, *inter alia*, by the police.³⁵ These are orders of protection which represent an element of the misdemeanour procedure and can be issued either together with another sanction or as an independent sanction.

Within the criminal law framework, the **Criminal Code** (Official Gazette of the Republic of Montenegro, Nos. 70/2003, 13/2004, 47/2006 and the Official Gazette of Montenegro, Nos. 40/2008, 25/2010, 32/2011, 40/2013 i 56/2013, 014/15, 042/15, 058/15, 044/17, 049/17, 003/20) includes options to issue to the accused perpetrator of the criminal offense of domestic or family violence **a restraining order³⁶ and/or the order of removal from the apartment or another residential facility,³⁷** if it is deemed that there is a risk of the reoccurrence of the violence. However, unlike misdemeanour regulations, the criminal legislation does not provide for emergency safeguards in cases of criminal offenses of domestic violence.

Risk assessment

Designed to complement the general Criminal Procedure Code provisions, the Law on Internal Affairs, and the Law on Domestic Violence Protection, the Protocol on Actions, Prevention of and Protection against Family Violence establishes the principles underlying the work and procedures of all the relevant entities and their cooperation in cases of domestic violence. For example, upon the police being notified (receiving a tip) of a domestic violence incident, they have a duty to act promptly, without any delays, to assign at least two police officers, preferably representing both the male and female gender, to visit the location and check the tip. Here, **a police officer has a duty to establish whether the accused perpetrator possesses a firearm** and, if legal or illegal possession is confirmed, the police officer must take all legal actions necessary to remove the firearm from the accused perpetrator, including through its seizure. The police are to assess the situation at the scene of the reported crime and collect all necessary information. After securing absolute privacy of the two sides, the police officers shall conduct separate interviews with the participants in the incident using the questions from the **Risk and Security Assessment Questionnaire**, provided as an Annex to the Protocol. One of the questions included inquires as to whether the accused perpetrator is in possession of any weapons/firearms. This question, however, is asked only of the perpetrator, i.e., the duty to inquire about the possession of firearms does not extend to other family members.

Based on their observations and the replies received, police officers then assess the risk of violence as low, moderate, or high, and apply their authorizations accordingly in order to ensure the security of the victim(s) of violence and prevent the reoccurrence of the violence. A large number of "Yes"

32] file:///C:/Users/user/Downloads/Istazivanje%20o%20nasilju%20u%20porodici%20i%20nasilju%20nad%20zenama%202017%20(1).pdf

33] Art. 22, Law on Domestic Violence Protection.

34] Art. 23, Law on Domestic Violence Protection.

35] Art. 27, Law on Domestic Violence Protection.

36] Art. 77a, Criminal Code;

37] Art. 77b, Criminal Code;

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

answers circled represents a higher risk of violence, while any positive reply to the questions marked in red automatically imply a high risk. However, the question regarding the accused perpetrator's possession of weapons/firearms is not marked in red. Correspondingly, if, in combination with the positive replies to other questions, the result is not more than eight "Yes" answers, a high risk level will, worryingly, not be indicated. Therefore, the Questionnaire must be amended to mark the question about firearm possession red so that a positive reply to that question would automatically result in a high-level risk assessment.

Police officers have a duty to conduct other investigative measures in order to collect evidence that could be significant to the proceedings, including, *inter alia*, interviews with persons who could provide useful information, such as persons in the immediate surroundings, neighbours, etc. Any filled-out Risk and Security Assessment Questionnaire is to be communicated to the competent social work centre electronically, through the information system. However, the experience of NGO Women's Safe House³⁸ shows that the Protocol is not consistently implemented in practice. It often happens that interviews are not conducted in line with the Risk and Security Assessment Questionnaire, and that, eventually, a properly determined risk assessment is not realized.

In addition, Art. 48 (1) of the Law on Weapons stipulates that the Ministry of Interior shall remove firearms, ammunition, and firearm licenses from any physical person who no longer fulfils all of the requirements, including, *inter alia*, the requirement related to domestic violence, and issue a decision thereon. In addition, the Law on Weapons prescribes that if it is determined that circumstances exist which indicate that firearms could be misused, especially due to the consumption of alcohol, drugs, or other psychoactive substances or due to disturbed family relations, the firearms, ammunition, and firearm licenses shall be removed immediately, even prior to any criminal, misdemeanour, or administrative proceedings being finalized, and shall be held until such proceedings are finalized, in order to undertake measures for protection against domestic violence or for the protection of the public order, measures which are required to be taken without delay, while the grounds underlying the decision to remove the firearms, etc., must have been established or at least deemed probable.³⁹

b) Social work centres' duties and competences

The competences of social work centres are governed by the Law on Social and Child Care (Official Gazette of Montenegro, No. 027/13 of 11 June 2013, 001/15 of 5 Jan 2015, 042/15 of 29 July 2015, 047/15 of 18 Aug. 2015, 056/16 of 23 Aug. 2016, 066/16 of 20 Oct. 2016, 001/17 of 09 Jan. 2017, 031/17 of 12 May 2017, 042/17 of 30 June 2017, 050/17 of 31 July 2017) and accompanying regulations for its implementation that establish the competences and measures that social work centres are to take in order to provide protection from domestic violence and violence against women. In accordance with the Protocol on Actions, Prevention of and Protection against Family Violence, the competent social work centre (i.e., its referral officer) has a duty to record any reports of suspected domestic violence and violence against women, be they oral (in person or by phone), written, or anonymous. Upon learning of any suspicion of a domestic violence incident, the officer has a duty to immediately contact the victim. In case of off-duty/stand-by hours, officers need to put in place technical conditions ensuring unhindered communication and take all measures within their competence to do so (ensure a telephone line and transport vehicles are available 24/7, etc). The referral office is to immediately inform the police (by phone, Viber, fax, or e-mail) of any suspicion or report of domestic violence. It is also to inform the police about all available data through the information system (ISSS) within 24 hours of the initial notification of the incident. In their communication with the victim, the case manager shall ensure the victim is on his/her own (in particular, without the alleged offender present), so that they can establish a relationship of trust and so that the victim can freely talk about any relevant problems and difficulties and share important information about the duration, prevalence, continuity, and types of the violence experienced. A case manager has a duty to ensure coordinated, continuous, and multidisciplinary cooperation (initiated on the occasion of information exchange between the police and a social work centre) between representatives of all institutions and organizations assigned to the case, ensuring multidirectional information exchange, joint planning, and monitoring of the response to the violence. The case manager shall ensure the participation of the victim and all the members of

^{38]} Interviews with beneficiaries of NGO Women's Safe House.

^{39]} Art. 50, Law on Weapons.

the multidisciplinary team (MDT) (professionals from institutions and organizations assigned to the case) in the drafting of the assessment of the Protection and Security Plan for the victim of violence. Together, they are to define individual duties and responsibilities, and the manner in which the activities will be implemented and their performance monitored. The Protection and Security Plan needs to include integrated services that ensure comprehensive, coherent, effective, and efficient protection and support to the victim and non-violent members of the victim's family. The Security Plan should include a plan of response to potentially critical situations in order to increase the victim's level of security (e.g., an escape plan, emergency telephone numbers, support, and a personal confidant and contact). The victim's security plan must be amended and adjusted when needed. **The Protocol does not prescribe any responsibilities on the part of social work centres with respect to the checks related to the presence and/or possession of firearms. Yet, since the protection plan is to be drafted in cooperation with members of a MDT, including the police, the plan should include measures aiming to remove any risk that firearms may be present.** However, the experience of Women's Safe House⁴⁰ shows that in most cases proper assessment and the Protection and Security Plan for the victim of violence are not made.

SEIZURE OF FIREARMS/LICENSES FROM CIVILIANS IN A DOMESTIC VIOLENCE SITUATION

The Law on Weapons stipulates that the Ministry of Interior shall remove firearms, ammunition, and firearm licenses from any natural person who no longer fulfils all of the requirements, including, (as stated previously in the section on permits) *inter alia*, the requirements related to domestic violence, and issue a decision thereon.⁴¹ In addition, the Law on Weapons states that in the case of any indications that firearms could be misused, especially due to the consumption of alcohol, drugs, or other psychoactive substances or due to disturbed family relations, the firearms, ammunition and firearm licenses shall be removed immediately, even prior to any criminal, misdemeanour, or administrative proceedings being finalized, and shall be held until such proceedings are finalized, in order to undertake measures for protection against domestic violence or for the protection of the public order, measures which are required to be taken without delay, while the grounds underlying the decision to remove the firearms, etc., must have been established or at least deemed probable.⁴²

Under the Protocol on Actions, Prevention of and Protection against Family Violence, the competent police officer has a duty to establish whether the accused perpetrator possesses a firearm, and if legal or illegal possession is confirmed, the police officer must take all legal actions necessary to remove, or seize, the firearm from the accused perpetrator, in accordance with the statutory competences. A police officer may seize an item to prevent the commission of a criminal offense or misdemeanour, provided that the following apply:

- the circumstances of the case and/or the nature and properties of the object indicate that the item is intended to be used for the commission of a crime or misdemeanour;
- it is necessary to protect general security;
- the item could be used for self-harm or for the purposes of absconding, hiding, or destroying any item(s) serving as evidence that a criminal offence or misdemeanour has been committed.

Police competences with respect to the seizure of firearms in cases of domestic violence, as well as the conditions for the return of seized firearms, are presented in further detail in the chapter entitled Police Duties and Competences.

40] Interviews with beneficiaries of NGO Women's Safe House.

41] Art. 48, Para 1, Law on Weapons.

42] Art. 50, Law on Weapons.

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

VICTIM SUPPORT PROGRAMMES

In Montenegro, any general support services⁴³ are to be provided through the systems of social and child care, health care, and the police. Each of these institutions is to take action and provide services to both the general population and victims of violence, particularly of domestic violence, in accordance with its statutory competences. Their cooperation is regulated by the Protocol on Actions, Prevention of and Protection against Family Violence. A number of services provided to victims of domestic violence are regulated by the Law on Social and Child Care,⁴⁴ which establishes and regulates the services of assessment and planning, counselling and therapeutic services, and social-educational services (which include counselling and support in violence cases), accommodation, urgent interventions, and other relevant services. The Law states that minimum standards must be prescribed for the provision of social and child care services to ensure uniformity across the territory of Montenegro. As for financial assistance in this context, the Law establishes and provides for financial social benefits and one-off financial assistance on the same conditions as those applicable to beneficiaries of family financial support and does not establish or provide for financial support specifically for victims of violence against women and domestic violence.⁴⁵ According to the Law, a social work centre is a body that shall take decisions regarding the exercising of rights by beneficiaries of rights under this legislation and on the use of other social care services.

Under the Strategy for the Protection Against Domestic Violence (2016-2020), the accompanying National Plan 2019-2021 was adopted for the improvement of the general support services for victims of violence, in accordance with the Istanbul Convention,⁴⁶ with the aim of improving the support services that professionals provide to victims of violence across the country, as well as to ensure that the availability, accessibility, and efficiency of these services are in compliance with the Istanbul Convention standards.

Regarding specialized support services,⁴⁷ as defined by the Istanbul Convention, most are provided by women's non-governmental organizations (WNGOs), with their work being mainly financed from donor funds. WNGOs working on the protection of women against violence and on protection against domestic violence provide emotional support, legal aid, representation in court, psychological support, escort services (by a personal confidant), an agent in the relevant institutions of the system, shelter accommodation, and transport from the shelter in cases in which the victim's security is at risk. However, a number of services are provided by licensed NGOs on the basis of a public-private partnership agreement. More specifically, the following five specialized services have been licensed in this context: the Shelter for Women and Children Victims of Violence and the National SOS Hotline for Victims of Domestic Violence in association with the SOS Hotline for Women and Children Victims of Violence in Niksic, the Shelter for Women and Children Victims of Violence in cooperation with the NGO Women's Safe House in Podgorica, the Counselling Service, led by the SOS Hotline Podgorica, the SOS Hotline for Victims of Sexual Violence managed by the NGO Montenegrin Women's Lobby from Podgorica, and counselling services under the direction of the NGO IKRA from Rozaje. At the time of the writing of this report, the SOS Hotline for Women and Children Victims of Violence in Berane was in the process of obtaining licensing for the Programme for the Provision of Counselling Services. The SOS Hotline Podgorica was licensed the Programme for the Provision of Counselling Services in 2019. In 2020, with the support of the Ministry of Labour and Social Care, it also secured the necessary funding for the licensing of the Emergency Housing Service and at the time of the writing of this report had all the conditions in place to set up the Crisis Centre for Victims of Gender-based Violence, which would represent the only one of its kind in Montenegro. However, while the licensing of organizations for the provision of counselling-therapeutic and social-educational services in social care was deemed as nearly complete at the time of the writing of this report, the prices and

43] General support services refer to the support provided to a large number of beneficiaries, such as social services, health care services, and employment services, i.e., those services that are not specifically designed for victims of violence, but for a wide range of beneficiaries, including victims of violence.

