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**Report of the Court on Human Resources Management\****Executive Summary*

The Court is undergoing major changes with regard to its strategic and operational approach to carrying out its mandate, including its structure and staffing. In order to provide a solid framework for human resources management as well as efficient and adaptive support to the Court in general, a review of human resources strategies and the structure and processes of the Human Resources Section (HRS) will be crucial, in particular over the coming years.

Last year was a significant year for the Human Resources Section. An agreement was reached between the Chief of HRS and the Court on early separation during the second quarter of 2013. As a result of this and other developments, HRS was obliged to reprioritize its activities on account of being understaffed and overstretched. The most urgent requirements were, indeed, full support to recruitment activities and the completion of on-going policies and projects. The new Chief of HRS joined the Court on 2 December 2013.

This report, together with its annexes, focuses predominantly on three topics: (a) standard reports; (b) updates on key activities undertaken by HRS during the reporting period; and (c) responses to specific requests and/or recommendations made by the Committee on Budget and Finance.

Human resources standard statistics, as requested by the Committee, will be provided separately. Other relevant annexes will be attached. With regard to key activities, updates are provided in relation to the introduction of a revised performance appraisal system, competency based interviewing, the development and implementation of important policies, preparations for re-establishing the Selection Review Board and revision of the recruitment policy.

As regards specific requests and/or recommendations, the Court, *inter alia*, provides information on its intention to carry out a review of the various contract modalities and related procedures with a view to maximizing efficiency in the use of resources. Furthermore, it reports that a proposal has been prepared for the use of temporary appointments, which may provide added flexibility for the Court in effectively addressing temporary needs. The proposal is subject to Court-wide consultation and consideration.

Finally the report outlines HRS priority areas for 2014 which are: (a) providing support to the Registry *Re-Vision* Project; (b) revising the structure, posts and processes of HRS; (c) developing, finalizing and/or implementing key policies; (d) prioritizing automation projects to increase efficiencies; and (e) providing support to the Organs of the Court with HR-related activities at HQ and in the field, and in particular supporting the recruitment plan of the Office of the Prosecutor.

In conclusion, the document highlights the objectives that HRS aims to incorporate into its revision.

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\* Previously issued as CBF/22/11.

## I. Introduction

1. A comprehensive and effective human resources strategy, as consistently underlined by the Committee on Budget and Finance (“the Committee”), represents a key element in the International Criminal Court (“the Court”) being able to meet its overall objectives and goals. In 2006, the Court adopted its first strategic plan, and the following year, the Court developed its first human resources strategy, which was presented to the Committee in April 2008.<sup>1</sup> As in previous years, this annual report provides the Committee with information on the activities undertaken during 2013 in support of human resources strategy objectives. In addition, the Court responds to specific requests and recommendations made by the Committee.

2. It should be noted that shortly after the previous report on human resources management was presented to the Committee in April 2013,<sup>2</sup> the Chief of the HRS left the Court at short notice. The Section, already short-staffed as a result of the Head of Staffing being on Special Leave Without Pay, had to face different challenges and focus on the most urgent activities given the lack of capacity, while ensuring continuing support to the Court’s operations.

3. Changes in senior management have also led to new strategic approaches. The Office of the Prosecutor (“the OTP”) presented a new strategy with a focus on quality and efficiency, complemented by a significant increase in the number of its staff members. The new Registrar, Mr. Herman von Hebel, who joined the Court in the second quarter of 2013, initiated a review of the functioning and structure of the Registry in order to enhance its effectiveness and efficiency. The new Chief of the HRS joined the Court in December 2013 and at the time of writing; she has been in post for three months.

4. These changes provide the Court with the momentum to overhaul its strategic and operational approach to human resources management at the Court and to take a fresh look at how to ensure optimum human resource management services allowing the organization to meet its current and future challenges.

5. The HRS will therefore continue in 2014 to provide support to Court operations while revisiting and reviewing its work plans with a view to prioritizing and ensuring an efficient use of resources. There are plans to re-evaluate the structure and work processes of the HRS itself, as part of the Registry-wide review process.

6. It is against this background that the Court submits the present report on human resources management, focusing predominately on: (a) standard reports; (b) updates on key activities undertaken by HRS during the reporting period; and (c) responses to specific requests and/or recommendations made by the Committee.

## II. Previous requests and recommendations made by the Committee

7. The Court’s responses to the Committee’s specific requests and recommendations made during its eighteenth, nineteenth and twentieth sessions with regard to human resources management issues are given below:

- (a) *HR-reclassification*: The Court is in the process of reviewing its proposal for re-/classification and looks forward to sharing its policies with the Committee.
- (b) *Culture of accountability*: The Court welcomed the Committee’s recommendation to develop proposals to introduce a culture of personal accountability, including rewards for good performance and sanctions for poor performance. However, the Court felt the need to first ensure sound and Court-wide compliance with the revised performance appraisal system before considering performance-related rewards and sanctions.
- (c) *Staff performance appraisal*: The Court reports on its new performance appraisal system under section III.C.1.

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<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (ICC-ASP/7/20), vol. II, part B.1, para. 41.

<sup>2</sup> *Official Records ... Twelfth session ... 2013* (ICC-ASP/12/20), vol. I, part B.1, para. 66.

- (d) *Recruitment*: The Court provides information regarding its recruitment activities, in particular its efforts to ensure geographical representation and gender balance, under section III.A.3.
- (e) *Contractual modalities (temporary appointments, Special Services Agreements, Pro bono Contractors)*: HRS intends to review the various contract modalities and related procedures with a view to maximizing efficiency in the use of resources under section III.D.1.
- (f) *Mandatory retirement age*: With regard to the mandatory age of separation of current staff members, the Court is continuing to monitor the relevant discussions within other international organizations and the United Nations General Assembly. As there is no clarity as yet regarding the approach the United Nations General Assembly will take, the Court will keep the Committee informed and will submit a timely proposal to the Committee and the Assembly of States Parties (“the Assembly”) in the course of 2014.

