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GUIDELINES FOR GENDER RESPONSIVE FIREARMS LICENCE APPROVAL

GENDER AND SALW CONTROL: KNOW HOW SERIES

1 Key gender concerns

2 Review the application from
gender perspective

3 Make an informed and
gender-responsive decision

4 Continuous monitoring

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

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1. Introduction

1.1 The Guidelines development process

Under the *Support for Enhancing the Fight Against the Illegal Possession, Misuse, and Trafficking of Small Arms and Light Weapons (SALW) in the Western Balkans* regional project funded by the European Commission, Directorate-General for Neighbourhood and Enlargement Negotiations, through the Instrument for Pre-accession Assistance (IPA II), SEESAC is providing support to the authorities in the Western Balkans to mainstream the gender perspective in the SALW control measures. Within this context, a comprehensive set of activities is being implemented to enhance the institutional response to the misuse of firearms in domestic violence, including in civilian regulation of firearm possession and procedures and practices related to firearm licence approval.

To that end, in cooperation with the Western Balkans authorities, in 2022, SEESAC initiated the establishment of the Regional Working Group for Development of the Guidelines for Gender Responsive Firearm Licence Approval.

The aims of the Working Group are to:

- ▶ contribute to an increased understanding of the key challenges in firearm licence approval with regard to the prevention of the misuse of firearms in domestic violence and addressing other gender-related concerns,
- ▶ develop practical Guidelines to ensure that licence issuing procedures fully take into account the risks of domestic and intimate partner violence, as well as other gender aspects of firearms, including concerns related to the group most at risk of firearms misuse – young men.

The first meeting was organised in Tirana from 30 November to 1 December 2022, with participation of 15 professionals in charge of firearm licence approval from five Western Balkans jurisdictions: Podgorica, Pristina, Sarajevo, Skopje and Tirana.¹ The Working Group discussed the main challenges with regard to the prevention of domestic violence

¹ Since similar guidelines have already been developed by the Belgrade authorities with the support of UNDP Serbia through the Reduce Risk-Increase Safety - Towards Ending SALW Misuse in Domestic Violence Context project, the Belgrade representatives did not participate in the Working Group activities but lessons learned and good practices developed within this project were shared with it and are integrated in these Guidelines.

through firearms licensing procedures and initiated the development of the Guidelines for gender-responsive licensing. To support the Working Group, SEESAC conducted a mapping of good practices in regulating firearm licence approval related to the prevention of domestic violence, which was presented and discussed during the workshop.

In order to broaden the evidence base of the Guidelines, fifteen (15) focus groups were organised to obtain inputs for their development and to discuss how to adequately address risks related to the presence of firearms in the domestic violence context. They were held in Sarajevo from 28 to 30 March, Tirana from 28 to 30 March, Podgorica from 4 to 6 April, Pristina from 12 to 14 April, and Skopje from 25 to 27 April. In each jurisdiction, three focus groups were held: with representatives of women's organisations (17 organisations in total participated), police officers dealing with firearm licence approval (33), and officers responding to domestic violence (35). Following the focus group discussions, 15 comprehensive reports were developed, which fed into the development of the Guidelines.

The second meeting of the Working Group was organised from 9 to 11 May 2023 in Durrës. In addition to the first meeting's participants, it was also attended by police officers with practical experience in conducting background checks during the process of issuing firearm licences to civilians. They discussed the focus groups findings as well as the structure and the content of the Guidelines and thoroughly considered the main steps in reviewing a firearm application from the gender perspective.

Based on inputs and contributions from the Working Group, the already existing good practices in the region, as well as the focus groups' findings, SEESAC developed draft Guidelines which set the structure and the content and outlined the main steps to be addressed to ensure gender-responsive approach to firearm licence approval and prevent the misuse of firearms in domestic violence, violence against women and gender-based violence.

Consultations were also held with women's organisations in order to further review the measures proposed in the Guidelines with regard to the safety of women who have survived domestic violence.

Apart from valuable contributions from the Working Group, the Guidelines benefited from a wide range of good practices in this field. This particularly relates to the *UK Guide on Firearms Licensing Law (2016)* and numerous measures suggested that have been integrated into these Guidelines and adjusted to the specific context in the region. The Guidelines also build on knowledge products developed under the *Reduce Risk, Increase Safety - Towards Ending SALW Misuse in Domestic Violence Context* project implemented by UNDP Serbia and include experiences from Australia, Canada, and New Zealand.

1.2 Context: Why do we need the Guidelines?

The misuse of firearms continues to pose a serious threat to the safety and well-being of citizens in the Western Balkans, both women and men. It fuels domestic violence and crime and undermines stability, thus hindering overall development.

In 2022 alone, 129 people were killed and 318 injured by firearms. An additional 467 people were threatened, which inflicted severe psychological consequences and trauma.¹ Recent mass shootings in the region, some committed with legally owned firearms, have had devastating and lasting impacts on citizens, families, and communities. Not surprisingly, 78% of citizens in the Western Balkans surveyed in 2023 felt threatened by the possession and misuse of firearms in their neighbourhood, perceiving firearms-related problems as top security concerns in the region.

The differentiated impact of firearms misuse on women and men is evident and well-researched. Men account for 99% of perpetrators of firearm incidents. They also constitute the majority of victims of firearm incidents, at 81%, compared to 19% of women. Young men are the group most at risk of firearms misuse. They account for almost half of all perpetrators of firearm incidents and are also the most likely to fall victim to firearm misuse. While men are predominantly at risk in the criminal context or public disputes and arguments, women are disproportionately affected by the misuse of firearms in domestic violence.

Firearms are often the weapon of choice when domestic violence is committed. As per research conducted in the region, 37.7% of homicides committed by family members were committed with firearms, while 43.5% of all women killed by an intimate partner in South East Europe were killed by firearms². Regarding the scale of the problem, SEESAC data document a persistent trend, according to which, **annually, more people are killed by firearms in the domestic violence context than in any other type of incident, including those in the criminal context, public disputes, and undetermined shootings**. In South East Europe, 77% of all women killed by firearms were killed by their male family members, predominantly current or former intimate partners.³

Additionally, both possession and demand for firearms are highly gendered. In South East Europe, **men own 97.2% of all legally owned firearms**, compared to 2.8% owned by women.⁴ Such differences are, to a certain extent, reflected in attitudes towards firearms ownership. **Men are significantly more likely than women to say they would own a gun**. This particularly holds true for young men, who are more inclined to own a firearm than men from other age groups. Higher propensity of young men to get involved in risk-taking behaviours, including in violent incidents, is commonly referred to

as a **young male syndrome**, and as such, requires proper attention and response within the firearm control.

There has been a growing understanding recently that, to effectively combat the misuse of firearms and control their proliferation, differentiated risks women and men face with regard to firearms and patterns of their exposure to armed violence and overall experience by firearms must be fully considered. Consequently, **the gender perspective must be thoroughly integrated into each aspect of firearms control and into the regulation and control of the civilian possession of firearms in particular.**

This especially holds true for **the procedures and practices related to firearm licence approval, as they have a crucial role** in preventing the misuse of firearms in domestic violence, violence against women, as well as gender-based violence in a broader sense.

SEESAC's large-scale gender analysis of small arms control legislation and policies in the Western Balkans conducted in 2021 documented robust legal provisions, primarily in **laws on weapons**, but also laws on the protection from domestic violence, aiming to put in place and regulate procedures to prevent the misuse of firearms in domestic violence.

This is mainly to be achieved by:

- ▶ Restricting access to firearms to applicants (civilians) who have committed domestic violence or those at risk of committing domestic violence,
- ▶ Removing firearms and revoking firearms licences when firearms are already in possession and domestic violence occurs.

In that regard, the weapons laws establish comprehensive eligibility criteria requesting, *inter alia*, that any applicant for the approval to acquire firearms is not legally convicted of criminal offences, including domestic violence or misdemeanours with elements of violence, or that no criminal or misdemeanour proceedings have been initiated against the applicant. In addition, an application will be rejected if there are circumstances indicating that firearms could be misused, including in the domestic violence context or violating the community order and security. In case that a civilian is already in legal possession of firearms, the emergence of any of the above circumstances shall lead to the seizure of firearms and revocation of a licence from the licence holder.