44] Official Gazette of Montenegro, No. 27/2013.

45] Art. 37, Law on Social and Child Protection.

46] file:///C:/Users/user/Downloads/Nacionalni%20plan%20za%20unapredjenje%20opstih%20usluga.pdf

47] Specialized support services are specific services introduced to protect and empower women survivors of some form of violence against women and/or domestic violence, such as SOS phone-lines, shelters, crisis centres for rape victims, and centres for victims of sexual violence (Kelly & Dubois, 2008).

exact terms of these services had not yet been set, which could limit or prevent the provision of such support to the victims.

With regard to the advancement of specialized services, the National Plan for improving specialized support services for victims of violence to heighten compliance with the Istanbul Convention 2019-2021⁴⁸ was in place at the time of the writing of this report. The issue of reparation for victims is given special attention in the Law on Victim Compensation in Violent Crimes (Official Gazette of Montenegro, No. 035/15), which shall take effect upon the date of Montenegro's (potential) accession to the European Union. This legislation establishes and regulates the victim's right to compensation of lost income, cost of treatment, hospital days, and funeral expenses, where relevant. According to the Law, such compensation is to be paid from the state budget of Montenegro. Under the Criminal Procedure Code and the Law on Misdemeanours (Official Gazette of the Republic of Montenegro, No. 22/3004 and 76/2006, Official Gazette of Montenegro, No. 073/10, 047/15, 048/15), a significant amount in compensation can also be claimed from the perpetrator. The Criminal Procedure Code allows the injured party to file a compensation claim during the criminal proceedings. A decision on the compensation claim is rendered on the basis of the circumstances established in the case, independently of the facts determined for the purpose of the decision rendered in the criminal proceedings. For this reason, the practice thus far has been that courts generally do not address compensation claims as part of their criminal proceedings, but rather refer the injured parties to civil proceedings for any compensation claims. Such claims are governed by the Law on Obligations (Official Gazette of Montenegro, No. 47/2008 and 004/11 of 18 Jan 2011, 022/17 of 3 April 2017), which establishes and provides for compensation in case of physical injury or harm done to health and/or a fine for physical pain sustained, for mental suffering caused by the loss of an amenity(ies), for the tarnishing of one's reputation or honour, for the violation of freedoms and rights of persons, for the loss of a loved one, or for fear suffered. It is the competent courts that determine the just compensation for damage suffered by a victim of violence.

Box 2:
**STRATEGY FOR
THE PROTECTION
OF WOMEN
FROM DOMESTIC
VIOLENCE 2016-2020
TOGETHER WITH THE
ACTION PLAN FOR
THE SAME PERIOD**

The Strategy⁴⁹ does not include a single measure aiming to reduce the risk of firearms being misused in domestic violence incidents. However, that this risk is incorporated indirectly is visible in Goal 2 – *Increase technical capacities and use a multidisciplinary approach in implementing regulations in the fight against domestic violence by enforcing ten comprehensive preventive measures for better coordination among institutions, including in their collection and exchange of data.* More specifically, it is planned that a manual be designed in line with the standards of the Istanbul Convention and other ratified international and regional instruments governing this area. The

manual would address detailed procedures for the enforcement of the existing Protocol by institutions and include: explanations of the relevant statutory provisions, detailed explanation on actions to be taken by institution staff in cases of domestic violence, and guidelines for multidisciplinary teams. As mentioned above, a new Protocol has been designed to include detailed instructions on actions by individual institutions. For example, police officers are instructed in responding to reports of domestic violence to make checks on firearm possession and where weapons are found to be in illegal or legal possession, to take all statutorily prescribed measures to remove the weapons and possibly seize them. Also, the Strategy provides for a number of safeguards aiming to prevent domestic violence, established within the goal – *Improved information and knowledge about the causes, prevalence, and effects of violence against women and domestic violence, as well as about the existing mechanisms for protection against domestic violence, namely:*

- Organize information campaigns to educate the public about the causes, prevalence, and consequences of domestic violence, the rights of victims, and institutions providing protection, with the contacts of such institutions, including a campaign within

48] file:///C:/Users/user/Downloads/Nacionalni%20plan%20za%20unapre%20C4%91enje%20specijalizovanih%20usluga%20podrs%C-B%87ke.pdf

49] file:///C:/Users/user/Downloads/2_139_10_12_2015%20(3).pdf

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

“16 days of activism to fight violence against women” in all towns across Montenegro, in partnership with the media, universities, NGOs, and the business sector, which would include the production of media education programmes containing content specifically designed for different target groups;

- design targeted information materials for victims of domestic violence, including print materials, web-pages, social media, etc., which include information about institutions and organizations providing protection, with their contacts and other important information that explains, in a simple and clear way, the rights of such victims, including the right to free legal aid and the right of recusal regarding an officer, a body/institution, or a judge in the event of a potential conflict of interest. The materials should be available in the official language of Montenegrin and in Albanian, as well as other languages where relevant, and made accessible in all the relevant institutions, authorities, and NGOs, as well as in public spaces during the campaign.

The Strategy for Protection against Domestic Violence 2016-2020 introduces the appointment of a National Coordination Body (NKT) with clearly defined objectives, powers, and manners of work, as well as the reporting procedures and the bodies reported to. The NKT is to be composed of representatives of the Parliament of Montenegro, state authorities (police, social care, health care, and education authorities), the Judicial Council, the Prosecution Council, the Bar Association, the Protector of Human Rights and Freedoms, the Statistics Office (MONSTAT), and NGOs engaged in the protection of women against domestic violence, of the human rights of vulnerable groups, and of the rights of the child.

ACTION PLAN FOR ACHIEVING GENDER EQUALITY 2017-2021 WITH THE IMPLEMENTATION PROGRAMME FOR 2019-2020

The Plan does not define any measures that are directly linked to the use or misuse of firearms. However, as part of its strategic goal – *Prevent all forms of gender-based violence, violence against women, and domestic violence, and improve the position and protection of the right of victims of all forms of gender-based violence*, the Programme of Implementation for 2019-2020 defines the targets or preventive measures that may eventually contribute to fighting the misuse of firearms in the context of domestic violence. More specifically, the Plan includes the following targets:

- improved legal framework and technical conditions for the effective implementation of safeguards and the effective punishment of perpetrators;
- increased awareness of the public about the occurrence of, problems of, and ways to combat gender-based violence;
- developing an awareness of incidents of, problems of, and ways to combat gender-based violence.

1.3. SECURITY SECTOR

Security sector officers are authorised to carry and use firearms while on duty. Such authorization is primarily vested in officers of the police, army, National Security Agency, customs, the Forest Service, in authorized gamekeepers, and in authorized private security companies. Detectives are not allowed to carry weapons in the conducting of their duties.⁵⁰

Since the officers who are authorized to carry firearms have direct access to such weapons and have received training in their use, this chapter examines: the security vetting procedures in the recruitment process of candidates for any domestic violence concerns; the procedure for cases in which security sector officers are found to have committed a domestic violence offence; and the rules for carrying and holding firearms by officers outside their working hours and service.

SECURITY CHECKS FOR DOMESTIC VIOLENCE CONCERNS

Private security services

The Law on the Security of Property and Persons (Official Gazette of Montenegro, No. 043/18 of 3 July 2018) prescribes the requirements for licensing of the services of security of persons and property that are not provided by the state. To be eligible to obtain such a license, Art. 19 stipulates that a company, other legal entity, or an entrepreneur must meet, *inter alia*, the following requirements:

1. the senior employee has no record of prior convictions for crimes prosecuted *ex officio*, nor are there criminal proceedings pending against this person; in the year preceding the license application, the person must not have been imposed with any violent crime convictions that carry a prison term, or any conviction for a misdemeanour, qualified as such by the legislation governing the acquisition and handling of firearms, and that during this period the person has not been issued a protective order disqualifying him/her from the profession, or a protective order of the seizure of firearms and ammunition, in accordance with the law; there must be no indicators of the abuse or illegal performance of security services (consumption of alcohol, use of psychoactive substances, behaviours prone to conflicts or incidents, etc);
2. at least four employees hold a license to work as guards, protection officers, physical security officers, and bodyguards;
3. at least two employees hold a license to work as technical protection officers and at least one employee holds adequate qualification level in the field of electrical technical services – to provide technical protection services;
4. there is suitable evidence that conditions are in place for the safe storage and safekeeping of firearms and ammunition, in compliance with the law governing the acquisition and handling of firearms for those service providers that offer security services for persons and property in transport.

A license to work for an authorized legal person/entrepreneur providing security services is issued on condition that:⁵¹

- the person has no record of prior final convictions for crimes prosecuted *ex officio*, nor are there criminal proceedings pending against the person for such a crime;
- the person has no record of final violent crime convictions that carry a prison term, or of convictions for a misdemeanour qualified as such by the legislation governing the acquisition and handling of firearms, and that such person has not been issued a protective order disqualifying him from the profession, or a protective order of the seizure of firearms and ammunition, in accordance with the law; and that
- in respect to the person, there are no indicators of abuse or illegal conduct of security services (consumption of alcohol, use of psychoactive substances, of behaviours prone to conflicts or incidents, etc).

As for officers providing security to persons and property and officers escorting valuables, they are subject to special requirements. Namely, they must meet the requirements for possessing, carrying, and transporting firearms, in accordance with the law governing the acquisition and handling of firearms, i.e., the Law on Weapons.⁵² The security service license shall become invalid if the holder no longer meets all of the above requirements.

The Law on Weapons establishes the requirements for the issuance of a license for the acquisition of firearms to a legal entity registered for providing the service of the physical security of persons and property. A legal person/entity must possess the required facilities for the safe storage and safekeeping of firearms and its senior officer must meet the general and specific requirements for the acquisition of firearms listed above in Chapter 1 – Civilian possession and use of firearms.

In light of these conditions, the risk related to prior domestic violence convictions is recognized, but not to a sufficient extent. More specifically, a senior officer's record of domestic violence convictions is an obstacle that would make the legal person ineligible for a license for the acquisition of firearms, while a potential security officer's record of prior convictions for crimes prosecuted *ex*

^{51]} Art. 29, para. 1, Law on Security of Persons and Property.

^{52]} Art. 29, para. 4, Law on Security of Persons and Property.

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

officio, including criminal offences with elements of domestic violence, is an obstacle that prevents the candidate from being eligible for a license to work as a security officer. A misdemeanour liability, however, is not recognized as a concern in the context of domestic violence, and the relevant regulations need to be amended accordingly.

Police Directorate

In addition to meeting the general requirements for employment in state bodies,⁵³ a person to be recruited as a police officer must meet the following specific requirements:⁵⁴

- minimum secondary school qualifications (general or vocational education);
- special psycho-physical capabilities;
- the applicant's behaviour fits the standards of behaviour for policing.

