

Questionnaire on the impact of arms transfers on human rights

1. Please identify the ways that arms transfers impact on the enjoyment of human rights. Are there rights that are particularly affected? Are there groups of rights-holders which are particularly affected?

Human rights could be negatively impacted during arms transfer in importing countries that have records in human rights violations or at the time of the transfer they are violating the human rights.

The particular rights that can be violated with arms transfers usually are:

The right to life, the prohibition against arbitrary detention; the prohibition against taking of hostages, abductions or unacknowledged detention; the protection of the rights of persons belonging to minorities; the deportation or forcible transfer of population without grounds permitted under international law; the prohibition against engaging in propaganda for war, or in advocacy of national, racial or religious hatred that would constitute incitement to discrimination, the protection of the rights of prisoners during arms conflicts, etc.

The target groups may be political oppositions, minorities, children, and women.

2. If your Government undertakes arms transfers, please indicate whether your Government assesses the impact that each arms transfer may have on the enjoyment of human rights. What considerations are taken into account when making these assessments, including national procedures and/or laws and international obligations and standards? On what information and/or sources of information does your Government base its assessments?

The Republic of Albania is a modest arms exporter. During the arms transfer the licensing system carefully assess the obligation under national and international law on human rights violations.

The Republic of Albania ratified the Arms Trade Treaty, also several conventions on human rights, International humanitarian Law.

The standards procedure in assessing the risk of human rights violations is;

- Assessing the Recipient state's attitude
- Assessing the nature of the conventional arms and its endues/end-user
- Assessing the Risk of Diversion.

The main sources to assess these issues are:

Documentation from the UN human rights bodies, the ICRC and other international and regional bodies;

- Diplomatic missions in the recipient state;
- Reports from international human rights NGOs;
- Reports from reliable local sources including local NGOs;
- Reliable media reports;
- Human rights reports by States, including domestic human rights commissions reports;
- Judgements and reports by the International Criminal Court and the ad hoc tribunals;
- Research by academic, research and policy institutes on arms transfers and human rights issues.

3. If your Government does not undertake arms transfers, what considerations should be taken into account by others when assessing the impact an arms transfer may have on human rights, including national procedures and/or laws and international obligations and standards? On what information and/or sources of information such assessments be based?

Not Applicable.

4. If your Government undertakes arms transfers, has your Government in the past refused to authorize a proposed arms transfer or arms transfers on the bases that the arms transfer would impact on the enjoyment of human rights? If so please identify the factors were taken into consideration in making this decision, and the nature of human rights that would have been impacted by such the proposed transfer?

No, there have been no such applications for arms transfers.

5. If your Government undertakes arms transfer, has your Government, in the past refused to authorize a proposed arms transfer or arms transfers on the ground of risk of diversion of arms?

No, there have been no such applications for arms transfers.