### III. Activities during 2013

#### A. Recruitment and Staffing

8. The focus of attention for 2013 remained the same as previously reported to the Committee:

- (a) application of a systematic, fair and transparent selection process to ensure the highest quality of (external) recruitment and (internal) placement;
- (b) strengthening of the capabilities of staff with hiring responsibility; and
- (c) increasing external awareness of employment opportunities with the Court.

#### 1. Recruitment performance for established posts (external recruitment, internal placements and staff turnover)

9. The recruitment of a diverse staff of the highest quality continued to be a priority of the Court’s human resources management activities. In 2013, the Court filled a total of 89 vacancies for established posts. Of these, 55 posts (62 per cent) were filled by internal staff members, which included 30 staff who moved from General Temporary Assistance (GTA)-funded to established posts. 34 posts (38 per cent) were filled by external candidates.

10. A total of 62 staff left the Court in 2013, which included 11 non-extensions of staff contracts and dismissals and 11 moves from an established post to GTA. This represents a turnover rate for the year of nine per cent, and yields a retention rate of 91 per cent over 94.4 for 2012 (and 90.7 for 2011). It is noteworthy that the turnover rate has decreased and is currently half of what it was a few years ago.

11. Excluding internal movements, the turnover rates for 2011, 2012 and 2013 were 6.3 per cent, 4.3 per cent and 5.8 per cent respectively.

12. In line with Staff Rule 104.18, entitled “Recruitment and existing staff members”, the Court has paid the fullest regard, in filling vacancies, to the qualifications and experience of staff members already in the service of the Court. In recent years, approximately 50 per cent of vacancies have been filled by existing staff members.

13. Given internal placements and staff turnover, the net increase at the end of 2013 over 2012 was two staff. As at 31 December 2013, the Court had 688 staff in established posts. The vacancy rate for the year was 9.5 per cent.

14. Tables 1 and 2 below summarize recruitment performance, appointments, internal placement and turnover by major programme as at 31 December 2013.

**Table 1: 2013 Recruitment Performance\***

	<i>Budgeted Posts</i>	<i>Headcount</i>	<i>Vacancy Rate</i>	<i>Spot-Check Rate</i>	<i>Under Recruitment/ Recruitment Completed</i>	<i>Separations (2013) **</i>	<i>Separation (%)</i>	<i>Gender Balance (Female)</i>
Judiciary	48	46	6.25%	4%	2	3	6.77%	67%
OTP	214	198	7.01%	7%	14	24	12.15%	48%
Registry	478	429	10.25%	10%	19	35	8.17%	43%
<b>Total ICC</b>	<b>761</b>	<b>688</b>	<b>9.46%</b>	<b>9%</b>	<b>40</b>	<b>62</b>	<b>9.02%</b>	<b>47%</b>

\* Above figures exclude five budgeted posts for elected officials (three in OTP and two in the Registry).

\*\* The figures are on accumulative basis in 2013.

**Table 2: 2013 ICC appointments and resignations**

	<i>External appointments</i>	<i>Internal appointments</i>	<i>Resignations</i>	<i>Movements to GTA</i>	<i>Non-extensions/ dismissals</i>	<i>Net increase</i>
Judiciary	5		3			2
Major Programme I						
Office of the Prosecutor	24	10	18	6		1
Major Programme II						
Registry	35	15	19	5	11	-1
Major Programme III						
Secretariat of the ASP						0
Major Programme IV						
Secretariat of the TFV						0
Major Programme VII.1						
Project Director's Office						0
Major Programme VII						
<b>Total ICC</b>	<b>64*</b>	<b>25</b>	<b>40</b>	<b>11</b>	<b>11</b>	<b>2</b>

\* Includes thirty staff who moved from GTA-funded to established posts.

15. An update on recruitment, internal placement and turnover against established posts during the first three months of 2014 will be presented to the Committee separately at its twenty-second session. The Committee will also be provided with updated information on gender and geographical representation.

16. Overall, attention was paid to the time needed to recruit and steps were taken to improve recruitment quality. Proactive planning, the review and development of up-to-date, business-focused job descriptions and the use of competency-based interviewing have all contributed to ensuring that the best candidate for the job is hired.

## 2. General Temporary Assistance (GTA) and short-term appointments

17. As at 31 December 2013, the Court employed 171 fixed-term staff members funded against GTA. An updated list of staff funded against GTA for the period 1 January to 31 March will be provided to the Committee separately.

18. Only a few short-term appointments have been issued every year - 18 in 2013 - mostly for conferences of the Secretariat of the Assembly of States Parties. This excludes short-term language staff contracts.

## 3. Gender balance and geographical representation

19. The Court remains committed to achieving gender balance at all levels and efforts were made during 2013 to make further progress towards reaching this goal. HRS continuously monitors the gender balances within other international organizations in the United Nations system, and can confirm that the overall percentage of women in the Court

in professional positions (48.6 per cent as at 1 March 2014) is well in line with figures for other organizations. The Court will continue to encourage female applicants from all parts of the world to seek professional opportunities at the Court.

20. The Court is also committed to recruiting staff from as wide a geographical base as possible. The inclusion of special provisions for the shortlisting of candidates from non-represented and under-represented countries has improved the geographical representation and will help in achieving this objective. Furthermore, with a view to ensuring proper geographical distribution, interview panel members have been systematically provided with the relevant statistics to be mindful of candidates from under-represented and non-represented countries.

21. Attention continued to be paid to the analysis of the relevant data regarding under-represented and non-represented countries to determine the main area of focus and to target outreach activities on the relevant under-represented and non-represented member States.

#### **4. Completion of competency-based interviewing guide and training**

22. In line with many other international organizations, the Court is using competency-based interviewing as the basis for its recruitment and selection methodology. It is recognized that in order to ensure a consistent approach within the Court of applying structured competency-based interviewing as an assessment tool, proper guidelines need to be issued and the relevant training needs to be provided.