Art. 85(2) of the Law on Internal Affairs specifies that a person not eligible to conduct police service is: a person who has a record of prior conviction for a criminal offense committed out of self-interest or dishonourable motives; a person who has a record of prior conviction for a criminal offense of endangering public transport road safety under the influence of alcohol, drugs, or other psychoactive substances; a person convicted of a misdemeanour of disturbing public law and order with elements of violence or for another violation making the person unfit for the police service; a person whose conduct, habits, or tendencies indicate that the person is not sufficiently reliable and therefore unfit for policing. A fitness for policing test for a potential police recruit is administered in accordance with the Rulebook on the Fitness for Policing Test.⁵⁵ The related vetting includes *ex officio* collection of data on the candidate and the checking of the data provided by the applicant. The applicant is to fill in a fitness test questionnaire which includes, *inter alia*, entries on: prior convictions/sanctions for criminal offenses and misdemeanours; any disciplinary sanctions of the past two years; any pending civil and criminal proceedings; habits, conduct, and tendencies at the time of applying (such as addiction to alcohol, drugs, or psychoactive substances, gambling, wastefulness, etc.); and contacts with foreign police organizations or services. The questionnaire data are checked against the records kept by the Police Directorate and other relevant bodies, in accordance with the law. A police officer authorized for these checks shall make a report in writing and submit it together with the questionnaire to the Commission, which then prepares its own report, including its opinion on the applicant's fitness. This report is then communicated to the Human Resources Department of the Ministry of Interior.

It may be concluded that although the data on convictions and pending proceedings are subject to scrutiny, fitness/unfitness for policing under Art. 85(2) of the Law on Internal Affairs is assessed without seemingly taking into account an applicant's domestic violence criminal or misdemeanour convictions. Police officers are often the first to take action in domestic violence incidents and may rightly be regarded as a cornerstone in providing protection to victims of violence. In later stages, they serve as a key link between the victim and other institutions. In addition, the way in which their actions are performed and their attitude to the victim and the perpetrator are extremely important in ensuring that a victim is secure and a perpetrator is held liable, all of which are greatly influenced by the police officer's attitude to domestic violence. What is needed, therefore, is to define fitness/unfitness for policing more broadly so that it can also include consideration and vetting of an applicant's history for any misdemeanours and criminal offenses with elements of domestic violence.

As an exception, the risk of domestic violence is recognized, albeit not to a sufficient extent or sufficiently directly, in the procedure for an officer's advancement to a higher rank. Namely, eligibility for advancement to a higher rank is made conditional upon the following requirements:

- in the two years before being promoted, an officer must not have received unconditional punishment for a criminal offense prosecuted *ex officio* in the form of a prison term, or a disciplinary sanction for a serious disciplinary breach;
- there are no proceedings pending against an officer for a criminal offense

53] Art. 34, Law on Civil Servants and Employees requires that employees and candidates eligible to become employees must possess a clean record of prior convictions for crimes making the person ineligible for work in a state authority. However, there are no accompanying regulations specifying the crimes that would make a person unfit for work as a civil servant in a state authority.

54] Art. 85, Law on Internal Affairs.

55] Official Gazette of Montenegro, No. 029/13 of 22 June 2013.

prosecuted ex officio or for disciplinary proceedings for a serious disciplinary breach. However, if a police officer has received simply a fine for a domestic violence offense, this does not serve as an obstacle to his/her career promotion. It is therefore suggested that explicit provisions be created to make career promotion to a higher rank conditional upon a clean record for any criminal or misdemeanour offense of domestic violence, with no indication of, or restriction by, specific time periods.

Army

Recruitment for army service is subject, *inter alia*, to the following requirements:⁵⁶

- the applicant has not been unconditionally convicted for an offense that has resulted in his/her being sentenced to a prison term longer than six months, and has not received a final conviction for a criminal offense against: the constitutional order and security of Montenegro; humanity and other goods protected by international law; life and body; human rights and freedoms; sexual freedoms; marriage and family; health; occupational health; the general security of people and property; legal transactions; official duty; the judiciary public law and order; honour and reputation; the Army of Montenegro; property; or state bodies;
- the applicant is not subject to any pending criminal proceedings against him for a criminal offense prosecuted ex officio;
- that there are no security threats that would make the applicant ineligible for recruitment with the Army Service.

The Law establishes criminal liability in respect to a broad spectrum of criminal offenses, including all forms of criminal offenses with elements of domestic violence. Lacking, however, is a requirement for the applicant's clean record for any domestic violence offenses and the legislation should therefore be amended accordingly.

National Security Agency

In addition to the general requirements for employment in state bodies, recruitment for the National Security Agency is subject to the following requirements:⁵⁷

- the applicant must have no record of prior criminal convictions;
- there is no security risk disqualifying the applicant from recruitment with the Agency.

Again, domestic violence convictions are checked as part of the checks of the general record of prior criminal convictions, while misdemeanour infractions for domestic violence are not considered or identified as a requirement. Thus, here as well, the regulations must be amended accordingly.

Gamekeepers and the Forest Service

Recruitment for gamekeeper positions and employment in the Forest Service is subject to the same requirements applicable to all persons with respect to the right to carry weapons. A gamekeeper or Forest Service officer must meet the conditions for being eligible to carry firearms, in accordance with the legislation governing weapons.⁵⁸ Therefore, the requirements from Art. 13 of the Law on Weapons that include domestic violence aspects are taken into account here.

Customs Administration

Recruits for the Customs Administration are subject to the general requirements for employment in state administration bodies. In addition, the applicant must be deemed fit for Customs Administration duties and meet the security requirements for this service, as set by the relevant law (Art. 51 of the

⁵⁶] Art. 47, Law on the Army.

⁵⁷] Art. 27a, Law on the National Security Agency.

⁵⁸] Art. 34, Law on Forests, Official Gazette of Montenegro, No. 074/10 of 17 Dec. 2010, 040/11 of 8 Aug. 2011, 047/15 of 18 Aug. 2015; Art. 47, para. 3, Law on Wild Game and Hunting, Official Gazette of Montenegro, No. 052/08 of 27 Aug. 2008, 040/11 of 8 Aug. 2011, 048/15 of 21 Aug. 2015.

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

Customs Law⁵⁹), and detailed below.

A person is considered fit for customs service if, in addition to the general statutory requirements, he/she has not been convicted for a misdemeanour by a decision issued by a relevant authority for misdemeanours against the public law and order with elements of violent behaviour, or for any other misdemeanours making the applicant unfit for the customs service. To make an assessment of any security risks in respect to potential recruits, the Director of the Customs Administration has a duty to obtain the necessary data from competent state bodies and organizations. Nowhere in these requirements is there any explicit provision requiring checks for domestic violence concerns.

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

Private security services

A business license for the provision of private security services shall become invalid in the event that a company, other legal person/entity, or an entrepreneur which has been granted such a license ceases to meet all of the requirements for the security service for which the license was issued. This provision is interpreted to mean that a business license becomes invalid if the senior officer is criminally convicted of domestic violence, on condition that another senior officer is not appointed instead. It is not clear, however, whether the launching of proceedings against the senior officer for such an offense automatically suspends the license, since one of the requirements for license issuance is that there are no proceedings pending. Also, it is not clear how the checking of the fulfilment/nonfulfilment of requirements is to be conducted. The Law on Security of Persons and Property only stipulates that a company, other legal person/entity, or an entrepreneur holding such a licence has the duty, within eight days from the date of the beginning or cessation of the provision of security services, or from the date of change of any of the requirements, to inform the Ministry of Interior of such changes, and that failure to comply with this duty carries a fine of from 500 to 3,000 euros. It is recommended that a duty, and corresponding procedure, be introduced to check the fulfilment of requirements at regular intervals for the duration of the license, and that any misdemeanour offence should also render the license invalid.

A business license for security guard service becomes invalid if the person holding it no longer fulfils all of the statutory requirements. The above remarks on business licenses also apply to this license.

Police Directorate and National Security Agency

The Law on Internal Affairs prescribes that employment in the police shall be terminated, inter alia, in the event that an employee:⁶⁰

- has received a final conviction and an unconditional prison term of at least six months or has been convicted of a criminal offence with elements of corruption, regardless of whether the sanction is conditional or unconditional - as of the date the final judgment is submitted to the police;
- has received five disciplinary sanctions for minor breaches of official duty, or two disciplinary sanctions for major breaches of official duty, over a period of two years.

Termination of employment can also be pronounced as a disciplinary sanction in cases of major breaches of official duty. While the Law lists a large number of major breaches, it does not include among them a final conviction for domestic violence as a potential major breach of official duty. This means that in a situation where a police officer is convicted of domestic violence to a prison term under six months, his employment status would not obligatorily change, i.e., it would seemingly remain unchanged. Notwithstanding the above, the Law stipulates that any conduct during or outside duty hours which is in contravention of the Code of Ethics of the Police constitutes a major breach of official duty (Official Gazette of Montenegro, No. 046/13 of 2 Oct. 2013, 042/16 of 11 July 2016). Namely, the Code prescribes that a police officer has a duty to provide police services

59] Official Gazette of Montenegro, No. 003/16 of 15 Jan. 2016, 080/17 of 1 Dec. 2017.

60] Art. 109, Law on Internal Affairs.

in a way which will not tarnish his own reputation and that of the police as a whole, and to observe customary rules of conduct and ethical principles in his consistent law enforcement. A police officer also has a duty to take good care of his own reputation and that of the police as a whole even outside his duty hours.⁶¹ This provision may be interpreted to mean that domestic violence could fall under conduct outside duty hours, which would seemingly be in contravention of the Code of Ethics of the Police, and as such it should be classified as a major breach of official duty. It remains unknown, however, whether this is the position generally taken in practice. Even if it were, this provision is too broad and does not afford a level of certainty sufficient for its adequate implementation with respect to domestic violence concerns. It is therefore necessary to include explicit sanctions for any domestic violence committed by a police officer, whether qualified as a criminal or misdemeanour offence, and these sanctions should entail the automatic termination of the respective police officer's employment.

There is a possibility provided for by the Law that a police officer be temporarily suspended from work in case criminal proceedings have been launched against him/her for a criminal offense prosecuted *ex officio* or for a disciplinary procedure over a major breach of official duty where his/her presence at work is regarded as harmful to the interests and reputation of the Ministry and the Police, or as distracting to the disciplinary procedure. A police officer may be temporarily suspended from work even before criminal proceedings are launched in cases when an order to conduct an investigation against him/her has already been issued for a criminal offense prosecuted *ex officio* if it is deemed that his/her presence would harm the interests or reputation of the Ministry or the police. Since suspension is envisaged as an option which is subject to the decision of an immediately superior officer, a provision should be added to provide for a mandatory suspension from work in cases where criminal or misdemeanour proceedings have been launched against a police officer for an offence with elements of domestic violence.

The Law includes a good procedure by prescribing that any official badge, official ID, weapons, and other equipment shall be seized from a police officer on suspension for as long as the suspension lasts.⁶²

The aforesaid also applies to National Security Agency officers since the status, rights, duties, and responsibilities arising from an Agency officer's employment is subject to the same legislation governing labour relations of police officers and general regulations on civil servants.⁶³

The Army

As in the case of candidates for recruitment in the Army Service, an officer's service will be terminated in case of a final conviction for a criminal offense, including the criminal offence of domestic violence. A member of the Army Service shall be suspended if found in disciplinary breach of duties or if criminal proceedings or disciplinary proceedings have been launched against the person, where it is regarded that his/her presence on duty would harm the interests of the service.

A member of the Army service shall be suspended from duty:

- for the duration of his/her detention;
- for the duration of his/her prison term;
- if caught in a disciplinary breach of duties or if criminal or disciplinary breach proceedings have been launched, where it is deemed that his/her presence on duty would be harmful to the interests of the service.

Since there are no provisions for the termination of employment and/or suspension from duty in the case of an officer being convicted of a misdemeanour offence for domestic violence, such provisions should therefore be incorporated.

Customs Administration

The Customs Law (Official Gazette of Montenegro, No. 003/16 of 15 Jan 2016, 080/17 of 1 Dec 2017) does not establish specific conditions or procedures regarding the termination of employment.

61] Art. 6, Code of Ethics of the Police (Official Gazette of Montenegro, No. 046/13 of 2 Oct. 2013, 042/16 of 11 July 2016).

62] Art. 108 a, para. 2, Law on Internal Affairs.

63] Art. 38, Law on the National Security Agency.

