

**Fourteenth session**

The Hague, 18-26 November 2015

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

The Court is continuing to undergo major changes with regard to its strategic and operational approach to carrying out its mandate, including to its structure and staffing, and 2014 was an important year for the Court and a demanding year for the Human Resources Section. This report, together with its annex, focuses predominantly on three areas: (1) standard reports; (2) updates on key activities undertaken by the Human Resources Section during the reporting period; and (3) responses to specific requests and/or recommendations made by the Committee on Budget and Finance. It also sets out the Section's planned activities for 2015.

The priority areas identified in the 2014 Report of the Court on Human Resources Management were (a) supporting the Registry's *Re-Vision* project; (b) revising the structure, posts and processes of the Human Resources Section; (c) developing, finalizing and/or implementing key policies; (d) prioritizing automation projects to increase efficiencies; and (e) supporting the organs of the Court in human resources-related activities at Headquarters and in the field. The Section's resources in 2014 were primarily deployed in providing the support required for the Registry reorganization project (*Re-Vision*), supporting the *Re-Vision* Project's review of the Human Resources Section, dealing with a high level of recruitment activity and implementing the Office of the Prosecutor's Recruitment Plan.

One key area of activity was policy development. Significant efforts were made by the Human Resources Section to develop and refine Administrative Instructions on Recruitment and Staff Selection and Classifications of Posts and to re-establish a Court-wide Selection Review Board to ensure that the Registrar or Prosecutor, as appropriate, is provided with advice on recruitment. Additionally, the Human Resources Section has developed and is in the process of rolling out a new e-Recruitment system to improve work processes, aid external recruitment (including outreach) and automate processes. Furthermore, a complete overhaul of contractual modalities and the development of a proposed framework on short-term appointments have been initiated. Finally, the Human Resources Section has visited field offices with a view to reviewing and improving conditions of service and communication.

This report will address the efforts made by the Human Resources Section to act on the numerous requests and/or recommendations of the Committee on Budget and Finance and the Assembly of States Parties. The first part of the report contains the list of specific requests and recommendations to be addressed in the relevant section. The developments will ensure that suitable human resource plans and provisions are in place for engaging personnel on a temporary basis, differentiating between long-term and short-term GTA needs and the use of short-term appointments instead of Special Services Agreements (SSA). Efforts have been made in 2014 to analyse the reasons for imbalances in geographic distribution and to implement measures to improve that situation.

In line with the Registrar's strategic objectives for 2015, the priority areas for the Human Resources Section in 2015 will be: (1) to revisit the Court's Human Resources Management Strategy; (2) to support completion of the Registry restructuring and change management; (3) to support OTP's recruitment plan; (4) the restructuring of the Human Resources Section and review of work processes to achieve efficiency; (5) development and finalization of key HR frameworks and policies; (6) staff welfare; and (7) automation projects to increase efficiencies.

* Previously issued as CBF/24/17 and Corr.1.

I. Introduction

1. This report provides the Committee on Budget and Finance (“the Committee”) with information on the Court’s human resources (“HR”) activities undertaken during 2014 in support of the Court’s strategic objectives, and responds to specific queries and recommendations made by the Committee and the Assembly of States Parties (“the Assembly”). The Court also reports on its HR priorities and planned activities for 2015.
2. The Court is continuing to undergo major changes with regard to its strategic and operational approach to carrying out its mandate, including to its structure and staffing. These changes have required significant attention from the Human Resources Section (“HRS” or “the Section”) throughout 2014, where a key priority has been to support the Registry’s *Re-Vision* Project and the recruitment plan of the Office of the Prosecutor (“OTP”). In addition to activities relating to reorganization of areas of the Court, the Court is preparing to move to its new permanent premises by the end of 2015.
3. These changes will provide the Court with the momentum to overhaul its strategic and operational approach to human resource management 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.
4. A key activity of HRS throughout 2014 has been to support the change processes, with regard both to the reorganization of the Registry and implementation of the OTP recruitment plan. HRS was itself reviewed in 2014 as part of the reorganization project, the results of which are being finalized at the time of writing.
5. During 2014, HRS continued to support Court operations and major on-going projects while endeavouring to meet its other strategic objectives for the year. Pending the review of HRS, the Section faced staff shortages in certain areas and was therefore obliged throughout the year to continuously revisit and review its work plans in order to prioritize and ensure the efficient use of resources. The tireless efforts of the Section’s staff to ensure that operations would continue deserve a mention.
6. The above reorganization-related activities, the high level of recruitment, together with other priority areas for 2014, including the development of key human resources policies, further automating HR processes and increased support to field offices, have accounted for the high levels of resources deployed in 2014 and have meant that 2014 was another very demanding year for the Section. It is fully expected that once the results of the reorganization have been implemented, HRS will be better placed to meet all the strategic and operational HR needs of the Court in 2015 and beyond.
7. It is against this background that the Section reports on its key activities and achievements in 2014, in particular in the area of policy development, and outlines the objectives that HRS aims to incorporate as the Court finalizes its review of its organizational design and vision to further the Court’s strategic objectives.

II. Previous queries and recommendations by the Committee

8. The Court’s responses to the following specific queries and recommendations made by the Committee during its eighteenth, nineteenth and twentieth sessions with regard to human resources management issues are given below:
 - (a) *Geographical representation:* The Court has noted the concerns expressed by the Committee where “taking into account the chronic imbalance in geographical representation, the Committee recommended that the Court make further efforts to improve the situation and report on the measures taken, outcomes and proposals to the Committee at its twenty-fourth session as part of the human resources management report.”¹ The Committee further noted “that ongoing major structural changes involving many established posts and GTA positions, such as the reorganization of the Registry and the implementation of the OTP’s strategic plan,

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Thirteenth session, New York, 8-17 December 2014* (ICC-ASP/13/20), vol. II, part B.1 para 52.

would afford the Court a unique opportunity to address the chronic imbalance in geographical representation, and recommended that the Court report the impact of these projects on the geographical representation of staff in the context of the human resources management report at its twenty-fourth session.”² The Court will report on its efforts to improve geographical balance under Section III. A Recruitment and Staffing, and will also address the issue of geographical representation in the context of reorganization;

- (b) *Recruitment:* The Court noted the Committee’s recommendation that the Court prioritize training for managers and other staff members in competency-based interviewing and report to it at its twenty-fourth session as part of the human resources management report.³ The Court further noted the Committee’s concern at the suspension of the Selection Review Board and the recommendation that the Court keep the Committee informed of developments, to enable it to make any suggestions it might deem appropriate, and report to it at its twenty-fourth session as part of the human resources management report.⁴

In Section III. A of this report, the Court provides information on its recruitment activities and support of a competency-based recruitment process. Sections III. C.1.1 and III. C.1.2 address the Courts efforts to improve the policy framework and re-establish the Selection Review Board;

- (c) *Contract reform:* The Court intends to carry out a thorough review of its contract modalities and related rules and procedures, including those of GTA and short-term staff, with a view to maximizing efficiency in the use of resources, and noted the Committee’s recommendation that “the Court report to it on the development of rules and procedures, for consideration at its twenty-fourth session, as any change of contract modalities would potentially have a great impact on financial, budgetary and administrative matters under the purview of the Committee and the Assembly.”⁵ The Court looks forward to sharing its initiatives with the Committee, in particular a proposal to introduce short-term appointments at the Court (section III. C.1.3);
- (d) *Reclassifications:* Previously, the Committee noted that “the review of the Court’s policy outlining principles and procedures for classification and reclassification was under way, and looked forward to receiving an outcome in keeping with the recruitment principles laid down by the Assembly. It requested the Court to report thereon to the Committee at its twenty-fourth session as part of the human resources management report.”⁶ Furthermore, the Committee “stressed that the new policy should be considered by it before the promulgation of an administrative instruction on reclassification, in order to ensure conformity with the recruitment principles laid down by the Assembly. In this regard, the Committee recommended that the report on reclassification of posts be reviewed further and be submitted in its twenty-fourth session, with due consideration given to recruitment principles, including the principle of no preferential treatment for the incumbent of a reclassified post, and the authority of the Assembly.”⁷ The issue of reclassification of posts is of utmost importance. The Court notes that the Committee had requested postponement of the discussion on reclassification of posts and looks forward to the Committee’s consideration at the upcoming session as any further postponement would result in operational challenges for the Court.
- (e) *Human resources policies:* The Court noted that the Committee “welcomed the elaboration of policies and administrative instructions or information circulars in this regard, and encouraged the Court to continue to refine human resources policies and enhance their transparency. It requested the Court to report on progress made, at the Committee’s twenty-fourth session, as part of the human resources management

² *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.2, para. 125.

³ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.1, para. 54.

⁴ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.1, para. 55.

⁵ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.1, para. 56.

⁶ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.1, para. 60.

⁷ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.2, para. 171.