23. During 2013, a competency-based interviewing guide for managers was developed and a comprehensive, two-day training course was delivered to 121 managers and other nominated staff members involved in the interview process within the Court. Two other briefing sessions on the concept of Competency-based interviewing and how to prepare and respond to questions were also held for 113 staff members. Future training will be provided as required.

### **B. Conditions of service**

#### **1. Human Resources Policies**

24. Underpinning a solid framework of conditions of service is the development and refinement of human resources policies that are transparent and provide guidance to staff and managers. In the first few years of the Court's existence, the creation of a policy framework was not seen as a priority. However, in recent years this has changed and progress is now made every year with regard to the development and promulgation of Administrative Instruction(s) (AI) or Information Circular(s) (IC). In 2013, the following AIs were promulgated:

ICC/AI/2013/007 Overtime, Stand-by Duty, Compensatory Time Off, and Night Differential

ICC/AI/2013/006 Dependency Status and Benefits

ICC/AI/2013/005 Duration and Extension of Fixed-term appointment against Established Posts

ICC/AI/2013/004 Probationary Period and Performance Appraisals

ICC/AI/2013/003 Performance Appraisal System

25. The Court continues to publish administrative instructions or information circulars prepared by the Court on the Intranet. The Vademecum of Administrative Issuances is available at: [http://www.icc-cpi.int/en\\_menus/icc/legal%20texts%20and%20tools/vademecum/Pages/default.aspx](http://www.icc-cpi.int/en_menus/icc/legal%20texts%20and%20tools/vademecum/Pages/default.aspx).

26. During 2013 and in view of the operational needs and downscaling and/or closing of field offices, extra attention was also paid to establishing guidelines and helping managers in this regard, while safeguarding staff member's rights and ensuring that they were afforded due care and attention at such a difficult time.

#### **2. Staff health and well-being**

27. In 2013, the Health and Welfare Unit (HWU) of the Court conducted health and welfare group sessions, workshops, team training, critical incident support and awareness information sessions for a total of 555 staff members. At the individual level, the HWU

conducted 267 consultations with 170 staff members. Recovery and reintegration of staff on sick leave for reasons such as burn-out, stress or workplace problems were actively supported by the Health and Welfare Unit. This involved close collaboration with managers on the successful reintegration of returning staff. The Court's medical staff provided approximately 1,500 occupational health and (emergency) medical consultations.

28. Focus on the health and welfare of the Court's field staff was continuous. Training workshops on first-aid and basic CPR, with the opportunity for individual consultations, were conducted for field staff in Kinshasa, and in Kampala, group training on stress resilience and trauma was provided to staff from several field duty stations.

29. 2013 was marked by a number of critical incidents which demanded much of the HWU's and, in particular, the Staff Welfare Officer's attention. Two evacuations from Bangui and an extremely tense situation throughout the year led to a number of interventions. On four separate occasions, the HWU managed to organize staff support interventions by United Nations system counselors for the Court's staff in Bangui. Additionally, a staff support mission was dispatched to Nairobi following the attacks in the Westgate shopping mall. An attempted suicide, as well as other mental health crises similarly required a focused effort on individual support, organizing effective mental health care, and in one case, group and individual debriefings for the colleagues involved.

30. Meeting with 16 mental health providers in The Hague and in the field and being an active participant in the United Nations Staff/Stress Counselor network helped strengthen the referral network for staff members within the Court.

31. As the Court has matured as an organization, the need to focus on staff well-being and health is gaining in importance. As part of the restructuring of HRS, there will be a review of the current medical services provided by the Court and the costs incurred, with a view to ensuring cost efficiency while offering an adequate level of service to the Court's staff.

## C. Learning & Career Development

### 1. Performance management

32. Further to the progress report on the new performance appraisal system provided to the Assembly at its nineteenth session in November 2012,<sup>3</sup> the new performance appraisal system was introduced to the Court through the issuance of the related administrative instruction effective 6 March 2013. A copy of the new performance appraisal form is provided in the annex. The changes are summarized below:

(a) *Procedures:*

- (i) Strengthening accountability in the Court: Heads of Organs are responsible for the implementation of the Performance Appraisal System process. The Heads of Organs shall hold all supervisors accountable for the effective use of the Performance Appraisal System through all stages of the process ensuring that the Organ's priorities are communicated to all staff members of the Organ;
- (ii) Priorities, strategic goals and budget plans of Heads of Organ are translated into work plans of units as per Organ's structure which forms the basis for establishing individual performance plans;
- (iii) Performance Appraisal System implementation is included as a key indicator in work plans of work units, as per Organ's structure;
- (iv) Requirement for the completion of the PAS cycle:
  - Setting objectives;
  - Mid-term review;
  - End-of-the year.
- (v) Granting of step increments only in cases of satisfactory performance which is considered with overall ratings of 'fully met performance expectations' or higher.

<sup>3</sup> *Official Records ... Eleventh session ... 2012* (ICC-ASP/11/20), vol. II, part B.2, para. 69.

- (b) *Format:*
- (i) Simplified, user-friendlier form with the relevant details;
  - (ii) Logical format for the completion of the relevant details as required by the administrative instruction:
    - Objectives (SMART);
    - Allocation of the relevant competencies (reference to the Court's core competencies); and
    - Identification of required training/development needs.
- (c) *Rating system:*
- (i) Qualitative and descriptive rather than numeric assessments;
  - (ii) New rating system for the evaluation of competencies:
    - Fully competent;
    - Requires development; and
    - Unsatisfactory.

Comments are optional for 'Fully competent' ratings but mandatory for 'unsatisfactory' and 'requires development'.
  - (iii) New rating system for the evaluation of the objectives at the end-of-the year review. The definition of each category is provided in the PAS form:
    - Not achieved;
    - Partially achieved;
    - Fully achieved;
    - Exceeded; and
    - Significantly exceeded.
  - (iv) New overall rating system for the evaluation of the performance rating at year-end. The definition of each category is provided in the PAS form:
    - Significantly exceeded performance expectations;
    - Exceeded performance expectations;
    - Fully met performance expectations;
    - Partially met performance expectations; and
    - Did not meet performance expectations.