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

Thus, the provisions of Art. 122 of the Law on Civil Servants and Employees would apply accordingly. The Law stipulates that employment is to be terminated if a civil servant/employee is convicted to an unconditional prison term of six months or more – as of the date the final judgment is issued by the relevant authority. Therefore, in a situation where a customs officer receives a final conviction for domestic violence and a prison term shorter than six months, his employment status would not obligatorily change, i.e., it would seemingly remain unchanged. Therefore, explicit sanctions, entailing the termination of employment, should be introduced for any domestic violence committed by a customs officer, whether qualified as a criminal or misdemeanour offence.

Any civil servant or employee against whom criminal or disciplinary proceedings have been launched over a major breach of official duty may have his/her duty/service restricted until the proceedings have been finalized. For the duration of temporary duty/service restrictions, the respective customs officer may not wear an official uniform, while his/her official ID, facsimile, weapons and other articles assigned to him/her for the conducting of his/her duty/service shall be seized. No such rules are envisaged for application to gamekeepers and Forest Service officers.

Gamekeepers and Forest Service officers

Gamekeepers and Forest Service officers who commit domestic violence are subject to Art. 48 of the Law on Weapons, which prescribes that firearms and licenses (see above) shall be seized.

HANDLING WEAPONS OUTSIDE DUTY HOURS

Private security service

A company, other legal person/entity, or an entrepreneur providing security services have a duty to store their firearms and ammunition at their official seat or on location where the security services are provided, in accordance with the law governing the procurement and handling of weapons. Under Art. 37 of the Law on Weapons, a legal person possessing firearms on the basis of a license for holding firearms may, for the purpose of performing the tasks for which they are registered, administer them for use to persons fulfilling requirements prescribed by this law. Employees from the legal entity who are using the firearms owned by such a legal entity must hold the licenses issued by such an entity for the holding, carrying, and transport of such weapons and ammunition, and must handle such weapons and ammunition with special care. Special care in handling weapons and ammunition is defined as implying their proper storage, professional usage, proper carrying, and the transport and holding of weapons in adequate conditions. Employees, i.e., security officers, are authorized to carry weapons only when providing physical security services. It can be concluded, therefore, that security officers are assigned and carry weapons only when on duty.

Police Directorate

Under the Law on Internal Affairs, a police officer is authorized to carry firearms. Additionally, the Decree on Police Uniforms, Rank Insignia, and Weapons (Official Gazette of Montenegro, No. 040/20 of 30 April 2020, 107/20 of 4 Nov. 2020) establishes that police officers carry a service firearm. Although not specifically regulated by statutory regulations, in practice, police officers are invested with firearms (i.e., they sign for them) for a period of 24 hours. There are no provisions in either the relevant primary or secondary legislation that regulate the handling of weapons by police outside of working hours. Secondary legislation should therefore be enacted to regulate the handling of firearms by police officers of outside of duty hours, with emphasis on the secure storage of firearms in off-duty hours.

The Army

A member of the army forces has a duty to keep and maintain the weapons he/she is entrusted with in line with the regulations. A member of the army forces may not take firearms outside of military installations or facilities, except where so provided for by special regulations, army training and usage plans, or by orders from the Chief of General Staff.

National Security Agency

National Security Agency officers who in the conduct of their duty may be especially exposed to risks to their personal security, health, and/or life, as determined by the Agency director, as well as those officers engaged in counter-intelligence and security protection, have the right to hold and carry service firearms. Short-barrel firearms are signed out to an NSA officer by an Agency officer in person, which means the recipient officer has the right to hold and carry such weapons for 24 hours. Long-barrel firearms are signed out to an NSA officer by an Agency officer for the duration of the official assignment requiring holding and carrying of weapons. Under this decree, the Agency officer holding and/or carrying a firearm may not carry long-barrel firearms outside the official facilities, official rooms, and the Agency perimeter (hereinafter: Agency secured zone)⁶⁴. Exceptionally, for the purpose of carrying out an assignment involving a high level of risk to personal security, health, and life, the Agency Director may grant an Agency officer permission to carry a long-barrel firearm even outside of the Agency secured zone.⁶⁵ However, the handling and storing of weapons outside of duty hours lacks any kind of regulatory framework, which thus represents another area where additional regulatory work is required.

Gamekeepers and Forest Service officers

Gamekeepers and Forest Service officers may carry their service firearms only during their service hours. Once their shift of duty is complete, gamekeepers are obligated to return their service weapons to the authorized command station of the respective hunting or forest grounds within 24 hours of the end of service.⁶⁶ There are no detailed provisions on the storing and handling of weapons in respect to either gamekeepers or Forest Service personnel.

Customs Administration

The service firearms and ammunition signed out to customs officers may be carried only for the duration of their official assignments. Once the respective assignment is completed, it is mandated that an authorized customs officer secure the firearms and ammunition in the relevant facility for the storage of weapons and ammunition, where a record is kept of all the items stored. In case an officer loses his status as an authorized customs officer, is on inactive duty, or is suspended, an authorized customs officer must immediately hand over his/her firearms and ammunition in proper condition. Firearms and ammunition are to be stored in such a way as to not be accessible to persons not authorized to hold them, locked and stored away in a metal locker, safe, or another similar storage unit that cannot be opened using general purpose tools. Firearms and ammunition are to be stored in secured facilities according to the relevant special storage requirements.

1.4. DOMESTIC VIOLENCE RECORD KEEPING

The records of reported cases of domestic violence, including the victims, perpetrators, protective orders issued, and other protective and assistance measures taken are kept by all the authorized bodies—entities involved in protection against domestic violence, in line with their respective competences, and are submitted to the ministry responsible for the protection of human and minority rights.⁶⁷

Under the Strategy for Protection Against Domestic Violence 2016-2020, and its Action Plan for the same period,⁶⁸ objective 4 – *An improved system of institutional protection against domestic violence*, includes the following activity:

- design methodologies for the collection of data on domestic violence to allow for

64] Art. 5 of the Decree on Holding, Carrying and Handling of Service Weapons by National Security Agency Officers (Official Gazette of Montenegro, No. 050/13 of 30 Oct. 2013).

65] Art. 36 b, para 1, item 3, Law on the National Security Agency.

66] Art. 7, Rulebook on Uniforms, Service Weapons and Gamekeeper Identification Documents (Official Gazette of Montenegro, No. 014/19 of 24 Feb. 2009, 014/16 of 26 Feb. 2016).

67] Law on Domestic Violence Protection.

68] file:///C:/Users/user/Downloads/2_139_10_12_2015%20(3).pdf

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

data exchange, regular monitoring and assessment of measures for the prevention of violence, and for informing the public about the current situation in this field.

The Final Report on the Implementation and Assessment of the Effectiveness of the Strategy for Protection against Domestic Violence from February 2021⁶⁹ states that the national database on domestic violence was launched in May 2019 in cooperation with the Ministry of Interior and the Ministry of Labour and Social Care. The electronic domestic violence database became operational in May 2019. This software solution enables electronic data exchange between authorized entities and contains data on: the parties involved in a reported case of domestic violence, a description of the report, with information on any firearm possession, potential victims, accused perpetrators, children, measures taken, misdemeanour and criminal reports, and the assessed level of risk.

In addition to the Law on Domestic Violence Protection, Art. 44 of the Law on Internal Affairs mandates that the police keep records of collected, processed, and used data, in particular regarding data on: 1) criminal offenders; 2) misdemeanour offenders; 3) wanted persons; 4) persons who have undergone the identity establishment procedure; 5) operational intelligence; 6) persons subject to secret surveillance measures in accordance with the legislation governing criminal procedure; 7) results of DNA analyses; 8) incidents; 9) persons who, on whatever grounds, have had their liberty restricted or were deprived of liberty; 10) complaints filed by persons; 11) means of coercion used; 12) fingerprinted persons; 13) photographed persons; 14) seized, lost, and found items; 15) criminal intelligence on terrorism and international organized crime; 16) measures taken in accordance with criminal procedure legislation; 17) video and audio recordings.

The Rulebook on the form, content, and manner of keeping records on collected, processed, and used data and international data exchange (Official Gazette of Montenegro, Nos. 051/13 and 045/15) provides detailed regulations on the issues within its scope. The record of criminal offenders, for example, contains the personal data regarding each offender, including his/her sex, age, any prior convictions, particulars of the criminal offense, the way in which the criminal offense was detected, data on the victim(s), relationship between the victim/injured party and the offender, and data on any assistance and protection provided to the victim(s). The record on seized, lost, and found items includes: the name of the seized, lost, or found item; a description of the seized, lost, or found item; personal data on the owner or user of the seized, lost, or found item (the person's/entity's name, citizens' central registry number; date of birth; residence and address; temporary residence and address; and the number of ID or travel document, in the case of a foreign national); the personal data of the person who has found the item (name; citizens' central registry number; date of birth; residence and address; temporary residence and address; and the number of ID or of travel document, in the case of a foreign national); the date, place, and municipality where the item was seized, lost, or found; the name and surname of the police officer who seized the item and the time of its seizure; the name and surname of any police officer who took over the item and the time of takeover; data on any subsequent action with the item (who the item has been given to, where it has been stored and kept).

The records on the measures taken in accordance with the law which regulates the criminal procedure includes: the personal data of the person who has been subject to the measures set by the criminal procedure legislation and data on any object or item subject to the measure taken in line with the criminal procedure legislation; data on the criminal offense which gave rise to the measures ordered under the criminal procedure legislation; the statutory qualification of the criminal offense, with reference to the actual article, paragraph, and subparagraph of the law applied; the place, date, and time of the commission of the criminal offense; the name of the body(ies) which filed an application or motion for a measure to be ordered; the name of the body(ies) which has taken a decision on the ordering of the measure; the name of the body(ies) enforcing the measure; data on the duration of the measure implemented in accordance with the criminal procedure legislation.

There is an additional record established as a criminal record kept by the Ministry on Justice, Human and Minority Rights on the basis of the data on final and enforceable court judgments, reports and other documents, data on prison terms served, data on conditional releases, amnesty, and pardons, data on fines paid, and data on the enforcement of community service.⁷⁰ The data

69] file:///C:/Users/user/Downloads/lzvjestaj%20i%20procjena%20uspjesnosti%20Strategije%20za%20C5%A1tite%20od%20nasilja%20u%20porodici%20Draft%20feb%202021.pdf

70] Art. 3 of the Decree on the Manner of Keeping of Criminal Records, Official Gazette of Montenegro, No. 051/11 of 28 Oct. 2011, 012/13 of 1 March 2013, 054/13 of 22 Nov. 2013.

that under statutory provisions make part of the criminal record are entered separately for each individual convicted and are as follows: personal details; details of the conviction; details of the criminal offense (statutory qualification of the criminal offense, together with the reference of the article, paragraph, and subparagraph applied, and the date of commission of the criminal offense); details of the sanction and other measures (type and duration of the sanction, type and duration of any security measure(s) taken, all changes of such details; any decision on release from sanctions; details on served time, barred time, or sanctions forgiven; the date of payment of any administered fine; and details on any change of judgment).

As for the record of misdemeanour offences, it includes the following: personal data about the offender; details of the misdemeanour (statutory qualification of the misdemeanour, with a reference to the article, paragraph, and subparagraph of the legislation applied); details of the sanction(s) (type and duration of the sanction, type(s) of warning measure(s) administered, type(s) of protective measure(s) administered, any measure(s) of the seizure of illicit proceeds for a misdemeanour; details on the removal/alteration of any sanction(s) and measure(s); details on the legal consequences of the conviction; subsequent changes of the data included in the record details on any prison term served; and on the removal/alteration of any of the legal consequences of the conviction.⁷¹

The provisions listed above are of a general nature, which makes them applicable to criminal and misdemeanour incidents with elements of domestic violence. This means that the records would include details on the statutory form of any criminal offense/misdemeanour, the relationship between the victim and the perpetrator, any item seized, including firearms, and the legality, or illegality, of their possession, as well as the date of any security and protective orders issued.