- report”.⁸ The Court will report on the status of the development of priority HR policies in section III. C.1;
- (f) *Training and learning needs:* The Court noted the Committee’s recommendation that the Court “prioritize the [training and learning needs] programmes based on strategic plans and important policy issues” and that it “requested the Court to report to it on progress made, at its twenty-fourth session, as part of the human resources management report.”⁹ Section III. C.6 of this report details 2014 training and learning activities which were undertaken to support strategic plans while taking account of the limited resources available during the year.
- (g) *Performance Management System:* The Court noted the recommendation of the Committee “that the Court include information on implementation of the new performance appraisal system in its human resources management report to be submitted to the Committee at its twenty-fourth and twenty-sixth sessions.”¹⁰ As requested by the Committee, the Court reports on its performance appraisal system under section III. C.5;
- (h) *Inter-organizational mobility:* The Committee expressed concern “about the exclusion of the Court from the latest United Nations inter-organizational mobility agreement, and recommended that the Court determine the conditions to be met and mobilize support from State Parties in a further effort to join the agreement. The Committee requested the Court to report to it on the progress made, at its twenty-fourth session, as part of the human resources management report.”¹¹ As requested by the Committee, the Court reports in Section III. C.3 on staff mobility between the Court and other United Nations organizations, as well as the recommended approach with regard to inter-organizational mobility;
- (i) *Junior Professional Officers Programme:* As recommended by the Committee,¹² in Section III. D.3 the Court submits a progress report on preparations for the introduction of a JPO programme;
- (j) *Use of GTAs:* At its twenty-third session, the Committee recommended “that the Court enhance the transparency and accountability of its policies on the use of GTA and report to it as part of the human resources management report at its twenty-fourth session. The Committee noted that the External Auditor had recommended establishing two separate budget lines, namely long-term Assistance (LTA) and short-term temporary assistance (STA), based on the periods of need. The Committee reiterated its previous recommendations in relation to the policies of the Court on the use of GTAs. The Committee looked forward to considering the proposals by the Court at its twenty-fourth session, including the possible use of multiple- year GTAs.”¹³ In Section IV A.2, the Court will propose its approach to the use and administration of GTA- funded positions for the Committee’s consideration.
- (k) *Mandatory age of separation:* The Committee had requested the Court “to submit a report on possible decisions by UNGA and the approaches of other international organizations at its twenty-fourth session.”¹⁴ With regard to the mandatory age of separation of current staff members, the Court submits, under Section III. C.2, a proposal to increase the retirement age for staff joining before 1 January 2014 to 65 years;
- (l) *Posts with reporting lines outside the Court:* The Committee previously stated that “it was brought to the attention of the Committee that there is a need to further clarify the administrative relationship between five posts with reporting lines to the Assembly and its subsidiary bodies via the President of the Assembly, Chair of the Committee, and the Chair of the Board of Directors of the TFV and/or Registry: (a)

⁸ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.1, para. 61.

⁹ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.1, para. 63.

¹⁰ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.1, para. 66.

¹¹ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.1, para. 67.

¹² *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.1, para. 69.

¹³ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.2, para. 121.

¹⁴ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.2, para. 124.

Director of the Secretariat of the Assembly of States Parties; (b) Special Assistant to the President of the Assembly of States Parties; (c) Head of Independent Oversight Mechanism; (d) Executive Secretary to the Committee on Budget and Finance; and (e) Executive Director of the Secretariat of Trust Fund for Victims. In this regard, the Committee requested that the Court explore the matter in other UN organizations, and submit a detailed proposal to the Committee at its twenty-fourth session on how to improve the administrative relationship referred to above, bearing in mind the specific nature of those bodies and the posts established.”¹⁵ As requested by the Committee, Section III.C.5.c addresses the matter of external reporting lines and how to ensure efficient and effective administrative relationships between staff working at the Court and their internal and external reporting lines.

III. Reporting on Activities during 2014

A. Recruitment and staffing

9. The Court considers it essential to have a transparent and effective recruitment process whereby it can identify and recruit the right kind of employees with the skills, competencies and abilities needed to carry out their functions. The recruitment of a diverse staff of the highest quality continued to be a priority of the Court’s human resources management activities and during 2014, efforts were made to strengthen the recruitment processes through amendment of the Court’s recruitment policy. A new Administrative Instruction will be promulgated in 2015.

10. The focus of attention for 2014 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) increased external awareness of employment opportunities with the Court

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

11. In 2014, the Court filled a total of 57 vacancies for established posts. Of these, 31 posts (54 per cent) were filled by internal staff members, which included 20 staff who moved from GTA-funded to established posts. 26 posts (46 per cent) were filled by external candidates.

12. A total of 52 staff left the Court in 2014. That number included 14 non-extensions of staff contracts and dismissals and 17 moves from an established post to GTA. This represents a turnover rate for the year of 7.7 per cent, and yields a retention rate of 92.3 per cent over 91 per cent for 2013 (and 94.4 per cent for 2012). It is noteworthy that the decrease of 1.3 per cent in the turnover rate in 2014 is following the same trend reported in the previous year and that turnover rates have been steadily decreasing in recent years.

13. 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, about 50 per cent of vacancies have been filled by existing staff members.

14. Excluding internal movements, and considering only voluntary separations, the turnover rate for 2011, 2012, 2013 and 2014 were 6.3 per cent, 4.3 per cent, 5.8 per cent and 3.1 per cent respectively.

15. Given internal placements and staff turnover, the net decrease at the end of 2014 over 2013 was six staff. As at 31 December 2014, the Court had 682 staff in established posts. The vacancy rate for the year was 11.13 per cent.

¹⁵ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.2, paras. 172-173.

16. Tables 1 and 2 below summarize recruitment performance, appointments, internal placement and turnover by major programme as at 31 December 2014.

Table 1: 2014 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 (2014) **</i> | <i>Separation (%)</i> | <i>Gender Balance (Female)</i> |
|------------|-----------------------|------------------|---------------------|------------------------|---|------------------------------|-----------------------|--------------------------------|
| ICC | 764 | 682 | 11.13% | 11% | 27 | 52 | 7.66 | 46% |
| Judiciary | 48 | 47 | 6.25% | 2% | 1 | 4 | 9.14 | 62% |
| OTP | 215 | 199 | 7.91% | 7% | 10 | 21 | 10.61 | 49% |
| Registry | 476 | 420 | 11.76% | 12% | 12 | 25 | 5.96 | 43% |

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

** The figures are on accumulative basis in 2014.

Table 2: 2014 ICC appointments and resignations

| | <i>External appointments</i> | <i>Internal appointments</i> | <i>Resignations</i> | <i>Movements to GTA</i> | <i>Secondment</i> | <i>Non-extensions*/ dismissals</i> | <i>Net increase</i> |
|--|------------------------------|------------------------------|---------------------|-------------------------|-------------------|------------------------------------|---------------------|
| Judiciary Major Programme I | 5 | | 3 | 1 | | | 1 |
| Office of the Prosecutor Major Programme II | 22 | 7 | 8 | 12 | | 1 | 1 |
| Registry Major Programme III | 18 | 4 | 9 | 3 | | 13 | -7 |
| Secretariat of the ASP Major Programme IV | | | | 1 | | | -1 |
| Secretariat of the TFV Major Programme VI | 1 | | | | | | 1 |
| Proj Office Perm Premises Major Programme VII-1 | | | 1 | | | | -1 |
| Independent Oversight Mechanism Major Programme VII-5 | | | | | | | 0 |
| Total ICC | 46 | 11 | 21 | 17 | 0 | 14 | -6 |

* Includes 1 retirement in MP II.

Includes the abolition of three posts in MP III (October and November 2014).

Includes twenty staff who moved from GTA-funded to established posts.

17. An update on recruitment, internal placement and turnover against established posts during the first three months of 2015 will be presented to the Committee separately at its twenty-fourth session. The Committee will also be provided with updated information on gender and geographical representation.

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

18. As at 31 December 2014, the Court employed 233 fixed-term staff members funded against GTA. An updated list of staff funded against GTA for the period of 1 January to 31 March 2015 will be provided to the Committee separately.

19. Only a few short-term appointments have been issued every year – 18 in 2013 and 6 in 2014 – mostly for conferences of the Secretariat of the Assembly of States Parties. This

excludes short-term language staff contracts. As per previous practice, short-term appointments have only been issued for contracts with a duration of less than one month.

3. Gender balance

20. The Court strives to achieve gender balance at all levels and continuous efforts were made throughout 2014. As of 31 December 2014, the overall percentage of women in professional positions at the Court was 48.2 per cent. The number of female staff significantly exceeds the number of male staff at the junior professional P-1 and P-2 levels. Further efforts will be made to achieve a better balance at the senior professional level and above.

4. Geographical representation

21. As requested by the Committee, during 2014, the Court made further efforts to increase the proportion of staff members from non- and under-represented States Parties in positions at the Professional and higher categories.

22. In order to achieve geographical balance, the Court continued to encourage selection panels to take this aspect into consideration in the selection process by systematically providing the selection panel with the geographical background of applicants at the shortlisting stage. The selection panel was reminded to pay due regard to the nationality of applicants, especially those from non- and under-represented States Parties.

23. The Court recognizes the concerns expressed by the Committee and has taken several measures to improve the situation and assist the Court in reaching its targets.

24. At the policy level, to further strengthen hiring managers' awareness and prioritization of geographical balance, the Court has included in its draft administrative instruction on Staff Selection, which will replace the current Guidelines on Recruitment, a provision granting qualified candidates from non-represented and under-represented States Parties priority for the purpose of shortlisting. A provision has been included requesting hiring managers to provide justification in the event that a qualified candidate from a non-represented or an under-represented country is not shortlisted.

25. Also, while geographical representation is only strictly applicable to established posts, the Court acknowledges that geographical representation with regard to GTA-funded positions may be a contributing factor to representation in established posts due to the high level of internal staff movements. The Court therefore intends its new policy on recruitment (with the aforementioned provision with regard to shortlisting candidates from non- and under-represented States Parties) to be applied to all fixed-term appointments, irrespective of funding source. As requested by the Committee, in 2014 the Court reported on the geographical and gender balance of GTA-funded positions in the Professional and higher categories.

26. Such efforts to recruit staff from non- and under-represented States Parties will, however, only succeed if there is a sufficient pool of qualified candidates from which to select. To further assess any contributing factors to the difficulties in reaching the targets with regard to geographical representation, in 2014, HRS initiated an analysis of statistics of applications for professional posts and rosters (established posts and GTA). Based on these statistics, the Section will be able to further analyse and target outreach strategies. Table 3 below gives the application rate for the five most under-represented States Parties.