While weapons laws and the accompanying by-laws establish sound grounds to prevent granting a firearm to an ineligible applicant, analysis identified several challenges common to Western Balkans jurisdictions requiring an adequate response. Those challenges have been extensively discussed by the Working Group.

The current provisions effectively prevent purchasing or carrying firearms if a conviction was imposed for domestic violence, either as a criminal or a misdemeanour offence, if violence was previously reported to the police, or if there are other records of violent behaviour, including those identified through background checks. Still:

1. Unlike other criminal acts, **most domestic violence cases go unreported to the institutions**. The police was contacted by only 7% of women victims of violence committed by current partners following a serious violence incident, 15% of women victims of violence committed by previous partners and 19% of victims of non-partner violence.⁵ Consequently, the majority of domestic violence cases could not be effectively checked in the criminal or misdemeanour records or police logs. Therefore, a credible assessment of whether a firearm could be misused in the domestic violence context would require that any background check takes into account these specificities and is not limited only to information available through databases. Reports of domestic violence and violence against women in police stations that ended in a warning being issued to the perpetrator do not necessarily influence the decision on weapons.
2. Even if reported, **domestic violence criminal charges are often dismissed** on various grounds, particularly due to the insufficient evidence or withdrawal of victims from the proceedings. In terms of the criminal justice response, there is a documented general trend that suspended sentences dominate, above all through probation. The extenuating circumstances are regularly found, which indicates a lack of understanding of the specificities of domestic violence, its gender-based nature and unequal power relations between the abuser and the victim. In addition, deferring criminal prosecution could affect access to firearms and increase the risks of a fatal outcome. Sentences falling below the legally required minimum and only warnings issued by the police in domestic violence incidents were also documented.
3. Background checks do not necessarily encompass interviews with current and former partners and other family members, which could provide an insight into whether the acquisition of firearms would place an intimate partner or child(ren) in reasonable fear or danger of the use of firearms in any form of domestic violence. Police officers are often not adequately trained to conduct such sensitive interviews.
4. Similarly, laws on weapons and associated bylaws do not contain specific provisions that require a competent institution to notify the spouse or close family member(s) when an individual applies for a firearm licence even though acquiring firearms could put them at risk.

5. Domestic violence is often associated with physical violence, while psychological, emotional, sexual and economic forms of violence, including the misuse of firearms within this context, are often not addressed with the same level of urgency.
6. Decisions to issue temporary restraining orders to prevent acts of domestic violence are often not explicitly prescribed as part of the requirements for security vetting.
7. In addition, the analysis also documented very limited responses to the risks associated with young men, primarily through the definition of a minimal age threshold within the eligibility criteria.

In the context of these Guidelines, the term licence also refers to permits and authorisations, depending on the relevant legal provisions in each Western Balkans jurisdiction.

2. Guidelines

2.1 The goal of the Guidelines

These Guidelines aim to support professionals involved in firearms licence approval to address the above-mentioned challenges, integrate the gender perspective throughout the firearms licence approval process, and in doing so:

- ▶ effectively prevent the misuse of firearms in domestic violence and violence against women in particular by taking into account the circumstances which may constitute risk factors,
- ▶ prevent the misuse of firearms by groups most at risk of such behaviours, in particular men aged 18-30.

By supporting the effective implementation of relevant legal provisions and strategic priorities, the Guidelines aim to contribute to eliminating gender-based violence, violence against women, and domestic violence, and increase the safety and well-being of women and men in the Western Balkans.

In doing so, the Guidelines primarily aim to support the integration of the gender perspective into operations already performed by designated officers with no intention of replacing the existing standard operating procedures. Therefore, the Guidelines should be considered primarily as an aid to professionals to better address gender concerns in their daily operations, building on the procedures already in place.

2.2 The content of the Guidelines

The Guidelines comprise set of **practical checklists** aimed to assist the relevant professionals in taking into account the gender perspective in each step of the firearm licence approval process and in better assessing whether:

- ▶ firearms could be misused in domestic violence, violence against women and gender-based violence, and
- ▶ circumstances indicate that the firearms could be misused by the groups most at risk, such as young men.

Based on the proper understanding of the identified risks, the Guidelines seek to support professionals to make an informed and credible decision on an application for acquiring weapons.

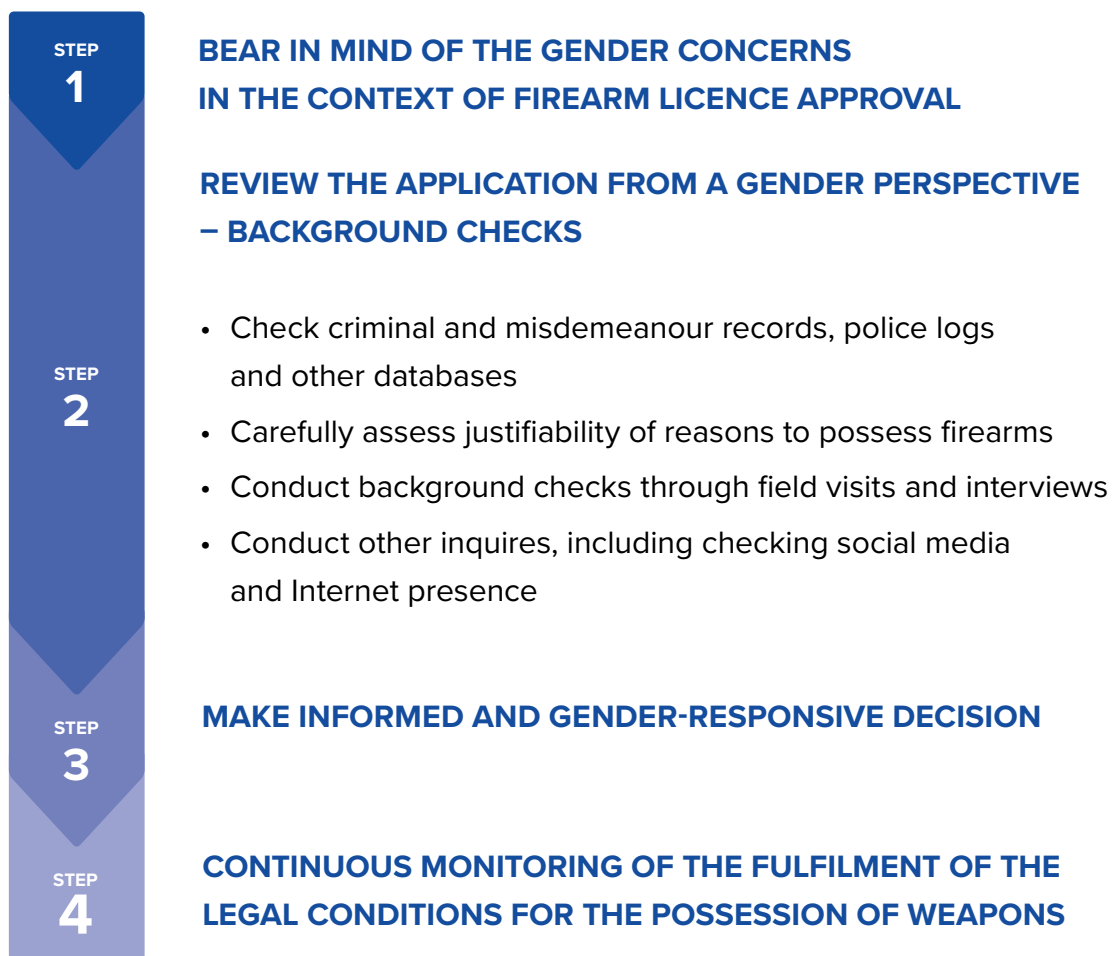
2.3 Steps in gender-responsive firearms licence approval

To ensure that firearms licence approval effectively contributes to the prevention of violence against women, domestic violence and gender-based violence, **the gender perspective must be duly integrated into each phase of the licensing process.** The main precondition for meaningful gender mainstreaming is that all the involved professionals have a shared understanding of gender equality and gender aspects of firearms demand, ownership, use and misuse in particular. Such shared understanding includes the thorough knowledge of domestic violence, including the misuse of firearms in such context, and exposure to armed violence by groups most likely to misuse firearms, such as young men. It is, therefore, necessary to ensure that all relevant professionals included in any stage of firearm licence approval receive training in gender equality, domestic violence, violence against women and gender-based violence, and the linkages between gender and firearms.