As for the social care sector, Art. 148 of the Law on Social and Child Care provides that databases are to be kept on the provision of social and child care services and their planning and monitoring, as well as on research and statistics in the social and child care sector. The Rulebook on the content of the database and the content and manner of keeping records on social and child care (Official Gazette of Montenegro, No. 058/13 of 20 Dec 2013, and 007/16 of 29 Jan. 2016) includes detailed provisions on the content, keeping, and manner of keeping and access to records, registers, and databases. The database on the social and child care services and their service users/beneficiaries includes, *inter alia*: personal data; data on the family situation (kinship, name and citizens' central registry numbers for all family members; data on other family members or other important persons in the user's immediate surrounding; details of any disability of a family member, etc.); data on guardianship and the personal data of any guardian(s); family status; data on the outcomes of any judicial and/or other procedures; data on the particular problems the users of services are facing or have faced; data on specific family issues; data on any measures taken, services provided, and procedures taken by the service providers; data on the services used (name of service providers, type of service, date of the beginning of service use, data obtained while working with a beneficiary, and data obtained from any service provider).

Box 3:

**Good Practices:
Australia and
Canada**

Examples from numerous countries show that targeted strategic interventions may produce positive impacts. For example, legislative reforms with respect to the ownership and issuance of firearm licenses implemented in Canada and Australia are reflected in an overall reduction of homicide rates (15% in Canada and 45% in Australia), especially in the reduction of femicide rates (45% in Canada and 57% in Australia) (IPU, CHD, 2007, p. 86), which points to the linkages between introducing more stringent firearm control measures and a decrease in the lethality of the outcomes in cases of intimate partner violence (AI, IANSA, OI, p. 14).

One of the most recognized measures in this regard is informing the spouse of an applicant for a firearm license, a measure first developed in Canada and promoted globally ever since. In Canada, and in many other countries, informing the spouse has become a

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

I mandatory stage in the process of acquiring a license (Possession and Acquisition License - PAL) to possess a firearm. Namely, if an individual wishes to obtain a firearm license, his/her present or former spouse/partner (in the last two years) must be informed. Although the consent of the spouse is not a requirement for the license, in case of any suspicions by the spouse, a second revision of the application will be initiated. In addition, in case of any reported crimes, including domestic violence, the application will be reviewed again (Coalition for Gun Control, p. 2).

This measure builds upon previously adopted measures that respond to the high lethality of firearms in domestic contexts and the restrictions of access to firearms for perpetrators of domestic violence, such as the strengthening and improvement of screening process. Furthermore, "extensive security checks are conducted in respect to any individual who applies for a license, while firearm licenses are continuously monitored to ensure that in case of a domestic violence incident, the license eligibility is immediately reviewed" (ibid, p. 2).

One of the objectives of Australia's legislative reforms was to adequately respond to the misuse of firearms in domestic violence contexts, which triggered the adoption of a number of provisions. The Firearms Act (1996) introduced a provision of a mandatory suspension of a firearm license for an adult "if a competent body (registrar) has reason to believe that the license holder has been charged with, committed, or threatened to commit a domestic violence offence. A firearm license is automatically suspended under the Domestic Violence and Protection Orders Act 2008, if the Misdemeanour court issues an interim protection order unless the court orders otherwise. Under these provisions, the Misdemeanour court may also order seizure of the license, and seizure and detention of the firearms and ammunition, for the duration of the interim order. Under the Domestic Violence and Protection Orders Act 2008 (p. 80, Emergency orders and firearms), the license is automatically suspended in case the court issues an emergency order. The court may also order seizure of the license, or seizure and detention of the firearms and ammunition, for the duration of the emergency order. If the competent body (registrar) orders a suspension of the licenses on the basis of these provisions, the registrar must give written notice of the decision to the license holder (see p. 260)." L

3.

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

This chapter provides an overview of the legislative and strategic responses to the gendered aspects of the demand for and the use and misuse of firearms. Particular focus is placed on those measures aimed at preventing the misuse of firearms, particularly among young men.

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

A number of strategic policies address issues relevant for enhancing the gender responsiveness of firearms control in Montenegro. The majority of measures for addressing the gendered aspects of small arms are provided by the Strategy for Combating Illegal Possession, Misuse and Trafficking of Small Arms and Light Weapons and Ammunition for the period 2019-2025. Other strategies only marginally address these aspects or fail entirely to recognize the specific convergences between firearms control and gender dimension.

THE STRATEGY FOR COMBATING ILLEGAL POSSESSION, MISUSE AND TRAFFICKING OF SMALL ARMS AND LIGHT WEAPONS AND AMMUNITION FROM 2019 TO 2025

Apart from measures listed in the section on legislative and policy preconditions for mainstreaming gender in small arms control, SALW Control Strategy contains several measures to address gendered aspects of demand for firearms and their misuse. In that regard, the gender aspect of SALW/firearms control is recognized under goal 4 - *Significantly reduce the demand for and the supply and misuse of firearms through increased awareness, education, outreach, and advocacy*, through the following targets:

- increase awareness among (the) general population, both women and men, on the danger of misuse, illicit possession and trafficking of FAE;
- increase awareness among young men of the dangers of (the) misuse of SALW/ firearms since they account for the majority of perpetrators and victims of firearm-related incidents;
- increase awareness and reduce the misuse of firearms in violence against women, domestic violence and other forms of gender-based violence.

ACTION PLAN FOR ACHIEVING GENDER EQUALITY 2017-2021 WITH THE IMPLEMENTATION PROGRAMME FOR 2019-2020

The Plan does not define any measures that are directly linked to the use or misuse of firearms. However, as part of its strategic goal – *Eliminate gender stereotypes and introduce gender equality policy in media, culture and sport* contain targets or preventive measures that may eventually contribute to reducing demand and misuse of firearms.

GENDER AND AGE CONCERNS

Young men are disproportionately represented among both perpetrators and victims of firearm incidents, which makes gender and age strong predictors of firearm-related violent incidents. Having this in mind, it is possible to design statutory measures targeting young men so as to reduce the specific gender and age differences. The age dimension is considered to a limited extent in the existing legislative and policy arms control frameworks. Under the Law on Weapons, the minimum age requirement for a weapons license is 18. However, neither the security procedures, the assessment of an applicant's health condition, nor any other implementing regulation offer comprehensive guidelines on specific risk factors that could determine whether an applicant, a young man in particular, could become violent (e.g., become a member of a gang, associate with delinquent peers, etc). Therefore, it is recommended that guidelines be defined on certain risk factors that could determine whether an applicant, a young man in particular, might show violent behaviour. **The Strategy for Combating Illicit Possession, Misuse and Trafficking in Small Arms and Light Weapons and Ammunition for 2019 to 2025 and the Action Plan for its implementation define as a target and a key measure** the following: raise awareness among young men about the threats of the misuse of small arms and light weapons/firearms, given that

they account for the majority of perpetrators and victims of firearm-related incidents.

The Strategy for Youth for 2017-2021 and the Action Plan for its implementation for 2020-2021⁷² identify violence against children as having a negative effect on the mental health of youth. Although there is a legislative framework in place in this regard, particularly in the field of violence against children in the family environment, Montenegrin society still shows a high level of tolerance to so-called “mild forms of violence.” Peer violence, especially on the internet, is often still not fully understood by adults working with youth who are supposed to support them in a crisis situation. This implies that all young people, especially those under 18 years of age, are less likely to feel safe. The Strategy, within its Goal B – *Youth has access to quality education*, envisages as one of its activities the implementation of accredited professional development programmes for teachers on the topics of: prevention of violence on the internet; psycho-social support to students in stressful situations; peer and gender-based violence; and the prevention of radicalism and violent extremism. In addition, within Goal D – *Young people are healthy, safe, and have access to an adequate support system for transition to adulthood and self-realization*, one of the activities is: implementation of programmes and campaigns on the prevention of youth health risk behaviours (misuse of alcohol, tobacco, and psycho-active substances, high-risk sexual behaviours, obesity).

PREVENTION OF FIREARM SUICIDES

The Strategy for the Protection and Promotion of Mental Health in Montenegro 2019-2023⁷³ identifies suicide as a problem on both the global and local levels. While the general suicide rate remained almost unchanged from 2000 to 2016, the data disaggregated by sex show that the rate went up for men and dropped for women. One of the strategic objectives is to improve the mental health of the population and reduce the mental health burden in the population, with special emphasis on at-risk and vulnerable groups. The Strategy defines as one of the performance indicators for this goal a reduced suicide rate in the general population and in subgroups based on age, sex, and other vulnerable groups. Another strategic goal is to establish and develop readily accessible, safe, and effective mental health protection services that would respond to community needs and to the psychological, physical, and social needs and expectations of persons with mental health issues, and their families. The Strategy, however, does not recognize any risks concerning suicide by firearm and, consequently, provides for no measures to reduce this risk.

The report on the implementation of the Action Plan for the Strategy for Combating Illicit Possession, Misuse and Trafficking in Small Arms and Light Weapons and Ammunition for 2019-2025 identifies a lack of measures that could contribute to the prevention of firearm suicides and the misuse of firearms in cases of gender-based violence and suggests that measures should be defined to address these issues in the future.

In view of the above, specific risk factors should be considered that could be incorporated into health fitness assessments with the purpose of flagging suicide risks.

72] <http://www.strategijazamlade.me/> ; file:///C:/Users/user/Downloads/Strategija%20za%20mlade%20-%20Akcion%20plan%202017-2021.pdf ;

73] file:///C:/Users/user/Downloads/Strategija%20za%20C5%A1tite%20i%20unapre%20C4%91enja%20mentalnog%20zdravlja%20u%20Crnoj%20Gori%202019-2023.pdf

4.

GENDER SENSITIVE RECORD KEEPING AND DATA COLLECTION PRACTICES

This chapter analyses regulations on firearm data collection in order to determine to which extent the applicable laws and strategies enable gender and age sensitive record keeping.

The availability of sex and age disaggregated data is critical for properly understanding the gender-differentiated effects of small arms on the safety and wellbeing of women and men and for the development of an adequate legislative and policy response to tackle gendered aspects of small arms control. Gender statistics imply that statistics go well beyond general sex-disaggregation and include sex-disaggregated data that cover specific gender issues, such as those related to domestic violence.

As for the legal framework, the Law on Gender Equality⁷⁴ prescribes that statistical data which are collected, recorded, and processed by all relevant state organs, business entities, and other legal persons/entities, as well as by entrepreneurs, must be disaggregated by sex.

Under Art. 101 of the Law on Weapons, the Ministry of Interior shall keep a record of: issued firearm acquisition permits; weapons registration cards for holding firearms; weapons registration cards for holding and carrying firearms; permits for holding firearms; permits for the collection of antique firearms; permits for handling firearms; European Firearms Passes and other documents on firearms issued on the basis of ratified international agreements; reported category C weapons; surrendered firearms and ammunition; seized firearms and ammunition; issued permits for: the production of firearms and ammunition, trading in firearms and ammunition, and brokering in arms trading; the repair and conversion of firearms; the transport of firearms and ammunition; permits to provide services of sports-recreational shooting in civilian shooting ranges; permits for the training of citizens in proper handling of firearms; and permits for natural persons for ammunition reloading issued by hunting and sports shooting organizations. Paragraph 2 of the same article obligates the police to keep a record of: reports on the loss, theft, and finding of firearms and ammunition; firearms and ammunition found; seized firearms and ammunition; documents on issued firearms; firearms transported over the national border; and issued permits for the transportation of firearms and ammunitions into the country. Montenegro's diplomatic and consular offices keep records on firearms and ammunition for which entries have been made in travel documents. The public administration body responsible for health keeps records of certificates issued confirming health fitness for holding and carrying weapons. The public administration body responsible for the economy keeps records of produced and delivered arms and ammunition.

Records are kept in electronic form.