Table 3: 2014 Applications for professional posts and rosters, not including language posts

| | <i>Japan</i> | <i>Germany</i> | <i>Brazil</i> | <i>Republic of Korea</i> | <i>Mexico</i> |
|--|--------------|----------------|---------------|--------------------------|---------------|
| Optimal geographic balance (expressed as no. of posts*) | 36 | 24 | 12 | 8 | 8 |
| Optimal geographic balance (expressed as % of posts*) | 10.1% | 6.8% | 3.3% | 2.2% | 2.2% |
| Actual geographic balance (expressed as no. of posts**) | 3 | 10 | 1 | 1 | 3 |
| Actual geographic balance (expressed as % of posts**) | 0.9% | 3.1% | 0.3% | 0.3% | 0.9% |
| Applications by State Party nationals (expressed as no. of applications***) | 61 | 404 | 160 | 82 | 45 |
| Applications by State Party nationals (expressed as % of all applications***) | 0.3% | 1.8% | 0.7% | 0.4% | 0.2% |
| Applications shortlisted (expressed as no. of applications) | 3 | 10 | 5 | 4 | 0 |
| Applications shortlisted (expressed as % of applications by State Party nationals) | 4.9% | 2.5% | 3.1% | 4.9% | 0.0% |

* According to the Court staffing table approved by the Assembly at its thirteenth session, the number of posts in the Professional and higher categories is 392. The optimal number is based on a global total of 353, excluding 39 language positions which have specific conditions for recruitment in respect of geographical balance.

** Actual geographic balance statistics are based on the 320 non-language posts which have been filled at time of writing, and exclude 33 vacant posts.

*** In 2014, the Court received a total of 22,997 applications.

27. The geographically disaggregated application rate is a new data set for the Court and is subject to further refinement. The data presented in Table 3 above merely provides a snapshot of a recent period (calendar year 2014) with regard to application rates. Generalizations and assumptions have been made in respect of the quality of applications. Nevertheless, due to the large volume of applications analysed, HRS considers that the correlation between the application rate and the geographical balance provides a useful indicator for the purposes of planning targeted recruitment outreach campaigns.

28. It is clear that for all five countries, the percentage of applications received is not proportionate to the target geographical representation. Therefore, a general outreach strategy in all countries to create awareness of the Court and its employment possibilities would be required to generate a higher number of applications.

29. For Japan, Germany and Mexico, the percentage of applications is lower than the percentage of staff, indicating that while the country is under-represented, the number of staff is actually higher than the number of applications from these countries from which hiring managers could select. Only for Brazil did the percentage of applications significantly exceed the percentage of staff.

30. HRS further analysed the percentage of staff from under-represented countries to detect whether a lower than expected number of candidates is advancing in the selection process. In cases where the number of applications is lower, HRS will continue to develop new outreach strategies targeting these countries, since it is expected that low numbers are a result of lack of awareness of the Court and its work and/or linguistic diversity. Where fewer applications are moving on successfully in the recruitment process, HRS intends to work on tutorials on application processes and interviews to assist in this area.

31. As illustrated above, based on a careful review of statistics, HRS would be able to suggest and provide targeted outreach activities and information relevant to the under-represented countries. Therefore, if those States Parties were interested in working with the Court on targeted outreach activities to increase awareness of employment opportunities and how to be successful in the application process, the gathering and analysis of statistics and the planning of outreach activities would continue in 2015, depending on available resources within HRS and other planned activities.

32. The Court noted the Committee's view that major structural changes involving many posts, such as the reorganization of the Registry and the implementation of OTP's strategic plan, would afford the Court a unique opportunity to address the imbalance in geographical representation. The Court fully acknowledges this point and will ensure that due consideration is given to geographical representation, while ensuring that the recruitment processes take place in accordance with the existing and applicable rules and

procedures with merit being the main consideration. In addition, due consideration is given to internal staff members, in particular those who have lost their job as a result of abolition of their posts. It is believed that the implementation of the above-mentioned measures will lead to significant improvements in coming years.

5. Completion of competency-based interviewing guide and training

33. As reported in the Court's report for the twenty-second session, in line with many other international organizations, the Court uses competency-based interviewing as the basis for its recruitment and selection methodology. In recognition of the need to ensure a consistent approach within the Court of applying structured competency-based interviewing as an assessment tool, during 2013, competency-based interviewing guides for managers and applicants were developed.

34. Following the introduction of two versions of the competency-based interviewing guides for staff in a hiring capacity and those who are applicants, respectively, and a series of training sessions held for these two groups, as reported by the Court in its report for the twenty-second session, the Court has made progress in consistently incorporating the core competencies in vacancy announcements published throughout 2014, so as to stress that interviews contain a competency element.

35. During 2014, recruitments followed a competency-based framework and the Court benefitted from the training provided to staff involved in recruitments the previous year. With the development and planned promulgation of a new Administrative Instruction on Recruitment in 2015, the Court's competency framework and its application in interviewing will be reviewed and training sessions to staff in a hiring capacity and staff in general will continue.

6. Career management and advancement of staff

36. In 2014, twenty-eight staff advanced to higher levels by moving from a GTA-funded position to an established post, between established posts, and from an established post to a GTA-funded position, including five staff who moved from the GS to the Professional category.

37. The strategic area of career management and staff advancement will be given thorough consideration in the years ahead where a balance needs to be struck between providing staff members with career opportunities while ensuring that new talent is recruited. It is essential that the Court retain some staff for a long period to maintain expertise, specialized knowledge of cases and jurisprudence and institutional memory. However, due to the size of the organization, it is not necessarily desirable, or feasible, to cater for the life-long careers of a majority of the staff hoping to make careers at the Court.

38. As part of its human resources strategy, the Court will consider this important issue with a view to ensuring a solid and realistic approach to career development and ensuring that staff expectations are managed from the time of recruitment.

B. HRS activities related to the Registry *ReVision* Project

39. As noted above, the Registry *ReVision* Project has required intensive support from HRS throughout 2014. Initial support for Phase I – Project Initiation and Phase II – Development of the Registry Foundation and Organizational Design – involved advising the *ReVision* project team on the HR aspects of the overall strategy for the restructuring and the impact that the Court's Staff Rules and Regulations, policies and HR practices would have on the implementation of the project. Key data was also provided on employee engagement and satisfaction through the development and analysis of an in-depth staff survey.

40. More importantly, many of the *ReVision* Project recommendations will result in complex post management movements within sections and within the Registry as a whole. Extensive and ongoing consultation by HRS throughout 2014 and into 2015 has been required with the Budget Section, affected Registry Sections, and the *ReVision* Project

team. An external classifier has been engaged to ensure objectivity when assessing the impact on incumbents' positions based on changes to post work surveys due to the new structure.

41. Phases I and II were completed in accordance with the project schedule. On conclusion of Phase II, the general organizational design was rolled out to staff members and five senior staff members were notified that their posts were to be abolished as a result of the new structure. In order to support the staff members affected, and in preparation for the impact of Phase IV on other staff members, HRS developed a webpage and other resources to assist with the transition to the new structure. These resources include tools for calculating the amount to which individuals would be eligible upon separation, FAQ sheets on implementation of the *ReVision*, including detailed information for Priority Candidates and those accepting a separation package, information on how to apply for new posts resulting from *ReVision*, and focal points who may be contacted by staff members with specific questions. HRS also provided transition support, which included interview and CV writing techniques and psychosocial support through the Medical Unit, to those staff whose posts were abolished in 2014. It will continue to do so throughout the remainder of the *ReVision* Project. In addition to these resources, HRS staff were required to meet a number of times with each affected staff member in order to address individual concerns, particularly with regard to the specific nature of their separation agreement and the final calculation of benefits.

42. To ensure efficiency in the implementation of Phase IV decisions resulting from the *ReVision* Project's recommendations, HRS developed tracking tools to monitor progress and delays in specific recommendations, and to ensure follow-through on all issues. Recruitment was initiated in September 2014 for the new posts that resulted from Phase II. A number of recommendations for changes within Registry sections related to Phase IV, and the resulting implementation actions are planned for 2015.

C. Conditions of service

1. Human Resources Policies

43. In addition to the obligations prescribed by the Rome Statute, the Staff Regulations and Staff Rules, the terms and conditions of service of the Court's staff are further elaborated by human resources policies. As outlined in the previous report on HR Management, it is a priority for the Court to have a solid framework of conditions of service through the development and refinement of human resources policies that are transparent and provide guidance to staff and managers.

44. Since the last reporting period, the following Administrative Issuances have been promulgated:

| | |
|---------------------|--|
| ICC/PRESG/2014/001: | Staff Regulations (revised) |
| ICC/AI/2015/001: | Selection Review Board |
| ICC/INF/2014/011: | Principles and Procedures Applicable to Decisions Arising from the <i>ReVision</i> Project |

The Court continues to publish administrative instructions or information circulars prepared by the Court on the Intranet in its *Vademecum* of Administrative Issuances available at: http://www.icc-cpi.int/en_menus/icc/legal%20texts%20and%20tools/vademecum/Pages/default.aspx.

45. During 2014, substantial resources went into the development of the policies which were considered a priority for the Court, namely: (1) Recruitment; (2) Re-classification; (3) Selection Review Board; and (4) Short-term appointments. Additional resources were allocated to HRS to develop new HR policies and to improve existing ones, and their first-line interpretation. It is considered that the Court would benefit from strengthening its policy development capacity to allow for the finalization of key HR policies. It has already been noted that additional capacity in this area has been recommended by the *ReVision* assessment of HRS.

46. A progress report on key and priority policies for the Committee's information follows. It is essential that HRS be equipped to move forward quickly with policy development.

(a) Selection Review Board

47. During 2014, efforts were made to draft a policy to re-establish the former Selection Review Committee at the Court, ensure the nomination of panel members and prepare guidance and training materials.

48. The Selection Review Board (SRB, formerly known as the Selection Committee) has been reintroduced, by means of an Administrative Instruction, with the participation of staff representatives. The SRB is competent to review the entire selection process, and to advise the Prosecutor or Registrar accordingly. The first competitions under the purview of the SRB are those resulting from the Registry *ReVision* Project, and the Board has already advised in several recruitment cases.

(b) Staff Selection

49. Ensuring the highest quality of external recruitments and internal placements remains a strategic objective for the Court and during 2014, efforts were made to strengthen the relevant policy framework.

50. During 2014, the Court has worked on the "ICC Recruitment Guidelines for Established Posts" by developing an Administrative Instruction entitled "ICC Staff Recruitment and Selection System", which will replace the Guidelines. The scope of the latter is wider than the Guidelines in that it is mandatorily applicable to all fixed-term appointments, including those funded by General Temporary Assistance (GTA). Explicit obligations have been introduced relating to conflicts of interest of members of the Selection Panel and confidentiality. Steps have been taken in the draft policy to improve geographical representation by requesting hiring managers to provide justification in the event that a qualified applicant from an under-represented country is not short-listed.

