

**Eighteenth session**

The Hague, 2-7 December 2019

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

1. After several years during which the Court's main focus for its human resources activities was to ensure business continuity while recruiting for vacant posts and re-establishing a healthy vacancy rate, in 2018 the Court directed further attention to a number of strategic HR management areas.

2. Geographical representation and gender balance remained a priority. Of the 20 external persons employed in professional<sup>1</sup> posts in 2018, 3 were from non- or underrepresented States Parties, reducing the number of non-represented States Parties to the lowest in five years. It is, however, fully recognized that further improvements are required. At 31 December 2018, the Court had an overall gender balance with 47 per cent female staff, but with an imbalance at the higher levels.

3. The Court is committed to ensuring optimal functioning and high performance and, in 2018, the Court carried out a number of activities and made progress within the three main pillars of the Court's strategic HR management approach:

**A. People**

4. Organizational performance and individual performance are inherently linked for an organization that relies entirely on its dedicated staff. To optimize individual performance, staff need to operate in an enabling environment with good leadership, where skills, competencies and contributions are valued and further developed. The Court is firmly committed to further strengthening the Court's work environment and contributing to creating an atmosphere of openness, support and development.

5. In 2018, the Court continued enhancing its performance management system in support of creating a value-adding process for staff. A new administrative instruction was promulgated for the 2019-20 performance cycle. The Court adopted its new "Staff Engagement and Wellbeing Framework", which focuses on all the contributors to – or enablers of – staff thriving, developing and performing their functions optimally. The framework takes a holistic view of the employee experience and ensures a systematic and inter-organ approach to strategic HR matters.

6. In 2018, the Court's first Court-wide staff engagement survey since 2010 was launched, measuring the various areas of the well-being framework. With a response rate of 71 per cent, the survey provided valuable and useful insights into staff views and has enabled constructive conversations across the Court, identifying areas of priority where improvements can be made.

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\* Previously issued as CBF/32/16.

<sup>1</sup> Not including language posts.

7. During the year, the Court provided learning opportunities for staff, conducted a number of workshops and initiated work on a staff mobility framework.

## **B. Environment**

8. Ensuring an enabling environment where staff can perform optimally remains an objective for the Court and, in 2018, flexible working arrangements were introduced at the Court, making it easier for staff to manage their work and find a suitable balance between work and private obligations.

9. The Court furthermore made efforts to strengthen informal dispute resolution at the Court and an administrative instruction on classification and reclassification of posts was promulgated, which formalized the process for assessing post levels and ensuring that they correspond appropriately to the Court's operational needs and required functions assigned, all within a solid governance system.

10. The HR Section, together with the SAP team, undertook an ambitious automation project and, in 2018, the Court introduced employee and management self-service, enabling staff and managers to enter and approve changes and requests related to personal data and entitlements directly and digitally.

## **C. Leadership**

11. In 2018, external auditors carried out a performance audit of HR management functions at the Court. Their recommendations form part of the Court's HR objectives. In line with one of the recommendations, as well as requests from several States Parties, this report introduces a more data-driven presentation with, to the extent possible, year-on-year comparisons. The report will continue to be further developed as automation creates the necessary basis for HR analytics.

12. This report, together with its annexes, addresses the following topics:

- (a) Standard reports;
- (b) Updates on key HR activities undertaken by the Court during the reporting period; and
- (c) Responses to specific requests and/or recommendations made by the Committee on Budget and Finance.

13. It also informs the Committee of the planned HR activities for 2019, which include the development of a Court-wide leadership programme and continued implementation of the staff well-being framework, while further developing HR policies and strategic frameworks, automation projects and efficient training and learning programmes. Activities are also planned to reinforce the Court's ethical framework, including training on harassment prevention and strengthening informal conflict resolution mechanisms.

## **I. Introduction**

1. This report contains information on the human resources (HR) activities of the International Criminal Court (“the Court”) undertaken in 2018 in accordance with the Court’s strategic objectives, in addition to responses to specific queries and recommendations made by the Committee on Budget and Finance (“the Committee”) and the Assembly of States Parties (“the Assembly”). It includes an update on workforce and recruitment activities; initiatives to address geographical and gender balance; staff contracts and conditions of service; the Court’s approach to engagement and well-being; and activities to support the three pillars of the strategic HR approach: people, environment and leadership, including staff learning and development; performance management; automation initiatives; and the Junior Professional Officer (JPO) Programme and the Internship and Visiting Professionals Programme (IVPP). It concludes by outlining the priorities for 2019-2020, which have been established taking into consideration, among others, the results of the comprehensive staff engagement survey concluded in November 2018.

## **II. Priorities in 2018**

2. After several years during which the Court’s main focus was on recruitment activities, in 2018, the Court was able to make significant progress in key areas to strengthen HR management at the Court. Specifically, the HR priority areas set for 2018 were to:

- (a) Continue developing the Court’s HR management strategy and integrate HR strategic objectives into the Court’s strategic planning;
- (b) Support and facilitate the improvement of geographical representation and gender balance;
- (c) Initiate leadership programmes;
- (d) Implement the Staff Engagement and Wellbeing Framework;
- (e) Implement flexible working arrangements;
- (f) Implement the Mobility Framework;
- (g) Continue the JPO Programme (trial period until 2020);
- (h) Continue automation and move to staff and management self-service (HR Renewal);
- (i) Continue to improve the Court’s performance management system; and
- (j) Implement the outcome of the ongoing review of the Court’s internal administration of justice with a view to its reinforcement.

3. In 2018, most of the priorities set for the year were addressed and new priorities were added, such as carrying out a staff engagement survey and promulgating a post classification policy. Some 2018 priorities, such as the review of the internal administration of justice, were carried forward to 2019. This report outlines the HR activities undertaken to support the Court’s strategic objectives and the recruitment work done for a significant number of new posts.

## **III. Previous observations, recommendations and requests by the Committee and the Assembly**

4. In 2018, the Court addressed a number of the HR management-related requests and recommendations of the Committee and the Assembly. Those requests and recommendations will be discussed in the relevant sections of this report. An overview with references is provided in Annex I.

## IV. Organizational development activities

5. Management of human resources is a shared responsibility between managers, the HR Section and other stakeholders and in 2018, with consolidated efforts, significant progress was made in critical HR management areas, such as implementing the Court’s engagement and well-being framework, introducing flexible working arrangements, further enhancing the performance management approach and initiating the development of a Court-wide leadership framework..

### A. The Court’s strategic HR approach

6. The Court is firmly committed to strengthening its work environment and contributing to creating an atmosphere of openness, support and development. As presented in the 2018 report, the Court’s strategic HR activities are built on three pillars:

- (a) People;
- (b) Enabling environment; and
- (c) Leadership.

Within these pillars are a range of HR products all aimed at ensuring optimal management of and support to the Court’s human resources.

7. Like many organizations, the Court is facing resource restraints and zero-growth budgets, and the demand to do more with less is ever present. The Court is dedicated to optimizing its resources and performance; it is continuously addressing areas where improvements or synergies will lead to efficiencies. Organizational performance and individual performance are intrinsically linked for an organization that relies fully on its staff. When it comes to individual performance, numerous studies have shown the causal link between engagement and performance. The more engaged staff are, the better they perform. The Court has therefore placed its HR strategic approach within an “engagement and wellbeing framework”. Ensuring an engaging work experience built on high performance, engagement and well-being of its committed staff is one of the Court’s highest priorities.

8. The engagement and well-being model captures the various HR products within the Court’s strategic HR model, referred to above. In 2018, significant efforts were made in implementing the framework and introducing the first staff engagement survey aimed at measuring the staff’s perception of the various strategic elements.

### B. The Court’s Staff Engagement and Wellbeing Framework

9. As previously reported, the Court recognizes the direct link between engagement/well-being and performance, and in 2017, it developed its comprehensive staff well-being framework. In 2018, the framework was adopted by the Court’s principals and the framework was launched. It now forms the basis for the Court’s strategic HR management approach.

10. Staff engagement and well-being, along with the staff’s view on the various elements of the model, will be measured through regular staff engagement surveys, the first of which was launched in November 2018. A Staff Engagement and Wellbeing Committee will monitor developments and provide senior management with recommendations on priorities and approach.

11. The main purposes of the Engagement and Wellbeing Framework are to:

- (a) Create awareness of well-being and the shared responsibility to create well-being;
- (b) Include the Court’s “duty of care” framework; and
- (c) Give staff an overview of the many measures already in place, as well as plan those yet to be implemented.

12. By sharing the framework with staff and continuing to strengthen existing measures, well-being becomes a mindset. The well-being framework is not a project intended to be “finalized”; it is a value which the Court’s leadership will continue to prioritize and develop and in which staff will continue to engage. With this framework, the aim is to ensure a culture of openness, support and development, in which the Court is committed to caring for its staff and staff members are equally committed to caring for their own well-being in the workplace.

13. The Court’s Engagement and Staff Wellbeing Model captures the key interrelated well-being drivers which can be seen in the diagram below:



14. As one of the first steps to materialize the framework and capture staff members’ perceptions on all aspects of their work environment, the first Court-wide ICC Staff Engagement Survey in eight years was conducted in October 2018.

15. The Staff Engagement Survey was designed in a project environment, following best practices and as a collective effort, with the active collaboration and participation of the various organs and staff representatives, which allowed a unified, Court-wide approach. With the motto “#FeedbackMatters”, the survey was successfully implemented on time and within budget, following an intense communication strategy which resulted in a response rate of 71 per cent, which is higher than in comparison with similar organizations (61 per cent median).

16. In addition to the Staff Engagement Survey, a Wellbeing intranet page was launched with relevant content on this important initiative – including the Court-wide results of the recent Staff Engagement Survey and guidelines and videos for both staff members and supervisors, increasing transparency, awareness and common efforts to continuously

improve the working environment. More than 290 staff members accessed the page within the first 48 hours of its launch, which reflects the importance of this topic for Court staff.

17. The results were shared by heads of organs at the end of November in a town hall meeting which reinforced the joint commitment to advancing an atmosphere of openness where all staff feel supported, appreciated for their contributions and involved in the organization's daily life and development. Staff responses to key questions<sup>2</sup> enabled the organization to assess the overall "staff engagement index", which was 63 per cent. This is slightly lower than the benchmark median but higher than the previous Court survey conducted in 2010 (57 per cent).

18. As the survey was tailored around the recently approved Wellbeing Framework, the results will help the Court to develop action plans, continuously improve working conditions and ensure a high level of engagement. Following the survey, the heads of organs announced that, having heard staff's feedback, the priorities over the coming years would be the following:

- (a) *Gender equality*: an important cross-cutting topic, which involves different categories/issues, such as values/respect, recruitment/development and leadership;
- (b) *Staff selection and development*: with a focus on:
  - (i) Recruitment related issues; and
  - (ii) Opportunities for mobility;
- (c) *Occupational health and work-life balance*: with a focus on:
  - (i) Stress reduction;
  - (ii) Secondary trauma prevention; and
  - (iii) Flexible working arrangement;
- (d) *Ethics/Standards of conduct*: with a focus on:
  - (i) Harassment; and
  - (ii) Conflict resolution mechanisms; and
- (e) *Leadership*: with a focus on:
  - (i) Leadership at the Divisional/Section/Unit level; and
  - (ii) Court strategy and leadership.

19. The HR products included in the well-being framework are, as mentioned above, grouped into three strategic pillars: people, environment and leadership. The various activities are supported by the HR Section (through its structure, staff, practices, processes and systems).

## C. People

20. The Court places its people first and a number of activities were undertaken to ensure that staff competencies, commitment and contributions were in focus. Below is an outline of the 2018 activities.

### 1. Mobility – Using resources flexibly while also providing development opportunities

21. It is the Court's goal to have an agile workforce, which can be flexibly assigned to cover operational needs. Mobility is essential both for staff opportunities for development and for the Court's ability to effectively redirect resources and address short-term needs. The objectives of a mobility programme is thus twofold, namely "having an agile workforce", which would "allow the Court to redirect resources flexibly when there is an operational need"; and "to support staff in their professional development to build versatile

<sup>2</sup> Studies show that the answers to the question "Would you recommend the organization to others" is the most closely correlated with engagement.

capacity”.<sup>3</sup> When the Staff Wellbeing Framework was introduced in 2018, development and mobility were identified as key drivers of well-being and engagement and the heads of organs decided that it would be one of the priorities for 2019-2021.

22. Mobility is not a new concept for the Court, which has already exercised several types of arrangements and supported staff in mobility within and outside the Court. In addition to the normal staff selection system which supports staff in career progression, staff can temporarily take up new functions within or outside the Court.

23. The table below shows the staff mobility supported in recent years, namely where staff have taken up a different function; have temporarily been assigned a different function either following a selection process for a short-term assignment (STA) or by being called upon to assume higher-level functions (Special Post Allowance); or, outside the Court, where the Court exceptionally uses the rules for Special Leave Without Pay to release staff for the duration of temporary employment outside the Court (SLWOP). In 2018, 120 staff members availed of temporary mobility options.



24. It is considered that additional mobility options would be beneficial and the Court has initiated a review and developed a proposal on staff mobility outlining the optimal design and use of mobility for the Court. Extensive research and benchmarking, which includes staff mobility frameworks at key UN common system organizations, have taken place. A comprehensive analysis was conducted on the relevant details in view of considering the organizational context, such as the mandate, organizational and staffing structures and general distribution of staffing profiles. A proposal with relevant mobility options will be finalized early 2019 and, if adopted, new mobility arrangements could be implemented in as early as 2019. The mobility arrangements would supplement the established staff selection system to facilitate the voluntary movement of internal staff members.

25. Extensive consultation will take place in 2019 to ensure an optimal mobility framework for the Court, and it is envisioned that mobility will initially focus on temporary re-assignments and that new arrangements (such as job swap and shadowing) would be introduced on a pilot basis. The need for job rotation, in particular for field staff in hardship duty stations, also requires attention within the mobility framework.

26. As mobility opportunities are provided to staff already working for the Court and for temporary assignments, mobility will not have a negative effect on geographical representation. On the contrary, as staff are given mobility opportunities and further develop transferable skills, they may be more employable and support a healthy staff turnover, which again provides new opportunities for external recruitments and to address geographical representation.

<sup>3</sup> Report of the Court on Human Resources Management (ICC-ASP/17/6), Section C.3, para. 66 and Section D.14, para.121.

27. With regard to external mobility, several features are under consideration. The Court is currently a United Nations “related organization”, but only an observer to the Chief Executives Board. The Court will continue participating in the UN Inter-Organization Agreement and establishing bilateral and multilateral agreements with the UN common system organizations, but also within a local context, i.e. The Hague and the field duty stations.

## 2. Performance management

28. It remains an ongoing priority for the Court to promote an engaging work experience and to move towards an effective performance management culture which supports continuous performance conversations, recognizes staff performance and achievements, identifies areas for staff development (and has those feed into learning and development plans and programmes), identifies areas of underperformance (and supports staff and managers in ensuring that the skills of staff members in these areas are strengthened) and instils accountability for performance and development.

29. For the 2018-2019 performance cycle, after a new and improved electronic tool was successfully configured and made available to the whole Court, a number of initiatives were undertaken to further strengthen the performance management culture:

(a) Continuation of extensive research, benchmarking and knowledge-sharing on state-of-the-art performance best practices in both private and UN organizations;

(b) Continuation of an intense and inclusive consultation process initiated in 2017 to propose and develop a new performance management process based on a culture of trust, continuous and meaningful conversations and feedback;

(c) Successful launch of a new performance management intranet page with relevant content, guidelines, useful tips and videos for both staff members and supervisors, increasing awareness, reach and efficiency when communicating good practices. The collaborative approach directly or indirectly involved more than 80 staff members in the design and launch of the new intranet page;

(d) Successful implementation of internal communication campaigns and mobilization towards a culture of continuous meaningful conversations, with the motto “#feedbackmatters”, targeting both staff members and supervisors. The campaigns were launched during key moments of the performance management cycle, such as objective setting, mid-term review and year-end review stages, with content relevant to each stage;

(e) Project planning, configuration and redesign of the performance management software to capture ongoing performance conversations and improve data integration, with the ultimate aim of reducing the time spent by supervisors and staff on recording the performance management formalities;

(f) Dedicated support for staff members and supervisors on issues, such as the best use of the available electronic tool, good practices on feedback and appraisals, learning materials; and

(g) Real-time reporting on performance management compliance rate to directors, Section chiefs and other focal points to sustain a high compliance rate;

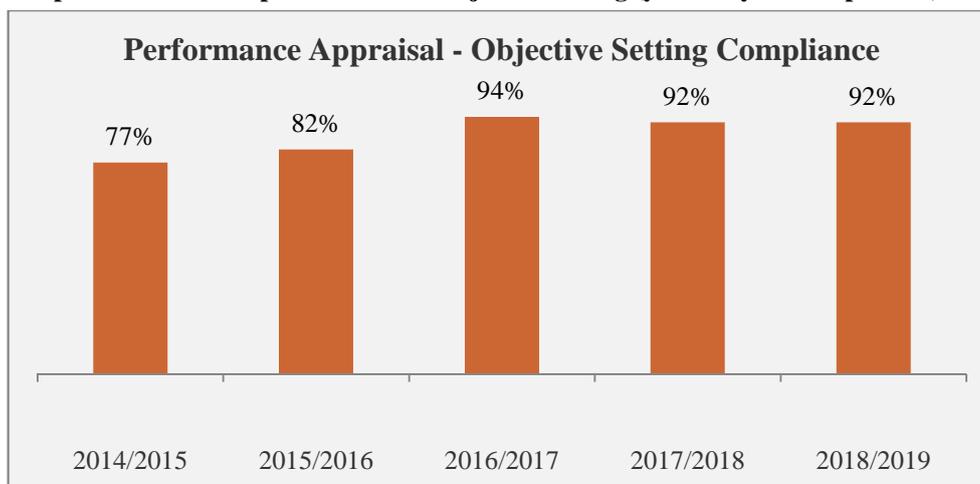
30. As shown in graph 1 below, the compliance rate during the last objective setting stage (defining performance objectives 2018/2019) was sustained at the high rate of 92 per cent. Over the last three cycles, the compliance rate has stabilized above 90 per cent, which reflects the organizational commitment to this process.

31. The same pattern can be identified in graph 2 below, in which the overall compliance rate at the end of the process was also sustained at higher levels. The final compliance rate for the 2017/2018 cycle was 93 per cent. The 2018/2019 cycle is ongoing and the final compliance rate will be provided after its finalization. More details on the year-on-year comparisons are given below.

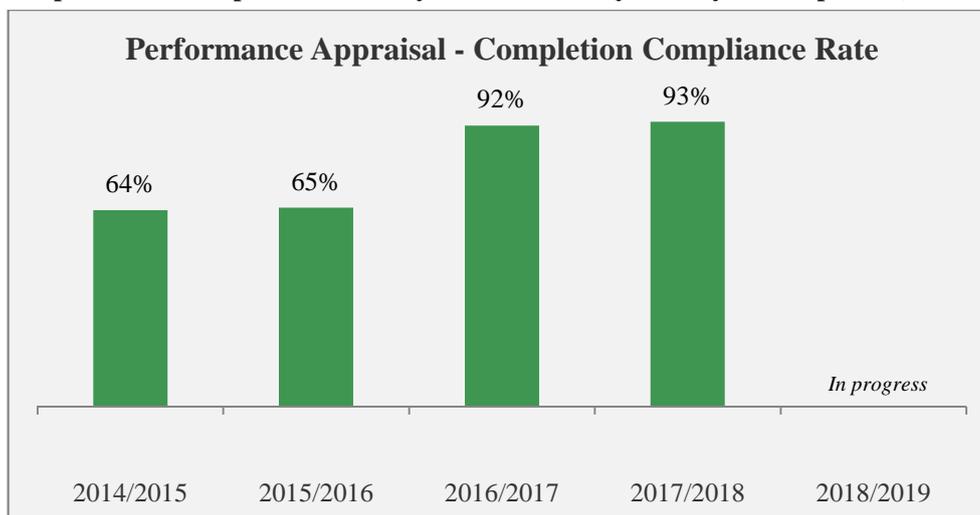
32. For 2019, the Court will continue its efforts to develop its performance management culture. The main objectives will be:

- (a) Finalization and promulgation of the new administrative instruction with an amended performance management process and enhanced governance structure;
- (b) Training for managers on performance management good practices, such as coaching, constructive feedback, rewarding of good performance and management of underperformance;
- (c) Continuous support on all performance management aspects Court-wide;
- (d) Sustained high compliance rate; and
- (e) Strong links between performance management, strategy and other key HR activities, such as training and development, engagement and well-being of all staff.