Record must also be kept by:

- a) a physical or legal person holding a permit for the collection of antique firearms, on collected antique firearms;
- b) a company or entrepreneur holding a permit for the production of firearms and ammunition, on produced and delivered firearms and ammunition, and on the testing and marking with a trademark of all firearms and parts thereof;
- c) a company or entrepreneur holding a permit for the trading of firearms and ammunition, on acquired and sold firearms and ammunition;
- d) a company or entrepreneur holding a permit for brokering in the trade of firearms and ammunition, on the acquisition and sale of and arrangements for the transport of firearms between the producer and the trader of firearms;
- e) a company or entrepreneur holding a license for the repair and modification of firearms, on repaired and modified firearms, the testing of firearms, and the permanent disabling of firearms;
- f) a company or entrepreneur holding a permit for the transport of firearms and ammunition, on performed transportation of firearms and ammunition, and on the sender, the recipient, the manufacturer, the type, and the quantity of firearms as well as on ammunition which it has transported;
- g) a legal person or entrepreneur holding a permit for the provision of services of sports-recreational shooting in civilian shooting ranges and the training of citizens on the proper use of firearms, on acquired firearms, the usage of firearms, acquired and used ammunition, and issued permits of qualifications for the proper use of firearms;
- h) hunting and sports organizations on issued certificates for individual ammunition charges.

4. GENDER SENSITIVE RECORD KEEPING AND DATA COLLECTION PRACTICES

The Law does not establish a mandate for these records to be disaggregated by sex.

The Rulebook on the form, content and manner of keeping records on collected, processed, and used data and international data exchange establishes the rules on the form, content, and manner of the record-keeping of, *inter alia*, criminal and misdemeanour offenders and of seized, lost, and found items. This data includes the personal data of offenders and owners of the seized items, including their sex.

The Strategy for Combating Illicit Possession, Misuse and Trafficking in Small Arms and Light Weapons and Ammunition for the Period from 2019 to 2025 recognizes the need to collect sex and age disaggregated data for the development of gender responsive policies. As a result, one of its goals is – Ensure that arms control policies and practices in the Western Balkans are evidence-based and intelligence-led, which includes the following targets and activities:

- Standardize and institutionalize data collection on firearms by sex and age regarding seizures of legal and illegal small arms and light weapons/firearms, armed violence incidents, ballistic evidence, and other firearm-related data, which shall result in periodic regional risk analyses and assessments of threats linked to firearms, ammunition, and explosives;
- Fully integrate gender and age concerns into small arms and light weapons/firearms control policies and ensure the meaningful participation of women in their control.

The report on the implementation of the Action Plan for the Implementation of the Strategy for Combating Illicit Possession, Misuse and Trafficking in Small Arms and Light Weapons and Ammunition for the Period from 2019 to 2025, notes that the following activities aimed at standardization have been implemented:

- working groups have been set up;
- records have been analysed and recommendations prepared to improve sex and age disaggregated record-keeping;
- records have been adapted and amended; and
- data on firearms is collected and submitted for analysis on an annual basis.

5.

ARMS TRADE

This chapter analyses the legislation governing arms export to determine whether and to what degree it takes into account the risks of firearms being used to commit gender-based violence. The analysis focuses particularly on commitments arising from the Arms Trade Treaty and the EU Common Position on Arms Exports.

THE ARMS TRADE TREATY

Montenegro signed and ratified the Arms Trade Treaty on June 3, 2013 and August 18, 2014, respectively.⁷⁵ The implementation of Art. 7.4 of the Arms Trade Treaty obligates exporting member states to take into account when making their risk assessment the risk of conventional arms being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children. The Law on Foreign Trade in Arms and Military Equipment⁷⁶ was adopted on June 17, 2016 and calls for among other things, the harmonization of the relevant national legislation with the germane, operative European Union Acquis and international agreements. The Law governs: the conditions under which a person, natural or legal, can engage in the international trade of arms and military equipment, the corresponding licensing requirements and procedures, and the relevant supervisory and administrative measures, which include misdemeanour offenses. The Law establishes that the body responsible for foreign trade in arms and military equipment, before issuing a decision on an application for export authorization, provision of brokering services, and/or technical assistance for controlled goods, must obtain consent from the state administration body responsible for foreign affairs, defence, and internal affairs. The state administration body responsible for foreign affairs is to assess each application according to the following criteria:⁷⁷

1. the respect of Montenegro's international obligations arising from its membership in the United Nations, in particular with respect to the acts adopted by the UN Security Council, the Organization for Security and Cooperation in Europe, the European Union and other international organizations that Montenegro is committed to, as well as to agreements on the non-proliferation of arms for mass destruction and other germane international obligations;
2. the respect of human rights in the country of final destination and the respect of international humanitarian law by that state;
3. the internal situation in the country of final destination with respect to any tensions or armed conflicts;
4. the preservation of regional peace, security, and stability;
5. the conduct of the country of the final user, in relation to the international community, especially its attitude to terrorism, the nature of its alliances, and its respect of international law;
6. the existence of risks that the controlled goods exported could be diverted within the country of final destination and re-exported for prohibited purposes;
7. the national security of Montenegro and the security of the states that Montenegro is in partnership relations with; and
8. the compatibility of controlled goods export with the technical and economic capacity of the receiving country, taking into account the needs of the country to fulfil its legitimate security and defence activities with the least possible reallocation of human and economic resources for purchasing weapons.

In the procedure of granting its approval, the state administration body responsible for internal affairs places a particular emphasis on assessing the impact of the traffic of controlled goods on safety, the protection of life, and the security of person and property.

Based on the above provisions, it can be concluded that the Law on Foreign Trade in Arms and Military Equipment is not fully aligned with the Arms Trade Treaty. Namely, although the Law specifically obligates the relevant authorities to make a general assessment of the impact on citizens' personal security, there is no obligation to carry out an assessment of any specific risks associated with the commission, or the facilitation of the commission, of gender-based violence, or violence against women and children. Amendments to this legislation are therefore needed to address the above issues.

75] Law on the Ratification of the Arms Trade Treaty (Official Gazette of Montenegro – International treaties, No. 9/2014 of 4 Aug. 2014).

76] Official Gazette of Montenegro, No. 040/16 of 30 June 2016.

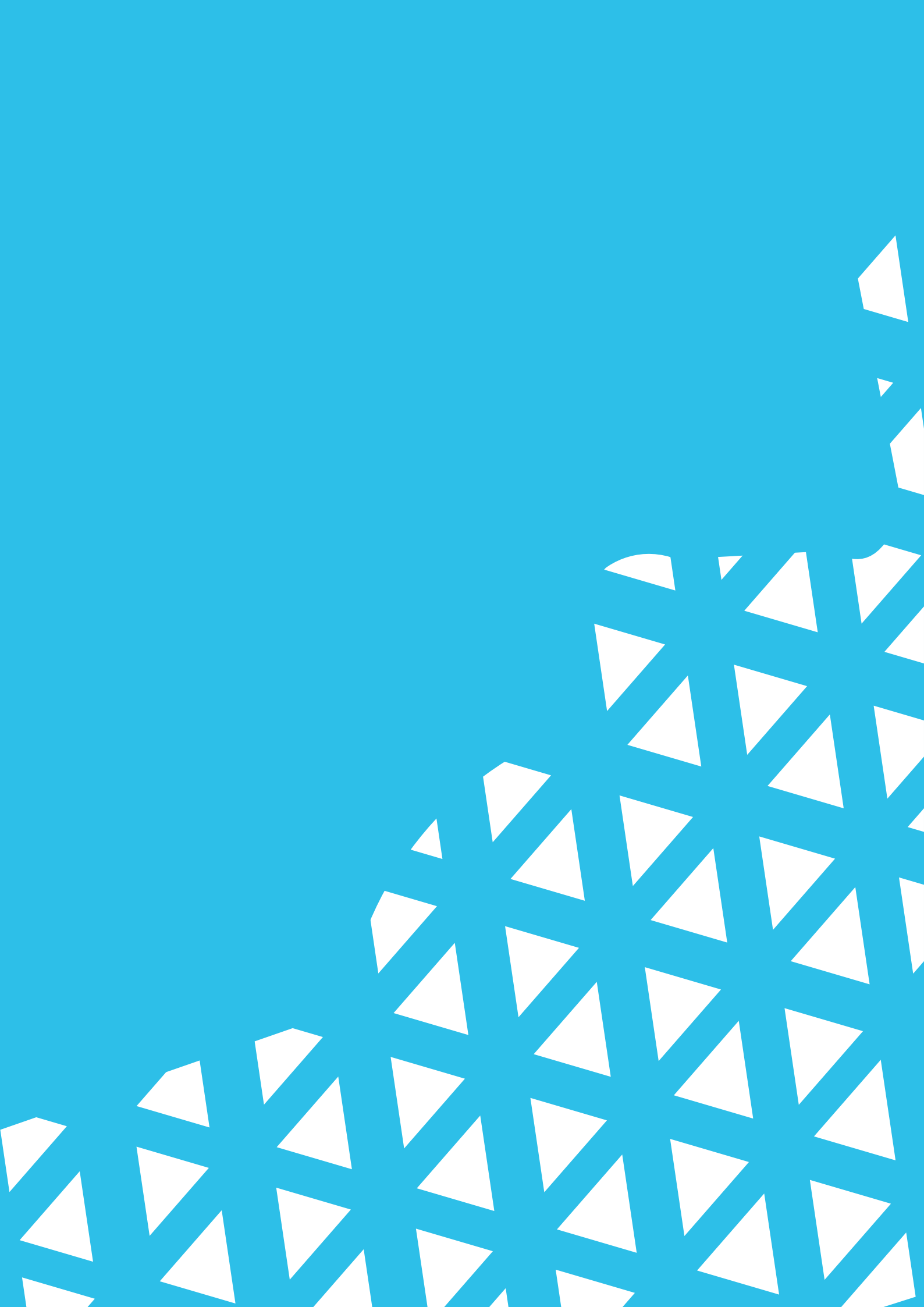
77] Art. 22, Law on Foreign Trade in Arms and Military Equipment.

THE EU COMMON POSITION ON ARMS EXPORT

The 2008 EU Common Position on Arms Export, which defines the common rules for the control of export of military technology and equipment in the EU, sets forth the following criteria, according to which every member state shall assess applications for the export of military technology and equipment:

1. 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;
2. Criterion Two: Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law;
3. Criterion Three: Internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts;
4. Criterion Four: Preservation of regional peace, security and stability;
5. 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;
6. Criterion Six: Behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law;
7. 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;
8. Criterion Eight: Compatibility of the exports of the military technology or equipment with the technical and economic capacity of the recipient country, taking into account the desirability that states should meet their legitimate security and defence needs with the least diversion of human and economic resources for armaments.

The criteria established by Art. 2 of the EU Common Position are fully incorporated in Art. 22 of the Law on Foreign Trade in Arms and Military Equipment.



V

CONCLUSIONS AND RECOMMENDATIONS



CONCLUSIONS

- Montenegro is committed to fulfilling its international obligations arising from multilateral agreements on arms control, disarmament, and non-proliferation and actively participates in international efforts to restrict or fully ban certain categories of arms.
- Montenegro has made significant progress in integrating the gender perspective into legislation and public policies on small arms control. It has introduced statutory provisions on eligibility criteria for firearm acquisition permits in the context of domestic violence and has taken strategic decisions on other gendered aspects linked to small arms, such as gender factors boosting the demand for firearms and shaping risk behaviours and regarding the participation of women in small arms control.
- With respect to the civilian possession of firearms and the prevention of misuse of firearms in domestic violence, the Law on Weapons recognizes the commission of domestic violence as a criterion disqualifying one from obtaining a firearm acquisition permit and this is incorporated into the following three requirements: i) that the applicant has no record of prior criminal convictions for acts with elements of violence which are contained in criminal acts against marriage and family, human rights and freedoms, or sexual freedom, as well as that no criminal proceedings have been initiated against him/her for such a criminal act; ii) that the applicant has no record of prior convictions for misdemeanours indicating that the firearms could be misused, especially for misdemeanours with elements of domestic violence, as well as that no proceedings have been initiated against him/her for such a misdemeanour; and iii) that there are no indications, such as, and in particular, but not limited to, disturbed family relations, that the firearms could be misused.
- Consideration of gender violence is also reflected in the firearms permit renewal procedure, which establishes the possibility of authorities to seize firearms even before the completion of any relevant criminal, misdemeanour, or administrative proceedings, including the sequestration of such firearms until such proceedings have been completed, if it is deemed that there are any indications that the firearms could be misused, especially due to the consumption of alcohol, drugs, or other psychoactive substances or due to disturbed family relations.
- However, the Law on Weapons fails to explicitly prescribe whether criminal offences against marriage and family, sexual freedom, and the rights and freedoms of citizens that do not necessarily involve physical violence, but which include some other form of violence, such as psychological, economic, or sexual violence, would also disqualify an applicant from being eligible to be issued a firearm acquisition permit.
- Neither the Law on Weapons nor the accompanying regulations for its implementation specify the manner and procedure by which security checks are to be carried out, nor exactly how a police officer shall collect data on the applicant with respect to the absence/presence of any indications that the firearms could be misused due to disturbed family relations. It is assumed that in practice the vetting of such indications amounts to institutional checks of completed criminal and misdemeanour proceedings regardless of their outcomes. What represents a problem in this regard, however, are unreported domestic violence cases, as well as cases of such reports that have not yet been processed, neither of which would seem to be taken into account when an application for a firearm permit is reviewed.
- Neither the Law on Weapons nor the corresponding regulations on its implementation mandate that interviews be conducted with an applicant's present or former intimate partners and/or with other family members or neighbours as part of the permit eligibility assessment procedure with regard to indications of disturbed family relations.