Justification for overall ratings other than 'Fully met performance expectations' needs to be provided.
- (d) *Implementation and control mechanisms in place:*
- (i) Mandatory PAS training for managers and staff members on the importance of the PAS and all relevant areas such as objective setting, giving feedback, motivation of staff, the rebuttal system, and more;
  - (ii) Introduction of the Electronic Performance Appraisal System (E-PAS) for the 2014-2015 PAS cycle;
  - (iii) Reinforcing the re-booting of the PAS system and the fact that there are no linkages to the old PAS system. Emphasizing the re-calibration of the new rating system to assure staff that the rating of 'fully meets performance expectations' will be considered as completely satisfactory and good;
  - (iv) Continued training and provision of guidance to managers and staff members on issues relating to the performance appraisal for a consistent and realistic staff assessment within the Court. That is in itself a pre-requisite for consideration of performance-based rewards;
  - (v) Monitoring accurate completion and compliance with the required deadlines and procedures as per required administrative introduction; and
  - (vi) Reviewing the relevant statistics and reporting to senior management.

33. Taking the above into consideration, the Court started with the mandatory training of all managers and staff members on the new PAS in 2013. The training is scheduled for completion by the first half of 2014. Further training for managers and staff members on holding mid-term review and end-of-the-year meetings, including role play, will be held. Further coaching will be provided to managers faced with underperforming staff so that performance issues can be addressed promptly and consistently.

34. The PAS should not be used merely to identify and address underperformance constructively but its linkages to other HR processes, i.e. recruitment, promotion, development, rewards and recognition, should also be acknowledged.

35. Although the Court was to report to the Committee on proposals for the introduction of personal accountability, including rewards and sanctions for good and poor performance respectively, it was decided that with the implementation of the new PAS as of March last year, it was essential to concentrate initially on implementation and ensuring compliance and consistency.

36. It is however acknowledged that a recognition and reward programme may support the creation of an environment for sustainable performance. Managers have a responsibility to encourage and recognize the valuable contributions of their staff and to participate in the creation of a culture to celebrate individual or team successes. As such, the Court will be considering forms of reward and recognition, taking into consideration the recommendations of the International Civil Service Commission on the framework for recognition and rewards and lessons learned from other international organizations.

37. Identifying and managing unsatisfactory performance should also be addressed. Effective staff performance is dependent on the commitment and willingness of managers to seriously address problems once they arise. Early intervention and positive support can result in improved performance. Effective dialogue and regular feedback and counseling are important in identifying and resolving problems or weaknesses in staff performance. Poor handling of underperformance by managers can lead to an even more complex problem and can lead to recommendations for non-renewals and/or terminations. A systematic approach to dealing with underperformance issues, guidance in making appropriate decisions and the creation of a culture of support and staff development are essential.

## 2. Learning and Training

38. A systematic approach to identifying the learning needs of staff was introduced in 2009 with the development of annual strategic learning plans for the Organs. The strategic learning plans have seven areas of focus:

- (a) Leadership, management and organizational development;
- (b) Substantive and technical knowledge;
- (c) Information Technology;
- (d) Languages;
- (e) Staff well-being;
- (f) Human resources and financial management; and
- (g) Induction and career support.

39. Following the budget reductions in 2012, the area of learning and development continued to face budgetary restraints keeping the same level of resources in 2013. Nevertheless, it managed to successfully implement several of the activities envisaged in the human resources strategy. Some of the key learning programmes coordinated by the Learning & Development Unit (“LDU”) are outlined below.

### (a) *Coordinating Strategically Aligned Learning Programmes*

40. Managerial Leadership Programme (MLP): Targeting staff within the Court who lead and manage people, the MLP contains multi-rater (also known as 360 degree) feedback and workshop based training. It is an introductory programme designed to provide participants with knowledge and skills in the area of effective leadership and management. Between March and October 2013, two groups of twenty-five participants composed of managers from the different Organs of the Court each underwent training.

41. Performance Management: Targeting staff within the Court who manage people as well as staff with non-managerial responsibility, these courses cover the key areas of



performance management including: (a) cascading objectives from the strategic to the individual level; (b) setting effective individual objectives; (c) influencing motivation; (d) providing effective feedback; and (e) developing staff.

42. Project Management (Prince2): Targeting staff who will lead cross-functional teams and participate as cross-functional team members, this training is designed to enable staff to successfully plan and implement projects within the agreed schedule and budget.

43. Orientation Briefing: Targeting all new staff, this programme provides participants with access to areas of the Court that they would not normally experience. By the end of the programme, they have learned what the “real-world” challenges of the Court are by meeting with the President, various Judges, the Heads of Organs, Directors and Section Chiefs. In addition, they attend a half-day workshop to learn how to overcome the difficulties that can arise when working in an organization with a diverse multicultural environment.

(b) *Strategic Performance Improvement Programmes*

44. During the reporting period, the HRS led a cross-functional team to manage a project aimed at improving Registry performance in financial management. This project, known as “MCS – Financial Tracking”, involved team members from HRS, the Budget and Finance Section (BFS) and the Information and Communication Technology (ICT) Section. During 2013, eighty-five executive staff, senior staff, line managers and administrative assistants were identified as main users and received appropriate training. The MCS – Financial Tracking project created behaviour change within the Division of Court Services resulting in efficiency gains and performance improvement. This project will be finalized in 2014 with a view to creating similar behaviour change and efficiencies within the other areas of the Registry.

45. HRS also provided facilitation support to the inter-organ working group on organizational climate. The group was trained in how to: (a) measure climate; (b) link the resulting scores to tangible problem areas; (c) conduct root cause analyses; and (d) develop solutions based on root causes. The report of the working group is currently being finalized and will be presented to senior management in early 2014.