**Graph 1: Overall compliance rate for objective setting (year-on-year comparison)**



**Graph 2: Final compliance rate for year-end review (year-on-year comparison)**



### 3. Learning and development

33. In 2018, the HR Section continued to work with directors and other key stakeholders Court-wide to review corporate (generic) training needs and deliver training that is in line with the Court's requirements. A Court-wide corporate training plan was developed and implemented, comprising learning activities on a broad range of topics such as soft skills, management and leadership development, cultural awareness, language training, UN Language Proficiency Examinations and onboarding for all new staff.

34. In total, 6,037 training hours were provided to 807 staff members across the Court. On average each staff member engaged in 7.5 hours of training. A total of 69.9 per cent of all staff members engaged in at least one training activity during the year.

#### **4. Language training**

35. Between September and December 2018, a French language programme was delivered with the financial support of the Government of France, like in previous years. A total of 76 staff members participated at various levels, from beginner to advanced. The attendance rate for the course was 77.8 per cent and the pass rate was 80 per cent. The participants gave this programme a satisfaction rating of 4.52 out of 5 points (Likert Scale).

36. Language training for both headquarters and country offices was also offered through the online platform 7Speaking. Improving the language skills of Court staff is a recurrent learning need. This was a pilot programme which started in 2017, providing a cost-effective way to offer the country offices training opportunities that may not be available in the country where the office is based. A total of 231 staff members participated in the training, 49 of whom were from the country offices.

#### **5. UN Language Proficiency Examination**

37. The UN Language Proficiency Examination commenced in the first half of 2018, with the written exams being held in September. A total of 23 staff participated in the exams: 11 English, 10 French, 1 Russian and 1 Spanish. Results were announced in February 2019 and the pass rate was 18 out of 23.

#### **6. LinkedIn Learning and ICC Bookboon Collection**

38. With the aim of empowering staff members to actively construct their journey, continuously learn and develop at their own pace, access to a large online learning catalogue (LinkedIn Learning) was granted to all staff members in the headquarters and field offices. Online learning catalogues such as LinkedIn Learning are currently among the most efficient and effective ways to provide unlimited access to relevant content in many different areas, such as soft skills, leadership and managerial development, software development, IT systems, Finance, HR, budget, administration, performance management and people management. Courses are available in seven different languages, including French and English. At a relatively low cost (less than EUR 20 per staff member), staff have access to a wide range of training opportunities, which enable all managers and staff to engage in development discussions. Over a period of eight months (May to December), 413 staff members actively used LinkedIn Learning.

39. Similarly, the “Bookboon” e-library was introduced for a trial-based period at the end of 2018. Bookboon is an online library that provides e-books developed by subject matter experts in a range of areas such as cultural awareness, leadership, management, communication skills and self-development. The e-books can be used in isolation or as support material in combination with different learning methodologies. Over a period of four months, 1,231 e-books were downloaded.

40. For an organization like the Court, which offers limited opportunities for upward career progression, staff development must be supported in other ways. These online resources are effective ways of providing unlimited learning at low cost and they are essential tools for managers when having performance talks, as learning opportunities are available to all. The Court has thus moved from a situation where managers had little to offer with regard to training to a situation where career development talks can be supported by learning programmes for all staff.

41. As shown in the Staff Engagement Survey, some staff still perceive development opportunities to be limited. Further work must therefore be undertaken to enhance a culture where staff also take responsibility for their own learning and engage with managers in discussing how to grow professionally.

## 7. Onboarding programme

42. In 2018, 13 onboarding sessions took place. A total of 94 new staff members were welcomed and the programme received an average rating of 4.1 points out of 5.

43. All newcomers were trained in areas such as staff well-being, risk management, cultural awareness, information security, and ethics and code of conduct. For 2019, inclusion in the agenda of the topic “Diversity and Inclusion in the workplace” is envisaged. In addition, with the implementation of a Learning Management System (more information provided below), it will be possible for managers and the HR Section to propose learning content and assign, monitor and report more accurately and in real time. This is expected to positively impact the probationary period training and the ability of managers and staff to discuss and track progress on individual learning plans.

## 8. Cultural awareness workshops

44. To prepare and support staff with regard to challenges they may encounter when working in a diverse, multicultural environment, the Court arranges cultural awareness training and also includes such sessions in its onboarding programme. In 2018, seven workshop sessions on cultural awareness ran from October to December and were attended by a total of 71 staff members. The workshop aims to:

(a) Enhance staff members’ awareness of the significant role that culture plays when working with different nationalities and how it affects their view of the world;

(b) Increase staff members’ knowledge of and insight into the importance of their own culture in determining their behaviour;

(c) Highlight the significance of cultural differences between the staff member’s country and other countries in terms of their impact on communication, meetings, negotiations, management styles, feedback, knowledge transfer, project management, etc.;

(d) Increase staff members’ effectiveness when working in a variety of multicultural business contexts in which cross-cultural competencies are critical to performance; and

(e) Equip them with a “tool” (Hofstede’s 6D model) with which they can better analyse, understand and effectively deal with their own current and future intercultural work experiences.

45. The course was open to new staff members and staff members who had never attended this activity. Participants gave this programme a satisfaction rating of 4.70 out of 5 points (Likert Scale).

## 9. Staff-management relations

46. Throughout 2018, the Court continued its cooperation with the Staff Union, recognizing that good collaboration between management and staff is essential in ensuring a balanced approach which safeguards the interests of the organization and of its staff.

47. The HR Section had regular meetings with the Staff Union, which participated in a number of projects aimed at strengthening work processes at the Court and of general interest to staff, such as the development of the Wellbeing Framework, the Staff Engagement Survey, Flexible Working Arrangements, Performance Management and the policy related to Reclassification of Posts.

## 10. Occupational health activities for OHU in 2018

48. In 2018, the Court’s Occupational Health Unit (OHU) continued its work supporting the organization and its staff. The following activities were undertaken:

(a) Researched and created an action plan to mitigate the Ebola risk in the Democratic Republic of the Congo (DRC) and the potential risk in Uganda. The outbreak was classified at 9 and the ongoing outbreak at 10;

(b) Used in-house knowledge (from the 2014 outbreak in West Africa) and liaised with the World Health Organization, DRC health authorities and Doctors Without Borders, created an action plan distributed to the field offices mainly in Kinshasa and Bangui, but also Bangui and Kampala and headquarters. One fact-finding mission in September to Uganda and DRC, which was used to create awareness and train Court staff, as well as the Court's local health providers, to manage the crisis. This was followed up by an amalgamation mission in December;

(c) Distributed weekly bulletins to key stakeholder in headquarters and in the field;

(d) Conducted regular psychosocial follow-ups regarding Ebola for field staff, headquarters and travellers;

(e) Created a new framework for the Court's field paramedic response by bringing the paramedic in-house and creating a much tighter network in the field;

(f) Deployed five medevacs in response to acute illness in the field;

(g) Provided travel medical support to and prevented mitigating factors for 574 Court travellers;

(h) Ran targeted psychosocial projects and mitigated the response to several groundbreaking Court outcomes both at headquarters and in the three field offices; and

(i) Conceptualized a post-traumatic stress prevention project.

## **D. Enabling environment**

49. Within the strategic pillar "Enabling environment" and in conformity with strategic objectives, efforts have been made to bring the conditions of service of staff in line with best practice through several initiatives. Below are some of the measures commenced with the aim of ensuring that the Court is a good place to work.

### **1. Flexible working arrangements**

50. According to the OECD Better Life Index,<sup>4</sup> finding a suitable balance between work and daily living is a challenge that all workers face. The ability to successfully combine work, family commitments and personal life is important for the well-being, and thus performance, of all staff members. In that respect, an important initiative within the recently approved ICC Staff Wellbeing Framework was the development of flexible working arrangements (FWA) at the Court.

51. FWA are an important step in developing a better work-life balance and a healthy work environment and promoting well-being among all staff members at the Court. At the same time, FWA are recognized as an important tool to enable sustainable long-term productivity.

52. In 2018, a Court-wide consultation process was carried out in order to propose the new FWA administrative instruction. In parallel, preparatory measures were also put in place to ensure its proper implementation ensuring that FWA enhance performance and deliverables and do not negatively impact the Court's operations. These measures included delivering awareness workshops for senior managers, upgrading information management infrastructure, configuring electronic tools that will allow both staff and supervisors to manage the process electronically and the HR Section to monitor and report on implementation.

53. A new FWA intranet page contains explanations on the types of arrangements, the guidelines for staff and supervisors, the benefits of implementing FWA, frequently asked questions, training materials, etc. These preparatory measures were launched in the first quarter of 2019, when the new policy was promulgated. Additional workshops, support and monitoring for proper implementation will also be introduced in 2019.

<sup>4</sup> <http://www.oecdbetterlifeindex.org/>.

54. The Court's administrative instruction is aligned, as much as possible, with the United Nations' framework on FWA, as provided under bulletin ST/SGB/2003/4, and takes into account the findings of the Joint Inspection Unit (JIU), provided in its note JIU/NOTE/2012/4, concerning these types of arrangements in the UN common system organizations. Consequently, the Court now offers four types of arrangements, aligned with the UN, which are:

- (a) A flexible working schedule;
- (b) A compressed work schedule;
- (c) Remote working; and
- (d) Scheduled breaks for outside learning activities.

Staff can request one or several of these flexible working options by lodging a formal request through the Court's intranet page.

55. The administrative instruction is introduced as a two-year pilot project, following which it will be carefully evaluated with the help of an in-depth analysis of statistics gathered during this period.

## **2. Classification and reclassification of posts**

56. To optimize efficiency and effectiveness, the Court, like any well-functioning organization, will continuously assess whether its organizational design is optimal. In accordance with the Court's Staff Regulations and Rules, a system of classification of posts will be maintained to ensure that appropriate grades are assigned to all posts in the Court. Posts are classified in conformity with the United Nations common system standards according to the nature of their duties and responsibilities. In 2018, an administrative instruction on classification and reclassification of posts was promulgated, which formalized the process for assessing post levels and ensuring that they correspond appropriately to the Court's operational needs and required functions assigned, all within a solid governance system.

## **3. Informal conflict resolution at the Court**

57. Staff conflicts and grievances are costly for any organization and one of the Court's priorities for 2018 was to strengthen its informal conflict resolution capabilities.

58. The Court took note of the Committee's concern about the continued and rising number of litigation cases and the recommendations that:

- (a) The Court seek external conciliation mechanisms to resolve, as appropriate, disputes in a non-contentious manner;
- (b) The Court revise its approach in the field of human resource management in order to avoid, to the extent possible, litigations in the future; and
- (c) The Court's legal services accurately assess the litigation risks related to administrative processes and update the Committee on the steps taken to avoid any litigations in the future.

59. In 2018, the Court carried out an assessment of the possibility of introducing mediation services at the Court and how to effectively organize this. In this context, the possibility of having an ombudsperson function at the Court was considered. In the light of the existing mechanisms in place, such as the Independent Oversight Mechanism, and the importance of well-defined mandates, it was concluded that an expert assessment and recommendation to the heads of organs would be required in order to decide on the most effective procedures for the Court. The Court therefore engaged in conversations with external experts and completed terms of reference for an expert to carry out such an assessment. The call for expression of interest was posted early 2019 and, in the course of 2019, the Court will decide on the most effective procedures for the Court to address and resolve disputes early.

60. Moreover, for 2018, the Assembly approved an additional GTA-funded position for an HR officer for legal matters, which was filled by an incumbent in 2018. This has allowed the Section to provide legal advice on a variety of HR administrative matters at an early stage and to assign appropriate legal support to all staff employment matters thereby strengthening the Section's ability to resolve disputes at an early stage. It has also enabled an internal transition of work from the Registry Legal Office to the HR Section when addressing staff requests for review. The administrative decisions taken related to staff are mostly communicated by the HR Section, which is the first point of contact in many staff grievance matters. In an organization largely comprising legal professionals, litigation is not as distant a step to take as in other work cultures, and lawyers will often resort to requesting a legal review. By strengthening the legal capacity in the Section, it is better equipped to engage in an informal legal review of concerns raised by staff.

61. To address the Committee's concerns, further analysis of the cases in recent years may also be useful. Of the 55 staff litigations that the Court closed in 2018, 27 were related to the *ReVision* project; 6 to harassment; 3 to the introduction of the new UN compensation package; 3 to breach of confidentiality; 3 to non-selection in a recruitment process; 2 to Special Post Allowance; 2 to non-eligibility for grants; 1 to recovery of overpayment; 1 to breach of duty of care; 1 to conflict of interest; 1 to refusal to award additional steps; 1 to service-incurred injury; 1 to non-remuneration; 1 to dependency benefits; 1 to non-conversion; and 1 to non-payment of travel expenses. In its administrative decisions, the Court is very mindful of staff rights, acquired rights and the right to due process, and efforts are made to make correct decisions, resolve disputes and assist staff who wish to challenge a decision affecting terms of employment. The HR Section is available to meet with staff and address their questions and the Staff Union also has dedicated staff advisors assisting staff with their grievances against the organization. The Independent Oversight Mechanism's mandate also encompasses the importance of effective reviews of staff grievances.

## **E. Leadership**

62. The third strategic pillar is leadership, which is an essential factor in strategic HR management and the Court's well-being framework. Staff engagement is correlated with the staff experience related to the direct manager and, in the coming years, the Court will direct its focus on the further development of its leadership framework, strategy and programmes.

### **1. Management training**

63. During the first half of 2018, a comprehensive management training programme was implemented for a target group of staff taking up new responsibilities or wanting to further strengthen their management role. The goals for the programme were to increase personal and interpersonal effectiveness; ensure insights into the concept of change and change implementation; develop the necessary skills to deal with resistance and enable managers to manage their own performance and that of team members in a way that is motivational and leads staff members to succeed in their goals. The satisfaction level of this programme was rated 4.75 out of 5 points (Likert Scale) by the participants. For 2019 a structured approach to leadership is envisaged, starting with the development, consultation and approval of an ICC Leadership Framework. More information can be found in the relevant section of this report.

### **2. Leadership development**

64. The Court recognizes the importance of the role of leaders in the Court as role models having a direct influence on staff, their motivation, organizational performance and engagement. In the past, there have been several initiatives to develop leadership in the Court. Since 2010, the Court has provided leadership training programmes to small groups of people or specific areas of the Court. While these efforts provided short-term results, the scope has been limited as it did not reach the full target audience and was not part of the Court's long-term strategy.

65. At the end of 2018, the Staff Engagement Survey was conducted and confirmed leadership as a key driver for engagement and well-being. On the basis of the survey results, the heads of organs identified five key development needs and priorities, including leadership development. The Court has thus identified the need to build a common leadership strategy that includes sustainable leadership development programmes for leaders of all levels. To create a leadership strategy, the HR Section was resourced in 2018 to support the development of a Court-wide definition of leadership. This includes developing a leadership framework and presenting a set of competencies necessary to be embraced and supported by all leaders at the Court. In general, this leadership project in 2019 will consist of two phases:

(a) *Phase 1:* The goal of this phase is to establish a clear definition of leadership, the leadership framework and competencies on the basis of discussions and interviews with Court leaders and key stakeholders. Gathered data will be triangulated and benchmarked with data from leadership research in both UN and non-UN organizational practices. This will assist in providing a clearer understanding of the organization's current position compared to other international organizations, and of future developments and trends. Benchmarking also makes it possible to learn from previous successes, mistakes and mitigating risks. The leadership framework and competencies will address leaders at all levels of the Court (see table below). The leadership framework will provide a clearer understanding of expected behaviour and attitudes towards the organization, work and staff. Phase 1 is expected to be finalized by the end of April 2019, to be approved by the Coordination Committee – the Court principals; and



(b) *Phase 2:* The goal of this phase is to create opportunities for staff growth and improve organizational performance by aligning the leadership framework with key HR processes, including leadership development programmes, talent acquisition and development. This is expected to start in the second semester of 2019 and be sustained in the years to come.

66. Training budgets are often the first to be reduced to save costs; however, investing in leaders and managers is absolutely essential to increase personal and interpersonal effectiveness, to motivate staff and to optimize performance and engagement. An organization which does not invest in leadership will not perform as well and will require more resources to achieve its objectives. The Court therefore urges the Committee to recognize the value of, and support, the Court's leadership programme in future budget discussions.

## **F. The HR Section, practices and systems**

67. Management of human resources is a shared responsibility among managers, the HR Section and other stakeholders, where the HR Section's role is to ensure effective HR strategies, policies and practices which enable managers to effectively manage resources. The creation of a small strategic team in the HR Section has enabled the Section to transition from being a transactional team to one that designs and supports strategic HR initiatives. In 2018, the HR Section's small strategic capacity worked closely with managers to further promote key strategic HR priorities. In 2016, a small team providing support with design of strategies and programmes (the HR Organizational Development Unit) was put in place. As the entire Court is focusing more and more on strategic HR management, the support of this team has proven valuable in the development of initiatives related to performance management, learning, engagement, etc.

68. The HR Section has continued to realign its resources to provide needed support and is organized into three teams:

(a) The HR Operations Unit, which addresses all transactional work related to the administration of contracts, pension and health insurance, in addition to recruitment support and HR reporting and analytics;

(b) The HR Organizational Development Unit, the innovative design team which is based on organizational priorities and in line with best practice and develops strategic HR proposals; and

(c) Small teams of HR advisers (HR business partners), which work closely with clients and provide support to managers in human resources management matters and, to the extent possible, support managers in their workforce planning and implementation of HR initiatives.

69. Without compromising the core work of administering the contracts of staff and non-staff, and within the capacity in place, the Section will continue to seek efficiencies and direct its capacity to develop HR systems and analytics and to support strategic objectives and the Court's effective management of human resources.

70. In addition to leading or supporting the activities mentioned throughout the report, the following activities were undertaken by the Section in 2018.

### **1. Introducing staff and management self-service**

71. The monthly payroll is prepared by the Court's HR Section through the Court's SAP ERP system which was upgraded to the standard UN common system standard solution at the end of 2013. This upgrade included the implementation of the Entitlements Validation Engine which validates system data according to set rules for eligibility of entitlements.

72. The creation and updating of staff records are controlled through the segregation of duties, access rights in the SAP ERP system and data verification steps. The full payroll process is shared between the HR Section and the Finance Section of the Court, with the HR Section updating staff records and preparing the payroll and the Finance Section posting the payroll to the financial account (Disbursement Unit) and making relevant bank transfers (Accounts and Treasury Unit) to staff bank accounts. In the HR Section, tasks are divided between teams reviewing new entitlement requests, recording the approved entitlement in the SAP ERP system and receiving final approval in the system by the designated HR approving officer. The prepared payroll is certified by the Head, HR Operations Unit, to the Finance Section.

73. The monthly payroll process includes accuracy control through the running of payroll simulation runs, budget control and comparative results reports with the previous month's payroll results.

74. The Court started two specific projects at the end of 2017 in order to automate above-mentioned steps, which will create a more efficient process and strengthen the internal control of the Court's payroll system. Both these projects introduced technologies

that would replace current repetitive manual processes. The two projects were running in parallel and were fully implemented by the end of 2018.

75. The first project was the implementation of the SAP HR Renewal solution which digitized requests for entitlements and the updating of staff records through a digital verification and approval workflow. The introduction of this technology replaced the manual updating of records in the SAP system and therefore minimizing data entry errors, ensuring consistent recording of data which has a direct effect on the accuracy of the monthly payrolls. The first 11 processes were implemented at the end of May 2018 and the remaining 12 processes in February 2019.

76. The second project was the implementation of the SAP Payroll Control Centre (PCC) which will replace the current manual control reports. The SAP PCC provides direct comparative data feedback and payroll calculations between the current month and the previous month, such as headcount comparison, fluctuations in salary elements, newly added staff members, separating staff members and contract expirations. These reports can be run throughout the month to ensure that payroll data is accurate before the actual calculation of the monthly payroll.

77. The implementation of the above projects has further strengthened the control of the payroll system, after which the newly developed processes will be documented.

## **2. Learning Management System**

78. In 2019, the learning plan will keep delivering training that is aligned to the Court's requirements combined with a specific focus on the results of the 2018 Staff Engagement Survey. In addition, a Learning Management System (LMS) will be implemented Court-wide.

79. LMS is a software application for the administration, documentation, tracking, reporting and delivery of learning courses, training programmes, or learning and development programmes. LMSs are designed to identify training and learning gaps, utilizing analytical data and reporting. This system will build a solid technological foundation that will allow the Court to improve the delivery, monitoring and reporting of all learning activities. The LMS is expected to be launched as of May/June 2019.