CONCLUSIONS AND RECOMMENDATIONS

- The Law on Weapons does not obligate the relevant line authority to inform present or former spouses or other immediate family members of the applicant of any applications filed by the applicant for a firearm acquisition permit.
- The Law on Weapons does not explicitly require that a check be carried out on the presence or previous issue of any protective measures imposed in domestic violence proceedings on the applicant. This makes it unclear as to whether this is checked as part of the vetting procedure for any indications that firearms could be misused, or for indications of disturbed family relations.
- The most significant powers for protection against domestic violence rest with the police and social work centres.
- The Protocol on Actions, Prevention of and Protection against Family Violence establishes the duty of the relevant police officer to check whether the perpetrator is in possession of weapons/firearms and, in cases in which the perpetrator is found to be in legal or illegal possession of weapons/firearms, to take all legal actions necessary to remove, or seize, such weapons from the accused perpetrator.
- Police officers, officers of the National Security Agency, customs officers, army officers, Forest Service officers, authorized gamekeepers, as well as officers of private security companies are authorised to carry and use weapons during their duty hours.
- It is only with respect to applicants for positions in the Army and the National Security Agency that there is an explicit legal provision requiring security checks to include checks of records of prior domestic violence criminal convictions as part of the checks of general criminal records, while these checks do not include misdemeanour offences. Regarding the vetting of police and customs officers, checks of prior domestic violence convictions are not specifically required as part of the employment related security checks, but they may be part of internal controls. Officers working in private security agencies are not subject to checks on misdemeanour offences.
- The employment status of police officers, officers of the National Security Agency, and customs officers remains officially unchanged in case of domestic violence convictions with sanctions under six months in prison, and for army officers, in case of misdemeanour convictions.
- There is a need for additional legislation on the holding and carrying of service firearms outside of working hours by those officers who carry them 24 hours a day.
- The Strategy for Combating Illegal Possession, Misuse and Trafficking in Small Arms and Light Weapons and their Ammunition for 2019-2025 and the Action Plan for the Implementation of the Strategy for Combating Illegal Possession, Misuse and Trafficking in Small Arms and Light Weapons and their Ammunition for 2019-2025 are key strategic documents designed in order to establish a comprehensive and effective system of SALW and ammunition control by setting up a legal framework for arms control and for reducing illegal flows and the proliferation and misuse of firearms, ammunition, and explosives. The Strategy establishes explicit commitments to improve gender equality in SALW control, collect data on firearms disaggregated by sex and age, and to design and implement other activities in order to raise awareness in the general public and among women and men about the risks associated with the misuse and illegal possession of and trafficking in firearms, ammunition, and explosives, particularly to raise awareness among young men of the risks of SALW/firearms misuse.
- The Law on Gender Equality serves as the basis for gender mainstreaming in small arms control, and the Action Plan for Achieving Gender Equality for 2017-2021 pursues the same objective. In this respect, one of the Plan's objectives is to create a society of equal opportunities and eliminate all forms of discrimination on the grounds of sex and gender. This goal includes a sub-goal designed to integrate the gender equality principle into the design and implementation of all national policies (programmes and strategies) and actions by state bodies as well as to integrate the gender perspective into all stages of policy design, adoption, implementation,

monitoring, and assessment, and in particular to integrate the gender perspective into legislation.

- While the Law on Weapons does not mandate the keeping of gender disaggregated records, the Strategy for Combating Illegal Possession, Misuse and Trafficking in Small Arms and Light Weapons and their Ammunition for 2019-2025 recognizes the need to collect data disaggregated by sex and age in order to create gender responsive policies. The relevant records have been updated accordingly by sex and age, and firearms data are collected and submitted annually for analysis.

RECOMMENDATIONS

While Montenegro has made significant progress in integrating the gender perspective into small arms control legislation and policies, it is clear that further measures need to be taken to make legal and strategic provisions more effective. In this regard, what is presented below is an overview of the key recommendations regarding the most critical instances of non-compliance. These recommendations also provide room for future interventions.

The recommendations are based on the findings and conclusions of this survey.

GENDER ANALYSIS OF LEGISLATION RELEVANT TO SMALL ARMS CONTROL

LEGISLATIVE AND POLICY PRECONDITIONS FOR INTEGRATING THE GENDER PERSPECTIVE AND THE PARTICIPATION OF WOMEN AND INTO SMALL ARMS CONTROL

- Enhance strategic synergies to maximise the effect of measures proposed to control the demand for and the use and misuse of firearms between the Strategy for Combating Illegal Possession, Misuse and Trafficking in Small Arms and Light Weapons and their Ammunition for 2019-2025 and other relevant strategies, in particular the Action Plan for the Implementation of UN Security Council Resolution 1325 – Women, Peace and Security, including the preparation of a financial plan that would secure the funds needed for the implementation of the proposed policy measures.
- Regulate and ensure the balanced representation of women in the SALW Commission.
- Consider the participation of the women's non-governmental sector in the SALW Commission.

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

- Incorporate into the Law on Weapons explicit provisions prescribing that a clean record with respect to prior convictions for all forms of domestic violence, including both those that do not involve physical violence and those qualified as misdemeanours, is a requirement for an applicant to be eligible for the issuance of a firearm acquisition permit.
- Specify, by way of secondary legislation, the exact manner and procedure by which a police officer shall conduct security checks and collect data on an applicant for a firearm permit with regard to the absence/presence of indications that the firearms could be misused due to disturbed family relations. To this end, a duty should be incorporated to interview the applicant's family members and neighbours as part of the procedures to check the applicant's eligibility with respect to disturbed family

relations, and consultations with the social work centre should also be mandated.

- Introduce a provision into the Law on Weapons prescribing the obligation of the relevant authorities to inform the present or former intimate partners (in the previous two years) of the applicant about submitted application for a firearm acquisition permit. In the event of any suspicions, a second revision of the application should be initiated.
- Introduce into the Law on Weapons an explicit provision mandating prior checks of any protective measures ordered in domestic violence proceedings as part of the procedures to assess an applicant's eligibility for a firearm acquisition permit, and mandating that the existence of any such protective measures automatically disqualify an applicant from being eligible to obtain such a permit.
- Specify, by way of secondary legislation, the manner and procedure by which the health status of an applicant for a firearm license shall be assessed, in particular with respect to the ailments, diseases, and conditions that would disqualify an applicant from being eligible to obtain a firearm acquisition permit.
- Consider drafting and adopting a single document, such as a Guide to the Implementation of the Law on Weapons,⁷⁸ that would gather in one place all the relevant guidelines and information regarding permits to acquire and hold firearms.
- Amend the Risk and Security Assessment Questionnaire, provided as an Annex to the Protocol on Actions, Prevention and Protection against Family Violence, to mark the question regarding the possession of firearms as red. Doing so would result in positive replies automatically triggering the assessment of a high risk of violence.
- Assess the compliance of the Protocol on Actions, Prevention of and Protection against Family Violence with the *Guide to risk assessment and risk management of intimate partner violence against women for police*,⁷⁹ and, if necessary, harmonize the Protocol accordingly.
- Set up a functional system for the regular monitoring and evaluation of the results achieved through the implementation of the Law on Weapons and the Law on Domestic Violence Protection, and for the timely and consistent communication of the results to the public.
- Ensure consistent implementation of all the provisions of the Law on Weapons, in particular regarding the security checks of persons applying for a firearm acquisition permit.
- Given that it is much more challenging to determine the presence of firearms in illegal possession, there is a need to ensure the consistent enforcement of police officer powers for their detection and seizure.
- In relevant preliminary investigations, consider the possibility of issuing an order for the seizure (non-return) of the firearms taken away in cases in which it is determined that the return of firearms may pose a threat or danger, even in the absence of established grounds for criminal prosecution.
- Introduce uniform provisions on security checks for criminal and misdemeanour convictions for all security sector officers. To this end, amend the Law on Weapons, the Law on the National Security Agency, and the Law on Protection of Persons and Property so that a security check of applicants also includes misdemeanour offences for domestic violence. There is also a need to amend the Law on Internal Affairs and the Customs Law to mandate that a check on any offences for any form of domestic violence on the part of an applicant be an integral part of the security checks conducted in the recruitment context.

78] A Guide on Firearms Licensing Law, Home Office 2016 was developed in the United Kingdom and provides integrated guidelines on firearms licensing law for all involved in firearms licensing or those having an interest in firearms. The Guide places a special emphasis on domestic violence. For more information, see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/518193/Guidance_on_Firearms_Licensing_Lav_April_2016_v20.pdf

79] A guide to risk assessment and risk management of intimate partner violence against women for police, developed by the European Institute for Gender Equality offers a common approach to risk assessment and risk management strategies for use by police officers across EU member states, available on: file:///C:/Users/user/Downloads/20191701_mh0119277enn.pdf

- Introduce secondary legislation to govern the carrying of firearms outside of duty hours for those officers of the security sector who carry service weapons 24 hours a day.
- Conduct a thorough analysis of the implementation of the legal and strategic frameworks for preventing the misuse of firearms in the domestic violence context.

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

- Amend Art. 13 of the Law on Weapons so that it takes into account in the relevant risk assessment whether firearms could be used in the context of suicide and so that it considers other identifying factors that could lead to suicide which could be made part of relevant health assessments.
- Develop guidelines on certain risk factors that could help to determine the likelihood that an applicant for a firearm license, a young man in particular, might resort to violence.
- When a new youth strategy is drafted, take into account the factors resulting from the intersection of sex and age factors, in particular regarding those that result in the dominant presence of younger men among those who would possess firearms, as well as among perpetrators and victims, and provide appropriate response measures.

GENDER SENSITIVE DATA COLLECTION PRACTICES

- Ensure that records on domestic violence include explicit gender disaggregated data on weapons, whether legal or illegal, such as data on the presence of firearms, their use, type, etc.
- Amend the Law on Weapons to prescribe an obligation to keep sex disaggregated records.

ARMS TRADE

- In the context of the Law on Foreign Trade in Arms and Military equipment, and in the context of arms export, design a methodology to conduct an assessment of the risk of firearms being used to commit or facilitate serious acts of gender-based violence or violence against women and children.



REFERENCE LIST

REFERENCE LIST

INTERNATIONAL DOCUMENTS

UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA);
Outcome document of the Third Review Conference (RevCon3) PoA;
International Tracing Instrument (ITI);
Arms Trade Treaty (ATT);
EU Common Position 2008/944/CFSP;
UN Security Council Resolution (UNSCR) 1325 "Women, Peace and Security";
Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Official Gazette of Montenegro – International Treaties, No. 4/1013;
2030 Agenda for Sustainable Development;
Disarmament Agenda;
Regional Roadmap for a Sustainable Solution to the Illegal Possession, Misuse and Trafficking of Small Arms and Light Weapons and their Ammunition in the Western Balkans by 2024.