Given the specifics of domestic and gender-based violence discussed above and the importance of background checks to address such challenges, the gender perspective should be integrated into these checks regardless of whether they are conducted through databases, field visits and interviews, or any other method that could be used.

Furthermore, the gender perspective ought to be fully incorporated in deciding on each application for the approval of the request to acquire a firearm. In the context of domestic and gender-based violence, the incorporation of gender perspective within background checks and the process of approving firearm licences involves taking into account distinct vulnerabilities, experiences, or patterns of violence/victimisation associated with women and men. If such an application has been approved, a continuous review of licence holder's full adherence to legal obligations should be undertaken.

Taking the following steps will facilitate gender responsiveness of firearms licence approval:



Each of the steps is further elaborated below.

STEP 1:

**Bear in mind
of the key
gender concerns
in the context
of firearms
licence approval**

Knowledge and understanding of key gender issues to be considered when reviewing an application for approval for acquiring firearms are basic preconditions for gender-responsive firearms licence approval. Within this context, the main gender concerns that should be considered are:

- ▶ domestic violence, and specifically violence against women, and the abuse of firearms in such context,
- ▶ misuse of firearms by the groups most at risk of such behaviour, in particular young men.

A proper understanding of the roots, dynamics and manifestations of domestic violence, its gender-based nature and its disproportionate impact on women is critical for any effective prevention and adequate institutional response. In order to efficiently prevent the misuse of firearms in this context, it is necessary to ensure that all the competent professionals involved in any phase of firearms licensing attend training on gender equality, domestic violence, violence against women and gender-based violence, as well as links between gender and firearms.

Domestic violence and violence against women⁶

Domestic violence is pervasive and presents the most widespread form of violence. It includes acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. While domestic violence can happen to both women and men, it disproportionately affects women. **It differs from other types of violence because it is gender-based, i.e. directed against a woman because she is a woman, or it affects women disproportionately more.**

Gender-based violence is a criminal offence and a violation of human rights, the rights to life, freedom, security, dignity, non-discrimination and equality of women and men, as well as physical and spiritual integrity.

Violence against women implies a violation of human rights and a form of discrimination against women and represents all acts of gender-based violence that lead to, or can lead to, physical, sexual, psychological or economic injury or suffering for women, including threatening to commit such acts, coercion or arbitrary deprivation of liberty, in public or private life.

The patterns and causes of 'women's and 'men's victimisation in the domestic context differ greatly. Within the domestic context, women run a higher risk of violence

committed by intimate partners, current or former, while men are primarily at risk of other predominantly male family members. Violence against men is usually not gender-based, and it ensues from family disputes, property issues, transgenerational violence, etc.

The most extreme and ultimate form of violence against women is **femicide** (also known as feminicide), i.e. the **intentional gender-motivated killing of women** and girls. **Femicide implies the killing of a woman by a man motivated by hatred of women, contempt, pleasure, a sense of ownership and power over women.**

Domestic violence, and intimate partner violence committed by men in particular, is a pattern in any relationship that is used to gain or maintain power and control over the intimate partner. As such, **domestic violence is always an abuse of power and control by the perpetrator.** It is characterised by the pattern of actions and abusive behaviours that individuals use to intentionally control or dominate their intimate partner. Such actions include coercion and threats, emotional abuse, isolation, intimidation, the use of male privilege² and children to gain and maintain control over their partner.

Social and cultural attitudes, norms and expectations that underlie men's use of violence to maintain power and control over their partner or ex-partner are often used to justify it. Research has linked domestic violence to societal acceptance of male dominance, stereotyping of gender roles, and the normalisation of violence as a way to resolve conflict. **Gender stereotypes can encourage violence against women and gun ownership and use, whereas the prevalence of positive attitudes toward gun ownership in a community can hamper efforts to curb domestic violence involving firearms.**

Domestic violence incidents are rarely isolated and usually escalate in frequency and severity, potentially culminating in serious physical injury or death. Therefore, understanding the dynamics and stages of domestic violence is crucial for its prevention.

Approaches to prevention and intervention should take into account the complex dynamics of violence against women and domestic violence as gender-based violence. Accordingly, they should provide support to victims at all stages, as well as focus on recognising and preventing the escalation of violence.

2 Male privilege is the system of advantages or rights that are available to men on the basis of their sex and is grounded in the idea and practice of men's domination over women. With systemic subordination of women, men gain economic, political, social, educational, and practical advantages that are more or less unavailable to women. Domestic violence can perpetuate male privilege in today's society. It reinforces the position of power that men are viewed to have, leading women to continue to suffer its consequences. Male privilege is fostered through the ways in which women are objectified and seen to play the role of serving the needs of their male counterparts. Men can assume that they are entitled to exert control over women. This leads to a sense of authority that manifests as coercion, punishment, and control tactics (Source: [Domestic Violence and Male Privilege](#)).

The OSCE-led survey⁷ extensively documented the scale of the problem, including in the Western Balkans, and the prevalence of different forms of violence against women. **70% of women have experienced some form of violence** since the age of 15, while 31% experienced it in the 12 months prior to the survey. Almost one in four women in the survey (23%) has experienced physical and/or sexual violence at the hands of her intimate partner since the age of 15, while 60% have experienced psychological violence committed by their intimate partner. Almost **one in two women has experienced at least one form of sexual harassment**, and 10% of women have experienced stalking at some point. As mentioned previously, this survey documented the **low level of reporting of violence against** women.

While it presents the most widespread form of violence, violence against women in the domestic context is usually not reported to institutions.

Firearms and violence against women

The possession of a firearm by an abuser in the domestic violence context exacerbates the abuser's exertion of control power over the victims, which is his/her ultimate goal.

Firearms increase power imbalances between the victim and the abuser, perpetuate gender inequality and reinforce social hierarchies that give men dominance over women. While data related to the misuse of firearms are primarily available for femicides or injuries, **firearms are most commonly used for threats and intimidation**. Even when firearms are not explicitly misused, the very presence of firearms is an effective tool for an abuser to exert control over a victim. **The presence of firearms negatively affects women's readiness to disclose and report violence while their presence leads to late reporting of violence experienced due to fear or threats.**

There are several factors which increase the likelihood of a fatal outcome in intimate partner violence when firearms are involved:⁸ severity of wounds caused by gunshot; women's reduced capacity for resistance; the unlikely odds that women would report violence; the unlikely odds that women would escape or that outsiders would intervene and assist them, and increased odds that the abuser would actually use firearms in domestic violence cases, particularly when a woman is trying to leave the abuser. The risk of the misuse of firearms increases considerably when the victimised partner has already separated (divorce, breakup) from the abuser; or when she is taking steps to leave the abuser.

Groups most at risk of firearms misuse - young men

Young men are a demographic group which is generally the most likely to get involved in risk-taking behaviours and criminal activities, both of which often include firearms. Young men in the age range of 15 to 30 years are more likely to misuse firearms than men from other age groups.