**3. Career management and advancement of staff**

46. In recent years, more than half of the Court’s vacant posts were filled by internal staff. Many staff members have advanced to higher levels in the course of their career with the Court. Currently, approximately 50 per cent of all vacancies are filled by internal candidates.

**4. Staff mobility**

47. In order to facilitate the exchange of staff members to and from the Court, the Court made efforts during 2013 to join the latest United Nations inter-organizational mobility agreement, but without success. In the meantime, exchanges have taken place on a reciprocal basis with some United Nations organizations. In the spirit of inter-tribunal cooperation, many staff loan arrangements were facilitated between the Court and other tribunals/organizations. The Court considers staff mobility important and will continue its efforts towards having the Court included in the United Nations mobility agreement and establishing bilateral agreements with other interested United Nations common system organizations.

**D. Other matters**

**1. Automation activities**

*Implementation of the SAP Non-profit Organizations (NPO)*

48. Following a request from the United Nations Joint Staff Pension Fund for the Court to implement the new payroll project and to adopt the same procedure and system interface for data-transmission to the Fund, HRS, together with the BFS and ICTS started the first phase of the new payroll project in December 2012 and completed the roll-out of the project in October 2013. This new updated version of the SAP system is also being used by other international organizations. The new system has automated some of the manual checks and balances as part of the required work and control mechanisms within HRS. It is

foreseen that future releases will provide further enhancements to this payroll system and create an efficient platform which includes employee self-service (“ESS”) handling of entitlements and benefits, towards which the Court was already working. Through self-service, staff members will be able to access, view and/or change some of their personal information, as applicable. It must be noted that the Court will benefit from and capitalize on the investment in the NPO, as this widely utilized system is being developed with common input by many other organizations.

49. ‘My Annual Leave’ is the first feature incorporated into the ESS, replacing the paper-based annual leave request form with an electronic request format. Following development and testing of ‘My Annual Leave’, iSAP was made available to the pilot group as early as July 2011. Further modifications of the system including ‘projected annual leave’ were made available to the pilot group in November 2011. The iSAP has been gradually expanded to the Court ever since, but at a very slow pace in 2012 due to financial constraints. In 2013, the iSAP was expanded almost entirely Court-wide, with a few exceptions in some functional areas with finalization expected by the end of the first half of 2014. The system has been working well and it is expected that all other types of leave will be added to this project. The following objectives were achieved as a result:

- (a) Accurate, auditable and real time management reporting;
- (b) Automation of the annual leave approval process on the basis of an employee-driven system;
- (c) Effective leave planning and reporting system; and
- (d) Accessible overview of individual and team leave data for employees and managers.

## 2. Staff-Management Relations

50. Regular meetings have been held during 2013 with the Court’s Staff Council on matters of policy, entitlements and benefits and on general issues of staff welfare. A newly appointed Staff Council is now in the process of shaping its new forum and focus of attention and priorities for 2014. HRS will continue its efforts to establish a productive relationship with the new Staff Council as it had with the former Staff Council and acknowledges the contributions made by the Staff Council to date in the development of human resources policies and other initiatives. Representatives nominated by the Staff Council also sit on the Court’s committees and interview boards.

## IV. Activities for 2014

51. 2014 will be a critical year for the Court and strategic and structural changes are foreseen. To support the Court’s long-term goals and objectives in addressing issues such as structure, quality, values, commitment and matching resources to future needs, the Court’s human resources strategy is to be reviewed to ensure that it provides a proper framework to support the changes.

52. Pending a revision of the human resources management strategy, a number of priority areas and specific tasks have been identified for the coming year. The areas of priority for HRS for 2014 are the following:

- (a) To provide support to the Registry *ReVision* Project;
- (b) To revise HRS structure, posts and processes;
- (c) To develop, finalize and/or implement key policies;
- (d) To prioritize automation projects to increase efficiencies; and
- (e) To continue to provide support to the Court’s Organs and major programmes, at HQ and in the field, in particular as regards the successful implementation of OTP recruitment.

53. A number of areas have been identified where it is considered that improvements are required in order for the Court to operate with optimal efficiency and with the necessary agility to adapt to changes and meet unforeseen needs.

54. Below is an overview of a number of areas, all previously raised by or discussed with the Committee, which are under consideration.

## A. Review of Framework for Appointments and Contract modalities

55. As mentioned in the introduction, HRS intends to carry out a thorough review of the various contract modalities and related procedures with a view to maximizing efficiency in the use of resources. Meanwhile, it is considered that some measures could be initiated immediately so as to increase efficiency and better support the Organs and programmes.

56. When reviewing contract modalities, a distinction must be made between *posts* (established or GTA) and *appointments* (fixed-term and short-term/temporary). While the first relate to the funding source, the latter relate to the type of appointment or contractual modality.

### 1. Creation of a framework for temporary appointments

57. While the Staff Regulations and Rules refer to both “fixed-term” and “short-term” appointments, the United Nations’ previous contractual system was initially not considered to be in the interest of the Court, and as such only appointments with a term of less than one month have been “short-term”. All other staff hold fixed-term appointments, including when the appointment is temporary in nature, for example a maternity leave replacement. In 2011, the United Nations replaced “short-term” appointments with “temporary appointments”, and it is considered that introducing such appointments, which due to their short-term nature attract fewer entitlements than a fixed-term appointment, would be in the interest of the Court.

58. In accordance with the Committee’s recommendation on development of the rules for short-term staff, HRS is currently preparing a proposal on temporary appointments for management consideration. The proposal is in line with the International Civil Service Commission’s framework on contractual arrangements and its recommendations on contract reform and would thus align the Court’s appointments with those of other international organizations following the United Nations common system.

59. As per established procedures, the draft will be going through inter-organ consultations with the relevant offices within the Court, including the Legal Advisory Services Section (LASS) of the Registry, with a view to the promulgation of the applicable administrative issuance during 2014. For successful implementation, changes to relevant administrative issuances, forms, automated systems and appropriate training and awareness sessions are required.