51. The policy is currently at the consultation stage and is expected to be promulgated in the first half of 2015.

(c) Creation of a framework for short-term (or temporary) appointments

52. During 2014, HRS held initial consultations with the organs on the possibility and benefits of introducing short-term appointments at the Court. This would be an important step in the process of reviewing the Court's contract modalities with a view to maximizing efficiency and transparency in the use of resources.

53. 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 duration of less than one month have been "short-term". All other staff hold fixed-term appointments, even 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 this appointment type, which due to its short-term nature attracts fewer entitlements than a fixed-term appointment, would be in the interest of the Court.

54. The Court is considering further aligning its rules and policies with that of the International Civil Service Commission (ICSC) framework for contractual arrangements, by extending the use of the "short-term" appointment modality to accommodate defined, short-term needs of the Court of less than one year (exceptionally renewable for up to a maximum total period of service of two years). Any other type of contract may be secured only through the application of open and transparent selection procedures. In line with best practice in other universal international organizations, the Court proposes a single set of staff rules to govern both "short-term" and "fixed-term" appointments.

55. With these contractual reforms, it is envisaged that a proportion of appointments funded by General Temporary Assistance (GTA), as well as short-term cover (e.g. for maternity or study leave) of established posts, previously made under the “fixed-term” modality will be more appropriately handled under the “short-term” modality. Similarly, it is envisaged that certain functions currently performed by personnel working under Special Service Agreements (SSAs) would be more appropriately executed through the new “short-term” appointment.

56. The Court proposes a staggered approach to monitor and curb any inappropriate use of the Special Service Agreement (SSA). The Court proposes to implement the contractual reforms that would lead to wider use of the “short-term” appointment. The upcoming SSA policy would then place responsibility for deciding between a short-term appointment and an SSA with the Chief of HRS, thereby imposing a solid “check” on the use of the latter.

57. The short-term contract modality is currently under consideration by the organs of the Court and a policy will be developed during 2015. While the policy will still require substantial inter-organ consultation, the Court recognizes that the Committee will require an understanding of the framework applied for its short-term appointments in order to support implementation of the modality. An outline of the key elements of the ICSC regulatory framework for temporary appointments, is given below to provide an indication of the Court’s future framework. The Court will adhere to the ICSC standards, and this overview is indicative of the system.

58. The overview of this system is as follows:

- (a) *Requirements and recruitment:* When a need for service for six months or more but less than one year is anticipated, a short-term vacancy announcement will be issued by the hiring manager in accordance with the updated recruitment guidelines and a competitive recruitment process will ensue. Short-term vacancies of less than six months may be filled without a vacancy announcement or a competitive recruitment process. While the decision to issue a vacancy announcement for a need for service for less than six months is made at the discretion of the hiring manager, any extension beyond six months shall require the issuance of a short-term vacancy. If a selection is made without a competitive process, the staff member will not be considered for any extension beyond six months.
- (b) *Contract duration:* A short-term appointment shall normally not exceed 364 calendar days, but this may be granted any number of times, for any duration. The period of 364 calendar days starts on the first day of the new appointment even if the earlier period of 364 working days has not been reached. However, any period between short-term appointments shall not be used as a means to bypass the maximum duration of a short-term appointment.
- (c) *Selection:* The selected candidate will be offered a short-term appointment unless he/she already holds a fixed-term appointment, in which case the candidate will retain their fixed-term appointment and will be assigned to the position on a short-term basis for a period not exceeding the duration of their fixed-term appointment. A staff member holding a short-term appointment will be regarded as an external candidate when applying for other positions, and may apply for other positions at any level. A former staff member who has held a short-term appointment which had reached the maximum authorized duration for that appointment will not be eligible for re-employment into any position, or as a consultant or individual contractor, within six months of the end of the most recent appointment. A short-term appointment shall not be converted into another type of appointment.

59. Short-term appointments are cheaper for the Court than fixed-term appointments, mostly in the area of travel-related entitlements, because short-term staff are only expected to remain for up to one year. For example, a short-term staff member is entitled to unaccompanied shipment of 100kg or 0.62 m³ (whereas fixed-term staff enjoy removal of personal effects of 1000kg plus an additional 500kg for the first, and 300kg for each subsequent, family member).

60. The Committee has asked the Court to report to it on the development of rules and procedures, for consideration at its twenty-fourth session,¹⁶ as any change of contract modalities would potentially have an impact on financial, budgetary and administrative matters under the purview of the Committee and the Assembly. Based on reviews of temporary needs during 2013 and 2014, the Court considers that the introduction of short-term appointments and the upcoming regulation of the use of Special Services Agreements will not result in increased costs for temporary staffing.

61. The Court intends to implement a short-term contract modality during 2015, as necessitated by the above-mentioned operational and contractual requirements. The Court would very much welcome the Committee's comments for consideration.

(d) Reclassifications

62. The reclassification of posts has been addressed at previous sessions and the Court is mindful of the concerns of the Assembly and the Committee about the management of reclassifications. A report on the policy principles and procedures for classification and reclassification proposed by the Court, which are believed to address the concerns previously expressed by the Committee, is given below. The importance of implementing a policy and allowing the Court to address long overdue issues relating to post levels cannot be stressed enough. A dynamic organization needs to align positions to operational needs and with the organizational changes and/or implementation of new strategies, it will be better able to respond to external challenges.

63. Over the past decade, the Court has undergone significant operational and organizational changes. Activities have increased, and continue to increase, and managers have been required to shift functions and responsibilities between posts to meet rapidly changing operational requirements. This has resulted in high numbers of reclassification requests during previous years which understandably have given rise to concerns with regard to the Court's management of its post levels.

64. It is of utmost importance to the Court to have a strong post management system where posts are approved for specific purposes and at a specific level and managers are responsible for keeping the functions of the posts in line with the approval. A post management system will, however, only work if proper procedures are in place for holistic reviews and approvals of changes in functions (upwards or downwards) and if the organization allows managers to address changing needs quickly and flexibly. By putting in place a classification policy with corresponding SOPs to ensure proper management of posts, in combination with the introduction of short-term appointments to address urgent and temporary needs, the Court considers that it will have the framework in place for proper post management. It is therefore critical that the Committee support the policy proposals with regard to reclassification (and short-term appointments addressed elsewhere in the report).

65. Reclassifications are intended to be exceptional and can be both upwards and downwards. Accordingly under normal circumstances, only a limited number of reclassifications are foreseen in the yearly budget submissions. That said, changes in functions during the Court's initial stage of development resulted in a number of posts in which the incumbents have performed functions at a higher level for several years without proper compensation. Additionally, OTP has grown exponentially in terms of staff types and levels. Needless to say, this situation is untenable and the Court must address these issues to ensure adherence to the Staff Regulations and Rules and employment principles. The Court, therefore, asks the Committee's understanding and flexibility that the past situation which has resulted in an accumulated number of posts without proper classification level will need to be remedied.

¹⁶ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.1, para. 56.

The principles of the Court's policy and procedures on reclassifications

66. As requested by the Committee, the Court hereby submits its proposed approach to the reclassification of posts.¹⁷ As requested by the Assembly, the Court, in its approach, is giving due consideration to recruitment principles, including the principle of no preferential treatment of the incumbent of a reclassified post, and the authority of the Assembly.¹⁸

67. The Court submits that two separate matters require consideration with regard to reclassification: (i) the policy itself, regulating procedural aspects such as when requests can be submitted, how they are handled, who makes the decisions and how upgrades/downgrades are implemented; and (ii) the budgetary and financial consequences of reclassifications and the submission as part of proposed budget submission to the Committee and approval by the Assembly.

68. Regarding the policy itself, the Court wishes to inform that the draft administrative instruction on reclassifications is aligned with UN common system standards¹⁹ and takes into consideration recommendations by the Committee. The Court fully acknowledges that reclassifications should only be an exceptional measure and in cases of increased functional responsibility and should not be used as a promotion tool or to justify increased workloads. Adherence to these principles will be closely monitored by a Classification Review Board.²⁰ The policy is undergoing the customary consultation process within the Court, it is expected to be finalized and shared with the Committee before the twenty-fourth session.

69. Regarding the budgetary and financial consequences and the possible need for submission to the Committee and approval of the Assembly, the Court, in light of the Committee's recommendations, suggests maintaining, for the time being, the approval process as previously used. This means that the Assembly will continue to hold final approval authority for reclassifications, pending further experience with the application criteria under the Court's new approach.²¹

70. As regards the content of the administrative instruction, the following principles will be applied:

- (a) Requests for reclassifications will only be possible:
 - (i) When the Unit/Section/Division to which the post belongs is undergoing or has undergone a significant organizational change as a result of restructuring within a Section, Division or Organ; and/or
 - (ii) when the nature of the work, duties and responsibilities of a post have changed substantively and significantly since the previous classification, to the extent that a reclassification upwards or downwards could be appropriate.
- (b) Staff members are employed to perform specific duties as per their job description. The fact that a staff member is capable of performing more complex duties does not in and of itself constitute grounds for requesting reclassification of a post. Reclassification shall not be requested for the purpose of rewarding a staff member for good performance.
- (c) Managers shall exercise due diligence in observing the principles outlined in the policy.
- (d) A Classification Review Board will review requests and provide recommendations to the Registrar or Prosecutor, as appropriate, on whether the submission is in conformity with the policy, and ensure that the concerns of the Assembly are addressed. In its review, the Classification Review Board will also consider whether the increase in responsibilities in one post may have led to a reduction in responsibility in (an)other post(s).

¹⁷ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.1, para. 60.

¹⁸ *Official Records ... Thirteenth session ... 2014* (ICC-ASP/13/20), Vol. II, part B.2, para. 171.

¹⁹ An exception is the requirement for submission to and approval by the Assembly, as per paragraph 70.