In South East Europe, one in two firearm incidents is committed by young men. Men aged 16 to 24 are significantly more likely than men from other age groups to report having had recent experience with firearms. The propensity of males in their mid to late teens and twenties, and particularly those who are unmarried and unemployed, to engage in violent altercations to resolve seemingly trivial matters, to 'save face,' to harm a rival, or otherwise to improve their social status is usually referred as the **young male syndrome**.⁹ This behaviour pattern often leads to a higher likelihood of firearm misuse among individuals within this demographic group. Also, a growing body of research has documented the link between specific masculine norms and violent behaviour.¹⁰

Firearms ownership is highly gendered. In South East Europe, **men own 97.2% of all legally owned firearms**, compared to 2.8% owned by women. Of all the firearms owned by men, 19.9% are owned by men aged 18 to 35.¹¹ The dominance of men among firearm owners is reproduced over time, and it is upheld by the high share of men obtaining new licences every year. Between 2012 and 2016, men acquired 97% of all new licences, compared to 3% acquired by women. Such differences are, to a certain extent, also reflected in attitudes towards firearms ownership. Data from a regional survey conducted in 2017 revealed that **men are two times more likely than women to say they would own a firearm. Demand for firearms is mostly driven by men.**

In recent period, research on men's exposure to armed violence has shed light on linkages between the prevailing understanding of masculinity and the demand and misuse of firearms.

The dominant understanding of masculinity refers to a set of attributes, behaviours, and roles commonly associated with boys and men in a given social, cultural and historical context. Such set of beliefs, communicated by parents, families, the media, peers, and other members of society, place pressure on men to act in accordance to certain expectations.¹² These pressures convey a message to men to be self-sufficient, to act tough, stick to rigid gender roles, prepare to use violence to resolve conflicts, and not to be feminine. Such behaviours and roles related to masculinity or manhood usually emphasise strength, in particular its physical aspect, courage, readiness to take risks, independence, assertiveness, achievement, toughness, stoicism, successfulness, the role of the financial provider, undertaking risks, including to get involved in risky behaviours and impose on them to avoid appearing weak. Research shows that

adherence to these messages and pressures could be linked with perpetrating and experiencing many forms of violence, as well as many other destructive behaviours. It also involves using dominance, violence, sexual violence, and control to assert their power and superiority.¹³ **Furthermore, power and control are central categories in defining the dominant understanding of masculinity.**¹⁴

Within this context, firearms can be of particular appeal to young men as they frequently associate weapons with masculinity and, in particular, exercising power and control.¹⁵ Young men often see firearms as a means of achieving social and economic status they believe they deserve. Men who are denied regular paths for social and economic advancement appear especially susceptible to the symbolic appeal of guns. The symbolic attractiveness of firearms can be very strong, particularly in the case of young men. Apart from a demonstration of power and control, firearms also can be linked to the fulfilment of expectations related to gender roles, and reputation in the community, or can be used to respond to perceived challenges to their status and “manliness”. Young offenders often see a gun as a tool to “keep up their status as people to be feared and not challenged”. Anecdotal evidence indicates that firearms have also been part of rites of passage for young men.

In South East Europe, men from the youngest groups are more inclined to own a firearm than men from other age groups. **60.5% of men aged 16 to 24 perceive that they would feel safer with a firearm at home.**¹⁶

Previous research¹⁷ in South East Europe indicates that several factors could, to varying degrees, influence the demand for firearms among men: their perception of safety in the community and the perceived function of firearms and whether it relates to personal protection, hunting and sport, social expectations from men (tradition, “a man should carry a firearm”, “it inspires fear in others”, “feeling of social and economic disempowerment and necessity to reassert power through gun use, urge to comply with the prevailing understanding of masculinity, tool to gain power”, etc.), experience with firearms or, in terms of socio-demographic characteristics of these respondents, to age in particular.¹⁸

In addition to gender conditioning of violence, including armed violence, it is equally important not to downplay the role of the broader social context and the complex set of other factors that determine whether young men would resort to violence.¹⁹ Among these factors, researchers underline coercive, violent parental control, limited parental control, socialising with delinquent peers, having been brutalised, having witnessed or experienced violence at home or in the community, limited social skills; holding more traditional or rigid views on gender, perceiving hostile intentions in others, having used violence and seen that violence produces respect, post-traumatic stress disorder etc.

Therefore, gender is a strong predictive factor but it is activated only if a number of other social factors are present. The links between certain expectations of masculinity and firearms put certain sub-groups of men (mostly, but not exclusively, young) at higher risk of both using guns and of becoming victims of armed violence.

The specific factors that put (young) men at risk or fuel risk-taking behaviours should also be taken into account when considering a firearm licence approval application/request, if an applicant belongs to such a demographic group. This should be done through each aspect of licence consideration: checking relevant databases, background checks in the field and medical checks in line with relevant legal provisions.

STEP 2:

Review the application from gender perspective – Background checks

Initiating a background check upon receipt of an application/request

Upon receiving an application/request for the issuance of the approval for acquiring a firearm accompanied by documentation requested by the Law on Weapons, a systematic and comprehensive background check of the fulfilment of the legal criteria for the acquisition of a weapon is initiated by a designated officer or organisational unit. **Please note that procedures discussed under this section are also valid for any renewal of a firearm licence.**

The goal of the background check is to establish if the applicant fully meets the eligibility criteria defined by the Law on Weapons and to provide a credible assessment of whether the person could be a risk to himself/herself, other persons or public safety and whether there are circumstances which could indicate that firearms could be misused, including in domestic violence.

Given the specificities of domestic violence and the challenges this poses while reviewing an application discussed above, a background check plays a crucial role in assessing if the acquiring of a firearm could lead to its misuse against intimate partners or other family members. A decision regarding the application/request to acquire a firearm should not rely solely on convictions when evaluating the suitability of applicants to possess firearms without posing danger to the safety of the public, themselves, and other people, including their partners and family members. Extensive use of different sources of information is crucial in risk mitigation to prevent potential and actual licence holders from further misuse of firearms.

The background check relies on several sources of information:

- ▶ criminal and misdemeanour records, police logs, court decisions and other official databases,
- ▶ information collected through field work by a designated police officer, including information from centres for social work and specialised organisations providing services to victims of domestic violence (SOS helplines, shelters, etc.),
- ▶ other sources, including social media and Internet presence.

Note: The suggested list of questions aims to complement the existing checklist applied and by no means to replace it.

Inter-sectoral approach

Police domestic violence units should be consulted at any stage of the background check process. An inter-sectoral approach may be necessary to properly assess whether the applicant can hold a firearm without danger to public safety or peace.

In that regard, consultation with a domestic violence unit (or designated police officer if such a unit is not in place) can facilitate comprehensive assessment of whether there are circumstances indicating that firearms could be misused in domestic violence.

In case that more information is needed for proper assessment, it might be beneficial to consult:

- ▶ coordination and cooperation groups or referral mechanisms (depending on the jurisdiction),
- ▶ the relevant centre for social work that could be aware of the applicant's family situation and history and could have information about the history of domestic violence,
- ▶ SOS helplines, shelters and other women's organisations, providing support to victims of (domestic) violence,
- ▶ the family doctor.

Similarly, for applications submitted by individuals under the age of 30, the involvement of police officers dealing with juvenile delinquency might be beneficial to better assess possible risks.

While such inter-sectoral cooperation may take place at any stage of firearm licence approval, it should be planned from the onset of the process for maximum result.

General information about the applicant

During the verification of compliance with the general requirements as set by the Law on Weapons through the databases run by relevant institutions, make sure that the following is checked:

- ▶ any legal changes in first names and/or family names,
- ▶ previously held or dual citizenships, including if any legal steps have been taken towards changing citizenship,
- ▶ places of residence of the applicant in the last 10 years. Unless databases are centralised, conduct an inquiry to the police department(s) from the applicant's previous place(s) of residence,
- ▶ educational achievement and educational institutions attended,
- ▶ **marital/relationship status.** Apart from details on the current partner, request the applicant to provide details of any **former spouses or partners** with whom he/she had a relationship in the past 5 years, as well as other adult household members and parents. Their contact information (phone number and address) should also be stated,
- ▶ **whether the applicant informed** the household members with the submission of a request to obtain a weapons possession permit,
- ▶ profession,
- ▶ employment record (last 5 years), including list of employers and their contacts,
- ▶ military service, including involvement in armed conflict.

