



Twelfth session

The Hague, 20-28 November 2013

Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court**I. Introduction**

1. The Rome Statute provides that the ICC should pursue fair representation of women and men for all positions, representation of the principle legal systems of the world for legal positions, and equitable geographical representation for positions in the professional category. The selection procedure is determined by the criteria set forth in articles 44(2) and 36(8) of the Rome Statute and in Assembly resolution ICC-ASP/1/Res.10.

2. The report of the Bureau on the equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court (“the Court”) was considered by the Assembly of States Parties (“the Assembly”) on 21 November 2012. The Assembly endorsed the recommendations contained therein and recommended that the Bureau “continue to engage with the Court to identify ways to improve equitable geographical representation and increase the recruitment and retention of women in higher level professional posts, without prejudice to any future discussions on the suitability, or otherwise, of the current model, as well as to remain seized of the issue of geographical representation and gender balance and to report thereon to the twelfth session of the Assembly.”¹

3. The present report is being submitted pursuant to the mandate given to the facilitator, Gina Guillén-Grillo (Costa Rica), on the issue of geographical representation and gender balance, upon her appointment by the Bureau of the Assembly of State Parties on 5 December 2012.

4. The facilitator convened an informal consultation on the issue of geographical representation and gender balance in the recruitment of staff, on 24 October 2013.

5. At its meeting, the working group considered the Report of the Committee on Budget and Finance on the work of the 20th Session of 10 May 2013 (ICC-ASP/12/5) and its annex II; the Report of the Court on human resources management on 4 June 2013 (ICC-ASP/12/6) with its annexes I and II; the Draft report of the Committee on Budget and Finance on the work of its 21st session of 2 October 2013 (ICC-ASP/12/15), and the informal Human Resources standard statistics, dated 31 March 2013, submitted by the Court,² and submitted to the Committee on Budget and Finance on May 2013, as well as the subsequent recommendations of the Committee on Budget and Finance in this regard.

6. The working group prepared a draft provision for inclusion in the omnibus resolution (annex).

¹ ICC-ASP/11/Res.8.

² ICC-ASP/12/5, annex II.

II. Findings

7. Statistics provided as of 31 March 2013, show that female staff comprise 49.4 per cent of the Court's professional staff, while male staff comprise 50.6 per cent.³
8. Recent data illustrates that 182 males and 178 females are among the Professional and Director levels of staff, including elected officials and language staff.⁴
9. The staff at the Professional and Director levels consists of 319, (excluding 33 language staff) from 76 different nationalities. The statistics provided by the Court reveal that, as at 31 March 2013, out of 319 professionals, 54 come from Africa, 20 from the Asia-Pacific Group, 23 from Eastern Europe, 26 from the Group of Latin American and Caribbean States (GRULAC) and 196 from the Group of Western European and Other States (WEOG).
10. The number of staff per post, per region are as follows:
- (a) D-1: one from the African region, one from GRULAC, and six from WEOG.
 - (b) P-5: six from the African region, three from the Asia-Pacific region, two from the Eastern European region, two from GRULAC, and 19 from WEOG.
 - (c) P-4: eight from the African region, four from the Asia-Pacific region, three from the Eastern European region, four from GRULAC, and 38 from WEOG.
 - (d) P-3: 18 from the African region, five from the Asia-Pacific region, five from the Eastern European region, 10 from GRULAC and 66 from WEOG.
 - (e) P-2: 16 from the African region, eight from the Asia-Pacific region, nine from the Eastern European region, seven from GRULAC, and 55 from WEOG.
 - (f) P-1: five from the African region, four from the Eastern European region, two from GRULAC, and 12 from WEOG.
11. As of 31 March 2013, 47 posts were under recruitment or with the recruitment process completed or advertised. The target recruitment for the period is 71.

III. Informal consultations

12. The summary of the informal consultations held on 24 October 2013 is as follows:
- (a) It was noted that even though the Court had undertaken several important recruitment actions to promote GRGB, such as the recruitment guidelines (which are now being converted into an Administrative Instruction), and include special provisions for the short listing of candidates from non-represented and under-represented countries, as well as gender balance, and the re-establishment of a selection committee (now the selection review board) with the mandate to pay particular attention to gender balance and to the adherence by hiring managers to the requirement to short-list qualified candidates from non-represented/under-represented countries, the statistics demonstrate that other means to achieve wider geographical representation and gender balance need to be further explored.
 - (b) It was also noted that the efforts made by the Court need to be complemented by the active involvement of the States so that the recruitment opportunities reach the widest number of possible candidates. The facilitator reminded State Parties of the 2012 agreement of the working group to create national networks to disseminate information about vacancies at the ICC, especially through the consolidation of a national mailing list with at least five institutions from each State Party, and invited States to report on the creation of networks and to offer the facilitator further advice on suggestions to achieve the involvement of State Parties.
 - (c) It was discussed that the issue of regional and gender representation goes to the heart of ensuring national capacities worldwide. The lack of qualified applicants may be due to insufficient information on opportunities, but the lack of qualified successful

³ *Ibid.*

⁴ *Ibid.*

applicants may be attributed to insufficient capacity at the national level. It was proposed that the Programme of Assistance in International Law mandated by the General Assembly could be used to mainstream the enhancement of capacity on international criminal law.

(d) It was suggested to explore the possibility with the Court of having early warnings on future vacancies for the benefit of the non-represented/under-represented countries.

(e) It was suggested that this facilitation be taken up in a biannual basis in the future.

(f) Some delegations suggested exploring ways to promote appropriate staffing for victims and witnesses.

IV. Recommendations

1. Professional Staff posts should reflect equitable geographical representation and gender balance.
2. The Court should continue to build on the progresses it has made in the recruitment of female staff, particularly at senior levels.
3. Vacancy announcements should also be circulated to Permanent Missions to the United Nations in New York, to the national focal points and to Embassies in The Hague and Geneva through the contact information that will be provided by States.
4. Employment opportunities should be presented in a more user-friendly manner on the webpage of the International Criminal Court, ensuring visibility from its homepage, and facilitating the application process.
5. Vacancy announcements that are circulated via periodicals and publications should be included in periodicals and publications that have circulation in States that are underrepresented or not represented at the Court, including in domestic periodicals and publications of those States.
6. The Court should provide information on whether the recruitment of consultants, who are not staff of the Court, takes into account equitable geographical representation and gender balance.
7. The Court should continue its review and improvement of all personnel policies and procedures. These rules and procedures should be consolidated into a Human Resources Management Manual to be used as a main reference source by all programmes covering GTAs, consultants and others.⁵
8. The Court should be given a timeframe of one year within which to address some of the outstanding issues on the subject, including a full account of costs, benefits, problems and prospects related to all forms of recruitment activities, and report thereon to the Assembly of States Parties at its thirteenth session.

⁵ *Official Records ... Tenth session ... 2012* (ICC-ASP/10/20), vol. II, part B.1. para. 65.

Annex

Draft provision for inclusion in the omnibus resolution

Requests the Court to submit a comprehensive report on human resources to the Assembly at its thirteenth session, which would include an update on the implementation of the recommendations on the topic which would be made by the Committee on Budget and Finance in 2014.