²⁰ Until a CRB is established, a committee which includes HR staff from both the HR Section and OTP will monitor adherence.

²¹ *Official Records ... Eleventh session ... 2012* (ICC-ASP/11/20), Vol. II, part B.1, para. 50.

- (e) An external classification specialist will review a post in accordance with the relevant classification standards established by the International Civil Service Commission. The result of a classification may be downwards, upwards or no change.
- (f) In the case of reclassifications at the Professional or Director levels or posts proposed for reclassification from the General Service category (GS-OL) to General Services Principal level or the Professional category, the approval of the Assembly is required and will be requested through inclusion in the proposed budget.
- (g) When a reclassification request is submitted for budget approval, the reclassification shall become effective as of 1 January of the year following approval by the Assembly. Reclassifications within the General Service Category shall become effective on the first day of the month following approval by the Registrar or Prosecutor.
- (h) Reclassification of a post to a higher level shall in all cases result in the advertisement of the position and a selection process in accordance with the Court's recruitment procedures. The current incumbent will have the opportunity to apply for the position, provided that he or she meets the formal requirements for the position. If an applicant other than the current incumbent of the post is selected, the decision shall be implemented provided that sufficient notice is given.
- (i) The incumbent of a post reclassified to a lower level will maintain his or her current contractual grade until the end of his or her existing contract, provided that sufficient notice is given.
- (j) Due to the temporary nature of GTA positions, reclassification reviews shall not be conducted unless exceptionally approved by the Registrar or Prosecutor, as appropriate. Exceptions may, for example, be granted in cases where the same work is being performed by staff members in established posts as well as GTA-funded positions, in which case a reclassification of the established posts following a principle of equal pay for equal work should apply to the same positions funded by GTA.

71. As mentioned in paragraph 70 above, the Court would include upward reclassification requests made through its proposed programme budget, unless the reclassifications affect positions that remain on the General Service Ordinary Level (GS-OL). In such cases, the Court would maintain the flexibility it has been given in the past to implement any upward reclassification throughout the year without requesting endorsement by the Assembly, given that the reclassifications fall within the Court's budget.

72. Recognizing that to date, there have been no proper systems for addressing short-term needs and managing posts, the Court reiterates that the budget submission for 2016 will contain requests for reclassification of posts where the incumbents may have been carrying out the higher-level functions for several years. Before submitting any requests, the Court will have carried out due diligence to ensure that the principles of the reclassification policy are followed, including thorough reviews by a Classification Review Board and a specialist classifier. While approval authority lies with the Assembly, the Court seeks the Assembly's understanding and support of the Court's need to correctly address these issues and ensure that the principle of equal pay for equal work is adhered to. Accordingly, while the Court is strongly committed to post management and strict application of the reclassification principles outlined in the new policy, it asks the Assembly to recognize the past when considering the Court's upcoming requests for reclassification. Similarly, while the Court will adhere to its recruitment procedures and advertise all posts reclassified to a higher level due to changes in functions since the creation of the post, the Court may have to exercise some flexibility in cases where there functions have not changed but posts may have been incorrectly classified at the time of their creation.²²

²² For example where the original work survey did not reflect the full range of duties at the time of classification or where a proper work survey was not drafted indicating the specific functions and responsibilities of the post.

73. The Court wishes to reiterate that the ability to reclassify posts is a crucial management tool in ensuring the necessary flexibility to adapt positions to evolving needs, while safeguarding the rights of staff. The last reclassifications took place in 2010 for Professional level posts, and in 2011 for GS posts and it is high time the Court established a system for the proper reclassification of posts.

74. The Court welcomes any comments and considerations the Committee may have with regard to the Court's intention to implement a reclassification policy and review its posts during 2015.

75. The policy is currently at the consultation stage and is expected to be finalized before the Committee's April meeting, at which it will be presented.

2. Mandatory age of separation

76. On 29 December 2014, the United Nations General Assembly (UNGA) decided to raise the mandatory age of separation to 65 years for staff recruited before 1 January 2014, and requested the International Civil Service Commission to revert to the UNGA with an implementation date at its earliest opportunity, but no later than its seventy-first session (2016-2017), after consultations with all the organizations of the common system.

77. The Court welcomes the decision of the UNGA to raise the mandatory age of separation which reflects trends in both developed and developing countries which is more in line with the average age of the Court's staff, and to ensure that staff are able to accumulate the number of years required to draw down a UN pension. With the retirement age in the Netherlands being 67 years, increasing the retirement age at the Court would decrease the gap between the Court's retirement age and that of the host State.

78. The Court requests the Committee to endorse its proposal to amend Staff Regulation 9.5 to raise the limit of retention of staff members (whenever appointed) in active service to 65 years of age, on the understanding that the decision would have no effect on the acquired rights of current staff.

79. The Court proposes that Staff Regulation 9.5 be replaced by the following text:

“Staff members shall not be retained in active service beyond the age specified in the Regulations of the United Nations Joint Staff Pension Fund as the normal age of retirement. However, staff members whose normal age of retirement is sixty or sixty-two may be retained in active service until the age of sixty-five. The Registrar or the Prosecutor, as appropriate, may, in the interest of the Court, extend these age limits in exceptional cases”.

3. Staff mobility

80. The Court considers staff mobility important and has, during 2014, continued its efforts to create and facilitate loans, secondments and staff exchanges with United Nations and other international organizations, such as Interpol. In 2014, fourteen staff members benefitted from mobility agreements.

81. Since these bilateral agreements have proved successful, the Court will also look into agreements that other similar non-UN Organizations currently in the IOMA have with the UN to ensure the mobility of their staff.

82. Despite being unable to join the latest “Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries and Allowances”, in 2014 the Court successfully negotiated the secondment of staff members to the United Nations under the same terms and conditions as if the secondment had been concluded under the Inter-Organization Agreement. Such agreements between the Court and its interlocutors to apply the Inter-Organization Agreement are the best method available to the Court at present for encouraging mobility and the associated development opportunities, and a standard form agreement has been created for future moves, whether into or out of the Court.

83. The Court appreciates the Committee's concern about the exclusion of the Court from the latest United Nations inter-organizational mobility agreement and noted the

recommendation that the Court determine the conditions to be met and mobilize support from State Parties in a further effort to join the agreement. The Committee requested the Court to report to it on the progress made, at its twenty-fourth session, as part of the human resources management report.²³

84. The Court has been able to reach agreements on a bilateral and reciprocal basis and will continue such efforts in support of mobility agreements with other international organizations applying the UN common system. Meanwhile, the Court will further explore its options with regards to mobility and in particular relevant agreements between the UN and other independent organizations to determine if similar approaches could be applied by the Court.

4. Staff health and well-being

85. Throughout 2014, the Court sought to enhance preventative mechanisms in support of staff welfare. The Health and Welfare Unit (HWU) of the Court conducted group training, workshops and awareness information sessions in the area of health and welfare throughout the year. These included stress and secondary trauma prevention, building strength/developing resilience, trauma management for mission travellers and deployed staff, lunchtime presentations, team support and group debriefings and other psychosocial workshops or sessions upon request.

86. The HWU carried out 236 individual consultations for 171 staff members in 2014, including remote support to the Court's field staff in Bangui and Nairobi during times of crisis. This included consultations with managers with concerns about their supervisees, such as work stress or morale and the functioning of their team. The Unit carried out staff welfare support and training missions to Arusha, Kinshasa, Kampala and Nairobi. Additionally the Staff Counsellor facilitated Stress Management training by UN Counsellors for the Court's staff in Bangui.

87. The HWU rolled out a mandatory Secondary Trauma Prevention debriefing programme for specific Victims and Witnesses Unit (VWU) staff, with the aim of extending this programme to other sections and to OTP in 2015. In addition to maintaining updated preventative information on the intranet and hand-outs, support was provided on the draft of the Court's Staff Welfare Policy. The HWU participated in the UN Staff/Stress Counsellor network and in meetings of Dutch staff counsellors/welfare officers working in International Organizations in order to strengthen cooperation and expand the referral network for staff members. The HWU also participated in the UN Critical Incident Stress Working Group (remotely) and in teleconferences on UN system staff support during the conflict in the Central African Republic and the ebola crisis. Additionally, OPCW and the International Court of Justice were assisted at their request.

88. As in previous years, the HWU continued to provide occupational health services for staff in The Hague and in the field. This included assistance and support on a wide range of work-related health issues such as pre-mission or deployment travel health advice, ergonomic consultations, referrals to medical specialists, sick leave management and return-to-work reintegration, responding to medical emergencies (including ambulance assistance), work-related pregnancy and maternity leave advice, preventative life-style recommendations, seasonal influenza vaccination, breast cancer awareness and public health campaigns on emerging communicable diseases.

89. In this context, the 2014 ebola outbreak in West Africa and in the DRC proved a major challenge to the HWU in terms of mitigating anxiety among managers and staff and their families. Ebola Information bulletins were developed and regularly updated, up-to-date online information was made available and information sessions were held for Field Security, VWU, the Trust Fund for Victims (TVF) and for the OTP. In the field, EVD (Ebola Virus Disease) information awareness and preventative training sessions were held at all the Field Offices. All Field Office managers received information circulars on managing ebola-related stress and anxiety and instructive algorithms on what to do if a staff member or relative might be infected with EVD were distributed.

²³Official Records ...Thirteenth session ... 2014 (ICC-ASP/13/20), Vol. II, part B.1, para. 67.

5. Performance Management

90. As will be further discussed under the objectives for 2015, managing the performance of staff is critical for the Court's overall effectiveness. Having motivated, competent and well-trained staff is key to a successful organization and performance management will remain a priority for the Court. In the coming years, the Court will prioritize the development of a performance management culture that ensures staff: (1) know what is expected of them; (2) have the knowledge and skills to meet these expectations; (3) are measured and regularly receive quality feedback; (4) are motivated; (5) work within a set of conditions that promotes good performance; and (6) are held accountable for their performance. While the new performance appraisal system introduced to the Court through the issuance of the related administrative instruction effective 6 March 2013 has been a useful step towards achieving greater efficiency and accountability in managing performance, this system will merely serve to underpin the overall development of the Court's performance management culture.