### 2. Multiple year GTA

60. GTA-funded posts are intended to cover temporary needs. As outlined in last year’s report of the Court on human resources management, it is recognized that some temporary needs may cover multiple year periods, for example situations or cases, *ad hoc* language requirements (i.e.: case-specific dialects), a field office, as well as projects such as IPSAS or the transition to the permanent premises.

61. Currently, in the Court’s budget structure, established posts are approved in addition to GTA funded functions for a particular budget year (approved GTA). The GTA funding type thus limits the term of an appointment to a particular budget year and late budget approval has several disadvantages. This includes added HR activities in the form of notifications of non-renewals, last-minute contract extensions and addressing staff concerns, as well as the practical difficulty of attracting GTA staff when only very short contracts can be offered at later stages in the budgetary year; and low staff morale as a consequence of these circumstances. The current budget practices may thus create some inefficiency and uncertainty and may limit recruitment possibilities.

62. The Court therefore welcomed the Committee’s positive response recognizing the need to consider this matter. It was noted that the Committee requested the Court to draft a modality, including the possible application of vacancy rates.<sup>4</sup>

63. It is proposed that GTA posts are approved for a period corresponding more closely to the expected duration of the temporary need. The appointment type (fixed-term or temporary) would, if the proposal on temporary appointments is approved, be based on the expected duration of the assignment, in line with United Nations common system policies. Where a fixed-term contract (against a GTA post) is appropriate, it will be subject to strict

<sup>4</sup> *Official Records ... Twelfth session ... 2013* (ICC-ASP/12/20), vol. II, part B.1, para. 72.

controls on the specific duration, and limited to a maximum period of two years (renewable depending on the Court's needs at the time). Should the temporary activity end earlier than expected, contracts issued will be terminated prior to expiration, in accordance with the Court's Staff Regulations and Rules.

64. When considering the possibility of applying a vacancy rate, as proposed by the Committee, the Court notes that this budgetary tool should be based on historical records and would normally be applied for a larger population of posts than foreseen in this category of multiple year GTAs. The Court would therefore need to monitor the vacancy rate statistics for this post category over a period of time in order to analyze and assess the applicability of a vacancy rate.

65. If the Committee is content with this broad approach, the Court will draw up detailed modalities for consideration at the Committee's next meeting.

### 3. Conversion of long-standing GTA-funded positions to established posts

66. As stated in last year's report of the Court on human resources management,<sup>5</sup> a number of posts which are currently GTA-funded are covering long-term core functions of the Court and the need continues. It is recognized that these long-standing GTA positions, particularly some that were created in the earlier years of the Court's existence, have become *de facto* established posts in that their incumbents carry out core functions and the need for these positions is expected to continue in the future.

67. The Court welcomed the Committee's response to its proposal in last year's report of the Court on human resources management to regularize this situation and request a conversion to established posts of all those long-standing GTA positions that are expected to continue in the long-term and noted the Committee's acknowledgment that a continued need for a function is a key criterion for justifying requests for established posts.<sup>6</sup> As requested by the Committee, the Court will finalize the review of the organizational structure of the Court and, on the basis of identified long-term needs, will then proceed to convert GTAs to established posts adhering to the outlined criteria and procedure.

### 4. Use of Special Services Agreements (SSAs)

68. The Court recognizes the Committee's concern in relation to the Court's use of SSAs, in particular *pro bono* consultants and is in the process of developing a policy to provide a transparent framework for the use of consultants and individual contractors. It is considered that a policy on temporary appointments would impact on the use of SSAs for temporary assignments, and these policies should therefore be considered as complementary.

69. In line with the practice of other international organizations, the upcoming policy would provide:

- (a) Overarching criteria to choose between staff and non-staff contract modalities;
- (b) A clear framework for the use of *pro bono* contractors with regard to procedures, durations, etc.;
- (c) An effective monitoring and oversight framework; and
- (d) A consistent Court-wide approach.

70. Prior to and/or at the time of the issuance of the administrative instruction on SSAs, line managers will attend the appropriate training and awareness sessions. Any changes to the SAP system will also need to be addressed.

71. As is customary, statistics on the use of consultants and individual contractors are provided to the Committee in a separate document.

## B. Policy Issues

72. A number of policies are considered critical in order to provide a proper regulatory framework for the Court and its staff and priority is given to finalizing these policies.

<sup>5</sup> ICC-ASP/12/6.

<sup>6</sup> *Official records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.2, para. 81.

Examples are policies on Staff Selection, Reclassification, Consultants and Individual Contractors (SSAs), Temporary Appointments and Retiree Health Insurance.

73. A number of health and welfare policies have been prepared or are under development (e.g. flexible working arrangements, rest and recuperation, alcohol and substance abuse). These policies will be finalized and/or the consultation process will be initiated as soon as possible.

#### **1. Staff Selection**

74. As previously indicated, in order to safeguard a transparent and unified approach to the recruitment and selection procedures within the Court and attune to best practices in the international organizations, the current recruitment guidelines were enhanced. Furthermore, new suggestions for improvements were also received from senior management. At the time of writing, the Court is finalizing its draft policy on staff selection. It is envisaged that by the time the Committee meets in April, the relevant AI will have been finalized.

#### **2. Preparation for re-establishing the Selection Committee**

75. The Selection Committee, now known as the Selection Review Board (SRB), which was established early on in the Court's operations but later suspended to allow for vacancies to be filled more quickly, has been reintroduced. Given the approval of the terms of reference for the SRB, the Court will ensure that the necessary implementation measures, such as nominations of panel members, training, agreement on the implementation date, are taken so as to reduce the risk of additional delays in recruitment processes.

#### **3. Classification**

76. As per the Court's Staff Regulations and Rules,<sup>7</sup> the Registrar, in consultation with the Prosecutor, shall make appropriate provision for the classification of posts, according to the nature of the duties and responsibilities required and in conformity with the United Nations common system standards. The Court, as notified earlier to the Committee,<sup>8</sup> is in the process of further reviewing its policy outlining principles and procedures for classifications and re-classifications. The possibility of re-classification currently constitutes a crucial management tool in ensuring the necessary flexibility to adapt positions to evolving needs, while at the same time safeguarding the rights of the staff.