STRATEGIC DOCUMENTS

Action Plan for the Implementation of United Nations Security Council Resolution 1325 – Women, Peace and Security in Montenegro (2019-2020) – Plan of Implementation 2019-2020;
Action Plan for Achieving Gender Equality (PAPRR) 2017-2021, together with the program of implementation for 2019-2020;
Strategy for Combating Illegal Possession, Misuse and Trafficking in Small Arms and Light Weapons and Ammunition for the Period 2019-2025 with the Action Plan for the Implementation of the Strategy for Combating Illegal Possession, Misuse and Trafficking in Small Arms and Light Weapons and Ammunition for the Period 2019-2025;
Strategy for Youth for 2017-2021 with the Action Plan for the Implementation of the Strategy for Youth for 2017-2021;
Strategy for the Protection and Promotion of Mental Health in Montenegro 2019-2023;
2019 Report on the Implementation of the Action Plan for the Implementation of the Strategy for Combating Illegal Possession, Misuse and Trafficking in Small Arms and Light Weapons and Ammunition for the Period 2019-2025;
Strategy for Protection against Domestic Violence 2016-2020 with the Action Plan for the same period;
Final report on the implementation and evaluation of the effectiveness of the Strategy for Protection against Domestic Violence;
Protocol on Actions, Prevention of and Protection against Family Violence;
National plan for improving general support services for victims of violence to heighten compliance with the Istanbul Convention 2019-2021
National plan for improving specialized support services for victims of violence to heighten compliance the Istanbul Convention 2019-2021;
National Strategy for Sustainable Development by 2030.

PRIMARY LEGISLATION:

Law on Domestic Violence Protection, Official Gazette of Montenegro, No. 46/10, 40/2011-1;
Criminal Code, Official Gazette of the Republic of Montenegro, No. 70/2003, 13/2004, 47/2006 and Official Gazette of Montenegro, No. 40/2008, 25/2010, 32/2011, 40/2013 and 56/2013, 014/15, 042/15, 058/15, 044/17, 049/17, 003/20;

REFERENCE LIST

Criminal Procedure Code, Official Gazette of Montenegro, No. 57/2009, 49/2010, 47/2014, 002/15, 035/15, 058/15, 028/18, 116/20;

Law on Misdemeanours, Official Gazette of Montenegro, No. br. 001/11 of 11 Jan. 2011, 006/11 of 25 Jan. 2011, 039/11 of 4 Aug. 2011, 032/14 of 30 July 2014, 043/17 of 4 July 2017, 051/17 of 3 Aug. 2017.

Law on Gender Equality, Official Gazette of the Republic of Montenegro, No. 46/2007, Official Gazette of Montenegro, No. 073/10, 040/11, 035/15;

Law on Victim Compensation in Violent Crimes, Official Gazette of Montenegro, No. 035/15;

Law on Obligations, Official Gazette of Montenegro, No. 047/08 of 7 Aug. 2008, 004/11 of 18 Jan. 2011, 022/17 of 3 April 2017;

Law on Weapons, Official Gazette of Montenegro, No. 010/15;

Law on the National Security Agency, Official Gazette of the Republic of Montenegro, No. 028/05, Official Gazette of Montenegro, No. 086/09, 073/10/, 020/11, 008/15;

Law on Internal Affairs, Official Gazette of Montenegro, No. 044/12, 036/13, 001/15, 087/18;

Law on the Protection of Persons and Property, Official Gazette of Montenegro, No. 043/18;

Law on the Army of Montenegro, Official Gazette of Montenegro, No. 051/17, 034/19;

Law on Defence, Official Gazette of the Republic of Montenegro, No. 047/07, Official Gazette of Montenegro, No. 086/09, 088/09, 025/10, 040/11, 014/12, 002/17, 046/19, 074/20;

Law on Private Detective Activities, Official Gazette of Montenegro, No. 025/19;

Law on Wild Game and Hunting, Official Gazette of Montenegro, Nos. 052/08, 040/11, 048/15;

Customs Law, Official Gazette of Montenegro, No. 003/16 of 15 Jan. 2016, 080/17 of 1 Dec. 2017;

Law on Forests, Official Gazette of Montenegro, No. 074/10 of 17 Dec. 2010, 040/11 of 8 Aug. 2011, 047/15 of 18 Aug. 2015;

Law on Civil Servants and Employees, Official Gazette of Montenegro, No. 002/18 of 10 Jan. 2018, 034/19 of 21 June 2019, 008/21 of 26 Jan. 2021;

Law on the Export Control of Dual-Use Goods, Official Gazette of Montenegro, No. 30/12;

Law on Foreign Trade in Arms and Military Equipment, Official Gazette of Montenegro, No. 040/16;

Law on the Protector of Citizens' Human Rights and Freedoms, Official Gazette of Montenegro, No. 42/2011 and 32/2014;

Law on Social and Child Protection, Official Gazette of Montenegro, No. 027/13 of 11 June 2013, 001/15 of 5 Jan. 2015, 042/15 of 29 July 2015, 047/15 of 18 Aug. 2015, 056/16 of 23 Aug. 2016, 066/16 of 20 Oct. 2016, 001/17 of 9 Jan. 2017, 031/17 of 12 May 2017, 042/17 of 30 June 2017, 050/17 of 31 July 2017.

SECONDARY LEGISLATION

Rulebook on the detailed manner of the execution of protection orders, of removal from the place of residence, of restraining orders, and the prohibition of harassment and stalking, Official Gazette of Montenegro, No. 004/2014;

Rulebook on the detailed contents and design of the forms for the order of removal from the place of residence or another dwelling facility or of a restraining order, Official Gazette of Montenegro, No. 42/2012;

Rulebook on the detailed manner of training citizens in the proper use of firearms, Official Gazette of Montenegro, No. 034/15;

Rulebook on the detailed manner of firearm inactivation, Official Gazette of Montenegro, No. 034/15;

Rulebook on the detailed manner of the disposing of seized and surrendered firearms and ammunition, Official Gazette of Montenegro, No. 036/15;

Rulebook on the forms for firearm documents, Official Gazette of Montenegro, Nos. 034/15 and 035/20;

Rulebook on the conditions for the production, sale, repair, and modification of firearms and ammunition, Official Gazette of Montenegro, No. 043/15;

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Rulebook on the types of gifts and procedures for granting awards, recognitions, badges of honour and short-barrel firearms and the design of certificates of recognitions and badges of honour, Official Gazette of Montenegro, No. 031/15;

Rulebook on the detailed requirements with respect to the facilities, special vehicles, and equipment for the safe provision of security services for property in transport to be met by a commercial entity, other legal person/entity, or an entrepreneur engaged in security services, Official Gazette of Montenegro, No. 090/20;

Rulebook on the content and manner of record-keeping in the area of the protection of persons and property, Official Gazette of Montenegro, No. 003/20;

Rulebook on the manner of providing security services and on the use of powers in conducting such duties, Official Gazette of Montenegro, No. 069/19;

Rulebook on the manner of conducting certain police duties and the use of powers in the conducting such duties, Official Gazette of Montenegro, No. 021/14, 066/15;

Rulebook on the form, content, and manner of keeping records on collected, processed, and used data and on international data exchange, Official Gazette of Montenegro, No. 051/13 and 045/15);

Rulebook on seizing, storing, and handling of items temporarily seized by a police officer, Official Gazette of Montenegro, No. 066/15;

Rulebook on uniforms, service weapons, and identity documents, Official Gazette of Montenegro, No. 014/09 of 24 Feb. 2009 and 014/16 of 26 Feb. 2016;

Rulebook on the Fitness for Policing Test, Official Gazette of Montenegro, No. 029/13 of 22 June 2013;

Rulebook on the conditions, manner of carrying, and using of firearms and ammunition by authorized customs officers, Official Gazette of Montenegro, No. 077/16 of 13 Dec. 2016;

Decree on the possession, carrying, and manner of handling of official weapons by officers of the National Security Agency, Official Gazette of Montenegro, No. 050/13;

Decree on the colour and marking of vehicles and vessels, weapons, and special equipment used in the conducting of police duties, Official Gazette of Montenegro, No. 006/14 and 022/20;

Decree on police uniforms, rank insignia, and arms, Official Gazette of Montenegro, No. 040/20 of 30 April 2020, 107/20 of 4 Nov. 2020;

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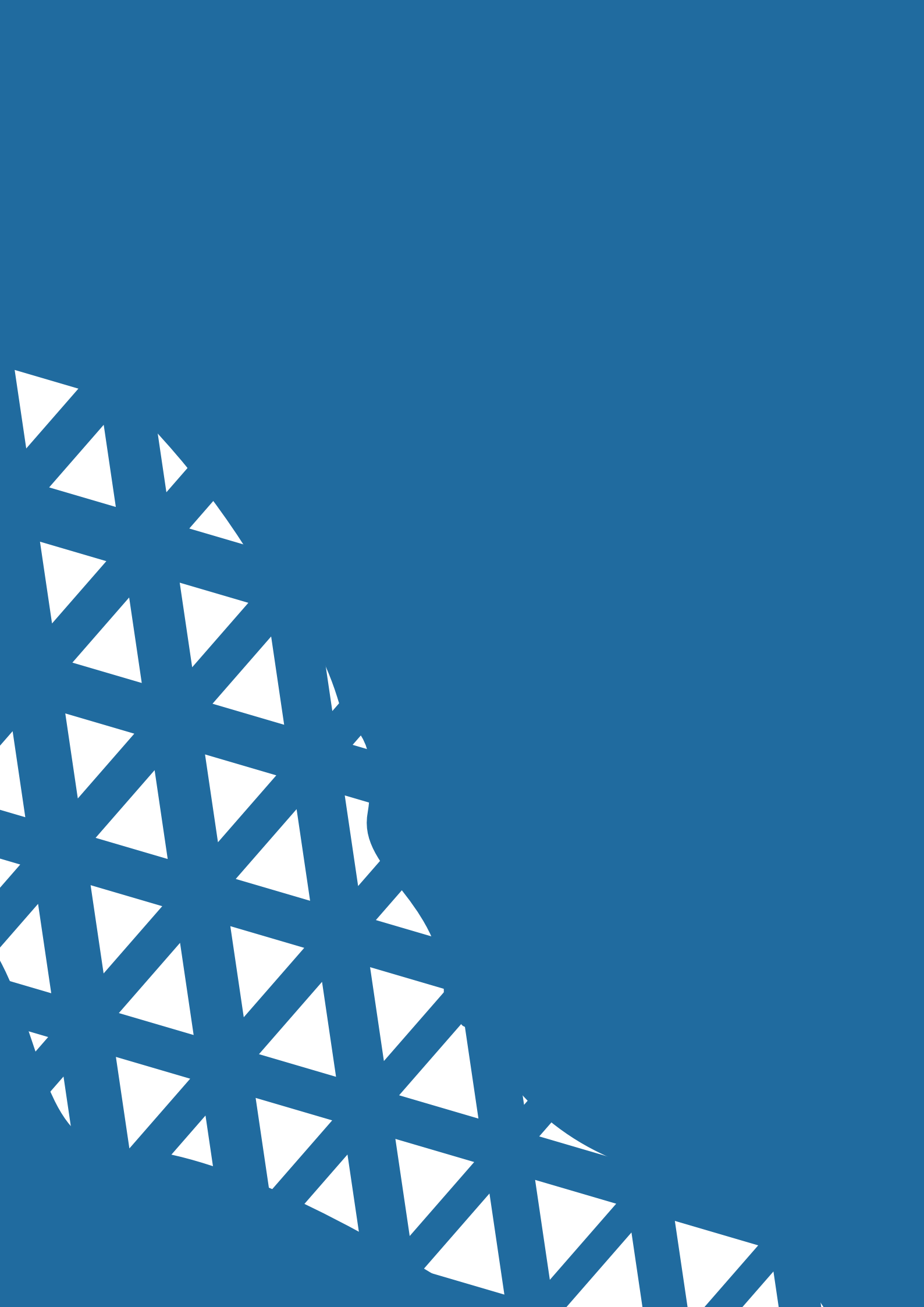
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