91. A strengthened approach to performance management has already been initiated by senior management within the Court and significant efforts will be made over the coming year to further develop the Court's performance management system in two key areas: (1) clearly defined and inter-linked performance objectives from the highest level to the operational levels and (2) developing and measuring leadership and management behaviours so that problems are clearly defined, causes are well understood by all and effective teamwork is in place to address any issues identified.

92. The Court would like to provide the following update on the implementation of the Performance Appraisal System (PAS) in the Court.

93. Since the Court's progress report on the implementation of the new PAS to the Committee's twenty-second meeting, the Court has completed one full performance cycle covering the period 1 March 2013-28 February 2014. At the time of writing, the 2014-2015 performance cycle covering the period 1 March 2014-28 February 2015 is nearing completion and the 2015-2016 performance cycle covering the period of 1 March 2015-28 February 2016 is about to begin.

94. For the new 2015-2016 cycle, Heads of organs, who have primary responsibility for the timely execution and overall compliance of the PAS in the Court, will be emphasizing the importance of the PAS and holding supervisors accountable for the effective use of the PAS through all stages of the process.

95. An announcement to staff will be made before the start of the cycle. Financial support and staff resources for the required training and management of the PAS will be made available, Heads of organs will provide advice and recommendations and will lead by example in the PAS process. For the purposes of strengthening accountability in the Court, senior managers will meet with the Heads of organs to develop the work plans of operational units in accordance with each organ's structures, priorities and strategic goals.

(a) 2013-2014 PAS cycle

96. For the 2013-2014 performance cycle, 561 of the required 913 performance appraisal forms were submitted, bringing the Court-wide compliance rate for completion of the 2013-2014 PAS cycle to 61%. Although the statistics might not at first seem very encouraging, taking into consideration feedback from other organizations and their statistics at the time of implementation of their new system, the Court's compliance rate would appear to be close to the norm.

97. The statistics provide a good baseline from which all efforts should be made to significantly increase the compliance rate.

Table 3: Court-wide statistics on the overall performance rating on completion of the 2013-2014 cycle:

| <i>Performance Rating</i> | |
|---------------------------|-------|
| Did not meet | 0% |
| Partially met | 1.8% |
| Fully met | 74.2% |
| Exceeded | 19.9% |
| Significantly exceeded | 4.2% |

Table 4: Compliance rate of 2013-2014 PAS submissions per organ/office

| | |
|-----------|-----|
| JUDICIARY | 40% |
| OTP | 77% |
| REGISTRY | 69% |
| OIA | 50% |
| SASP | 25% |
| STFV | 11% |
| POPP | 20% |

| | <i>No. of Staff</i> | <i>No. of PAFs</i> |
|-----------|---------------------|--------------------|
| JUDICIARY | 55 | 22 |
| OTP | 255 | 197 |
| REGISTRY | 480 | 329 |
| OIA | 4 | 2 |
| SASP | 8 | 2 |
| STFV | 9 | 1 |
| POPP | 5 | 1 |

Table 5: Year-end statistics on the performance rating per organ/office is shown below

| <i>Overall performance rating</i> | <i>Judiciary</i> | <i>OTP</i> | <i>Registry</i> |
|-----------------------------------|------------------|------------|-----------------|
| Did not meet | 0% | 0% | 0% |
| Partially met | 0% | 3% | 1.2% |
| Fully met | 27.3% | 70.6% | 79.6% |
| Exceeded | 36.4% | 23.9% | 16.4% |
| Significantly exceeded | 36.4% | 2.5% | 2.7% |

98. The related PAS statistics are provided in the annex. It should be brought to the attention of the Committee that the statistics of the 2013-2014 cycle were gathered manually. However, with the implementation of ePAS, such information will now be available automatically upon completion of the PAS cycle.

99. As with any implementation, training and monitoring are essential. In the case of PAS, the two afore-mentioned aspects are even more important for a consistent and realistic staff assessment and must be strengthened within the Court. With the available statistics, patterns emerging in the overall performance ratings given to staff members require further consideration to ensure that any ratings above the 'fully met' were/are granted in accordance with the AI and with a sound justification. Provision of further training would

also ensure that all immediate supervisors within the Court apply the same standard for granting a rating in accordance with the agreed explanation provided in the AI.

100. Reference is also made to the small percentage of staff members receiving a 'partially met' performance rating. In accordance with Section 10 of the AI on "Performance Appraisal System and Salary Increments", relevant action regarding withholding of salary increments, when applicable, was taken.

101. With a view to enhancing the importance of the PAS to ensure the Court's effectiveness by optimizing performance at all levels, including a contribution to a positive staff climate, it is hoped that absence of a focal point for PAS matters within the Court will be addressed through the *ReVision* Project and the new proposed HRS structure. As underscored by the Committee, it is essential that the new performance appraisal system be applied consistently and fairly Court-wide by means of proper training and monitoring.

(b) 2014-2015 PAS cycle

102. For the above-mentioned performance cycle, better progress was made on the provision of training and monitoring as compared to the previous performance cycle. The automated ePAS, with the user guide for all three stages of the performance cycle, was also made available to staff members. Reminders for completion of the different stages of the PAS were also sent to staff members. Based on the above, a higher compliance rate is expected for the 2014-2015 performance cycle.

103. At the time of writing, the 2014-2015 deadline is yet to be reached. Relevant statistics, as provided for 2013-2014, will be provided to the Committee at its April 2015 session.

104. An allocated focal point for PAS matters, guiding managers and staff members on PAS issues, underperformance and resolving conflicts, providing practical training sessions on PAS matters to staff at large as well as mandatory PAS courses for all new staff members joining the Court, and refresher courses, remains essential in ensuring that the PAS is implemented correctly, fairly and consistently.

105. As previously expressed, the Court is committed to having an effective performance management system in place to properly assess the performance of staff within the Court. The system should be used constructively and form the basis for on-going dialogues between managers and their staff to ensure that staff performance is optimal. Once the performance management system has reached desired levels with regard to compliance and consistency, the Court will review the introduction of personal accountability, including rewards and sanctions for good and poor performance respectively, as previously requested by the Committee.

106. Any such recognition and reward programme would need to be carefully designed to 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. Accordingly, the Court will be considering forms of reward and recognition, taking into consideration the ICSC recommendations on the framework for recognition and rewards and lessons learned from other international organizations.

107. 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 is important in identifying and resolving problems or weaknesses in a staff member's performance. Poor handling of underperformance by managers can lead to an even more complex problem. A systematic approach of dealing with underperformance issues and creating a culture of support and staff development is essential, while recognizing that at times, underperformance issues may lead to recommendations for non-renewal and/or termination and guidance in making appropriate decisions in this regard is essential.

(c) Posts with reporting lines outside the Court

108. As requested by the Committee, the Court has considered the administrative relationship between posts within the independent offices of the Court with reporting lines to external parties such as the Assembly and its subsidiary bodies via the President of the Assembly, Chair of the Committee and the Chair of the Board of Directors of the TFV and/or Registry.

109. Following a review, the Court has identified the following posts where the incumbents hold specific “independent” functions of head “independent offices” that are administratively linked to the Registry. The Court recognizes the value of exploring the matter and that clarity is necessary from a good governance point of view as well as in the interest of the individuals concerned:

- (a) Director of Internal Audit;
- (b) Director of the Secretariat of the Assembly of States Parties (who in turn administers one Special Assistant and one Executive Secretary);
- (c) Head of Internal Oversight Mechanism; and
- (d) Executive Director of the Secretariat of Trust Fund for Victims.

110. Overall, the direct external reporting lines are established and documented in job descriptions and/or vacancy announcements, with a view to safeguarding the independence of these functions. However, the four posts have a relationship with the Registry for administrative purposes. It appears that while operating independently with regard to the substantive part of their roles, these offices are still intended, *for administrative purposes*, to fall under the overall administrative authority of the Registrar.

111. This administrative relationship with the Registry is required and/or desired for a number of reasons:

- (a) The Staff Regulations and Rules are indicative of the fact that the President and the Registrar or Prosecutor, as applicable, are the highest authority when it comes to staff matters and consequently bear overall responsibility;
- (b) The obligations and rights of the Court’s staff must ultimately fall within the hierarchy headed by these officials;
- (c) All the ‘independent offices’ and their staff are administratively linked to the Registry, and their staff members are appointed by the Registrar. Thus they fall within the hierarchy headed by the Registrar;
- (d) Having obligations and rights as staff members that are determined by external parties to the Court’s hierarchy would appear to be at odds with good governance and would also place an administrative burden on the external person outside the organization;
- (e) Giving administrative authority to external parties, as suggested, would need to go hand in hand with them being responsible and accountable to the Court in areas such as staff entitlements and therefore, ultimately, aspects of financial management. The Court considers that placing such responsibility with external parties may not be advisable, or even possible; and
- (f) The question of reporting lines to external parties not only affects the head of the independent office or the independent positions (i.e. five persons) but also the levels below. Direct reporting by staff to one of the five functions mentioned must follow the same principles, thus if this is a question of reporting lines, then it also applies to them.

112. For the reasons mentioned above, the Court is of the view that while the independence of these offices in terms of the substantive part of their roles is unquestionable, administrative authority should remain within the Court.

113. As regards work plans, performance objectives, performance appraisals or other substantive matters that do not involve the obligations and rights of the staff members, advice, recommendations or approval, as appropriate, could and should, in the case of the

five positions referred to, come from external parties. The same would of course, and did in the past, apply to recruitment to such positions.

114. Matters relating to the general rights and obligations of staff and the administration of staff benefits and entitlements for those staff fall under the authority of the Registrar (or his delegated authority). The Registrar is also responsible for handling appeals against decisions.

115. Several matters could impact on both the rights and obligations of staff and substantive performance, for example working part time, requests for annual leave or special leave without pay and home leave. In such cases, staff members fall under the Registrar's administrative authority and the Court's consistent approach to such matters will be followed, notwithstanding input from the external party.