77. Thus, the Court will define its approach to re-classification as a priority and is committed to finalizing the policy in the first half of 2014.

### **C. Recruitment Activities**

78. HRS will continue to provide support to all Organs of the Court in their recruitment for both headquarters and the field. Extra focus and attention from HRS will be given to support OTP with successful implementation of the 2014 recruitment plan.

### **D. Automation Projects**

79. To maximize the effectiveness of HR software, increase productivity and embrace upgrades provided, efforts continue to be made towards the optimal use of automated systems. The entitlements/payroll system underwent significant improvements in 2013, an effort that will be continued to ensure efficiencies. Also, during 2014, HRS will review its recruitment process and the Section will, together with ICTS, be upgrading to a new user-friendlier version of the e-recruitment system. This will bring much needed enhancements to the current system and efficiency and effectiveness to the work of HRS and to the Organization as a whole.

<sup>7</sup> Regulation 2.1, Staff Regulations.

<sup>8</sup> CBF/18/10.

## E. Programmes

80. Further to the Assembly's approval of the Junior Professional Programme (JPO)<sup>9</sup> from 1 January 2014, a JPO questionnaire was provided to the relevant States Parties with the aim of gathering relevant data from States Parties interested in being donor countries.

81. Due to the poor response, the Human Resources Section forwarded the questionnaire again to the respective focal points to request further input and every effort is being made to ensure that the Court's JPO programme will be fully operational as of January 2015.

## V. Conclusion

82. It remains a priority for the Court as it moves into its second decade to effectively manage and support its multicultural, multi-skilled and multi-lingual workforce.

83. The Court continues to be guided by its strategic plan, and while 2013 was a challenging year for the HR Section, it continued to provide HR services in support of Court activities and also carried out several new activities in support of the plan, such as the implementation of a new and improved performance appraisal system, the promulgation of human resources administrative instructions, the upgrading of automated systems (e.g. new payroll system, improved i-SAP), and various learning and development and health and welfare initiatives.

84. It is foreseen that following the new strategic approaches taken by senior management and the upcoming review of structures and processes, an overhaul of the Court's human resources strategy will form an integral part of this exercise. In addition, the HR Section itself will be reviewed as part of the Registry *ReVision* project.

85. With respect to activities planned for 2014 in the area of human resources management, focus will be on providing support to the Registry *ReVision* project as well as the review of the HR Section. Efforts will also be made to address the most critical policy needs, to maximize efficiencies by continuing to upgrade automated systems and to provide HR support to essential activities within the Organs and Programmes, such as the OTP recruitment plan.

86. The Court will be reporting to the Committee on its progress and looks forward to sharing its vision for human resources management with the Committee during its forthcoming meetings.

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<sup>9</sup> *Official Records ... Twelfth session ... 2013* (ICC-ASP/12/20), vol. II, part B.2, para 105.

**Annex****Cour  
Pénale  
Internationale****International  
Criminal  
Court****Performance Appraisal Form**

Last name	
First name, middle initial	
Section, Organ	
Functional title and level	

Name of appraising officer (immediate supervisor)	
Functional title and level	
Section/Organ	

Name of reviewer (next higher level)	
Functional title and level	
Section/Organ	

Appraisal period	from:	to:
Date objectives were agreed		
Date appraisal was completed		

**SMART: Specific, Measurable, Achievable, Relevant, Timed**

**PERFORMANCE OBJECTIVES**

*In assessing a staff member's achievement of performance objectives, supervisors shall give due consideration, as applicable, to the requirement that staff members who are elected to the Staff Union Council shall be given time for the performance of these official functions during office hours. (Staff Rule 108.1(d))*

	Appraising officer's end-of-the-year review of performance objectives: Comments and ratings				
<b>Objective 1</b>					
	Not achieved	Partially achieved	Fully achieved	Exceeded	Significantly exceeded
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Objective 2</b>					
	Not achieved	Partially achieved	Fully achieved	Exceeded	Significantly exceeded
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Objective 3</b>					
	Not achieved	Partially achieved	Fully achieved	Exceeded	Significantly exceeded
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Objective 4</b>					
	Not achieved	Partially achieved	Fully achieved	Exceeded	Significantly exceeded
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Objective 5</b>					
	Not achieved	Partially achieved	Fully achieved	Exceeded	Significantly exceeded
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Objective 6</b>					
	Not achieved	Partially achieved	Fully achieved	Exceeded	Significantly exceeded
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Additional Objectives (optional)</b>					
	Not achieved	Partially achieved	Fully achieved	Exceeded	Significantly exceeded
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



## ICC COMPETENCIES APPRAISAL

At the beginning of the performance period, please select the most relevant competencies related to the achievement of the objectives by marking the check box. You may limit them to 3 competencies. At the end of the performance period, please provide a rating and comments. Comments are optional for "Fully competent" ratings but mandatory for "Unsatisfactory" and "Requires development" ratings.

For a detailed description of the behavioural indicators, please refer to the "ICC Competencies Booklet".