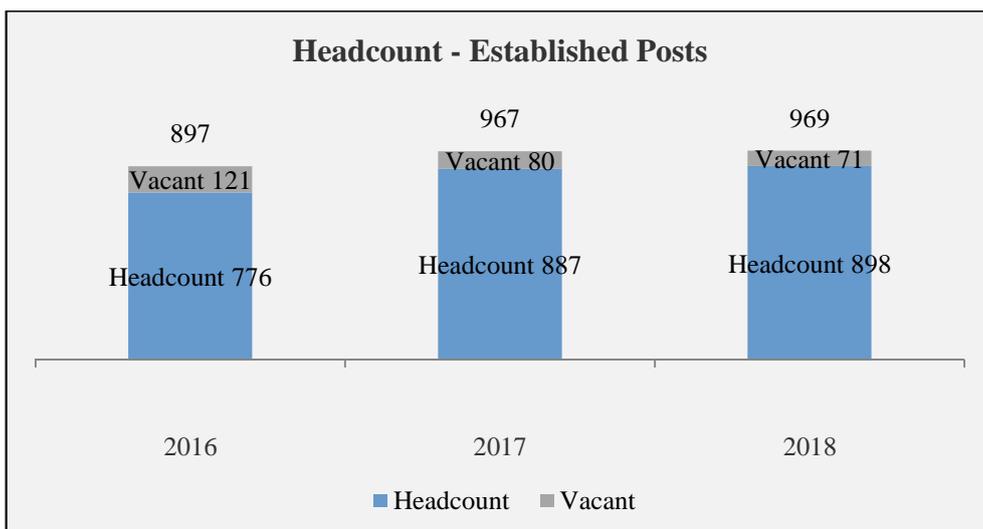
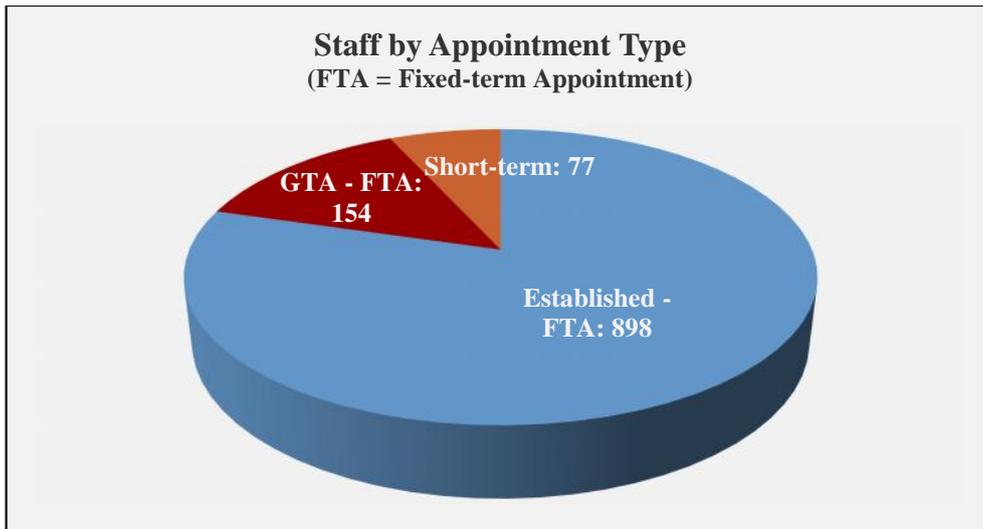
## **V. Report on 2018 workforce and recruitment statistics and activities**

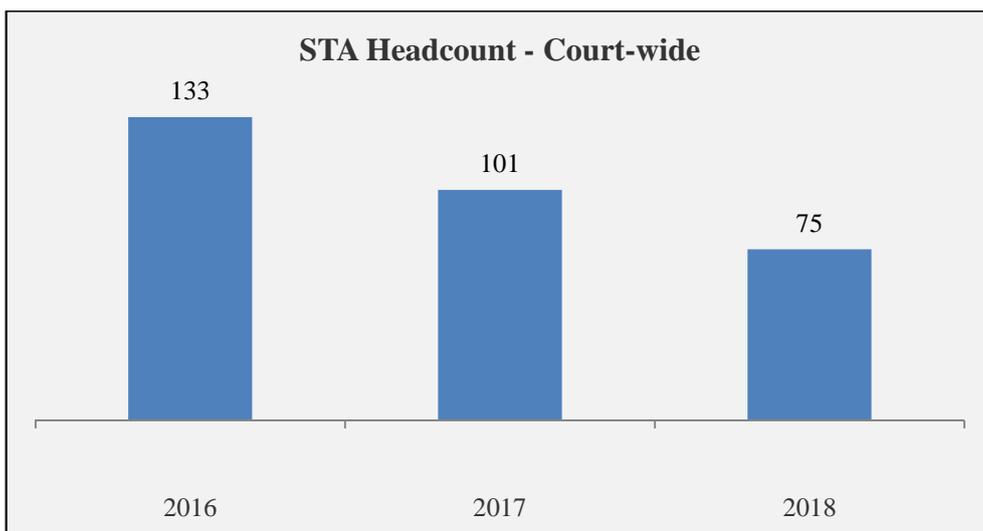
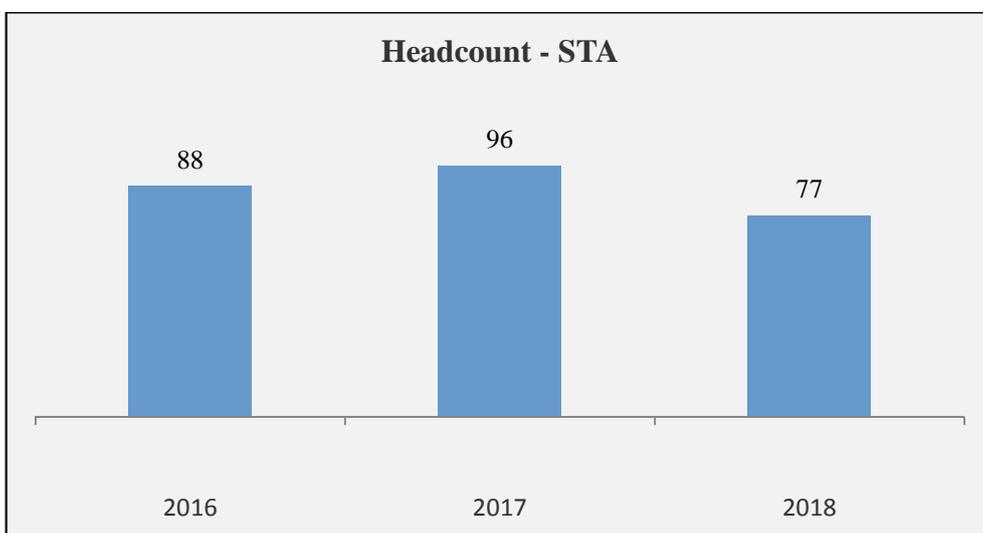
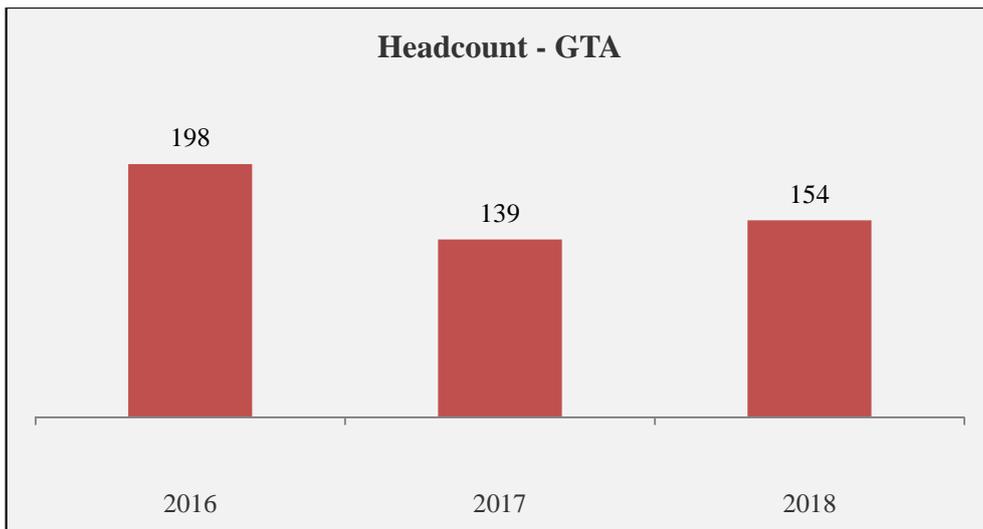
### **A. 2018 workforce statistics**

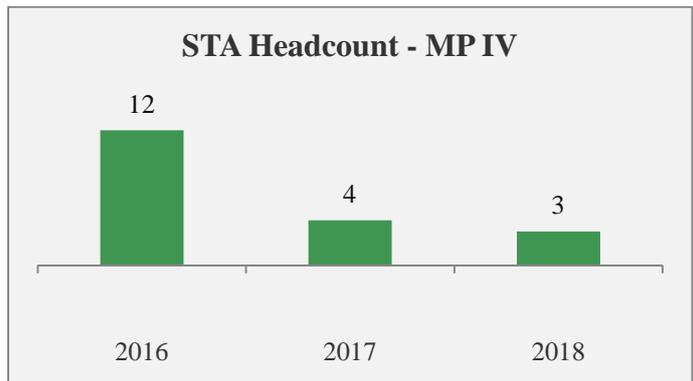
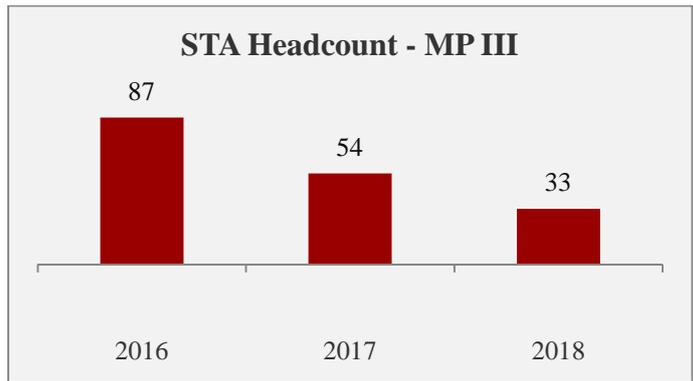
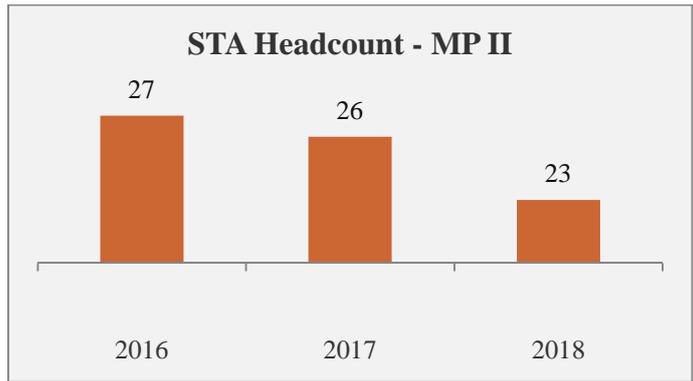
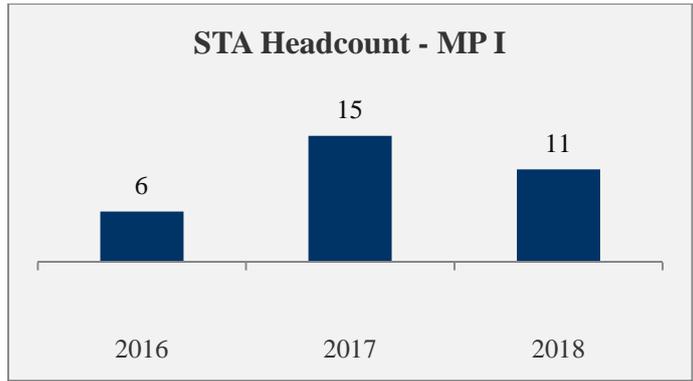
80. The Court's diverse workforce consists of staff on established posts as well as General Temporary Assistant (GTA) funded positions to address the Court's core objectives. In addition, staff on short-term appointments support short-term needs of less than one year, typically backfilling for staff on leave of absence or backstopping for vacant posts pending finalization of the recruitment process.

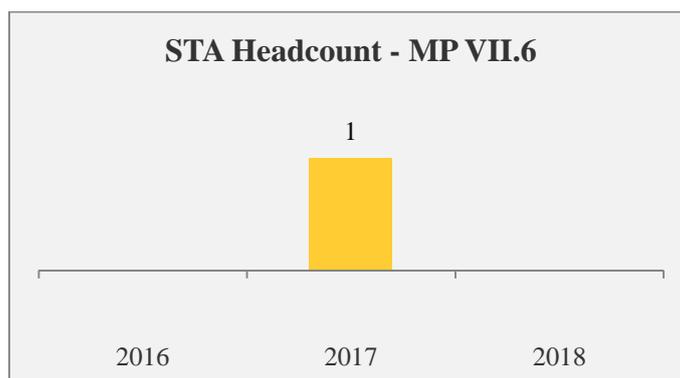
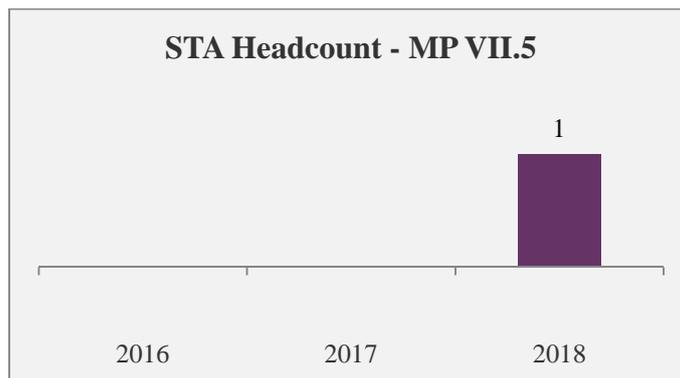
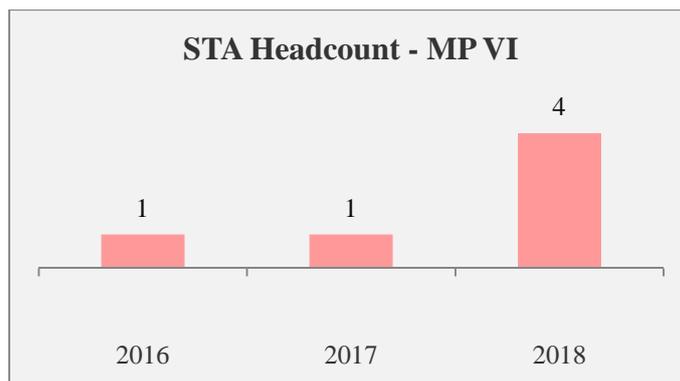
81. In addition to staff, consultants are engaged when the Court requires highly specialized experts to deliver services which cannot be performed by staff owing to a lack of specialized knowledge and expertise within the current staff resources. Consultants and individual contractors are engaged on a temporary and ad hoc basis for services which are not staff functions, but relate to the Court's programmed or mandated activities. A consultant is a specialist in a specific field engaged in an advisory or consultative capacity, whereas an individual contractor is engaged from time to time to provide expertise, skills or knowledge for the provision of support services in areas not performed by staff, such as witness assistance, psychosocial support or field interpretation. Below is an outline of the workforce<sup>5</sup> composition effective at 31 December 2018.

<sup>5</sup> This relates to the workforce administered by the Court's HR Section and does not include defence counsel, commercial contractors, etc.









## B. Post management and classification

82. In 2018, the Assembly, with the approved budget, approved 972 established posts and 90<sup>6</sup> GTA-funded positions to support the Court in reaching its set objectives.

83. The Court's objectives and priorities are continually shifting, which requires the redirection of resources to where they can be optimally utilized. The Court's workforce must thus be agile and flexible in order to support the dynamic nature of the Court's work. An important tool for the Court, as an alternative to requesting additional resources, is to be able to redesign work areas and reallocate functions, where necessary. This may result in post job descriptions having to be amended and posts reclassified, for which this is an important tool to effectively manage human resources. The system of classification of posts is maintained to ensure the assignment of appropriate grades and titles to all posts in the Court pursuant to staff regulation 2.1 and staff rule 102.1. When posts are designed or redesigned according to the nature of the duties and responsibilities, the classification or reclassification of posts is undertaken in accordance with the United Nations common system standards and with the principles laid down by the Assembly. The applicable classification standards established by the International Civil Service Commission (ICSC)

<sup>6</sup> For the purpose of reporting this number, only GTAs approved for 12 months (i.e. 1 FTE) are included.

are applied. With the promulgation of Administrative Instruction ICC/AI/2018/002 “Classification and Reclassification of Posts” in 2018, which formalizes the comprehensive process for classifying and reclassifying posts and which incorporates the feedback provided by the Committee, the Court is hopeful that concerns related to its processes have been put to rest.

84. Because of the administrative steps required to be completed following the policy promulgation, e.g. establishment and training of the new Board, reclassification requests will be limited and submitted to the Committee in due course.

## C. Recruitment and staffing

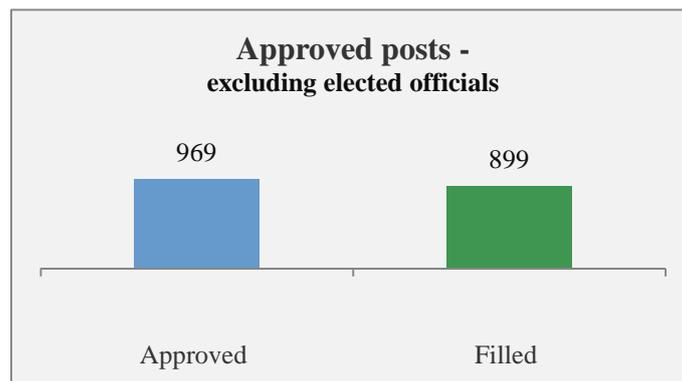
85. Recruiting diverse staff of the highest quality continues to be a priority for the Court and, in 2018, 63 recruitments were completed to fill vacant posts in all staff categories. With regard to geographical representation, the percentage of the workforce<sup>7</sup> coming from underrepresented or in-balance countries decreased from 28 per cent at 31 December 2017 to 25 per cent at 31 December 2018.

### 1. Recruitment performance for established posts

86. As at 31 December 2018, the Court had a total of 899 filled approved positions: 79 established posts and 32 GTA-funded positions. Of the 79 filled established posts, 45 (57 per cent) were filled by external candidates, 18 (23 per cent) by staff in GTA-funded positions and 16 (20 per cent) by staff already in established posts (referred to in Table 2 as “internal appointments”). In the course of the year, the Court conducted 650 written tests and 687 interviews.