116. The Court noted the Committee's request to explore the practice in other United Nations organizations, which are likely to have experienced similar challenges with regard to external reporting lines. It appears that organizations may differ in their approaches and tailor their solutions to their particular circumstances and in a similar manner, the Court considers it imperative that the Court's approach to reporting lines with a view to ensuring an effective administrative relationship between staff working at the Court and their internal and external reporting lines is decided taking into consideration the Court's own and unique circumstances.

117. In order for the Court to further explore the best way of maintaining the value of both substantial and administrative supervision, including transparency and protection for all concerned (the organization, the external party and the individual), and to properly explore the practices and experiences of other organizations and propose clear procedures for specific matters such as performance appraisal, leave and misconduct, the Court is requesting that the matter be addressed at the Committee's next session.

6. Learning and development

118. 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.

119. Sections use their own training budgets to manage technical training and HRS uses a centralized training budget to oversee leadership, management, induction, career support, organizational development and other types of training projects across the Court. Despite the centralized learning and development budget having been decreased in three consecutive years, the Court managed to successfully implement several of the activities envisaged in the human resources strategy.

120. In 2014, the OTP maintained its systematic approach to identifying the learning needs of its staff, in which team leaders meet with their staff to identify team-level learning needs. These were then compiled and presented to executive management for decision-making. The Registry also maintained its systematic approach to identifying the learning needs of its staff and the resulting plan is still being used as a basis for prioritizing Registry training in 2014 and 2015. The following lists the major projects undertaken by the Learning and Development Unit (LDU).

(a) Leadership, Management and Organizational Development

(i) Measuring and Developing Managers (MDM) Project

121. The MDM project teaches participants how to: (1) discover and specifically define problems that are currently impacting an organ's performance; (2) identify the elements that are causing these problems and (3) change management behaviours in a way that leads to these problems being fixed. MDM is run by the Head of LDU and currently has 11 participants (the Deputy Prosecutor, the Director of the Prosecution Division and the nine

Senior Trial Lawyers). MDM is based on five leadership and management disciplines: Systems Thinking, Personal Mastery, Mental Models, Team Learning and Developing Shared Visions. MDM will play a key part in developing our Performance Management Culture as outlined in section 3.5 above.

(ii) *Managerial Leadership Programme (MLP)*

122. The LDU continues to coordinate the MLP which is delivered by external trainers. The MLP teaches participants how to: (1) understand their role as a manager; (2) develop the skills necessary to effectively lead their team(s); and (3) develop personal leadership practices. Each MLP involves a maximum of 25 participants from all organs of the Court. One group attended this programme in 2014.

(iii) *Registry ReVision Support*

123. The LDU dedicated a significant amount of its time to assisting the ReVision Project by running a Registry-wide staff survey and an organization-wide client survey. Unlike the staff surveys of 2006 and 2011, this project was run using internal resources only. In addition, the LDU coordinated transition support training for staff whose posts were affected by ReVision decisions.

(b) **Substantive and technical knowledge and Human Resources and Financial Management**

(i) *Improving Training in the Field*

124. In general, improving the management of our people in the field has been a priority for the Registry and this included improving training. The LDU worked with focal points based in the field offices to identify the learning needs of their staff and coordinate the delivery of training. A broad range of training was delivered, including Microsoft Office, Law and Humanitarian Action, Strategic Planning, Communication and Presentation Skills, Performance Management and Financial Management.

(ii) *Financial Management*

125. The Financial Tracking Project teaches participants how to: (1) measure their financial management performance on a daily basis and (2) work as a team across Units, Sections and Divisions to maximise the utilisation of an organ's budget. The Financial Tracking project is run by the Head of LDU and currently involves 50 participants (including the Registrar, Registry Directors and Registry Section Chiefs).

(c) **ICC Orientation Briefings (Induction)**

126. The LDU runs a maximum of four ICC orientation briefings for new staff each year. As stated in the previous HR report, the Orientation Briefing provides new staff members with the opportunity to meet a broad range of senior level staff and elected officials from various areas of the Court. New staff members are able to increase their awareness of the various challenges facing the Court. The Orientation Briefing provides a fun and informal context in which to learn about the Court and allows participants to engage in conversations with people that they may not otherwise have the opportunity to meet (such as Judges, Heads of organs, Directors and other managers). The Orientation Briefing also includes a half-day workshop on cultural awareness in the workplace facilitated by an external expert.

D. Other matters

1. Automation activities

127. In 2014, HRS made efforts to further automate its processes. The Section has been leading a cross-functional team to implement the Court's new eRecruitment system. The new system has been configured and tested and the final aspects of configuration are planned for completion during February 2015. Internal communication and training is underway and go-live with the first vacancy announcement is scheduled for March 2015. This new eRecruitment system automates a number of recruitment processes not covered by the old system. These include electronic workflows between Recruitment Unit staff, hiring managers, vetting staff and the Heads of organs. The new eRecruitment system is also significantly more user-friendly for both candidates and the Court's internal users.

128. Throughout the year and in cooperation with the Budget and Finance Section, efforts have also been made to further enhance the new payroll system which was rolled out in October 2013. The system has automated many of the previously manual checks and balances and has contributed to increased efficiency in the work of HRS. However, further enhancements are required in order for the system to be an efficient platform for the management of salaries and entitlements.

129. The new electronic e-PAS was launched in 2014, facilitating the work of staff and managers in completing performance appraisals and the work of HRS in gathering statistics and monitoring compliance.

130. In cooperation with other relevant Sections of the Court, HRS began the process of digitizing HR records, starting by scanning the official status files of staff having left the Court. The work will continue throughout 2015 in an effort to reduce paperwork.

2. Staff-Management Relations

131. Regular meetings were held during 2014 with the Court's Staff Council on matters of policy, entitlements and benefits and on general issues of staff welfare. Representatives nominated by the Staff Council also participate on the Court's committees and interview boards. With the on-going restructuring and associated low staff morale during 2014, significant efforts have been made by HRS and the Staff Council to maintain a productive relationship. HRS acknowledges the contributions made by the Staff Council thus far to the development of human resources policies and other initiatives.

3. Junior Professional Officer Programme (JPO)

132. Further to approval by the Assembly of the Junior Professional Officer (JPO) Programme as of 1 January 2014, a JPO questionnaire was provided to the relevant States Parties with the aim of gathering relevant data from those interested in becoming donor countries. In addition, all Embassies will be contacted again in 2015 and provided with relevant supporting information. This practice will be repeated every year from now on.

133. Two positive responses were received further to a follow up questionnaire to ascertain any interest among States Parties in participating in the JPO Programme. The job profiles provided by the participating offices were shared with several States on request. On the Court side, new trust funds to facilitate financial transactions with the participating States are being considered. It is expected that preparatory work to formalize a Memorandum of Understanding with participating States will be initiated once an expression of interest is received from a potential sponsoring State(s).

134. While interest in the programme has been limited, the Court continues its efforts to ensure that the JPO programme will be fully operational as of January 2016. The possibility of States funding a JPO from States which are currently under-represented at the Court will be emphasized.

IV. Planned Activities for 2015

A. Priorities for 2015

135. In line with the Court's strategic objectives for 2015, the priority areas for HRS in 2015 will be:

- (a) to revisit the Court's Human Resources Management Strategy
- (b) to support completion of the Registry restructuring and change management;
- (c) to support OTPs recruitment plan;
- (d) HRS restructuring and review of work processes to achieve efficiency;
- (e) development and finalization of key HR frameworks and policies; and
- (f) staff welfare.

136. 2015 will be an important year for the Court and many strategic and structural changes are expected. To support the overall effectiveness of the Court in reaching its long-term goals and objectives, the Court's human resources management strategy will be revisited to ensure a proper framework is in place to support the change management processes at the Court.

137. HRS will continue to support the *Re-Vision* project in 2015 as it moves towards completion, and will ensure that the Registrar's decisions affecting structure and staffing are implemented. The Section will also provide support to the Registrar's change management process, in particular in the area of performance management.

138. HRS will continue to provide support to all organs in their recruitments for both headquarters and the field and extra focus and attention from HRS will be given to support OTP with their successful implementation of the 2014/2015 recruitment plan.

139. HRS will itself, throughout 2015, implement its structural changes and carry out a thorough review of all its work processes to ensure optimal efficiencies and the necessary agility to adapt to changes and meet unforeseen needs.

140. The development of key HR policies remains a priority in 2015. Efforts will be made to ensure successful implementation of the administrative instructions on staff selection (recruitment) and reclassification as well as the work of the Selection Review Board. In addition, priority will be given to developing a policy framework for short-term appointments and Special Services Agreements (SSAs).

141. As already mentioned, HRS plans to commence a thorough review of the different appointments and contract modalities and related procedures in 2015, with a view to maximizing efficiency in the use of resources. In this connection, the Court needs to resolve the challenges it currently faces with regard to post structure and administration of GTA-funded positions. The Court therefore outlines below some of its challenges and concerns with a view to gaining the Committee's support on the proposals for addressing these challenges.

1. Review of framework for appointments and contract modalities

142. It is of utmost importance to the Court that the contractual framework underpins the Court's need for flexibility in responding immediately and easily to changing operational needs.

143. This flexibility is foreseen in the Court's post structure, where the intention, as also mentioned by the auditors, is that the Court has an approved number of established posts intended to be used for its regular, long-term needs and approved funding for a number of General Temporary Assistance positions to cover temporary needs.

144. While this principle is sound, the challenge currently faced, as also recognized by the external auditors, is that the Court currently has a large number of GTA-funded positions which cover regular on-going functions and have become a de-facto part of

established posts. A contributing factor has been a long freeze on the creation of established posts while the work of the Court during the same period has increased significantly, leading managers to choose between failure to deliver results or using GTA-funded positions for regular activities.

145. An untenable situation has thus arisen, in which almost one quarter of the Court's workforce is funded by GTA, with one-year contracts and last-minute contract extensions at year-end, although there is nothing temporary about these positions. The short duration of contracts issued against GTA-funded positions and the related impact on entitlements offered make it difficult for the Court to attract applicants and retain staff. In addition, uncertainty related to contract renewals for GTA-funded positions has an extremely negative impact on staff morale and thus on the Court's operations. This situation must be addressed.