Competencies	
<b>Dedication to the mission and values</b> <input type="checkbox"/> Acts consistently in accordance with the mission and values of the organisation; maintains confidentiality, acts and shows respect for diversity; shows commitment to the organisation; presents a positive image of the organisation during external discussions.	
<b>End-of-year Rating</b>  <input type="radio"/> Fully competent <input type="radio"/> Requires development <input type="radio"/> Unsatisfactory	<b>Comments</b>
<b>Professionalism</b> <input type="checkbox"/> Applies professional and technical expertise; keeps abreast of organisational issues; produces workable solutions to a range of problems.	
<b>End-of-year Rating</b>  <input type="radio"/> Fully competent <input type="radio"/> Requires development <input type="radio"/> Unsatisfactory	<b>Comments</b>
<b>Teamwork</b> <input type="checkbox"/> Listens, consults others and communicates proactively; handles disagreements with tact and diplomacy; recognises and rewards the contribution of others.	
<b>End-of-year Rating</b>  <input type="radio"/> Fully competent <input type="radio"/> Requires development <input type="radio"/> Unsatisfactory	<b>Comments</b>
<b>Learning and Developing</b> <input type="checkbox"/> Identifies development strategies needed to achieve work and career goals and makes use of developmental or training opportunities; learns from successes and failures; seeks feedback and gives feedback to others to increase organisational effectiveness; seeks opportunities for improvement of work; has an open mind and contributes innovation.	
<b>End-of-year Rating</b>  <input type="radio"/> Fully competent <input type="radio"/> Requires development <input type="radio"/> Unsatisfactory	<b>Comments</b>

<b>Handling uncertain situations</b> <input type="checkbox"/> Adapts to changing circumstances; deals with ambiguity, making positive use of the opportunities it presents; plans activities and projects well in advance and takes into account of possible changing circumstances; manages time effectively.	
<b>End-of-year Rating</b>  <input type="radio"/> Fully competent <input type="radio"/> Requires development <input type="radio"/> Unsatisfactory	<b>Comments</b>
<b>Interaction</b> <input type="checkbox"/> Expresses opinions, information and key points of an argument clearly; handles contacts with diplomacy and tact; communicates in a transparent and open way with internal and external contacts, while complying with confidentiality requirements.	
<b>End-of-year Rating</b>  <input type="radio"/> Fully competent <input type="radio"/> Requires development <input type="radio"/> Unsatisfactory	<b>Comments</b>
<b>Realising objectives</b> <input type="checkbox"/> Accepts and tackles demanding goals with enthusiasm; keeps to agreements with others focuses on client needs; takes responsibility for actions, projects and people; monitors and maintains quality and productivity.	
<b>End-of-year Rating</b>  <input type="radio"/> Fully competent <input type="radio"/> Requires development <input type="radio"/> Unsatisfactory	<b>Comments</b>
<b>Additional job-specific competency (to be specified)</b> <input type="checkbox"/>	
<b>End-of-year Rating</b>  <input type="radio"/> Fully competent <input type="radio"/> Requires development <input type="radio"/> Unsatisfactory	<b>Comments</b>
<b>Additional job-specific competency (to be specified)</b> <input type="checkbox"/>	
<b>End-of-year Rating</b>  <input type="radio"/> Fully competent <input type="radio"/> Requires development <input type="radio"/> Unsatisfactory	<b>Comments</b>

**STAFF DEVELOPMENT NEEDS**

Job specific or competency related development needs	Agreed actions (SMART)	Time and support needed

Staff member's comments:

**GENERAL APPRAISAL**

Comments:

**YEAR-END OVERALL PERFORMANCE RATING**

**Overall performance rating by Appraising Officer (immediate supervisor):**

- Significantly exceeded performance expectations\*
- Exceeded performance expectations
- Fully met performance expectations
- Partially met performance expectations
- Did not meet performance expectations

*\*"Performance expectations" refer to the accomplishment of the staff member's performance objectives (as agreed with the supervisor) as well as the manner in which the staff member has demonstrated the required competencies.*

**Justification** for the overall rating of "Significantly exceeded performance expectations", "Exceeded performance expectations", "Partially met performance expectations" or "Did not meet performance expectations"

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**Appraising officer's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Staff member's comments regarding appraising officer's appraisal (optional)** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Staff member's signature:** \_\_\_\_\_

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**Reviewer's signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

Comments (Optional): \_\_\_\_\_

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**Staff member's final signature :** \_\_\_\_\_ **Date:** \_\_\_\_\_

Comments (Optional): \_\_\_\_\_

\* Staff member's final signature here signifies that the appraisal process is complete. It does not signify agreement with the assessment. From this point on rebuttal procedure can be initiated if applicable. A rebuttal procedure cannot be initiated if the form is not signed.

## Annex

## EXPLANATIONS OF PERFORMANCE OBJECTIVES RATINGS

Performance objective rating	Explanation
Significantly exceeded	A rating of “significantly exceeded” should be considered in cases where the performance of the staff member has considerably surpassed the accomplishment of the objective.
Exceeded	A rating of “exceeded” should be considered in cases where the performance of the staff member has surpassed the accomplishment of the objective.
Fully achieved	A rating of “fully achieved” should be considered in cases where the performance of the staff member fully accomplished the objective.
Partially achieved	A rating of “partially achieved” should be considered in cases where the performance of the staff member did not fully accomplish the objective.
Not achieved	A rating of “not achieved” should be considered in cases where the performance of the staff member did not accomplish the objective.

## EXPLANATIONS OF YEAR-END OVERALL PERFORMANCE RATING

Year-end overall performance rating	Explanation
Significantly exceeded performance expectations	A rating of “significantly exceeded performance expectations” should be considered in cases where the staff member has surpassed the performance expectations for the majority of the defined objectives during the performance cycle and has continually gone beyond expectations; considerably surpassing performance expectations in quantity and quality.
Exceeded performance expectations	A rating of “exceeded performance expectations” should be considered in cases where the staff member has surpassed the performance expectations for some of the defined objectives during the performance cycle and has regularly gone beyond expectations; surpassing performance expectations in quantity and quality.
Fully met performance expectations	A rating of “fully met performance expectations” should be considered where the staff member has fully achieved the performance expectations for the all of the defined objectives during the performance cycle.
Partially met performance expectations	A rating of “partially met performance expectations” should be considered in cases where the staff member did not meet the performance expectations for some of the defined objectives but demonstrates potential to develop the required skills.
Did not meet performance expectations	A rating of “did not meet performance expectations” should be considered in cases where the staff member did not meet the performance expectations for the majority of the defined objectives and the staff member demonstrates an inability to develop the required skills.