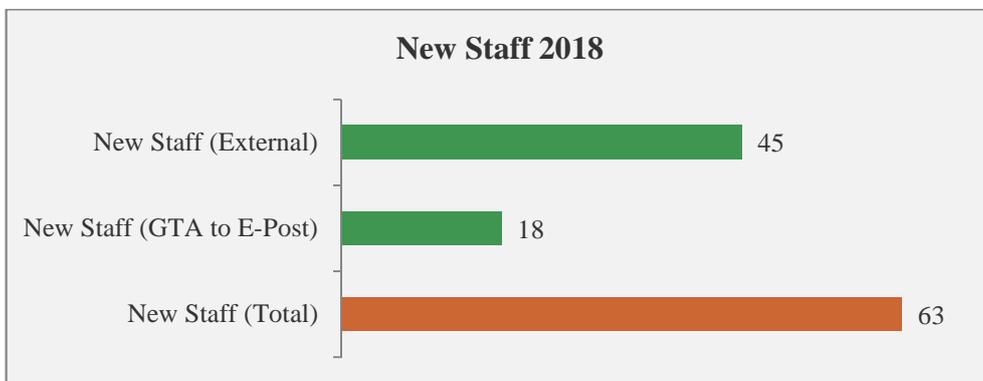
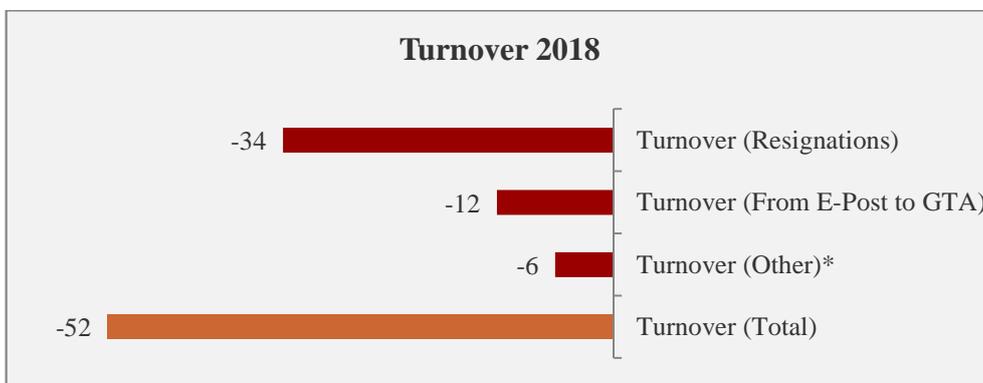
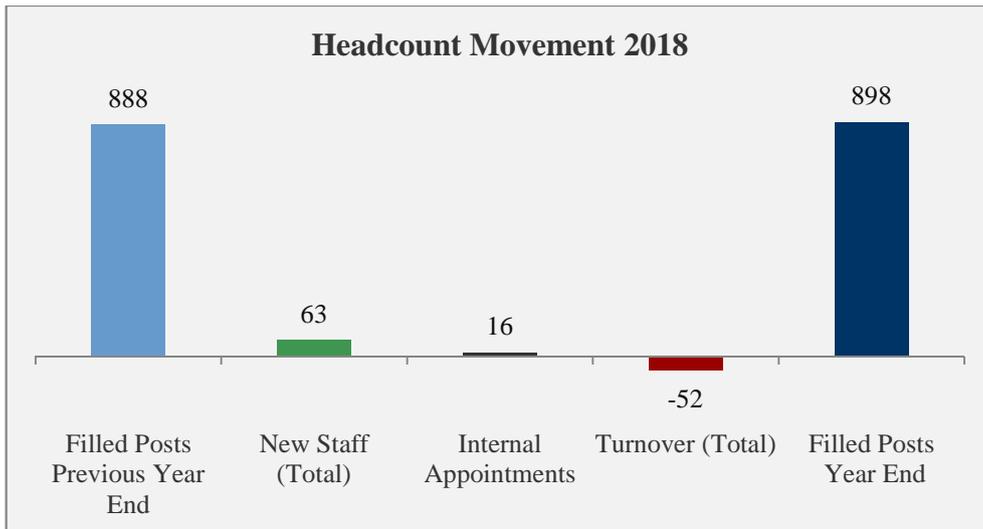
87. As at 31 December 2018, the Court had 898<sup>8</sup> staff members in fixed-term established posts and 154 staff members in fixed-term GTA-funded positions. In addition, short-term appointments were made to replace staff on special leave without pay or on maternity leave, but also to provide short-term cover pending recruitment for a given vacant post. A total of 52 staff in established posts left the Court in 2018, including 6 staff members who had retired or whose contracts had not been extended. This represents a 6 per cent turnover rate (5.82 Court-wide) for the year.

88. Below is a summary of the staffing situation and recruitment performance, appointments, internal placements and turnover for the Court’s established posts as at 31 December 2018. The same tables per major programme are included in Annex II.



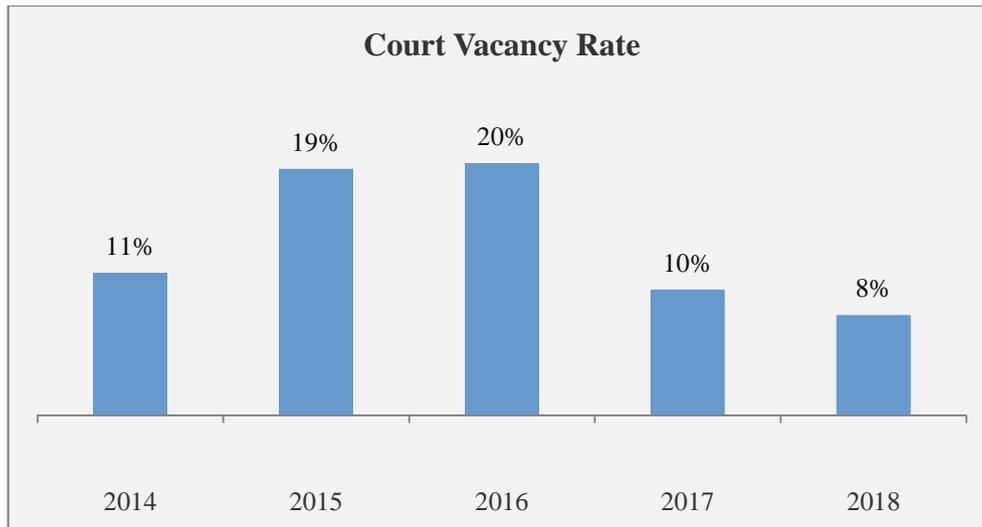
<sup>7</sup> Established posts at the Professional level.

<sup>8</sup> In MP-III, one post funding a Staff Council President is counted as filled.



**2. Vacancy rate**

89. The Court’s monthly vacancy rate decreased in 2018 from 10 per cent at the end of December 2017, reaching an average vacancy rate of 8 per cent for the 2018. This brings the vacancy rate closer to the Court’s natural turnover rate of around 6 per cent. Ideally, the Court would operate at a healthy equilibrium between the number of vacant established posts, which would naturally be in place owing to staff resignations and separations, and the arrival of new hires.



### 3. Geographical representation

90. The Court has taken note of the Committee's recommendation that it continue its efforts towards further improving the situation with respect to geographical distribution and that it report on the specific measures taken, including awareness-raising campaigns, in the report on human resources management. The Court also noted the request for it to continue analysing the persisting disequilibrium between geographical distribution and the relevant benchmarks, as well as to keep monitoring the desirable ranges per country. The report of the Bureau on equitable geographical representation and gender balance in the recruitment of Court staff was also duly considered, along with the recommendation contained therein.

91. Towards the end of 2018 and in 2019, the Court introduced new efforts for outreach activities specifically for non- and underrepresented States Parties. These included:

(a) Attending career fairs and other suitable events in non- and underrepresented States. In late 2018 and early 2019, HR staff attended career events in South Korea and Germany;

(b) The Court continued to actively support and promote its Junior Professional Officer Programme which has seen three underrepresented States Parties participating and one other underrepresented State Party currently considering commencing in 2019;

(c) The HR Section, together with the Court's External Operations Support Section, met with State representatives from underrepresented States with a view to establish per State the most optimal outreach plan;

(d) The Court has placed significant focus on addressing geographical representation challenges through the Internship and Visiting Professional Programme with the aim that a diverse group of qualified professionals in these programmes will encourage more potentially eligible and interested candidates from those countries for the Court's staff positions, now and in the future. The HR Section has successfully implemented a trust fund based on voluntary donations to enable funded placements for persons from developing regions who are also from States Parties, and preferably those that are non- or underrepresented. It was acknowledged that, before the introduction of funding for interns and visiting professionals, a majority of them were from WEOG countries. While this is not always disadvantageous for geographical representation, it is accepted that many of the Court's non- and underrepresented States are from other geographic regions; and

(e) The Court has engaged a coordinator staff position for the purpose of coordinating the Junior Professional Officers and Internship and Visiting Professionals Programmes and designing and implementing outreach projects and new measures to improve geographical representation. This coordinator will coordinate and implement projects in 2019 for this purpose.

92. In 2018, the Court continued its efforts to improve geographical representation, namely:

- (a) Advertising of vacancies continued to include various social media and platforms for international job vacancies;
- (b) All vacancy announcements were distributed in both working languages;
- (c) HR staff participated ex officio in all recruitment processes and took steps to ensure that diversity is considered in all stages of the recruitment cycle;
- (d) The Selection Review Board oversaw all recruitment;
- (e) Geographical diversity was ensured on all recruitment panels;
- (f) Updated information on geographical representation was disseminated to all recruitment panels;
- (g) Geographical representation was considered both at the shortlisting stage and when the decision as to the final selection of suitable candidates was made;
- (h) Geographical representation was considered for all types of appointments;
- (i) HR used social media to actively “source” qualified candidates from desirable profiles to improve the applicant pool;
- (j) HR commenced a partnership with ImpactPool in 2019 with a view to further increasing outreach efforts to maximize geographically diverse applicant pools; and
- (k) Key management personnel of the Court engaged in outreach activities alongside their regular travel and meetings. Geographical representation is considered an important agenda item with all travel and meetings with States and external stakeholders

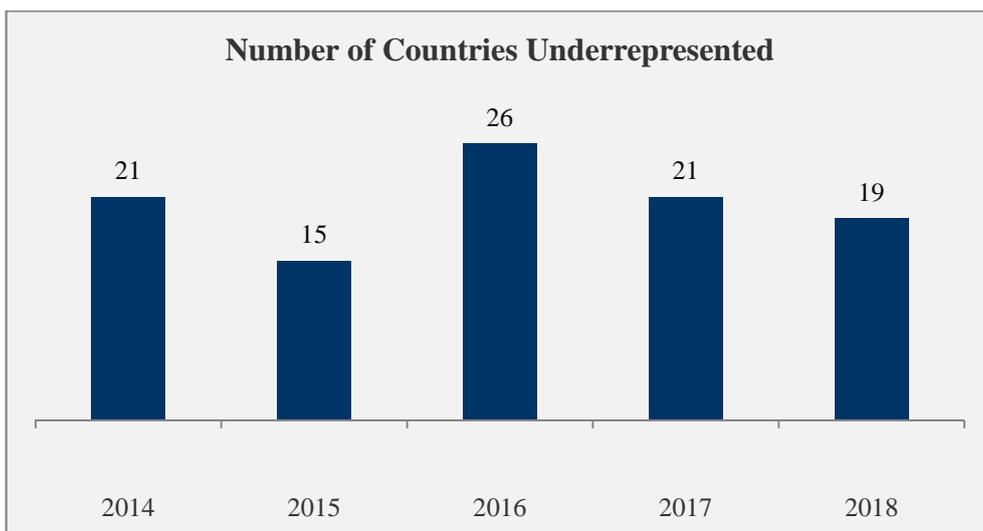
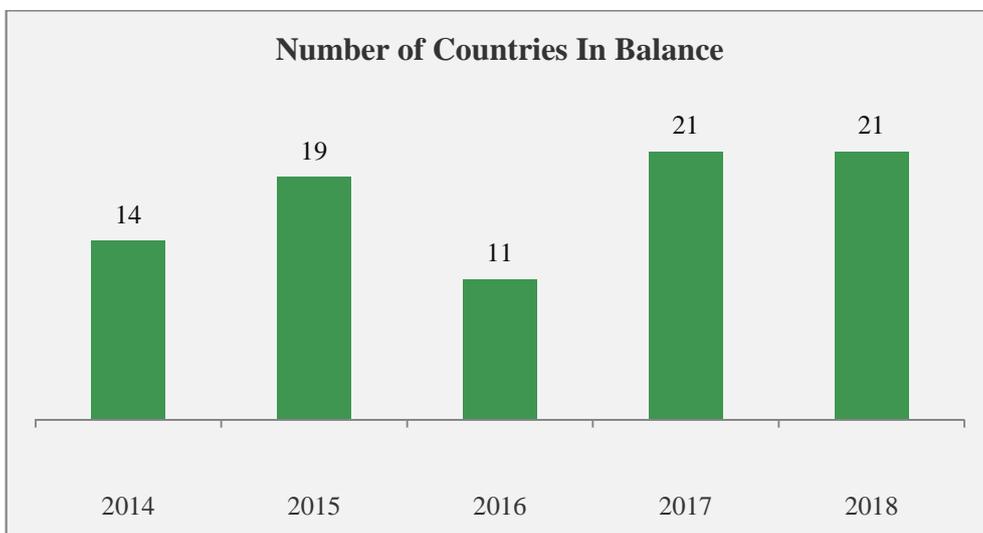
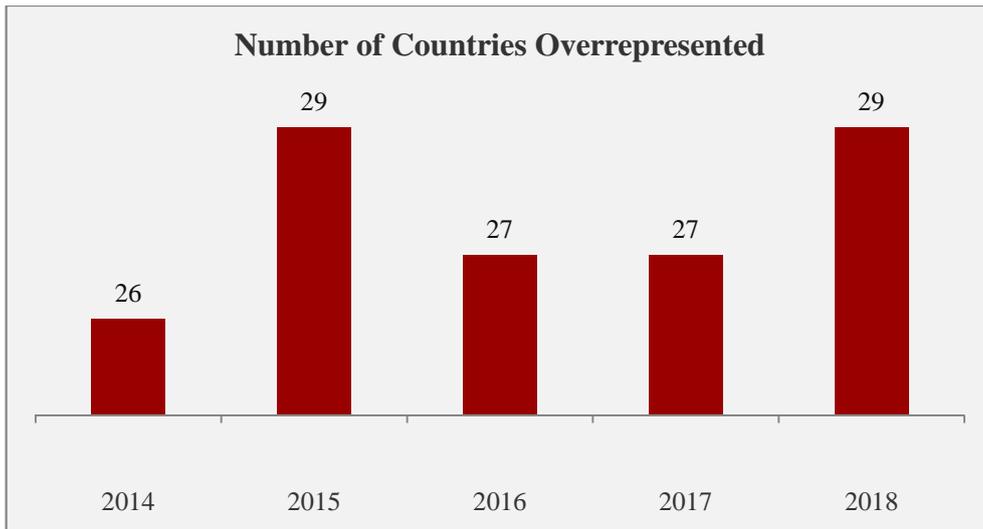
93. The efforts resulted in the number of non-represented States Parties being reduced to 54, which is the lowest in five years. The number of underrepresented States Parties was reduced to 17 compared to 19 in 2017. Despite the efforts made, however, the number of overrepresented States Parties increased and the percentage of the workforce<sup>9</sup> coming from underrepresented or in-balance countries did not change substantially (28 per cent at 31 December 2017 and 24 per cent at 31 December 2018). The Court is not satisfied with this result and will continue its efforts to increase the proportion of staff members from non- and underrepresented States Parties in positions in the Professional and higher categories, while respecting both the requirements under the Rome Statute to recruit staff based on merit, as well as the rights of existing staff.

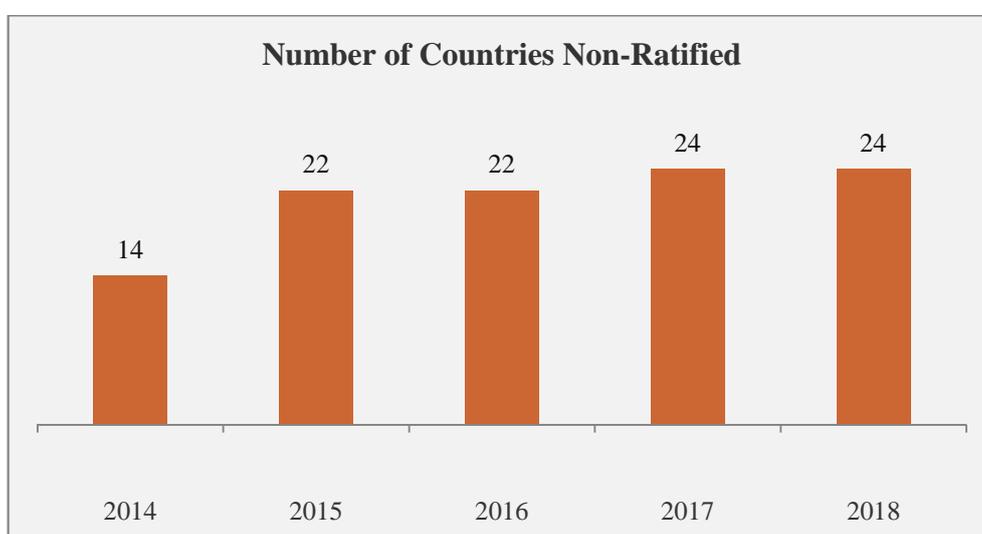
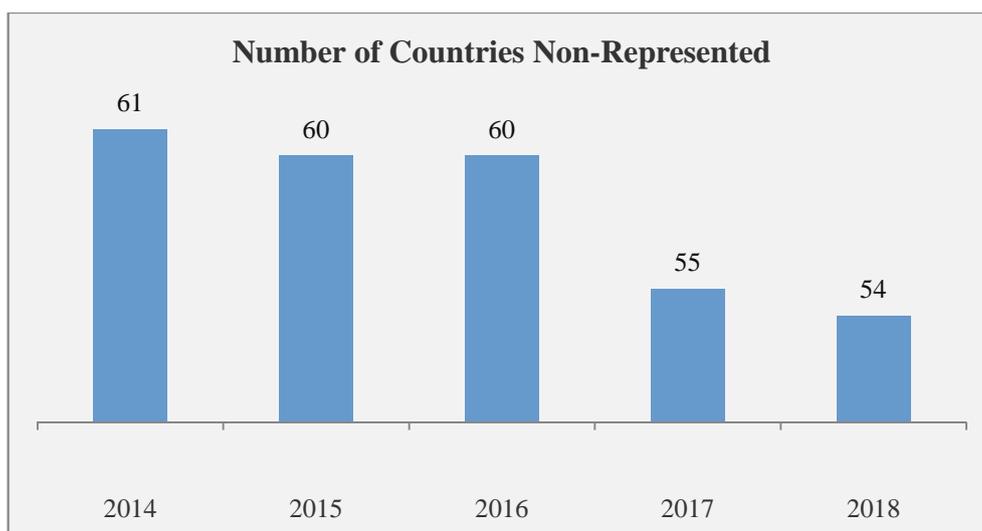
94. The Court has also taken note of the concerns raised by the Committee and the Assembly that there is a significant number of staff who are nationals of States that are not States Parties to the Rome Statute, and that it was recommended that this issue be addressed within a reasonable time frame and that the Committee and Assembly be updated in the report on human resource management. The Court has diligently considered this when recruiting for new staff and in 2018, only two new staff from non-States Parties joined the Court whereas four separated.

95. As requested by States Parties during the Assembly in December 2018, the following tables show the development in geographical representation over the past five years.

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<sup>9</sup> Established posts at the Professional level.





#### 4. Gender balance

96. The overall ratios Court-wide and at the professional level continue to be within acceptable ranges, with the Court's overall female staff comprising 47 per cent of the workforce. The Court recognizes, however, that greater gender imbalance exists at the higher levels (P-4, P-5 and D-1) where only 35, 33 and 11 per cent, respectively, of the incumbents are women. In 2018, three recruitments for posts at these levels were completed and one woman was employed (33 per cent).<sup>10</sup> As noted in the Bureau report, the Court is establishing and implementing the following measures:

(a) *Mentoring Programme for Women*, which will include providing support to women in strengthening professional networks and defining and pursuing career aspirations with the coaching and support of an experienced mentor. At the time of drafting, it is expected that the Programme will commence in March 2019;

(b) *Focal Point for Women* ("Gender focal point"). The heads of organs are committed to promoting gender parity within the Court. With the establishment of a focal point for women, determinations can be made whether there are any systematic organizational issues which may present obstacles for the career progression of women;

(c) *Unconscious bias training for managers* will be provided to all managers involved in the recruitment activity. This is expected to commence in March 2019 and will

<sup>10</sup> These posts are: Head of Independent Oversight Mechanism (P-5), Head of Forensic Science Section (P-5), Trial Lawyer (P-4).