Notifying family members about the submitted application/request

Notifying intimate partners and other family members, especially those who live in the same household, about a submitted application/request for firearms acquisition can be an important step in preventing the misuse of firearms in the domestic violence context. It can be an integral part of the application approval procedure. On that occasion, it is necessary to provide the contact of the competent officer to whom they can refer in case they have any concerns regarding the acquisition of weapons. All information obtained from intimate partners and other family members should be treated as confidential and no steps that would jeopardize their safety should be made.

In Canada, notifying the spouse has been introduced as a mandatory part of the requirements in the process of obtaining a weapon ownership licence. Namely, if an individual wishes to obtain a gun licence, the contact details of his/her current and former spouse/partner within the last 2 years must be submitted as an integral part of the application form. They must also sign a section of the application with their contact details. In case this part is not signed, the police must inform them about the application. They are also given information and contact details of who to contact if they have any concerns about applying for a gun licence.

In New Zealand, each applicant must provide at least two references in the application and he/she is informed that they will be interviewed in the process of deciding whether the applicant is a suitable person to own a firearm. One reference must be a relative (partner if applicable) or another close relative (parents). The second reference can be a person who is not related, but who knows the applicant well (minimum three years) and who can testify about the character and suitability to own a weapon. In addition, the applicant must provide details of ex-spouses or partners with whom they have had a “marriage-like relationship” in the last 5 years and who will also be interviewed.

▼ BEAR IN MIND

Former spouses and partners are familiar with the applicant and may be seriously affected by applicants having access to firearms. Furthermore, they may also have ongoing relationships and disputes with applicants through childcare and other domestic arrangements.

If the applicant is divorced, provide information on when the divorce was effective. If separated, provide information on when the separation took place.

In the case of former spouses or partners, check if there are any ongoing disputes, such as custody over children, property-related issues, etc.

Consult with the relevant centre for social work or a local civil society organisation that provides support to domestic violence survivors (shelter, SOS helpline, legal and psychosocial support, etc.) and discuss any information they might have.

In situations of risky security checks, the support providing civil society organisations can be a place of safe contact and trust building.

▼ BEAR IN MIND

Intimate partner violence often continues after a divorce or separation. Abusive partners tend to use a wide range of strategies and violent behaviours to reassert control and power over the victim.

Leaving the abuser is the most dangerous time for the victim of domestic violence, as the violence can then escalate. If the perpetrator suspects or hears that their partner is planning to leave them, they may fear losing power and control and will often increase their use of violence.

Recent research conducted in the region showed that the period between the moment of leaving the perpetrator and the respective femicide varied from only a few days to two years.

The justifiability of the reason to acquire firearms

When reviewing an application and its compliance with requirement provided by the law, caution should be exercised in dealing with cases in which the applicant presents a nominal reason for possessing firearms but may *have **ulterior motives***. The police should make reasonable inquiries to verify the applicant's justification for the possession of firearms.²⁰

When assessing the justifiability of any application, bear in mind that firearm ownership is a possibility prescribed by Law, and that it comes with a set of strict obligations.

Criminal and misdemeanour records

With regard to criminal and misdemeanour records, make sure to check the following:

- ▶ Has the applicant been convicted of any criminal offence, including criminal offences prescribed by the Law on Weapons? Has the applicant ever been convicted of **domestic violence, rape, sexual harassment and abuse, or stalking**? If yes, provide a brief description, including information on when the applicant was legally convicted, which criminal offences, the type and duration of the sentence and other relevant information.
- ▶ Are there any ongoing criminal proceedings against the applicant? If yes, describe briefly.

- ▶ Has the applicant been convicted of any misdemeanour, particularly one related to domestic violence (if applicable), against peace and public order or those prescribed by the Law on Weapons? If yes, provide a brief description, including information on when the applicant was legally convicted, which criminal offences, type and duration of the sentence and other relevant information.
- ▶ Are there any misdemeanour ongoing proceedings against the applicant? If yes, please, describe briefly.
- ▶ Were there any criminal charges filed against the person which fell short of a conviction, i.e. sentence or for which no proceedings were initiated (specify when, which acts, a brief description and the outcome - dismissal, stay or suspension of proceedings, statute of limitations, acquittal). Provide brief descriptions, particularly if related to domestic violence, rape, sexual harassment and abuse, or stalking. This particularly relates to any charges related to violence against women and groups categorised by, for example, ethnicity, sexual orientation, gender identity, disability, age, religion.
- ▶ Were there any misdemeanour charges filed against the person which fell short of a conviction or for which no proceedings were initiated (specify when, which acts, brief description and the outcome - dismissal, stay or suspension of proceedings, statute of limitations, acquittal). Provide brief descriptions, particularly if related to domestic violence or violence in general.
- ▶ Has the applicant ever been subject to any urgent or protective measures (e.g. restraining orders and other temporary measures), in particular for domestic violence? Provide a brief description.
- ▶ Please also include information about the protection measures issued under the other laws.
- ▶ Please note if there have been any proceedings related to cruelty against animals, regardless of the outcome.
- ▶ For applicants under 30, pay special attention to any proceedings related to:
 - dangerous, reckless or inconsiderate driving,
 - peer violence, especially bullying,
 - violence at sports events,
 - substance abuse.

▼ BEAR IN MIND

In some instances, there is a relatively short legally prescribed period upon which penalties for certain misdemeanours or criminal offences are deleted from the records by the operation of the law after their perpetration and prosecution. This could create risks that a permit for the acquisition of firearms is issued to a person who committed domestic violence but whose sentence has been removed from the records. This could indicate a high-risk decision.

Police operational logs

- ▶ Has the applicant ever been reported to the police for domestic violence? If yes, briefly describe the event, including when and what happened and what the outcome of the proceedings was. Make sure to include all events regardless of the outcome.
- ▶ Has the applicant ever been reported to the police for stalking, harassment or sexual violence, including harassment and abuse?
- ▶ Has the applicant ever been reported to the police for cruelty against animals?
- ▶ Has the applicant been involved in any incident that was reported to the police or any incident that was reported to the police by the applicant? If yes, briefly describe.
- ▶ Has any of such incidents included violent behaviours? If yes, please describe.
- ▶ Has the applicant ever been under arrest and/or detention and/or under any other police intervention?
- ▶ Are there any records of violent behaviour in the context of hooliganism?
- ▶ Is there information about refusing to act on the order of an official or insulting police officers?

Pay special attention to any proceedings/information related to (in particular for applicants under 30 years):

- ▶ violent acts against women and members of certain groups categorised by, for example, ethnicity, sexual orientation, gender identity, disability, age, religion, etc.
- ▶ prior juvenile offences,

- ▶ gang affiliation and hooliganism,
- ▶ peer violence, especially bullying,
- ▶ violence at sports events,
- ▶ substance abuse, including alcohol or drugs, which could indicate possible impairment of judgement and loss of self-control,
- ▶ dangerous, reckless or inconsiderate driving,
- ▶ cybercrime,
- ▶ cruelty to animals, in particular inflicting suffering or harm.

Data from the firearms registry

- ▶ Does the applicant already possess or has he/she possessed firearms?
- ▶ Provide information on previous applications for firearms licence/authorisation/permit, if any. If applicable, provide information on the grounds for a previous rejection.
- ▶ If applicable, provide data, including grounds, on any seizure/confiscation of applicant's firearms; licence revocation, or any return of previously seized firearms to the applicant.

▼ BEAR IN MIND

While any criminal conviction or conviction for a misdemeanour with elements of violence will lead to the rejection of the application for acquiring firearms, the review of an application should take into account any other behaviour and evidence falling short of convictions that could indicate applicant's ineligibility and the circumstances under which firearms could be misused, including in domestic and gender-based violence.

In that regard, it will be a behavioural pattern that causes concern. Still, there may also be cases where one-off incidents will question the one's eligibility/ineligibility to possess firearms. A pattern of violent or anti-social behaviour or abuse should generally be regarded more seriously than a single incident.²¹ However, isolated incidents should not be disregarded in assessing the person concerned and their eligibility to possess a firearm.