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

147. With the exception of a limited number of short-term appointments of less than one month's duration (for language positions and support to meetings of the Assembly), all appointments at the Court are fixed-term appointments, including those made to cover temporary needs. Therefore, while reference is often made to "GTA contracts", there are no such contracts and the fixed-term appointments carry the same benefits and entitlements, whether the incumbent is funded by an established post or GTA. The only difference between appointments funded by established posts and GTA is linked to contract duration, where positions funded by GTA cannot currently exceed the budget year. As mentioned above, and as will be outlined below under the administration of GTAs, this in itself is a challenge.

148. It is evident that an overhaul of the contract modalities is required, as are a number of steps to ensure a more transparent and efficient use of contract modalities:

- (a) It is critical that an appropriate staffing table of established posts is approved, with a sufficient number of posts to undertake the Court's regular and on-going workload. GTA-funded positions will be created to cover temporary functions caused by peaks in workload and they are not intended to remain beyond the requested duration. Following reviews of structures and staffing in all areas of the Court, new recommended adequate staffing levels will be presented to the Committee and the Assembly. It is of utmost importance that staffing levels adequately reflect the activities which the Court is required to undertake. The Committee is therefore requested to support the staffing levels proposed by the Court following a review of structures and staffing.
- (b) The Committee's previous requests for the Court to provide a "skeleton structure" have been carefully considered and while the Court certainly can engage in an exercise to determine the minimum number of posts needed in the absence of activities, such an approach is not considered to be optimal with regard to the current need to set the appropriate staffing levels. The Court considers that the skeleton structure would be highly relevant if the Court were in a phase of downsizing but the situation faced by the Court is quite the opposite: Activity continues to increase and, with the current and on-going legal proceedings and taking into consideration the cycle of the proceedings, current workload is expected to remain steady or increase over the next four to five years. Furthermore, the Court is set to move to new permanent premises with three courtrooms and the expectation of simultaneous trials. It should be noted that whether a post is established or funded by GTA, all appointments at the Court are fixed-term and can be ended in case of a change in operations. Accordingly, the Court hopes that the Committee will support the focus being on ascertaining the Court's appropriate level of established posts rather than the hypothetical skeleton structure.
- (c) It is fully recognized that following the establishment of the correct staffing level, the Court must exercise discipline in ensuring that GTA will not continue to be used to fund regular and on-going functions. The Court commits to its strict management

of posts within their purpose and that on-going, regular needs will be addressed by using, and reassigning when necessary, established posts. The introduction of short-term appointments will assist the Court in ensuring that positions created to cover temporary needs are not continued. The Committee is requested to support the introduction of a contract modality for short-term appointments.

- (d) In addition to the above, the Court is committed to ensuring that SSAs are used in accordance with their purpose and the Court will, in the course of 2015 following the introduction of short-term appointments, develop a policy regulating the use of SSAs.

2. Administration of GTA funded positions

149. As the Committee is aware, the Court is facing significant challenges due to fact that established posts and GTA-funded positions are currently covering the same regular and long-term functions – combined with the perceived disadvantages of being employed against a GTA funded position.

150. Putting in place a staffing table with an appropriate and adequate number of established post will take the Court a long way toward addressing the frustrations of staff. The Court will, however, always have a number of positions to cover temporary needs and a number of measures can be taken to facilitate the administration of these GTA positions, also taking into consideration the recommendations of the internal and external auditors.

(a) Current challenges

151. Currently, in the Court's budget structure, established posts and GTA-funded functions are approved for a particular budget year (approved GTA). The GTA funding type thus limits the duration of an appointment to a particular budget year and late budget approval has several disadvantages, including added HR activities in the form of notifications of non-renewals, last-minute contract extensions and addressing staff concerns, and the practical difficulty of attracting GTA staff when only very short contracts can be offered at later stages in the budgetary year. One of the consequences of this situation is low staff morale. The current budget practices may thus create inefficiency and uncertainty and may limit recruitment possibilities.

152. In addition to the challenges related to contract extensions, other challenges exist in relation to the financial administration of GTAs (where it is considered that the current categories of GTAs and the detailed reporting standards are too cumbersome and would benefit from a review). With the creation of a new Budget Office within Registry it is expected that budgetary aspects related to GTA categories and reporting standards will be reviewed with the intention of optimizing the Court's planning and reporting with regard to GTA and providing the Committee the required overview.

153. The measures which, in the Court's view, may facilitate the administration of GTAs and address staff concerns relating to last-minute contract extensions are set out below.

(b) Short-term and long-term GTA

154. In their 2014 report on the Court's use of GTA, the external auditors recommended that two separate budget lines be created for GTA, namely a long-term and a short-term budget line. Where the long-term GTAs would be comparable with established posts in the sense that they would cover long-term needs, reporting should be aligned with the current reporting, listing all GTA-funded position and ensuring they have been used for their approved purposes. Short-term GTA on the other hand would be better managed as a "pot of money" used flexibly to address short-term needs, as is currently done in OTP and Judiciary. The reporting of GTAs would not require a matching exercise with approved purpose as it is in the very nature of short-term GTAs to be changeable and flexible.

155. The implementation of this recommendation will require the creation of two separate budget lines in the Court's 2016 budget proposal. When preparing the 2016 budget, managers will be asked to indicate in their submissions the expected duration of all new or existing GTAs. Based on the purpose of the position and the expected duration, the Court

will assess whether the GTA position should be considered long-term and requested as a specific position, or short-term in the form of funding with a flexible purpose.

156. At present, long-term GTAs cover regular, on-going needs (and should be established posts) and long-term yet temporary needs (e.g. long-term projects such as the Permanent Premises Project, IPSAS or similar). Going forward, as the level of established posts will, hopefully, have been adjusted, the long-term GTAs would consist of those approved and/or expected to be required for several years.

157. These long-term GTA positions are similar to what the Court has previously referred to as “multiple years GTAs”, which are GTAs requested for a limited time which, however, exceeded one year (for example specific needs such as projects, language-related needs, local recruitments in the field offices). When a GTA position has been approved for a duration exceeding one year (e.g. a project such as IPSAS, expected to last two to three years) the contract duration could be aligned with the approved duration. Accordingly, if a GTA position is approved for two years, an initial two-year contract could be issued, with the clearly expressed post duration (in the vacancy announcement and the offer of appointment) to ensure expectations are correctly managed. The principle would be to determine whether the need for the post was temporary in light of specific projects or operational plans and for how long, but ensure there was no recurrent need.

(c) Contract extensions

158. It is of utmost importance that the current process with regard to contract extensions of GTA-funded positions is reviewed as currently, many staff receive last-minute contract extensions due to the timing of the Assembly meeting towards the end of the year. The result is that the required notice periods are not properly met.

159. It is proposed that GTA posts be approved for a period corresponding more closely to the expected duration of the temporary need. The appointment type (fixed-term or short-term) would, if the proposal on short-term appointments is approved, be based on the expected duration of the assignment, in line with UN common system policies.

160. Approved long-term GTAs where a fixed-term contract (against a GTA post) was appropriate would be subject to strict controls on the specific duration. It is proposed that contracts be issued with a duration aligned with the approval 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 anticipated, contracts issued will be terminated prior to expiration, in accordance with the Court’s Staff Regulations and Rules.

(d) Conversion of long-standing GTA-funded positions to established posts

161. As mentioned in last year’s report on human resources management and in this report, a number of positions currently funded through GTA are covering long-term core functions of the Court. 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. The need for these positions is expected to continue in the future.

162. The matter will be addressed for Registry through the *ReVision* Project, where the new required staffing level for Registry will be assessed. Conversions may be required and requested through the 2016 budget submission by other major programmes following reviews of optimal structures and required staffing levels.

163. With regard to implementation of a decision to convert a post, the Court considers that any such request should be based on the length of time the position has been in existence as well as the future need for the post.

164. With regard to implementation of a decision to convert a post, i.e. whether or not the incumbent of such a post can be placed in the established post, the Court would like to revert to the criteria previously applied namely (a) the incumbent must have been selected through a competitive recruitment process; (b) the incumbent must have served a minimum of three years in the converted post and (c) performance must have been satisfactory.

165. While these were reasonable criteria at a time when GTA-funded positions followed less stringent recruitment procedures, the recruitment process has, since 2009, been exactly the same for GTA-funded positions as for established posts. Vacancy announcements for GTA positions state that the process is for selection as well as for rostering purposes for both GTA positions and established posts. Accordingly, a person placed on a roster following a competitive process for a GTA-funded position may be placed against a vacant established post. Following this principle, there appears to be little reason to request that the incumbent has served a minimum of three years in the GTA-funded position before being appointed against an established post.

166. It is therefore proposed that all incumbents who have undergone a competitive process leading to a roster for both GTA positions and established posts, and whose performance has been satisfactory, may be placed in a converted established post without having to complete three years of service.

V. Conclusion

167. It remains a priority for the Court to effectively manage and support the Court's multicultural, multi-skilled and multi-lingual workforce as it moves into its second decade and faces future challenges.

168. While 2014 was challenging for HRS, it continued to provide HR services in support of Court activities and also carried out several new activities in support of the strategic objectives, such as the development of key human resources policies and the promulgation of an administrative instruction on the Selection Review Board, the upgrading of automated systems and various learning and development and health and welfare initiatives.

169. Following the new strategic approaches taken by senior management and the upcoming review of structures and processes currently being undertaken, the time has come for a review of the Court's human resources strategy to support the Court's overall effectiveness.

170. The human resources management activities planned for 2015 will focus on providing support to the Registry *ReVision* Project as well as the review of HRS itself. 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 critical activities within the organs and Programmes, such as the OTP recruitment plan.

171. The Court will report to the Committee on its further progress and looks forward sharing its vision for its human resources management with the Committee during its forthcoming meetings.

Annex

PAS statistics