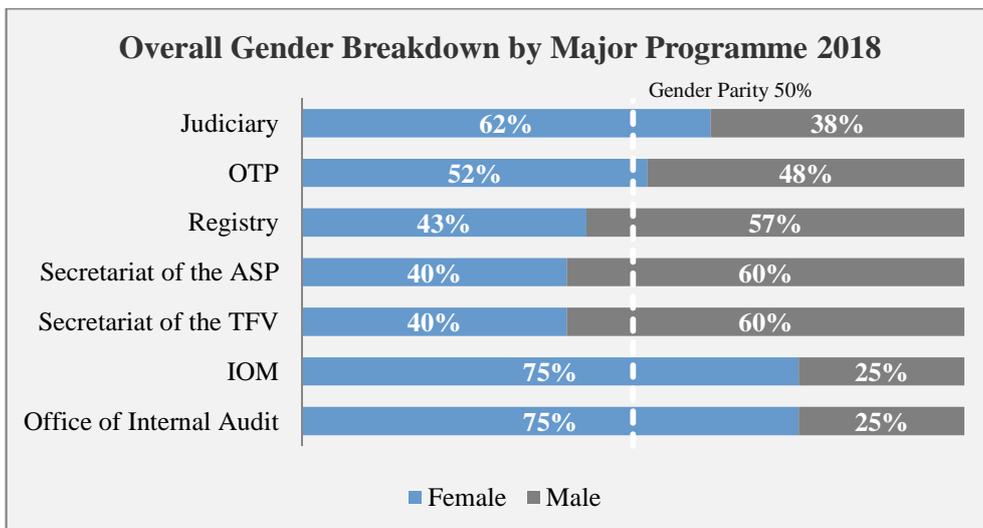
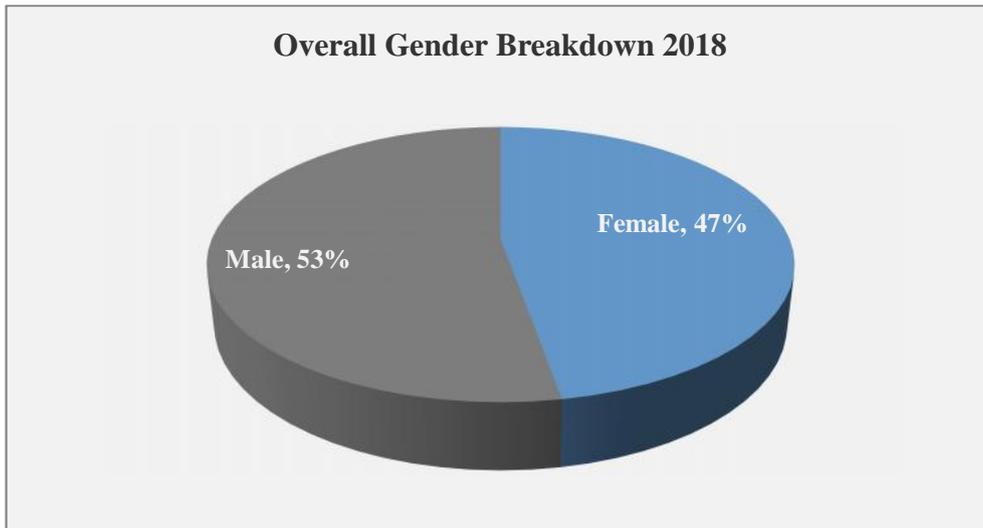
ensure that managers are equipped to understand the role that unconscious bias can play in selection processes. This training is intended to be mandatory for managers; and

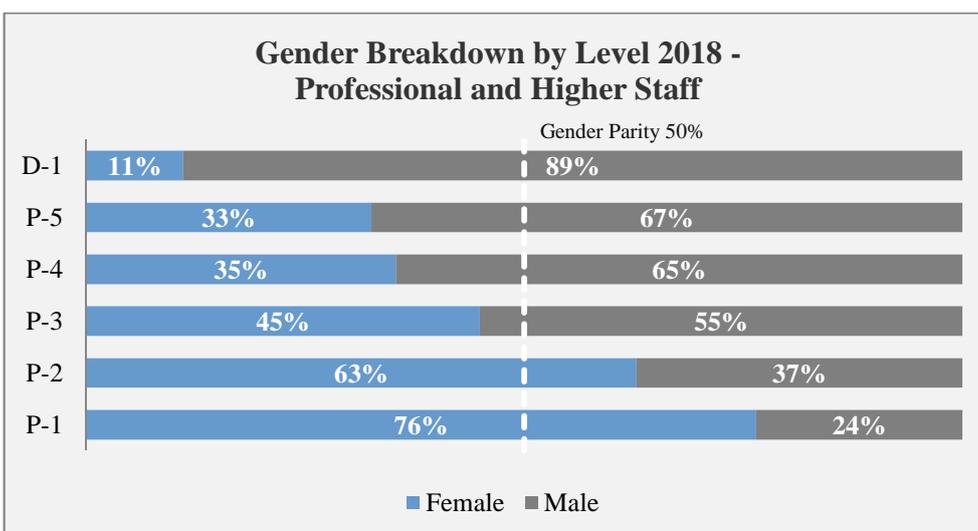
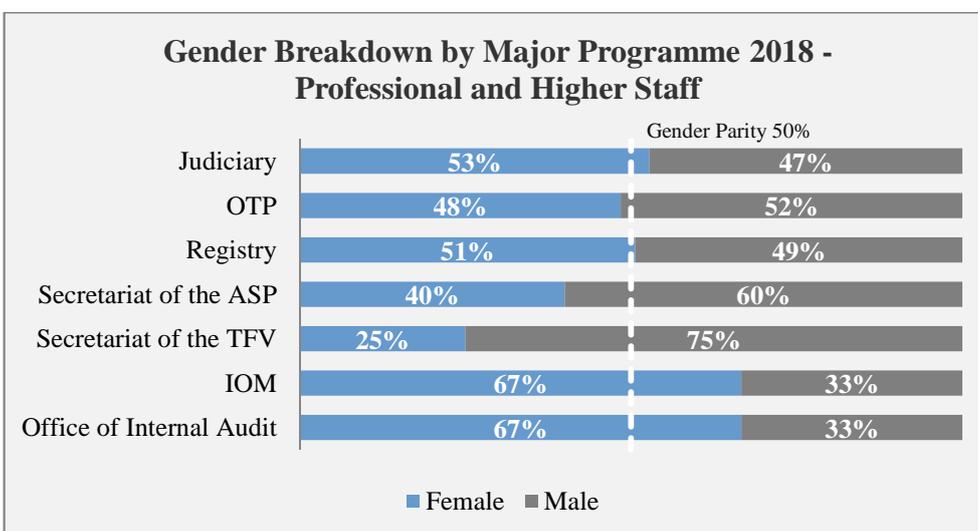
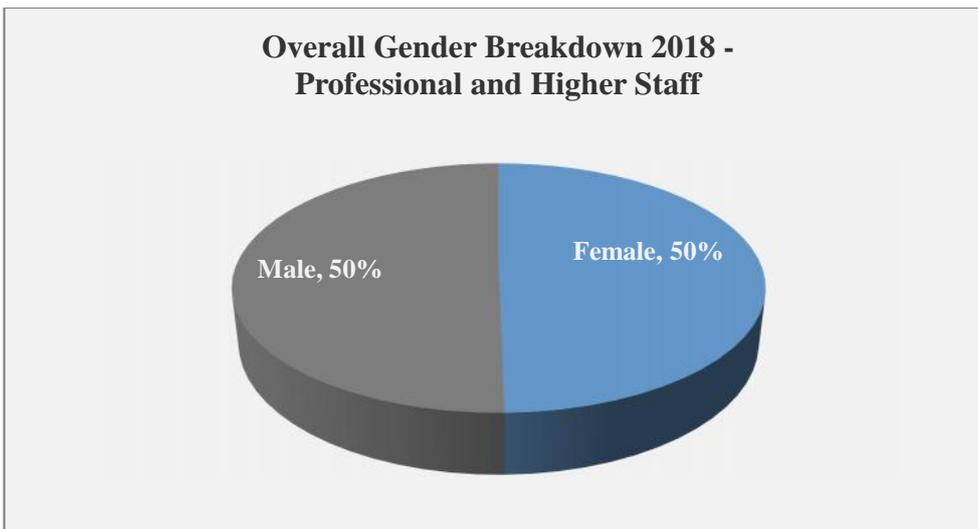
(d) *Gender Awareness Training* - The Office of the Prosecutor has in recent years placed emphasis on gender parity and will continue its efforts in 2019 with a mentoring programme and specific training to raise awareness.

97. It is hoped that these additional efforts will ensure that progress can be made with respect to gender balance at the higher levels. As previously reported, the impact in terms of actual statistics will rely on staff turnover, which historically gets lower as the levels get higher. As was highlighted in the Bureau’s report, only two P-5 vacancies emerged in 2018; one in 2017 (P-5) and three in 2016 (one at D-1 level and two at P-5 level). To further illustrate this, the nine current directors have on average been in service 8.5 years; the last resignation by a director was in 2009 and only one director will reach retirement age within the coming five years.

98. The measures commenced by the Court are thus aimed at the long-term strategy to ensure that every effort can be taken to address gender balance at the higher levels as soon as positions become available.

99. As indicated in the graphics below, overall female representation at the Court for established posts is at 47.2 per cent and at the Professional level at 49.7 per cent. The representation is as follows at the different levels:





## **D. Staff Contracts and Conditions of Service**

### **1. Compensation package review**

100. The implementation of the changes to the United Nations compensation package, effective as of 1 January 2017, required the Court to undertake a number of policy-related activities to ensure appropriate transition to the new system. To that effect, on 30 December 2016 the Court promulgated provisional amended Staff Rules and administrative instructions on transitional measures relating to the salary scale, step increments, dependency benefits, hardship allowances, mobility allowance, repatriation grant and relocation elements. The amended Staff Rules were submitted to the Assembly at its sixteenth session in November 2017.

101. The Assembly took note that the provisional amended Staff Rules related to the education grant, special education grant and related benefits would be promulgated at a later stage, after the UN Secretariat officially promulgated its administrative instruction on this topic.

102. In line with regulation 3.1 of the Regulations of the Court, which provides that salaries and allowances of staff members of the Court “shall be in conformity with the United Nations common system standards”, the Court has applied the UN system standards as applicable for the school year in progress starting 1 January 2018.

103. Further to the promulgation of the UN administrative instructions on education grant, special education grant and related benefits in January 2018, the Court initiated the consultation process in relation to the amended Staff Rules on this topic. The consultation process is in the final stages and anticipated text of the Amended Staff Rules is included in Annex V.

104. In accordance with staff regulation 12.2, these amended Staff Rules on education grant, special education grant and related benefits will be submitted to the Assembly at its next session.

### **2. Group health insurance**

105. As previously reported at the seventeenth session of the Assembly, the Court changed its group health insurance service provider from Cigna to MSH International subsequent to a tender process. The transition to a new third-party administrator was a new experience for staff at the Court and a number of measures were taken to ensure a smooth transition. In 2018, the following activities were undertaken:

(a) Regular on-site visits from MSH International, which afforded staff the possibility to speak directly with a claims administrator;

(b) Direct coordination with the insurers’ Medical Network Director to ensure problems with health care providers and institutions visited by staff are quickly addressed;

(c) Quarterly reporting from the insurers regarding medical claims reimbursements to identify possible trends or areas of consideration;

(d) Field duty station visits from MSH International to address concerns from field staff;

(e) Regular collection of feedback from staff and directly addressing them to the respective managers from MSH International; and,

(f) Active participation from the Human Resources Section, Occupational Health Unit, and Staff Union representatives, including the Finance Section, and the engagement of an external insurance expert for verification of calculations provided.

106. These strategies are intended to continue, along with the identification of areas of improvement and the development of a table of benefits intended to provide more clarity regarding coverage for insured individuals. A staff survey is expected to be launched in 2019 by the Staff Union Council in consultation with the HR Section.

## VI. The Court's Programmes

### A. Junior Professional Officer Programme

107. Following the signing of the first memorandum of understanding with the Governments of Japan, the Republic of Korea and Switzerland, the Court welcomed its first Junior Professional Officers (JPO) in 2017 and continued the programme with success in 2018. In 2018, the Court received the following JPOs:

<i>State Party</i>	<i># JPO 2018</i>
Japan	4
Republic of Korea	1
Switzerland	1

108. To ensure a valuable and meaningful work experience for the JPOs where they familiarize themselves with the various operations and working environment of the Court, training programmes tailored to individual needs are developed for each one. Other staff provide regular performance feedback and assessments as part of the JPO work experience.

109. The Court continues its efforts to draw the attention of States Parties to the JPO Programme and to increase the number and variety of job profiles available to them. The Court hopes to attract the support of many States Parties for this programme, and that it will generate interest among developed countries to support developing countries.

110. The Court will continue strengthening its JPO Programme, as well as the programmes for interns and visiting professionals, to ensure that participants are provided with valuable experience and familiarization of the Court and in the hope that it will raise awareness of the Court as a prospective career choice for junior professionals from national systems.

111. The Court is currently working with State representatives of Japan, Republic of Korea and Switzerland with a view to ensuring the ongoing support of the programme as well as preparing for new JPOs. In addition, the Court is currently providing information to other States Parties and hopes to add increase the scope of the JPO Programme in 2019.

112. The duration of a JPO placement is a maximum of two years; however, donor countries have requested the possibility of extending it for a third year on a cost-sharing basis. This is in line with the UN JPO Programme. The Committee is asked to consider whether such extensions can be supported.

### B. Funded Internship and Visiting Professional Programme

113. As previously reported, the Court in recent years has received funding from some States Parties in support of the Internship and Visiting Professional Programme (IVPP). With this funding, a limited number of interns and visiting professionals from developing regions are supported in the form of travel costs and a monthly stipend. Emphasis was placed on ensuring placements from developing regions and consideration of non- and underrepresented States Parties.

114. In 2018, the trust fund was fully implemented for the support and funding of placements. The following table summarizes the activity of funded placements using the trust fund:

	<i>Nationality</i>	<i>IVPs funded by the trust fund</i>
1.	Brazil	4
2.	Republic of Korea	3
3.	Malawi	2
4.	Côte d'Ivoire	2
5.	Kenya	1
6.	Colombia	1
7.	Dominica	1
8.	Venezuela	1
9.	Nigeria	1
10.	Chad	1
11.	South Africa	1
12.	Mauritius	1
13.	Democratic Republic of the Congo	1
14.	Botswana	1
15.	Chile	1
	<b>Total</b>	<b>22</b>

115. The Court and the HR Section are hopeful that more States will be able to offer financial assistance for this programme, which contributes to diversity within the Court. The funding will offer placements to people who would have otherwise been unable to fund a placement with the Court.

116. In addition, the Court again established a Legal Professional Programme (LPP) in collaboration with the External Relations and State Cooperation Unit of the Registry. Placements for nine participants were offered: eight from developing regions and four from non-represented States Parties, of which seven were also situation countries of the Court. The LPP provided funding under the European Commission Grant for Legal Professionals for visiting professionals from the Court's situation countries, countries under preliminary investigation and States Parties in developing regions, with a preference for placements of people from non-represented or underrepresented States Parties. The funding included travel costs and a monthly stipend for three months. Participants were placed in the three organs of the Court. While the statistics for the IVPP do not count for the purpose of geographical representation, the Court firmly believes that managing talent pools through other arrangements contributes to better overall geographical diversity at the Court, and should contribute to overall future geographical distribution in the Court's staffing quota. It is also of the opinion that providing funding to these States should increase their exposure to the Court.

### **C. Internship and Visiting Professional Programme – total (funded and unfunded)**

117. In 2018, 339 IVPP placements were offered for 282 interns and 57 visiting professionals. This is an increase from 2017 owing to the opportunity to have funded placements and also the continued success of the IVPP after the steps taken to increase its visibility. The following shows the breakdown of geographical representation:

<i>Region</i>	<i>Interns</i>	<i>VPs</i>	<i>Total</i>
Africa	24	11	35
Asia	33	11	44
Eastern Europe	24	6	30
GRULAC	19	10	29
WEOG	182	9	201

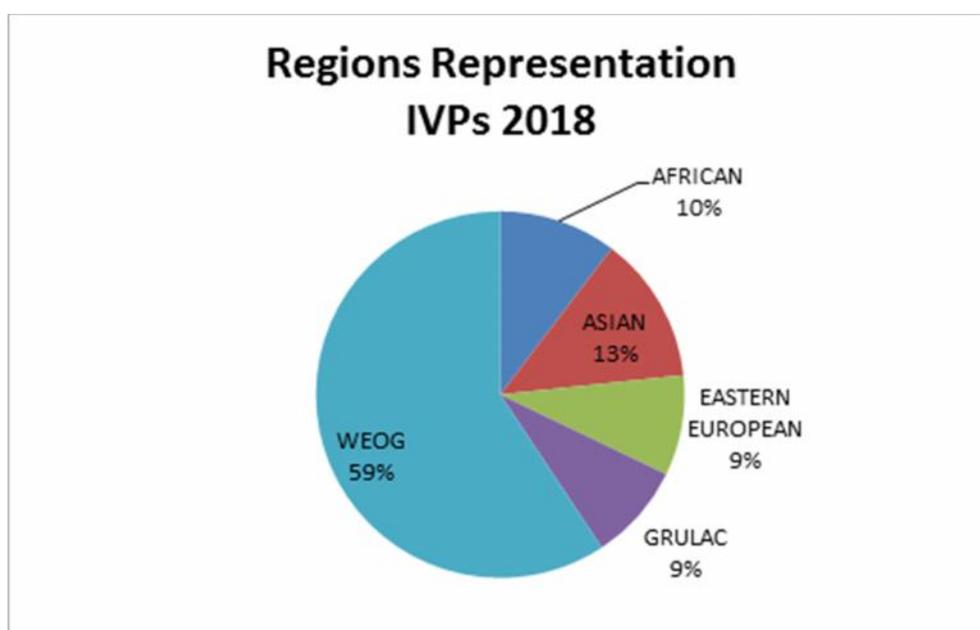
118. While one of the main considerations of selection is the qualification of individuals vis-à-vis the requirements, the HR Section promotes the due consideration of qualified candidates from non-represented or underrepresented States Parties and developing regions.

119. The Section intends to continue and intensify efforts in 2019 with targeted outreach campaigns and support to increase the number of placements from underrepresented or non-represented States, and also to afford as many placements as possible to people from developing regions. It is hoped that sustained efforts in terms of outreach, support to managers regarding the overall advantage of diversity, and the funded programme will all see improvements in geographical balance over the coming years.

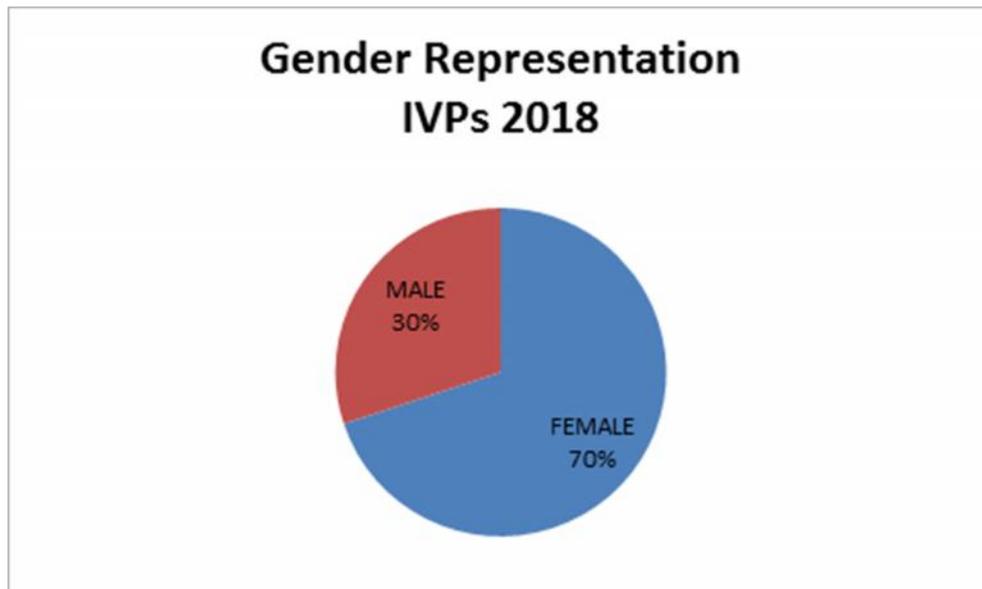
120. The Court acknowledges that because of limited funding, there are still large numbers of placements from WEOG regions. Therefore the Court would again like to seek support from States to provide funding to the successful trust fund for placements. In this way efforts can be made together to ensure that geographical representation issues are addressed, affording persons placements from developing regions.

121. The Court would like to seek the opinion of the Assembly on whether extra efforts should be taken to accept applications only from candidates from States Parties for the IVPP, with a preference for non- and underrepresented States Parties, which would be in line with efforts to improve geographical representation.

122. Given the geographic location of the Court and the limited funding, it is otherwise difficult to ensure this balance in the same way as for staff profiles.