Field visits and interviews²²

The consideration of applications should include comprehensive interviews or enquiries, particularly with the applicant's intimate partners, current or former, but also family members, friends, neighbours or associates prior to approval or renewal of a firearm licence. This is particularly relevant when there is information indicating domestic violence and abuse or any other information that could indicate that firearms could be misused. The police response should be proportionate to the risk involved, and care must be taken to consider every case on its merits.²³

When conducting field visits and interviews, it is necessary to include an equal number of women and men from the family and work setting and neighborhood, as this can provide different perspectives and insights into the applicant's behavior patterns.

The decision on an application to acquire a firearm should not rely solely on convictions when considering the eligibility of applicants to possess firearms without it posing a threat to the safety of the public order and peace. This is especially relevant for domestic violence incidents which will predominantly fall short of a conviction, as discussed previously. Therefore, designated officers should be aware that they can take hearsay evidence into account and not have to rely only and directly on spouses/partners when considering domestic-related incidents.²⁴ Hearsay evidence could include the evidence of police officers attending scenes of domestic incidents or other relevant information from other sources, including centres for social work, health care institutions, specialised help and support services for women victims of violence and domestic violence (SOS helplines, safe houses, shelters) and other women's organisations engaging in the protection of women from violence and domestic violence.

When planning a background check through a field visit, it is recommended that **two police officers, one male and one female**, be tasked to ensure that all potential respondents feel comfortable to discuss potentially sensitive issues.

If a checklist/guidance for a background check through field visits and interviews is already in use in your institution, follow their instructions, but also consider and include the topics/issues listed below, if not already covered by the list used in your jurisdiction.

It is recommended that field visit(s) encompass several interviews, including with:

- ▶ the applicant,
- ▶ the applicant's partner/spouse,
- ▶ the applicant's former spouse or partner, in particular if they divorced recently,
- ▶ other family members (i.e. parents, children, and other family members living together with the applicant),
- ▶ persons familiar with the applicant (i.e. neighbours, work colleagues, members of a sports/hunting association, students in case of young applicants, etc.).

The interviews could provide credible information that will facilitate the assessment of whether the applicant could be granted a firearm licence. They also help identify any circumstances that could indicate if firearms could be misused under any circumstances, including in domestic violence. Such assessment can be crucial for any informed decision on whether approval for acquiring firearms should be granted.

The respondents should be aware that it is not up to them to provide expert opinions, but to share their opinions and information, which will help the police officers in the decision-making process.²⁵ They should also be given the opportunity to decline the interview.

For maximum results, interviews should be structured and organised around the main concerns discussed above.

Interview with the applicant

The interview should always be carried out before granting a licence to a first-time applicant. This should include a check and consideration of whether requirements for safe storage of firearms are fully met.

The interview could provide an opportunity to learn more about the applicant's personality, behaviour in the private sphere, image and relations in the community, etc. Presented below is a list of suggested questions which could facilitate such an interview. The list is by no means exhaustive and, depending on the level of risk involved, an additional set of questions could be included. Keep in mind that the applicant will be prepared for the interview with you and would try to make a good impression.

Firearms licence application

- ▶ Could you elaborate on your motivation and reason for acquiring a firearm?
- ▶ If the reason is related to personal safety issues, ask the applicant to elaborate on this and provide evidence to sustain such a claim. If hunting or other hobby/sport is stated as a reason, consider at least one interview with the persons from the hunting association or sports club.
- ▶ Have you informed your spouse/partner that you have submitted an application to acquire firearms? Are other members of your household (adult members living with the applicant, including their children) informed about your application?
- ▶ What do they think about it?

Applicant's personality and overall life satisfaction

- ▶ Describe yourself in a few words (social, easy-going, happy, serious, traditionalistic, old-fashioned, impulsive, etc).
- ▶ How do you usually spend your free time? Do you have any hobbies?
- ▶ Do you drink sometimes? Do you gamble?
- ▶ Do you get angry easily? In what kind of a situation? How do you act when you are angry?
- ▶ What annoys you the most?
- ▶ Are you employed? If yes, ask: Are you satisfied with your career, relationship and communication with your boss and colleagues? Are you satisfied with your income?

Family life and relationships within the family

- ▶ How would you describe your relationship with your partner/spouse?
- ▶ Is your partner/spouse employed?
- ▶ Does your spouse have a broad circle of friends? Does she spend time with them?
- ▶ Are there any situations in which you are jealous or suspicious of your partner?
- ▶ Does she have close relations with her family? Are they in touch regularly?
- ▶ How would you describe your relationship with other family members, including children?

- ▶ Who is in charge of the household when it comes to important decisions?
- ▶ Who is in charge of the children in your family?
- ▶ How do you feel when someone from your household does not respect your choices/decisions?
- ▶ How do you resolve conflicts with the partner/spouse or other family members?
- ▶ What kind of disciplinary measures/punishments do you apply to your children?

In case the applicant is divorced/separated

- ▶ When did you divorce/separate?
- ▶ Do you have children from previous marriages/relationships?
- ▶ How did the divorce affect you?
- ▶ Are you in touch with your ex-partner? Do you pay alimony regularly?
- ▶ Do you have any issues with your ex-spouse/partner?

Community life

- ▶ Do you have a broad circle of friends?
- ▶ How would you describe your relationship with your neighbours? Is there any neighbour who annoys you? If so, why?
- ▶ How would you describe your relationship with your colleagues (boss, peers)?
- ▶ How do you resolve conflicts with the colleagues, neighbours, friends?
- ▶ Have you served the army? Did you participate in any armed conflict? If yes, tell me more about that.
- ▶ Are you a fan of any football club? Do you go to sport events?
- ▶ Ask about the applicant's membership with different groups (religious, hobby, professional).

▼ BEAR IN MIND

It is not unusual for persons who are violent at home to behave differently in the public sphere and to be described by colleagues and acquaintances as well-respected, family devoted, etc.

Observe carefully the applicant's behaviour during the interview and take notes during the interview or immediately after the interview to ensure you recorded your impressions.

Police officers usually ask applicants to recommend a person to whom they should talk during the background check. However, police officers should pay special attention that the persons with whom they would talk should not be limited to the persons recommended by the applicant.

Interview with the spouse/partner

Interviews with partners who may be victims of domestic violence may be deemed essential to making an accurate assessment of an application. As discussed above, current and former spouses and partners are well familiar with the applicant and may be seriously affected by the applicant's access to firearms. Furthermore, they may also have ongoing relationships with the applicant through childcare and another domestic arrangement or can have disputes with them.

Such interviews need to be conducted delicately and officers must take into account that a victim of domestic violence may be unwilling to speak openly with the police for fear of further violence or reprisals. Information provided during the interview must be treated as confidential.²⁶ They must also be offered the option not to participate in the interview. This especially applies to victims of violence, for whom conducting an interview could further endanger their safety. If it is estimated that conducting the interview could pose a threat to their security, other sources of information should be relied upon. In any case, they should be informed about the submitted application and have the contact of the competent official.

Officers must be adequately trained to ensure they are aware of the indicators of domestic abuse and of how to support the victims and keep them safe. Police officers should be trained to recognise different forms of violence, including domestic violence. They should be aware that there may be a need to take active steps to protect an applicant's partner from reprisals. This is particularly important if the partner is interviewed in connection with the application and provides information that leads to a rejection or revocation since the applicant might blame their partner and resort to violence.²⁷ When

conducting interviews with partners, their safety is of paramount importance, and no action should be taken that might compromise it.

It is recommended to have a female police officer conduct the interview with the applicant's spouse/partner in case the applicant is male. This should enable women to feel comfortable talking openly and honestly, without any concerns or fear.

Ensure that the interview with the applicant's partner/spouse is conducted **privately**; it is of utmost **importance to ensure privacy and confidentiality**. A range of possibilities should be offered to the respondent, including that interview take place at their home, when the applicant is not present, at the police station, over the phone or any other place the partner may find the most appropriate and at a time most convenient to her. The applicant's spouse/partner should be informed that the interview is **confidential** and that it is only one part of the background check.