123. In terms of gender balance, 70 per cent of IVPP placements were offered to female candidates in 2018.



## VII. Priorities for 2019-20

124. Considering the Court's strategic objectives and priorities for 2019 set by senior management of the Court following the Staff Engagement Survey, and also taking into consideration the priorities set by the Committee and the Assembly, the following priorities have been identified for the Court's human resources management activities in 2019-20:

- (a) Promote *gender equality*;
- (b) Support and facilitate the improvement of *geographical representation*;
- (c) Review the Court's *staff selection and development*, including by adopting a *mobility framework*;
- (d) *Occupational health and work-life balance*, including *secondary trauma prevention*;
- (e) *Ethics and standards of conduct*, with focus on harassment and conflict resolution mechanisms; and
- (f) Develop the Court's *leadership programme*;

125. The Court's senior management, managers, legal offices, occupational health team and the HR Section will work together on delivering results in these important areas.

## VIII. Conclusion

126. Following several years with high vacancy rates and where recruitment activities were at the forefront, 2018 was a year where significant progress was made in the achievement of the Court's human resource-related goals.

127. In 2018, policies related to classification of posts, performance management and flexible working arrangements were promulgated, the framework for staff well-being was promulgated, a staff engagement survey was carried out with high participation, a leadership project was initiated, a mentoring programme for women was developed, online learning opportunities were provided, progress was made in strengthening informal dispute resolution and, not least, the Court launched staff and management self-service which automates its HR processes so that they are paper-free.

128. The Court is looking ahead to continuing to work on strategic HR management activities and supporting the Court's long-term organizational development objectives. The Court looks forward to reporting on the progress made in the 2020 report.

## Annex I

### Overview of HR-related recommendations and requests by the Assembly of States Parties and the Committee on Budget and Finance

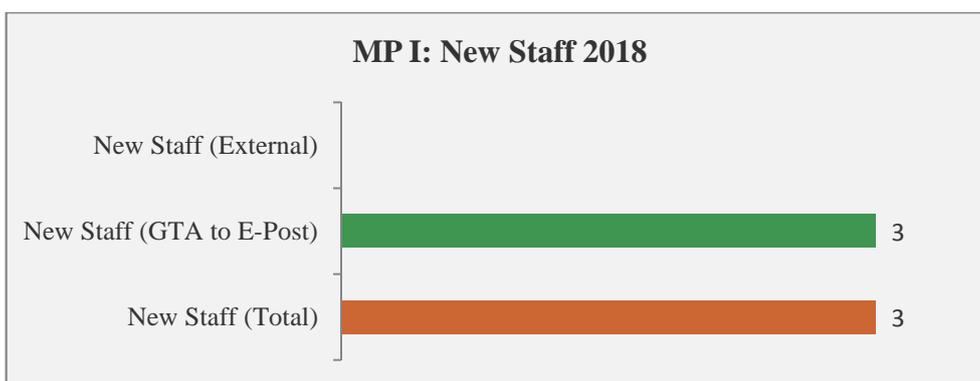
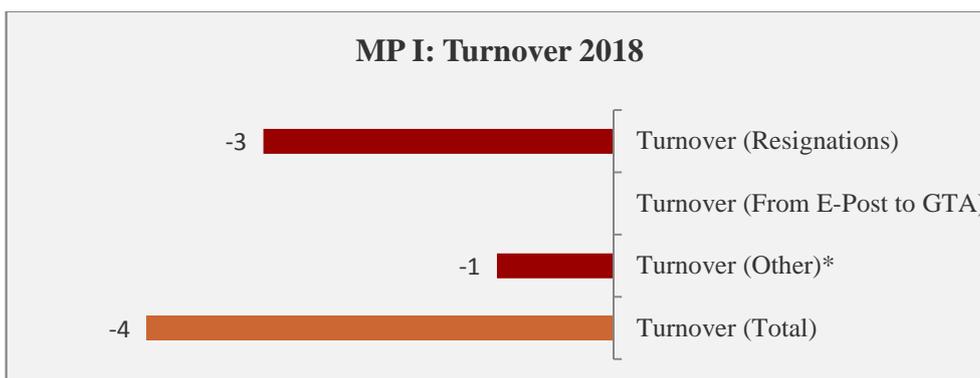
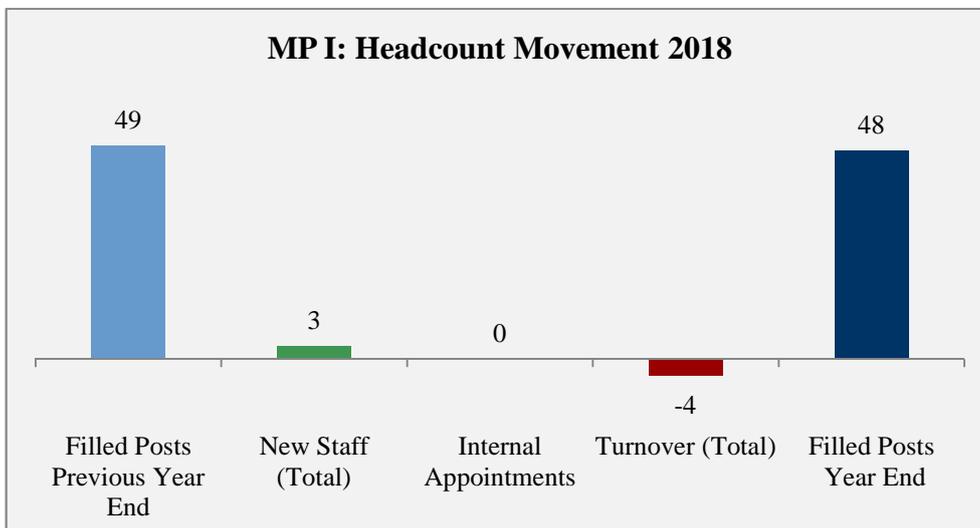
<i>Reference</i>	<i>Request or recommendation</i>	<i>Referred to in the present report</i>	<i>Reference link</i>
<i>Official Records ... Seventeenth session ... 2018 (ICC-ASP/17/20), vol. II, part B.2, para. 87.</i>	<p>After analysing the draft AI, the Committee recommended that the Court submit a new draft at its thirty-first session, and that in order to ensure the fairness and transparency of the process, as well as the decision making, the draft should include the following:</p> <p>(a) The undertaking of functions and responsibilities of an existing vacant post are not grounds for reclassification;</p> <p>(b) The Classification Advisory Board should include staff representation, such as the Staff Union;</p> <p>(c) The role of the Committee in the process is clearly stated, taking into account that it is the independent advisory body of the Assembly for these matters, while the Assembly has the final decision on approval of such matters; and</p> <p>(d) Timely and fully documented submission of reclassification requests to the Committee prior to its first meeting each year.</p>	Sections 47, 56 and 83-84	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>
<i>Official Records ... Seventeenth session ... 2018 (ICC-ASP/17/20), vol. II, part B.2, para. 92.</i>	In the past, the Committee observed that there is a significant number of staff that are nationals of States that are not States Parties to the Rome Statute. The Committee noted that there had been a slight increase (1.1 per cent) in the workforce of nationals of non-States Parties from 2016 to 2017. Reiterating its previous recommendation, the Committee recommended that the Court address the issue of the significant number of staff that are nationals of States that are not States Parties to the Rome Statute in conjunction with the existing imbalance in geographical representation.	Sections 90-94	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>
<i>Official Records ... Seventeenth session ... 2018 (ICC-ASP/17/20), vol. II, part B.2, para. 93.</i>	The Committee recommended that the Court continue its efforts to attract candidates especially from under-represented and non-represented countries and report back to the Committee at its thirty-second session within its annual report on human resource management.	Sections 85-94	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>
<i>Official Records ... Seventeenth session ... 2018 (ICC-ASP/17/20), vol. II, part B.2, para. 94.</i>	The Court's human resources management report did not show any tangible results in redressing the issue of persisting geographical imbalances. The Committee recommended that the Court continue its efforts to alleviate this situation.	Sections 85-92 and 119	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>
<i>Official Records ... Seventeenth session ... 2018 (ICC-ASP/17/20), vol. II, part B.2, para. 97.</i>	The Committee recommended that the Court, particularly the Registry, continue its efforts to narrow the gender gap and to provide an update to the Committee at its thirty-second session in 2019 within its annual report on human resource management.	Sections 96-99 and annex IV	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>
<i>Official Records ... Seventeenth session ... 2018 (ICC-ASP/17/20), vol. II, part B.2, para. 98.</i>	The Committee recommended that the Court continue its efforts to redress this situation and to provide an update to the Committee at its thirty-second session in 2019 within its Annual report on human resource management.	Sections 96-99 and annex IV	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>

<i>Reference</i>	<i>Request or recommendation</i>	<i>Referred to in the present report</i>	<i>Reference link</i>
<i>Official Records ... Seventeenth session ... 2018</i> (ICC-ASP/17/20), vol. II, part B.2, para. 99.	The Committee recommended that the Court exert additional efforts toward attracting female staff at the P-5 level and provide an update to the Committee at its thirty-second session in 2019 within its annual report on human resource management.	Sections 96-99 and annex IV	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>
<i>Official Records ... Seventeenth session ... 2018</i> (ICC-ASP/17/20), vol. II, part B.2, para. 104.	The Committee recommended that the Court submit its mobility framework and explore using its training budget with a view to expanding its internal mobility arrangements, where appropriate, and provide an update within the annual report on human resource management at its thirty-second session.	Sections 21-27	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>
<i>Official Records ... Seventeenth session ... 2018</i> (ICC-ASP/17/20), vol. II, part B.2, para. 106.	The Committee recommended that the Court continue exploring possibilities for staff exchange arrangements within the United Nations Common System, and provide an update within the annual report on human resource management at its thirty-second session.	Sections 21-27	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>
<i>Official Records ... Seventeenth session ... 2018</i> (ICC-ASP/17/20), vol. II, part B.2, para. 107.	The Committee further recommended that the Court - before requesting new posts - continuously assess whether in-house resources can be used, and that starting with the 2019 proposed programme budget any requests for new posts should be backed up by a more explicit justification of why recourse to existing resources may not be practicable.	Sections 7, 21-27 and 83	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>
<i>Official Records ... Seventeenth session ... 2018</i> (ICC-ASP/17/20), vol. II, part B.2, para. 111.	The Committee took note of the progress made on the JPO programme, which is still on trial base, as well as the internship and visiting professional programmes. It requested the Court, in continuing with these programmes, to bear in mind their potential impact on geographical representation and gender balance. It also noted the Court's efforts to generate interest among developed countries to support developing countries. Furthermore, it recommended that the Court update the Committee at its thirty-second session on the facts and figures, any lessons learned and possible ways forward within its annual report on human resource management.	Sections 107-112 and 113-123	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>
<i>Official Records ... Seventeenth session ... 2018</i> (ICC-ASP/17/20), vol. II, part B.1, paras. 151-153.	The Committee expressed its concern about the continued and rising number of litigation cases both in terms of financial and staff impact. The Committee recommended that the Court seek external conciliation mechanisms to resolve, as appropriate, disputes in a non-contentious manner. Furthermore, the Committee recommended that the Court revise its approach in the field of human resource management in order to avoid, to the extent possible, litigations in the future, and to minimize their impact on staff as well as the cost implications. The Committee also urged the Court's legal services to accurately assess the litigation risks related to administrative processes (such as <i>ReVision</i> ) and to update the Committee on the steps taken to avoid any litigations in the future at its thirty-second session within the annual report on human resource management.	Sections 57-61	<a href="https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf">https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-20-vol-II-ENG.pdf</a>

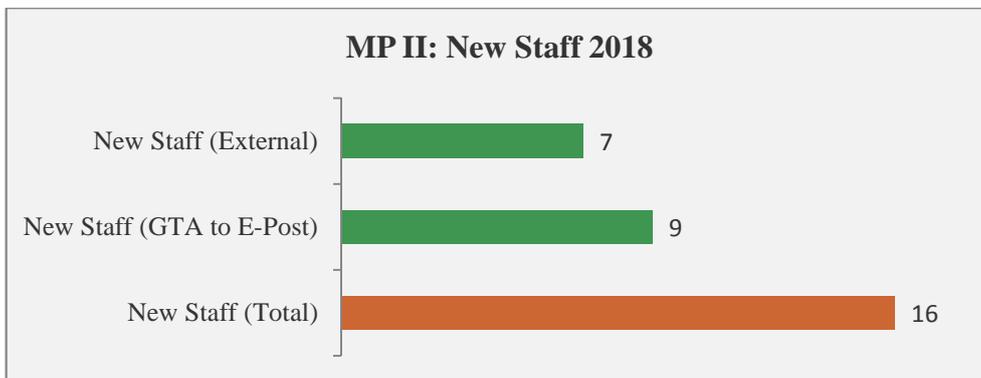
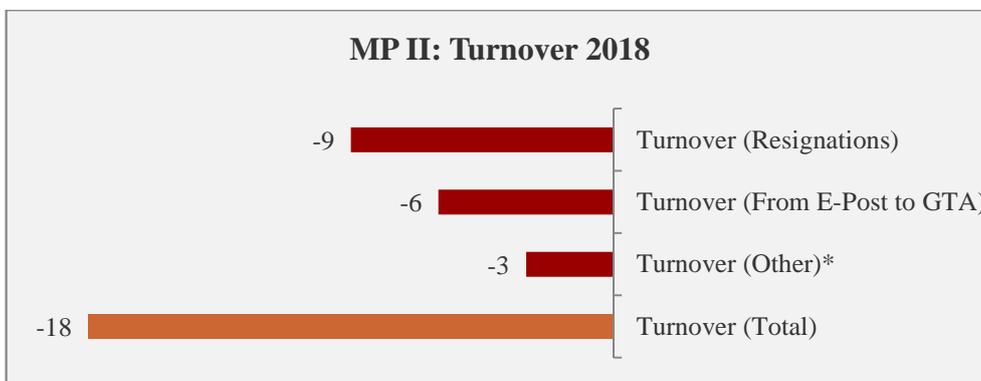
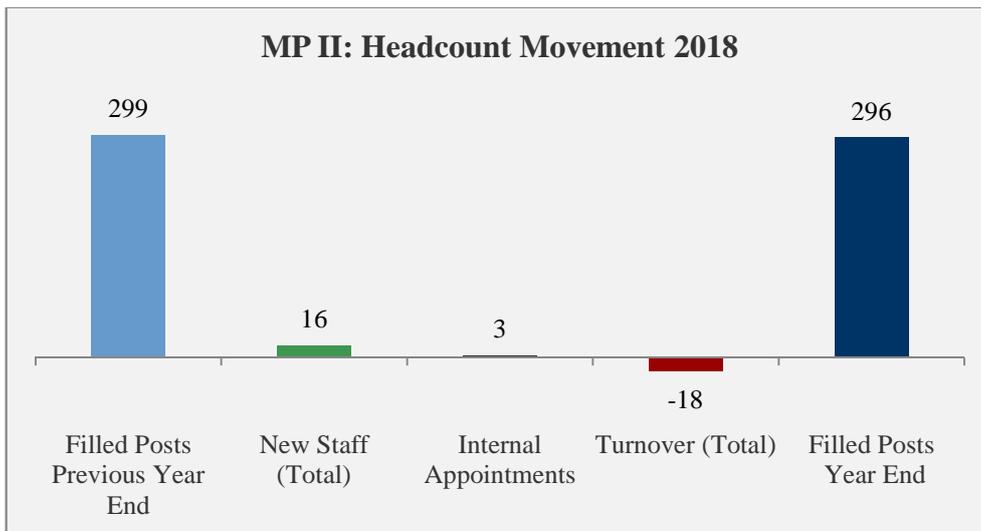
## Annex II

### Overview of Headcount Movements in 2018 per Major Programme

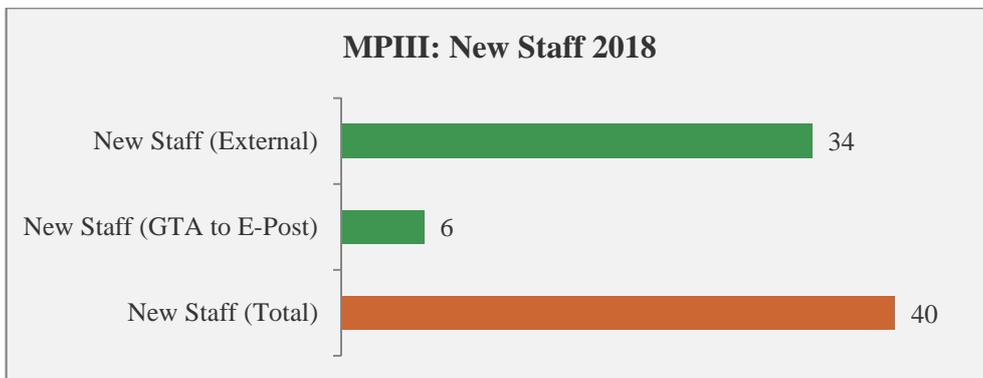
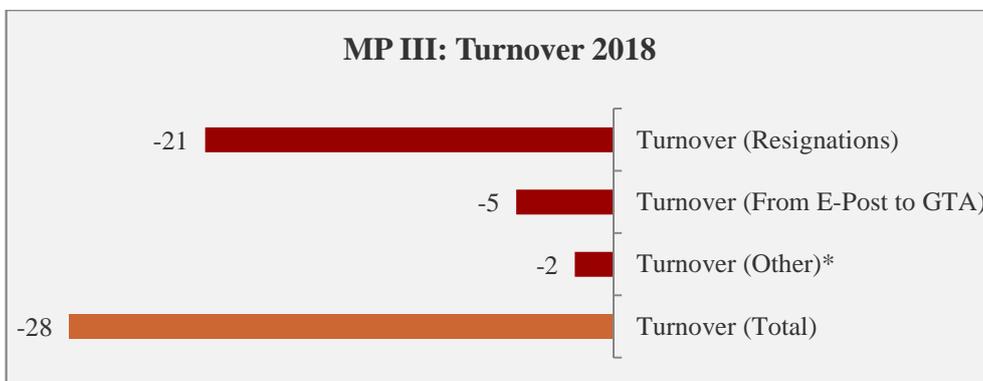
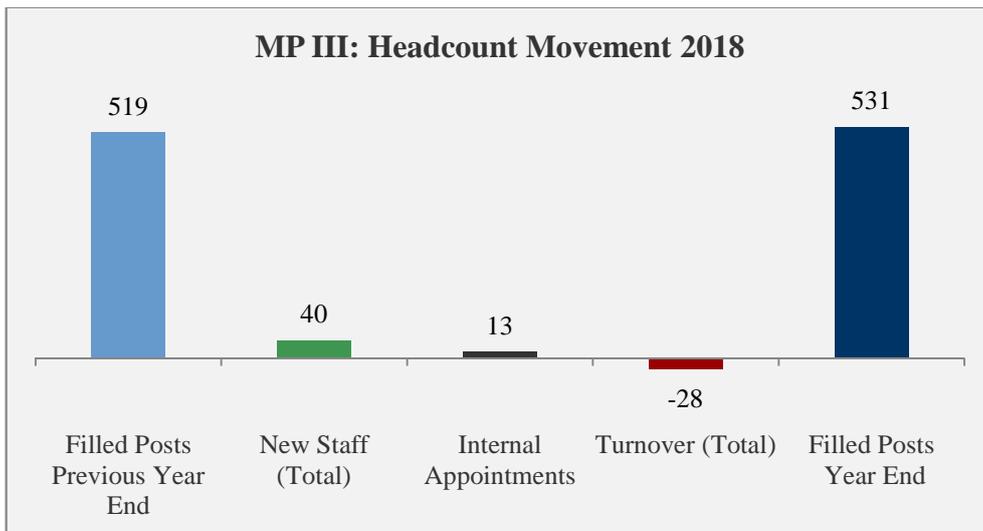
#### A. MP I



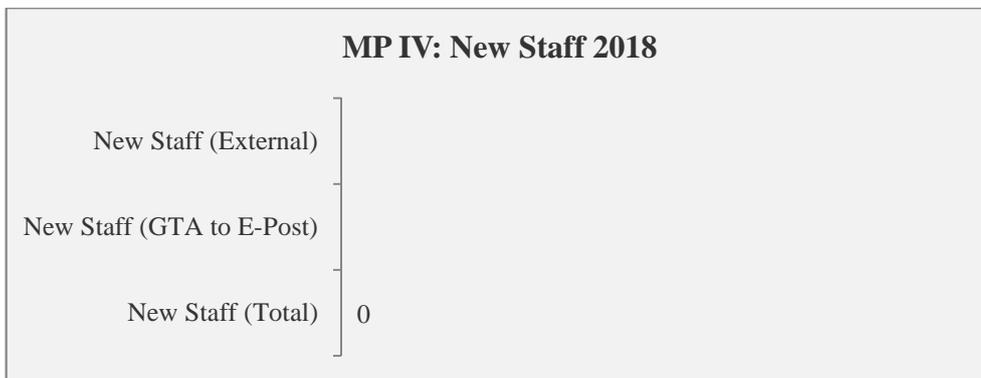
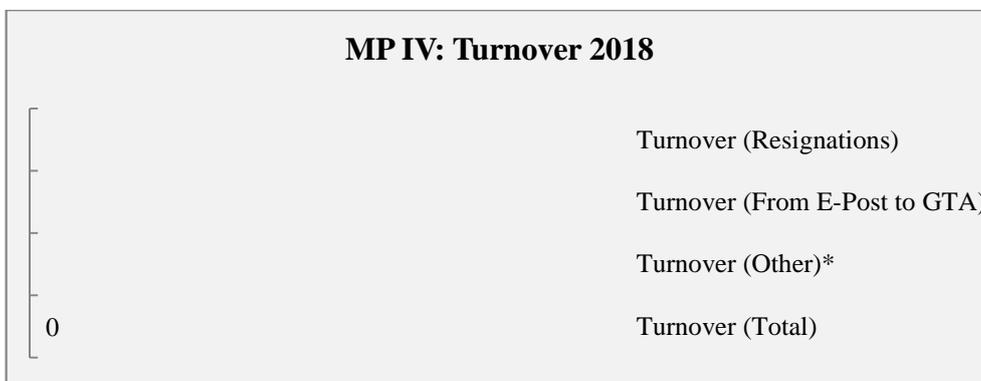
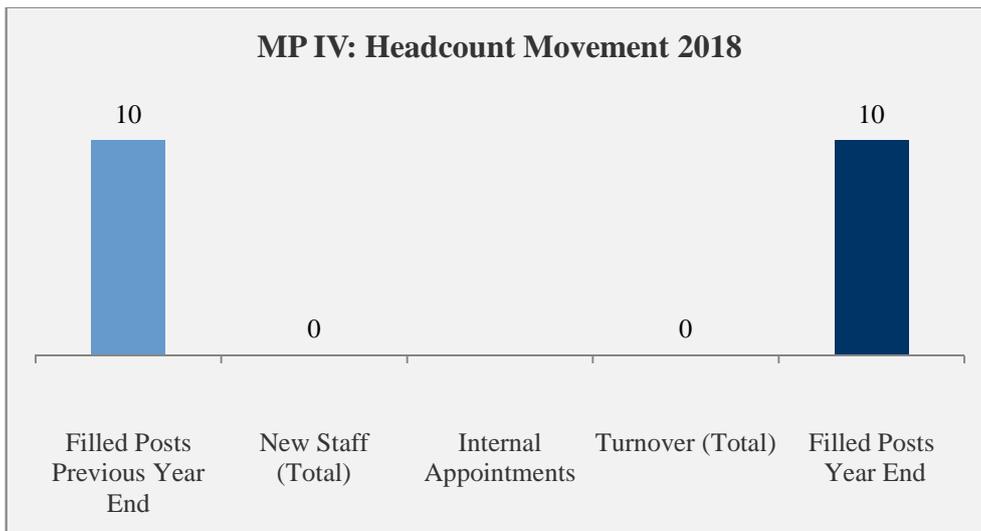
**B. MP II**



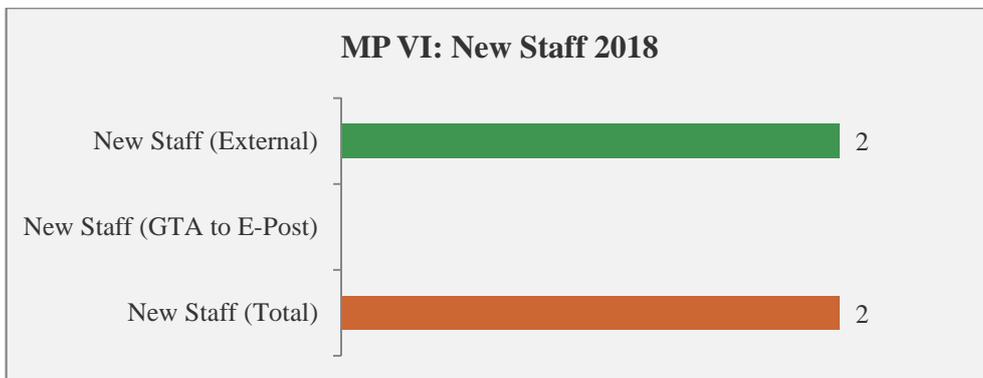
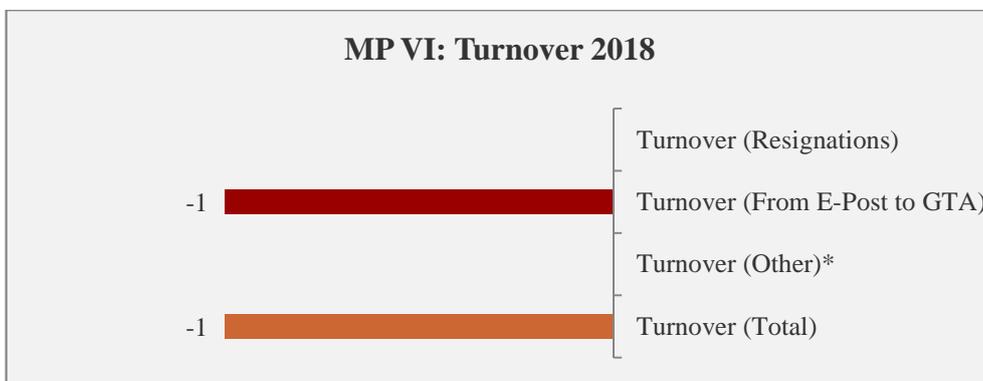
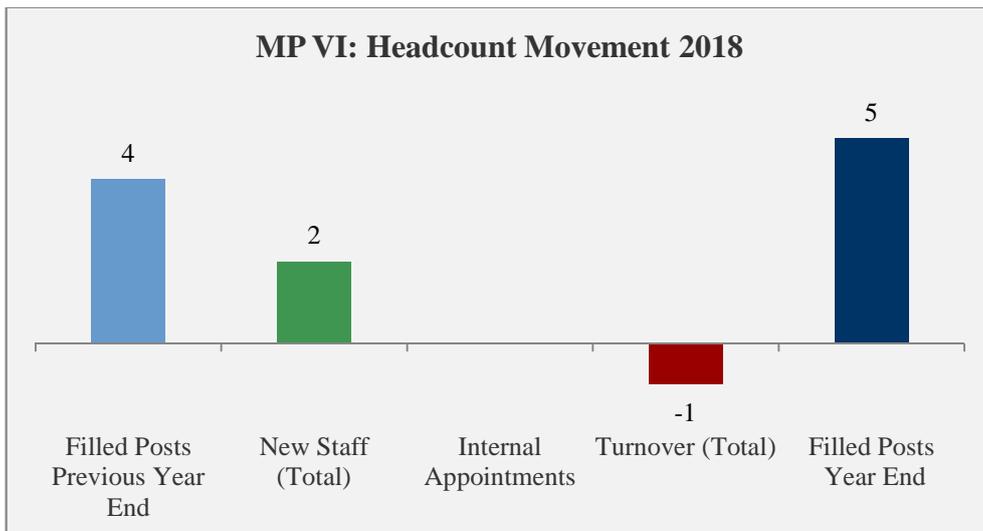
**C. MP III**



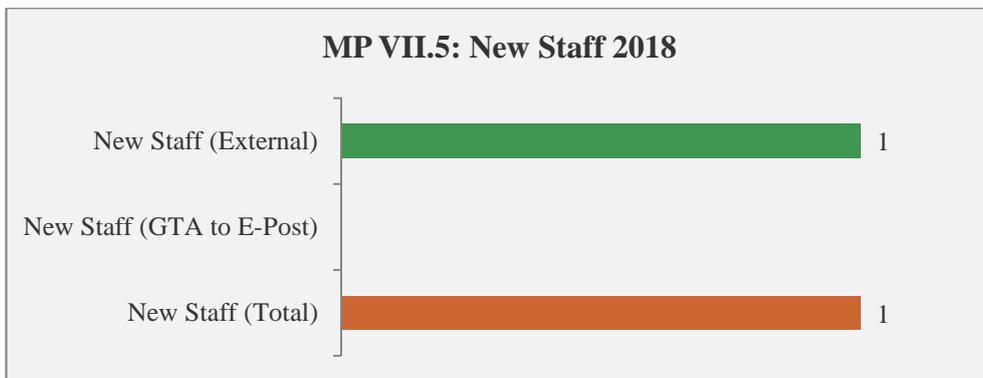
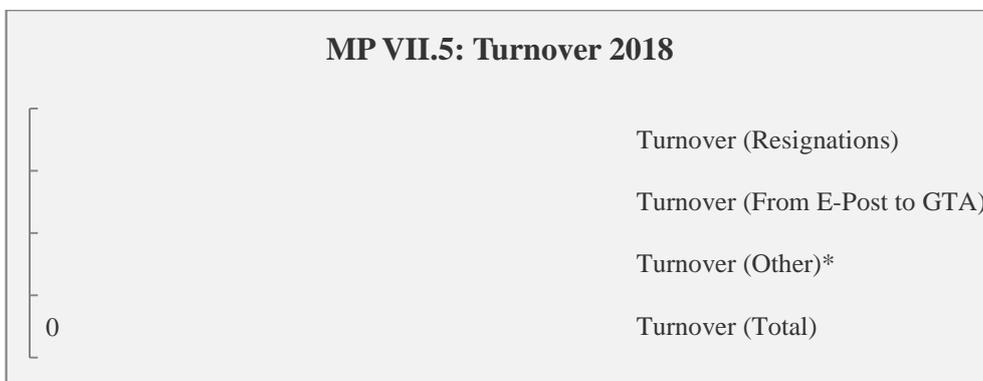
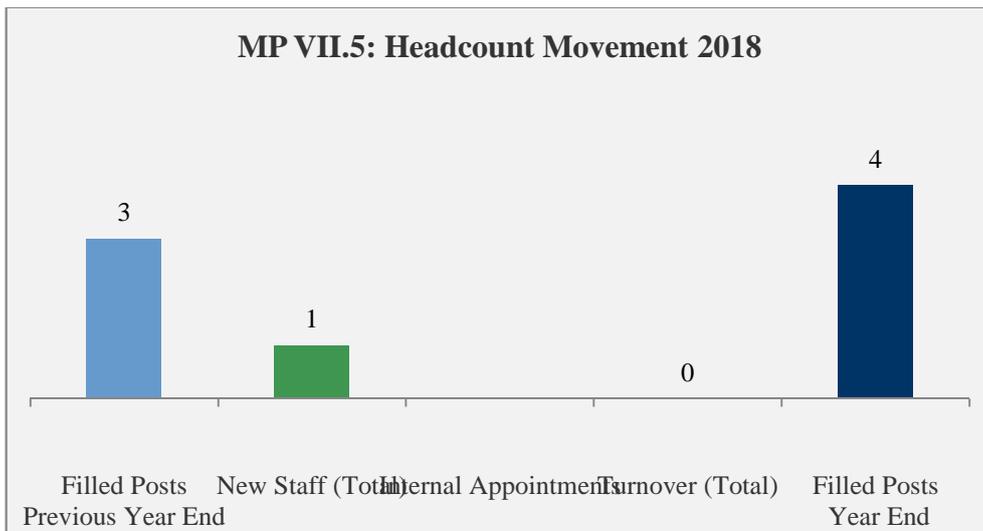
**D. MP IV**



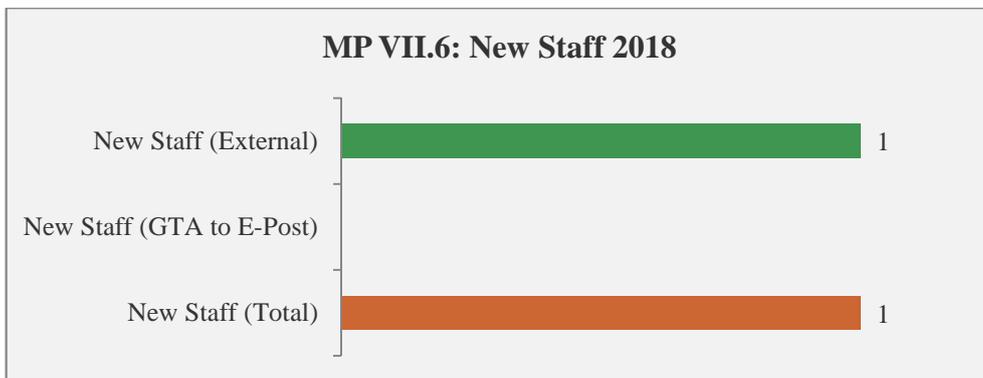
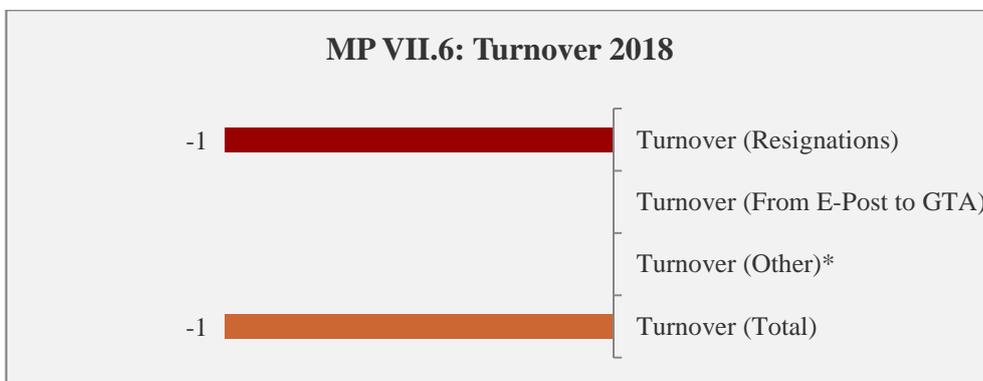
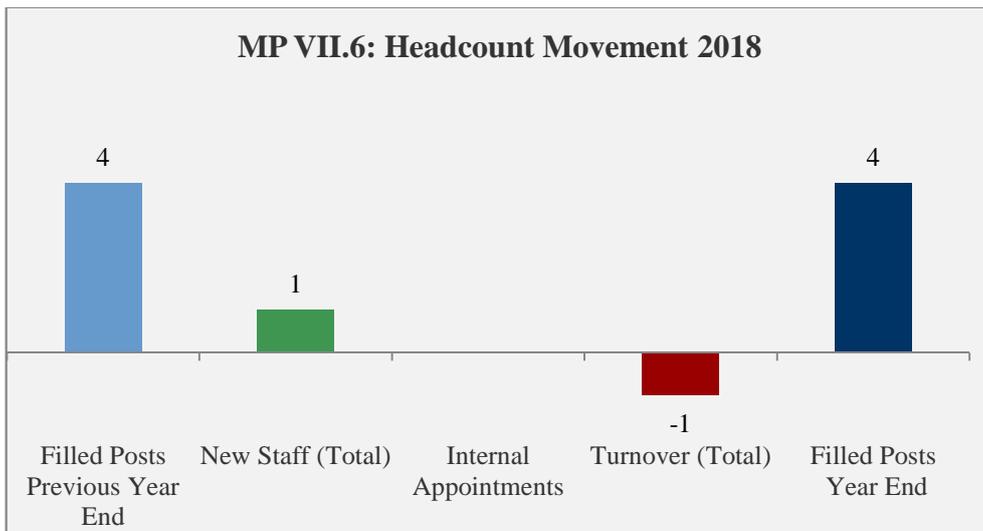
**E. MP VI**



**F. MP VII.5**



**G. MP VII.6**



## Annex III

### ICC Staff Engagement Communication Campaign - Examples

Dear all,

Next week the ICC will be launching a Court-wide Staff Survey. It is our aim to ensure that the organisation keeps moving towards a working environment based on staff engagement and staff wellbeing.

Please watch the Registrar's video highlighting how important it is to hear your voice. **#YourVoiceMatters**.

Stay tuned for further announcements.

Click [HERE](#) to watch the video:





**IT'S TIME TO HEAR YOUR VOICE!**



**WHAT MATTERS TO YOU?**

Survey loading complete

100%

**Take the survey and participate!**

**#YourVoiceMatters!**



**# YOUR VOICE MATTERS!**

**Only with your participation we can...**

-  **Build a better work environment**
- Achieve team success** 
-  **Work towards your wellbeing**

**We want to hear your voice on our upcoming ICC Staff Survey!**

 Watch this video from Lynda.com to see what great staff engagement looks like! 

**THANK YOU FOR YOUR PARTICIPATION!**

**786 (71%) staff members shared their voice**



**WHAT IS NEXT?**  
The results are being processed and will be shared with you in a few weeks.  
Stay tuned!

**#YourVoiceMatters!**

## Annex IV

### Human Recourses statistics

#### A. Number of Interns and Visiting Professionals in 2018

<i>IVP</i>	<i>Numbers</i>
Number of Interns 2018	282
Number of VPs 2018	57
<b>Total</b>	<b>339</b>

#### B. Geographical data 2018 - Interns

<i>Region</i>	<i>Numbers</i>
African	24
Asian	33
Eastern European	24
GRULAC	19
WEOG	182
<b>Total</b>	<b>282</b>

#### C. Geographical data 2018 - VPs

<i>Region</i>	<i>Numbers</i>
African	11
Asian	11
Eastern European	6
GRULAC	10
WEOG	19
<b>Total</b>	<b>57</b>

#### D. Gender balance 2018 - Interns

<i>Gender</i>	<i>Numbers</i>
Female	205
Male	77
<b>Total</b>	<b>282</b>

#### E. Gender balance 2018 - VPs

<i>Gender</i>	<i>Numbers</i>
Female	32
Male	25
<b>Total</b>	<b>57</b>

**F. Overrepresented 2018 – IVPP**

<i>Overrepresented</i>	<i>Numbers</i>
Albania	1
Australia	11
Belgium	13
Bosnia and Herzegovina	1
Canada	15
Colombia	5
Croatia	0
Democratic Republic of the Congo	2
Finland	1
France	45
Gambia	0
Georgia	1
Ghana	0
Ireland	1
Kenya	3
Mali	1
Netherlands	15
New Zealand	0
Portugal	2
Republic of Moldova	0
Romania	5
Senegal	1
Serbia	2
Sierra Leone	0
Slovenia	1
South Africa	3
Spain	8
Uganda	3
United Kingdom	16
<b>Total</b>	<b>156</b>

**G. Underrepresented 2018 – IVPP**

<i>Under represented</i>	<i>Numbers</i>
Afghanistan	0
Brazil	10
Burkina Faso	1
Chile	5
Costa Rica	2
Cyprus	0
Denmark	2
Estonia	0
Germany	10
Guatemala	0
Japan	4
Madagascar	0
Malawi	2
Mexico	2
Republic of Korea	6
Sweden	3
Switzerland	11
Venezuela	1
Zambia	0
<b>Total</b>	<b>59</b>

**H. Non-Ratified 2018 – IVP**

<i>Non-Ratified</i>	<i>Numbers</i>
Algeria	1
Azerbaijan	2
Cameroon	3
China	9
Egypt	2
India	7
Indonesia	1
Iran (Islamic Republic of)	3
Lebanon	3
Malaysia	4
Russian Federation	3
Rwanda	1
Saudi Arabia	1
Turkey	2
Ukraine	2
United States of America	19
<b>Total</b>	<b>63</b>

**I. Other Countries 2018 – IVP**

<i>Other Countries</i>	<i>Numbers</i>
Argentina	2
Bangladesh	1
Botswana	1
Bulgaria	2
Burundi	2
Cambodia	1
Central African Republic	1
Côte d'Ivoire	3
Czech Republic	3
Dominican Republic	1
Ecuador	2
Greece	3
Iceland	1
Italy	21
Jordan	1
Latvia	1
Liberia	1
Lithuania	1
Mauritius	1
Nigeria	3
Philippines	1
Poland	4
Republic of Macedonia	1
Slovakia	2
Tanzania	1
<b>Total</b>	<b>61</b>

## Annex V

### **Provisional staff rules amended in order to implement the changes to the United Nations Common System Compensation Package (Education Grant, Special Education Grant and related benefits)**

#### **Rule 103.18: Education grant and related benefits**

##### **Definition**

(a) A “child” for the purposes of this rule is a staff member’s natural or legally adopted child or a staff member’s stepchild, if residing with the staff member, for whom the staff member provides main and continuing support.