The interview is an opportunity to **notify former and current spouses and partners** about the submission of the application for a firearm licence in case they have not been informed by the applicant.

Application for a firearm licence

- ▶ Were you informed by the applicant about his application for a firearm licence?
- ▶ What do you think about his/her reasons for a firearm possession?
- ▶ Do you have any concerns in that regard (e.g. do you fear for your safety or that of your children)? Tell us more about that.

General

- ▶ Describe the applicant in a few words (social, easy-going, happy, serious, traditionalistic, old-fashioned...).

Family life and relationships within the family

- ▶ How would you describe your relationship with the applicant?
- ▶ Who is in charge of the children in your household? Describe his relationship with the children.
- ▶ How do you make important decisions in the family? Who is in charge?
- ▶ How does he/she act when someone in the household does not respect his choices/decisions?

- ▶ Does he/she get angry easily? How does he/she act when angry? Are you afraid of him/her and his/her reactions in such situations?
- ▶ Has he/she shown signs of controlling behaviour in the relationship? If yes, please describe the specific cases. Do you feel free to do whatever you want without fear (in terms of going out with friends, shopping, make-up and dressing, visiting your family...)? Is he/she a jealous person?
- ▶ Do you often have arguments or conflicts with the applicant? How do you resolve them?
- ▶ Was he/she ever violent (toward you, children, and other family members)? If yes, could you describe more in detail?
- ▶ Is the applicant impulsive?
- ▶ Does he/she show changes in emotions, a persistent feeling of sadness, or a loss of interest in daily activities? Has he/she recently had any suicidal thoughts?
- ▶ Is the applicant prone to alcohol, drugs, or gambling?
- ▶ How do you resolve conflicts with the partner/spouse or other family members?
- ▶ Do you see your friends and family members regularly?
- ▶ Could you describe his/her relationship with his/her friends, neighbours, and colleagues? Is he/she respected by the community? Does he/she have any disputes with friends, neighbours, or colleagues?
- ▶ How does he/she spend his/her free time? Does he/she have any hobbies?
- ▶ Does he/she have a broad circle of friends?

Community life

- ▶ Does the applicant have a broad cycle of friends? Has he/she shown signs of social isolation?
- ▶ What is his/her relationship with friends, neighbours, and colleagues like?
- ▶ Does he/she have any disputes with them?

Observe carefully his/her behaviour during the interview and take notes during or immediately after the interview to make sure you recorded your impressions. If any indications of violence are noted, inform the police officer in charge of domestic violence/ violence against women.

▼ BEAR IN MIND

The applicant's partner is not required to give approval or consent in relation to the application for a firearm licence, and this should be clarified to them. The responsibility lies with the police to make the decision based on all the evidence available. Still, if a spouse has any suspicions or raises any concerns, this must be taken into account with utmost importance, and additional revisions of the application should be undertaken.

If the applicant's partner believes the abuser may harm her/him, the case must be treated as top risk. On the other hand, there are cases in which women, having endured prolonged violence, have become accustomed to it, minimise it, and are unable to recognise the risk.

Interview with a former partner

As discussed above, former spouses and partners are familiar with the applicant and acquiring of a firearm by the applicant may present a serious concern to their safety. If there is any risk indication, it is recommended to conduct an interview with them. This could be particularly relevant in cases of a recent divorce or separation. In addition, in such cases, consultation with the local centre for social work could be beneficial. A set of questions for the current partner can serve as a basis for the interview, but particular attention should be paid to the following questions:

- ▶ When did you divorce/separate? What was your experience of the divorce proceedings like?
- ▶ Are you in touch with your ex-partner? Does he/she pay alimony regularly?
- ▶ Do you have any issues with your ex-spouse/partner?
- ▶ Was he/she ever violent (toward you, children, and other family members)? If yes, could you describe this in more in detail,
- ▶ Do you have any concerns related to the application for a firearm licence submitted by your former partner?

Interview with the adult family members, including the applicant's parents

If applicable, the applicant's parents can provide important insights into the applicant's personality and experience, in particular, related to the applicant's childhood and upbringing.

- ▶ Were you informed by the applicant about his/her application for a firearms licence?
- ▶ Do you have any concerns related to the application for the firearm licence submitted?
- ▶ Please describe the applicant as a child.
- ▶ Was he/she well adapted in school? Did he/she have a lot of friends? Was he/she ever a victim of peer violence?
- ▶ Did he/she have partner relationships?
- ▶ How did he/she use to react and how does he/she react now when denied something?
- ▶ Was he/she ever a member of any gang, hooligan group or similar?
- ▶ Was he/she violently disciplined in childhood?
- ▶ Was he/she ever suicidal or did he/she have any mental health issues?
- ▶ What were his/her attitudes towards women?
- ▶ What about attitudes to particular groups categorised by, for example, ethnicity, sexual orientation, gender identity, disability, age, and religion?
- ▶ Was he/she prone to substance abuse, including alcohol and drugs?
- ▶ Did he/she use to engage in reckless driving?
- ▶ Was he/she ever cruel to animals?

Interviews with other persons (neighbours, colleagues, fellow members of sports and/or hunting associations)

Interviewing neighbours, colleagues, and fellow members of sports and/or hunting associations could contribute to a broader picture of the applicant and his personality/character and also shed light on any disputes or arguments, which could indicate a risk situation, particularly if they happen in the context of neighbours' relations.

- ▶ How does the applicant act/ behave in the community, neighbourhood, at work, and in a sports/hunting club?
- ▶ Tell us about his/her relationship/interactions with friends/colleagues and neighbours? Does he/she often have arguments?
- ▶ Is he/she prone to conflicts? Are you aware of any situation in which he/she has been violent, including in family relationships?
- ▶ Does the applicant have any issues with regard to alcohol or drug abuse or gambling?

If the application is related to hunting, request information from the representative of the hunting association if the applicant is an active member, participating in the association's activities and competitions on a regular basis, since when is he/she a member of the association and his/hers prior involvement in hunting and shooting incidents, any disciplinary actions taken against the applicant, as well as any imposed disciplinary measures.

Report on background checks

The report should explicitly state if there are any circumstances which indicate that firearms might be misused, in particular in the context of:

- ▶ domestic violence and violence against women,
- ▶ risks associated with groups most at risk of firearms misuse, in particular young men.

Any ambiguity or vagueness should be avoided.

If collected information does not provide sufficient evidence but casts doubts on the eligibility of the person to be entrusted with a firearm, additional inquiries should be undertaken to ascertain whether or not there is any further evidence that the person would be unsuitable/ineligible to possess a firearm.

Box 1: Conduct other inquiries, including checking social media and Internet presence

The applicant's social media accounts can provide important insight into his/her character and conduct and potentially indicate if there are any concerns that should be taken into account during the application review. Attention should be paid to any activity that could raise a red flag.

Also, take into account the applicant's online presence beyond social media, such as in fora, chat rooms, and online communities.

With regards to social media and online presence, special consideration should be paid to any content which:

- ▶ promotes and glorifies violence in any context,
- ▶ contains misogynistic attitudes, hate speech towards women and girls, or other strongly expressed prejudices against women,
- ▶ justifies or calls for violence against women and girls and gender-based violence, including sexual violence, harassment and abuse,
- ▶ positively relates to mass shootings, including posting on past mass shooting perpetrators,
- ▶ contains hate speech or violent attitudes towards particular groups categorised by, for example, ethnicity, sexual orientation, gender identity, disability, age, religion,
- ▶ indicates involvement in cyberbullying and/or online harassment/cybercrime,
- ▶ indicates gang affiliation,
- ▶ indicates radicalisation and violent extremism,
- ▶ promotes violence at sports events,
- ▶ promotes dangerous, reckless or inconsiderate driving,
- ▶ indicates cruelty against animals.