##### **Eligibility**

(b) A staff member shall be entitled to be paid an education grant and related benefits, which consists of the reimbursement of capital assessment fees and a lump sum for boarding assistance, in respect of each child, provided that all of the following conditions are met:

(i) The staff member is an internationally recruited staff member;

(ii) The staff member serves at a duty station outside of his or her recognized home country;

(iii) The staff member has a child in full-time attendance at a school, university or other similar educational institution; and

(iv) The appointment of the staff member is for a minimum period of six months or the staff member has been continuously employed for at least six months.

(c) If a staff member eligible under paragraph (b) is reassigned to a duty station within his or her home country in the course of an academic year, he or she may receive the education grant for the balance of that academic year.

##### **Duration**

(d) The education grant and related benefits shall be paid from the commencement of primary level education, i.e. when the child is five (5) years of age or older at the beginning of the academic year, or reaches the age of five (5) within three months of the beginning of the academic year. A lower minimum age of eligibility to receive the education grant may be accepted if the child is required by law to commence formal primary education at an earlier age.

(e) A staff member shall cease to be eligible for an education grant and related benefits when the child in respect of whom the entitlement is received meets one of the following conditions:

(i) The child ceases to be in full-time attendance at a school, university or other similar educational institution;

(ii) The child completes four years of post-secondary studies or is awarded the first recognized post-secondary degree, whichever comes first. The four years of post-secondary studies are counted cumulatively from the first year of studies following the high school diploma even if part of the post-secondary studies is completed before the staff member’s service with the Court;

(iii) The child reaches the age of 25, in which case the entitlement shall cease at the end of the academic year in which the child turns 25.

(f) In the event that the child's education is interrupted for a period of at least one academic year by compulsory national service, illness or other compelling reasons, the period of eligibility shall be extended by the period of interruption beyond the academic year in which the child reaches the age of 25.

### **Exclusions**

(g) Family members are not authorized to reside with a staff member assigned to non-family duty stations. Consequently, a staff member shall not be eligible for an education grant and related benefits in respect of a child attending an educational institution at a non-family duty station.

### **Admissible educational expenses**

(h) The education grant is computed on the basis of the following admissible educational expenses:

(i) Mandatory enrolment-related fees, which are required for the enrolment of a child in a school, university or other similar educational institution. Such fees include, but are not limited to, admission, application, registration, enrolment, matriculation, orientation and assessment or examination fees;

(ii) Tuition for full-time attendance that is paid directly to the school, university or other similar educational institution and certified by the school, university or other similar educational institution as being necessary for attendance;

(iii) Tuition in the mother tongue of the staff member if all the conditions below are met:

a. Instruction is given by a qualified teacher certified in the language of instruction and who is not a member of the staff member's family;

b. The staff member serves in a country whose language is different from his or her mother tongue;

c. The child attends a local school, university or other similar educational institution in which the instruction is given in a different language from the staff member's mother tongue;

If both parents are staff members of the Court, tuition can be in either or all mother tongue(s) as defined by the staff members upon initial appointment or based on their recognized nationality in the case of several mother tongues;

(iv) Expenses for distance learning, including online or blended learning, when prior written approval is obtained and such courses meet one of the following conditions:

a. They are the only available substitute for full-time attendance at a school, university or other similar educational institution of a type not available at the duty station;

b. They are related to academic subjects that are not included in the regular curriculum but are required for the child's subsequent education.

(v) Expenses for private tuition provided by a teacher who is qualified in the subject concerned and is not a member of the staff member's family, when one of the following conditions is met and subject to certification thereof by a school, university or other similar educational institution:

a. A child attends a local school, university or other similar educational institution and tuition in the language of the duty station is a precondition for admittance;

b. A supplement to correspondence courses for which expenses are admissible under staff rule 103.18(h)(iv) is required;

c. A supplement to the regular programme is required for special coaching in an academic subject taught by the school, university or other similar educational institution to make up for deficiencies attributable to the child's change of schooling as a result of expatriation or a change of the staff member's official duty station, or for special coaching in an academic subject not included in the curriculum of the school, university or other similar educational institution but required for the child's subsequent education;

(vi) Enrolment and tuition expenses for apprenticeship or other similar arrangement when the school, university or other similar educational institution certifies that any work placement is an integral part of the full-time curriculum and on the condition that the child receives no salary or remuneration for services rendered;

(vii) Enrolment and tuition expenses for summer courses when the school, university or other similar educational institution certifies that such courses are a prerequisite for further attendance during the subsequent regular academic year and for the regular diploma of the school, university or other similar educational institution. When admissible, expenses for summer courses are reimbursed as part of the admissible expenses incurred for the prior academic year, subject to the maximum claim amount.

(i) All other educational expenses that are not listed above shall be deemed non-admissible.

#### **Amount of the education grant and related benefits**

(j) The amount of admissible educational expenses shall be reimbursed in accordance with the global sliding scale, as applied by the United Nations common system, regardless of the currency and the country in which the expenses are incurred. The education grant is subject to the payment of a maximum amount, per child and per academic year, regardless of the number of claims submitted. Such amount is established in accordance with the United Nations common system.

(k) All scholarships, bursaries or similar grants received by or for the child shall be deducted first from those expenses that are not admissible under staff rule 103.18(i), and the balance, if any, from the admissible educational expenses under staff rule 103.18(h) before the amount of the grant is computed. Any remaining balance will be deducted from the education grant and related benefits. A staff member shall bear at least 14 per cent of the cost of admissible expenses.

(l) Financial assistance in the form of loans to assist in the payment of educational expenses, which must be reimbursed by the staff member or the child to a financial institution or other entity, is not considered to be a scholarship, bursary or similar grant.

#### **Claims and payment of the education grant and related benefits**

(m) Advances against and claims for the education grant and related benefits shall be made in accordance with procedures established by the Registrar, in consultation with the Prosecutor, and in conformity with United Nations common system standards.

(n) The education grant and related benefits shall be calculated using the currency of the educational expenses and paid to the staff member in the currency of his or her salary, converted in accordance with the operational rate of exchange at the time that payment of the education grant is approved.

#### **Prorating of amount of the education grant and related benefits**

(o) The amount payable to a staff member for the education grant, the reimbursement of capital assessment fees and boarding assistance shall be prorated according to any of the following conditions which are not mutually exclusive and may be combined:

(i) Where the period of attendance or boarding at a school, university or other similar educational institution covers less than two-thirds of the academic year, the amount of the grant and related benefits shall be prorated on the basis of the period of attendance or boarding, as applicable, compared to the full academic year. In the case of post-secondary studies where attendance is determined by semester, any educational expenses corresponding to the semester in which a child is not in full-time attendance shall be considered non-admissible and shall not be included in the computation of the education grant;

(ii) Where a staff member who is eligible for the grant and related benefits at the beginning of the academic year separates from service and the period of eligible service covers less than two-thirds of the academic year, the amount of the grant and related benefits shall be prorated on the basis of the period of eligible service compared to the full academic year;

(iii) Where a staff member's service with the Court, or eligibility for the education grant and related benefits, commences after the beginning of the academic year, the amount of the grant and related benefits shall be prorated on the basis of the period of eligible service compared to the full academic year. No expenses relating to the period of attendance at the school, university or other similar educational institution before the date of appointment of a staff member, or the date of eligibility for education grant, shall be reimbursed;

(iv) Where a staff member is on special leave without pay, the amount of the grant and related benefits shall be prorated on the basis of the period of eligible service compared to the full academic year;

(v) Where a staff member works on a part-time basis, the amount of the grant and related benefits shall be prorated on the basis of the eligible service compared to the full academic year.

(p) Notwithstanding staff rule 103.18(o), the amount payable for the reimbursement of non-refundable capital assessment fees shall not be prorated, regardless of the duration of the attendance, when a staff member changes duty station during the academic year and the child has to change schools, universities or other similar educational institutions, as a result of the staff member's change of duty station. In the event that the staff member is required to pay a capital assessment fee to the new school, university or other similar educational institution, no prorating shall apply.

(q) When prorating is required, the amounts shall be computed on the basis of calendar days and expressed as a percentage of the number of calendar days of attendance or eligible service over the total number of calendar days of the academic year of the school, university or other similar educational institution. When the school, university or other similar educational institution charges fees at different rates for various parts of the year, this shall be reflected in prorating the amount payable.

(r) When a staff member dies while in service at or after the beginning of the academic year, the education grant and related benefits shall be paid in full for that academic year.

(s) A decision to place a staff member on suspension without pay, pursuant to staff rule 110.5(a), shall be without prejudice to the continuation of the education grant and related benefits to which the staff member may be entitled.

### ***Related benefits***

#### **Boarding assistance**

(t) A staff member is eligible to receive boarding assistance, including in relation to a child attending a school or other similar educational institution that charges no fees or a nominal fee, when all of the following conditions are met:

(i) The requirements under staff rule 103.18(b) are met;

(ii) The staff member serves at a duty station with a hardship classification A to E;

(iii) The child attends a school or other similar educational institution at the primary or secondary level;

(iv) The school or other similar educational institution in which the child is being educated is located outside the country of the duty station and beyond commuting distance from the area where the staff member is living, notwithstanding national boundaries.

(u) A staff member may, in exceptional circumstances, receive boarding assistance with respect to a child who attends a school or other similar educational institution at the primary or secondary level located within the country of the duty station but beyond commuting distance from the area where the staff member is serving and where, in the opinion of the Registrar or the Prosecutor, as appropriate, no educational institution within commuting distance from the area where the staff member is serving would be suitable for the child. The commuting distance at duty stations should be established by the local administrative or human resources offices by taking into account the local conditions at the duty station.

#### **Amount of boarding assistance**

(v) Eligible staff members shall receive boarding assistance in the form of a lump-sum payment, per child, per academic year, regardless of the amount of actual boarding related expenses incurred. Such lump sum is established in conformity with the United Nations common system standards and rates. The lump sum shall be paid in addition to any reimbursement computed under staff rule 103.18(j) above.

#### **Travel**

(w) A staff member who is eligible for boarding assistance under staff rule 103.18(t) shall be entitled to travel expenses for the child of one return journey each academic year between the school or other similar educational institution and the staff member's duty station, in accordance with staff rule 107.8. If travel to the staff member's duty station by the child is not possible, return travel by the staff member or spouse may be authorized in lieu of travel by the child, in accordance with staff rule 107.8.

#### **Capital Assessment Fees**

(x) Capital assessment fees are mandatory non-refundable fees levied by a school, university or other similar educational institution to fund the construction, upgrade, refurbishment and maintenance of buildings. Such fees, which may also be known as building levies, funds or fees, capital levies, funds or fees, first-time parent fees, incorporation fees or development fees, may be levied: (a) as one-time payment for a first-time enrolling child; (b) every year; or (c) as needed.

(y) They shall be reimbursed at 100 per cent in addition to the education grant upon certification from the school, university or other similar educational institution that all of the following conditions are met:

(i) The purpose of the fees is consistent with the description provided in staff rule 103.18(y); and

(ii) The child's enrolment or continued enrolment is conditional upon the payment of the fees.

### **Rule 103.19: Special education grant and related benefit**

#### **Definition**

(a) A "child with a disability" is a child, as defined under staff rule 103.18(a), who, by reason of physical or mental disability, is unable to attend a regular school,

university or other similar educational institution and requires special teaching or training to prepare him or her for full integration into society or, while attending a regular school, university or other similar educational institution requires special teaching or training to assist him or her in overcoming the disability.

### **Eligibility**

(b) A staff member is eligible for the special education grant and the related benefit (i.e. reimbursement of capital assessment fees), in respect of each child with a disability, including when serving in the recognized home country.

### **Conditions of entitlement**

(c) The special education grant and related benefit are available to an eligible staff member pursuant to staff rule 103.19(b), provided that:

(i) The Medical Officer certifies that the child meets the requirement set out in staff rule 103.19(a); and

(ii) The staff member demonstrates that he or she has exhausted all other sources of benefits that may be available for the education and training of the child, including those provided by States, local governments and medical insurance.

### **Duration**

(d) The entitlement shall commence from the beginning of the academic year in progress when the need for special teaching or training is certified, unless the certificate indicates another date, or from the date the staff member becomes eligible.

(e) A staff member ceases to be eligible for the special education grant and related benefit when the child in respect of whom the staff member was in receipt of the entitlement:

(i) Ceases to be in full-time attendance at a school, university or other similar educational institution; or

(ii) Is awarded the first recognized post-secondary degree, or up to the end of the academic year in which the disabled child reaches twenty-eight (28) years of age, whichever is earlier.

### **Exclusions**

(f) A staff member assigned to a non-family duty station is not authorized to be accompanied by family members. Consequently, a staff member shall not be eligible for a special education grant and related benefit in respect of a child attending a school, university or other similar educational institution at a non-family duty station.

### **Admissible educational expenses**

(g) The special education grant will be computed on the basis of the following educational expenses:

(i) Expenses required to provide an educational programme designed to meet the needs of a child with a disability so that he or she may attain the highest level of functional ability. Those expenses may include:

a. Expenses for special teaching or training services;

b. Other expenses, including tuition, enrolment-related fees and the purchase of textbooks and meals at school, university or other similar educational institution which are directly related to mandatory educational programmes and not related to extracurricular activities;

c. Expenses for special equipment required to meet the child's educational needs;

d. Expenses for full board (food and lodging), including in the case of a child attending a school, university or other similar educational institution at the duty station when such boarding is an integral part of the educational programme;

(ii) Expenses incurred for local transportation required by the child with a disability as certified by the Medical Officer.

(h) All other expenses that are not listed above, including expenses covered or partially covered by medical insurance, shall be deemed non-admissible.

#### **Amount of the special education grant**

(i) The admissible educational expenses actually incurred for each child with a disability who is unable to attend a regular school, university or other similar educational institution, or who attends on a full-time basis a regular school, university or similar educational institution that provides the necessary special arrangements, shall be reimbursed at a 100 per cent rate, in conformity with the United Nations common system standards and global sliding scale.

(j) When the expenses for full-time attendance at a regular school, university or other similar educational institution are reimbursed in accordance with the regular education scheme under staff rule 103.18, admissible educational expenses incurred for special teaching and training outside the school, university or other similar educational institution and for boarding shall be reimbursed at a 100 per cent rate. The combined amount of the two grants shall be determined in conformity with the United Nations common system standards and rates.

(k) If a staff member is not entitled to the regular education grant for the child in full-time attendance at a regular school, university or other similar educational institution, admissible educational expenses incurred for special teaching and training outside a regular school, university or other similar educational institution will be reimbursed against the special education grant at the 100 per cent rate, and in conformity with the United Nations common system standards and rates.

(l) Equipment for educational purposes in all cases will be reimbursed up to a maximum of two-thirds of the amount payable for the flat sum for boarding, in conformity with the United Nations common system standards and rates.

(m) The amount of admissible educational expenses shall be reduced by the amount of any benefits that may be available from other sources, including scholarships, bursaries or similar grants for the child's special education and training, which shall be reported in line with staff rule 103.19(c)(ii).

(n) All scholarships, bursaries or similar grants received by or on behalf of the child shall be deducted first from those expenses that are not admissible, and the balance, if any, shall be deducted from the admissible educational expenses before the amount of the grant is computed. Any remaining balance will be deducted from the special education grant-related benefit.

(o) Financial assistance in the form of loans to assist in the payment of educational expenses, which must be reimbursed by the staff member or the child to a financial institution or other entity, is not considered to be a scholarship, bursary or similar grant.

#### **Claims and payment of the special education grant**

(p) Advances against and claims for the special education grant shall be made in accordance with procedures established by the Registrar, in consultation with the Prosecutor, and in conformity with United Nations common system standards.

(q) The special education grant shall be calculated using the currency of the educational expenses and paid to the staff member in the currency of his or her salary converted in accordance with the operational rate of exchange at the time that payment of the special education grant is approved for payment.

(r) The amount payable to a staff member for the special education grant and the reimbursement of capital assessment fees shall be prorated in accordance with the procedure outlined in staff rule 103.18(o)-(s), which shall apply *mutatis mutandis*.

### **Travel**

(s) A staff member in receipt of a special education grant may be entitled to travel expenses for the child between the school, university or other similar educational institution and the staff member's duty station, in accordance with staff rule 107.8(h).

### ***Related benefit***

### **Capital Assessment Fees**

(t) Capital assessment fees are mandatory non-refundable fees levied by a school, university or other similar educational institution to fund the construction, upgrade, refurbishment and maintenance of buildings. Such fees, which may also be known as building levies, funds or fees, capital levies, funds or fees, first-time parent fees, incorporation fees or development fees, may be levied: (a) as a one-time payment for a first-time enrolling child; (b) every year; or (c) as needed.

(u) They shall be reimbursed at 100 per cent in addition to the special education grant, upon certification from the school, university or other similar educational institution, that:

(i) The purpose of the fees is consistent with the description provided in staff rule 103.19(t);

(ii) The child's enrolment in the school, university or other similar institution is conditional upon the payment of the fees.

### **Rule 107.2: Eligible family members**

(a) Eligible family members, for the purposes of official travel, shall be deemed to comprise a spouse and those children recognized as dependent under rule 103.17(a). In addition, those children in respect of whom assistance with boarding expenses is payable, even though they are no longer recognized as dependent under staff rule 103.17(a), shall be eligible for education grant travel.

(b) The Registrar or the Prosecutor, as appropriate, may authorize payment of the travel expenses of a child for one trip either to the staff member's duty station or to his or her home country beyond the age when the dependency status of the child would otherwise cease under the relevant Staff Regulations and Staff Rules, either within one year or upon completion of the child's continuous full-time attendance at a university, where the attendance at a university commenced during the period of recognized dependency status.

(c) The Registrar or the Prosecutor, as appropriate, may also authorize payment of travel expenses for repatriation purposes of a former spouse.

### **Rule 107.8: Education grant travel**

(a) A staff member who is eligible for boarding assistance under staff rule 103.18(t) in respect of the child's attendance at a school or other similar educational institution at the primary or secondary level shall be entitled to travel expenses for the child of one return journey each academic year between the school or other similar educational institution and the staff member's duty station, subject to all of the following conditions:

(i) The child's attendance at the school or other similar educational institution is at least two-thirds of the academic year;

(ii) The travel is undertaken during the academic year or within three months of the beginning or end of the academic year; and

(iii) The child spends at least seven days at the staff member's duty station.

(b) In the event the staff member dies while in service at or after the beginning of the academic year, the entitlement to education grant travel shall continue until the end of the academic year and may be authorized for travel between the school or other similar educational institution and the duty station, or another location, subject to the maximum allowed under rule 107.8(c) below.

(c) Education grant travel expenses are covered up to the cost of travel between the staff member's home country and the staff member's duty station.

(d) Where the staff member is serving at a non-family duty station or in cases where the child cannot travel to the staff member's duty station, the staff member or the staff member's spouse may be authorized by the Registrar or the Prosecutor, as appropriate, to travel in lieu of the child, provided that the staff member or the spouse spends a minimum of seven days at the location of the child's school or other similar educational institution.

(e) When the staff member or the spouse travels in lieu of the child, all of the following conditions shall apply:

(i) The travel expenses borne by the Court shall not exceed the amount that would have been paid for the child or children;

(ii) No travel time shall be granted and all working days away from the office shall be charged to annual leave;

(iii) For administrative purposes, such travel shall be charged as education grant travel.

(f) When the staff member or the spouse travels in lieu of the child, other children for whom an education grant travel entitlement exists may travel between the location of their school or other similar educational institution and the location to be visited by the parent, provided that the expenses borne by the Court do not exceed the maximum that would otherwise have been applicable.

(g) When a child attends two schools or other similar educational institutions during a single academic year, one at the duty station and the other away from the duty station, education grant travel may be authorized by the Registrar or the Prosecutor, as appropriate, if the child's attendance at the school or other similar educational institution away from the duty station is for a period of at least one term or semester.

(h) When the needs of a child with a disability, as defined under staff rule 103.19(a), require that the child attend a school, university or other similar educational institution outside the duty station or beyond commuting distance from the duty station, notwithstanding national borders, travel expenses shall be paid for up to two round trips per academic year between the school, university or similar educational institution and the duty station, subject to the conditions outlined in staff rule 107.8(a)(i)-(iii). The provisions in staff rule 107.8(b)-(g) shall also apply *mutatis mutandis*. In exceptional circumstances, travel expenses may also be reimbursed for one person accompanying the child with a disability who cannot travel alone owing to the disability, subject to approval by the Registrar or the Prosecutor, as appropriate.