STEP 3:

Make an informed and gender-responsive decision



Make an informed and
gender-responsive decision

Decisions on applications should be made following the assessment of all the relevant information and must be made on the individual merits of each case. In order to make an informed decision about whether firearms could be misused in domestic and gender-based violence, make sure that all relevant information has been collected, including through:

- ▶ criminal and misdemeanour, operational and other records,
- ▶ police logs,
- ▶ the firearms registry,
- ▶ field visits and interviews, including with the partner, if applicable,
- ▶ other sources of information, such as social media and online presence.

When assessing an application to grant of a firearm licence, both from a gender-perspective and in general, consider the following factors which could indicate the risk that firearms could be misused in violence against women, domestic and gender-based violence:

- ▶ all previous convictions, both for criminal offences and misdemeanours, in particular those related to domestic violence,
- ▶ history of criminal behaviour or violation of public peace and order, even when falling short of conviction, could indicate circumstances leading to possible misuse of firearms,
- ▶ decision on an application to acquire a firearm should not rely solely on convictions when considering the suitability of applicants to possess firearms without danger to the public order or peace, and hearsay evidence obtained during the background check must be taken into account,
- ▶ ensure that any record of domestic violence and any violent, aggressive behaviour is treated with the highest concern regardless of the outcome, as it may indicate circumstances that firearms could be misused,
- ▶ allegations or intelligence that have not resulted in a conviction may nonetheless be evidence of ineligibility or unsuitability, especially if a number of allegations have been received from different sources and the intelligence is judged to be credible and reliable. This is particularly relevant for any incident involving violence or firearms.
- ▶ while patterns of violent or anti-social behaviour or abuse should generally be regarded as more serious than a single incident, isolated incidents should not be disregarded in the assessment of the person concerned and their eligibility to possess a firearm. This might be particularly relevant for domestic violence due to

the low level of reporting.

- ▶ pay particular attention to the interviews conducted with spouses/partners and other family members, including former partners. Any concern they might have must be treated with the highest urgency.
- ▶ still, intimate partner might be unwilling or unable to openly express their concerns; therefore, other sources of information on this are of utmost importance,
- ▶ any record of hate speech, hostility and violence attitudes toward women and individuals or groups based on ethnicity, race, sexual orientation, gender identity, disability, age, or religion,
- ▶ any affiliation with gangs or hooligan groups, including in violent sports events,
- ▶ special attention should be paid to any indication of radicalisation or violent extremism, or any content related to mass shootings,
- ▶ any indication of substance abuse, including alcohol and drugs,
- ▶ police records on any activity which involves firearms, in particular offences involving violence or any failure to comply with requirements under which a firearms licence was issued, including those related to unsafe storage. This also includes any previous refusal or revocation of a firearm licence.

In case any circumstances indicate that firearms could be misused are established and documented during the review of the application, authorisation to acquire firearms should not be granted, as indicated in the Law on Weapons. If any suspicion of such misuse is raised during the review process, but additional information is needed, further review of the application should be initiated to obtain sufficient evidence that there is (no) risk of firearms misuse. The decision-making should be guided by the primary goal to prevent any harm by the misuse of firearms.

▼ BEAR IN MIND

If any application is refused based on indications that firearms could be misused in domestic violence, and this information is obtained from intimate partners or other family members, make sure that under no circumstances does the rejected applicant learn about reasons for refusal since that might put their partner and family members at the extreme risk and their safety could be seriously compromised. These cases must be treated with utmost care.

STEP 4:

Continuous monitoring of the fulfilment of the legal conditions for the possession of weapons

Authorities must have appropriate measures in place to monitor any activity of a licence holder to ensure that all relevant information is readily available for continuous assessment of the suitability and eligibility of an individual to possess a firearm. It is of utmost importance that officers act robustly, specifically around domestic incidents and violence, to avoid preventable harm by the potential misuse of firearms.²⁸ A review of the firearm licence holder's continued eligibility should take place following an incident of domestic violence or abuse.

Information about the licence holder's suitability may also be provided by members of the public known to the licence holder. All such reports must be duly investigated and recorded. Where the reported information can be substantiated, a review of the continued eligibility of the licence holder should take place. Reports made anonymously should be treated as intelligence and steps should be taken to ensure any inquiries or subsequent court proceedings do not reveal the source of the information. As part of the investigation, steps should also be taken to ascertain whether the report might be malicious.²⁹

Within such continuous review, a general practitioner and a health specialist should be informed of their legal obligation to timely report any change in the firearms licence holder's health which affects his eligibility to hold firearms.

Upon authorisation of a firearms licence, periodic follow-up visits should be planned to the applicant to check whether the firearm is stored as per the legally prescribed requirements and whether the conditions for safe storage are in place.

- 1 Source: SEESAC Armed Violence Monitoring Platform
- 2 SEESAC. 2019. Misuse of Firearms in Domestic Violence in South East Europe: Fast Facts.
- 3 SEESAC.2022. In Focus Armed Violence Monitor on Firearm Incidents in the Context of Domestic Violence in SEE in 2019-2021.
- 4 SEESAC.2019. Men and Firearms in South East Europe: Fast Facts.
- 5 For more information, see the [OSCE-led Survey on Violence Against Women - Main Report](#). This report presents the cross-regional, comparable findings of the OSCE survey on the well-being and security of women, which was conducted in 2018 in selected jurisdictions in South East and East Europe. The OSCE-led research included a quantitative and qualitative component and was conducted with the aim of providing comparable data on the different forms of violence women experience in childhood and throughout their lives. The research examined the violence experienced by women in conflict and non-conflict settings, as well as the impact of violence on women and girls, including its lasting consequences. Questions about norms and attitudes regarding violence against women were asked in order to better understand the underlying causes of violence.
- 8 Amnesty International, the International Action Network on Small Arms (IANSA) and Oxfam International. 2005. The Impact of Guns on Women's Lives. Oxford: The Alden Press.
- 9 See: American Psychological Association, Dictionary of Psychology;.
- 10 See: Brian Heilman with Gary Barker. 2018. Masculine Norms and Violence. Making the Connections. Promundo
- 11 SEESAC.2019. Men and Firearms in South East Europe: Fast Facts.
- 12 See: Heilman, B., Barker, G., and Harrison, A. (2017). The Man Box: A Study on Being a Young Man in the US, UK, and Mexico. Washington, DC and London: Promundo-US and Unilever.
- 13 Brian Heilman with Gary Barker. 2018. Masculine Norms and Violence. Making the Connections. Promundo.
- 14 SEESAC. Gender and SALW in South East Europe: Main Concerns and Policy Responses.
- 15 See: Page, Ella. 2009. 'Men, Masculinity and Guns: Can We Break the Link?'. IANSA; Mankowski, Eric. 2013. 'Antecedents to Gun Violence: Gender and Culture'. In Gun violence: Prediction, Prevention, and Policy. American Psychological Association; Bevan, James and Nicholas Florian. 2006. 'Few options but the gun: Angry young men'. In Small Arms Survey 2006: Unfinished Business. Geneva: Small Arms Survey.
- 16 Ibid.
- 17 SEESAC. 2006a. The Rifle has the Devil Inside – Gun Culture in South Eastern Europe.
- 18 Page, Ella. 2009.
- 19 Bevan, James and Nicholas Florian. 2006. 'Few options but the gun: Angry young men'. In Small Arms Survey 2006: Unfinished Business. Geneva: Small Arms Survey.
- 20 Home Office. 2016. Guide on Firearms Licensing Law.
- 21 Ibid, p.98.
- 22 This section extensively builds on the Proposal of the Guidelines for the Application of Legal Provisions for Holding Weapons with the Aim to Prevent Domestic and Intimate Partner Violence developed by UNDP Serbia Reduce Risk Increase Safety - Towards Ending SALW Misuse in Domestic Violence Context project.
- 23 Ibid. p.102.
- 24 Ibid, p.101.
- 25 Ibid, p. 71.
- 26 Ibid. p. 101.
- 27 Ibid. p. 101.
- 28 Ibid. p.102.
- 29 Ibid. p.102

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