

**STAFF UNION COUNCIL OF
THE INTERNATIONAL CRIMINAL COURT**



**FIRST SUBMISSIONS TO THE REVIEW MECHANISM ON THE
INDEPENDENT EXPERT REVIEW REPORT**

The Hague, 31 March 2021

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1. INTRODUCTION

The Staff Union Council (“SUC”) of the International Criminal Court (ICC) seizes the invitation of the Facilitators of the Review Mechanism to contribute to the process of the implementation of the recommendations set out in the Independent Expert Review Report (“IER Report”), published on 30 September 2020 and hereby provides its first substantive response to the document. SUC notes that while at this early stage it continues to evaluate the various recommendations, we nevertheless stand ready to provide observations and further input throughout the implementation stage.

SUC has been an active participant throughout the IER process. We have made submissions to the Independent Experts and actively encouraged staff to engage with the process. Internally, SUC has established a standing working group dedicated to the IER (SUC IER Working Group).

SUC derives its mandate from Regulation 8.1 of the Staff Regulations and the Staff Rule 108.1 of the ICC Staff Rules, according to which it is the sole and exclusive staff representative body responsible for identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other personnel policies.

Recommendation 20 of the IER Report recognises the important role of SUC by proposing that the Staff Union supports the process of strengthening trust within the Court and re-shaping its culture, by advocating for and practising a collaborative and cooperative approach. In line with the above recommendation we have identified further IER recommendations, addressed below, that affect staff directly and thus fall within its mandate.

Further to Regulation 8.1 of the Staff Regulations, SUC should and will support the process of implementation of the IER recommendations by providing its views, including its concerns with regard to some of the recommendations.

In this initial stage, SUC has identified recommendations falling within its mandate and subsequently divided them into 10 topics, which are represented in the sections of this submission.

SUC subsequently commenced a process of staff consultation on those topics (and recommendations). SUC conducted a survey of the staff in early 2021. Staff were invited to identify four topics of priority and provide substantive feedback, highlighting their views, concerns and proposals for action. Staff members views expressed in the Survey inform the present submission, where each topic is addressed in turn with some of the key recommendations highlighted. The ten topics are addressed in the sequence of votes received, starting with the topic receiving the most votes in the Survey.

As an overview, a total of 228 staff members participated in the Survey, which was conducted in English and French. The following four areas received the most votes:

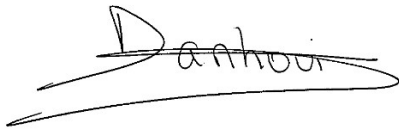
	Topic Area	Number of votes
1	Working culture in the Court	170
2	Flexibility, scalability and mobility in staffing	136
3	Staff training and development	126
4	Adequacy of human resources	105

As seen from the table, staff are overwhelmingly concerned with the working culture at the Court (74% of respondents). Problems and challenges in this regard were emphasized by the Independent Experts and reflect what SUC has been observing for some time. SUC encourages the Mechanism to make improving the working culture of the Court its number one priority. We note that this area is broad and intertwined with several other areas.

SUC emphasizes that its submission at this point is only the first substantive reaction to the IER Report. SUC looks forward to further opportunities to engage with the Mechanism and other stakeholders throughout the implementation process. As the representative body of ICC staff, SUC has a right to be engaged in the topics aligned with its mandate, as advocated by the experts themselves in Recommendation 20, which we fully endorse.

We look forward to a fruitful collaboration in this important endeavour.

Respectfully,

A handwritten signature in black ink, appearing to read 'Danhoui', with a long horizontal flourish underneath.

On behalf of the Staff Union Council

Ms. Géraldine Danhoui, President

2. WORKING CULTURE IN THE COURT

Key recommendations identified: (R14)¹ (R87)² (R15)³ (R16)⁴

SUC considers working culture at the Court to be the most pertinent to its mandate in this process. This area has been identified as the top priority topic in the Survey as well as in informal staff consultations conducted by the SUC IER Working Group.

In our submission to the IER during the consultation process, SUC emphasized the following four issues which contribute to the poor working culture at the Court: (i) lack of leadership, decision making ownership and accountability; (ii) lack of transparency and communication; (iii) lack of vision and values; and (iv) flawed administrative processes at the Court.

The Survey confirmed that the working culture remains a major problem. In particular, staff expressed concern in the following areas.

(Lack of leadership)

Staff members who participated in the Survey believe that the leadership must be rebuilt. They note that politics and favouritism appear to permeate recruitment processes, which undermines the credibility and competence at managerial levels.

Staff members propose that better leadership can be achieved by (i) training current managers on leadership skills, (ii) establishing a framework where the leaders are held accountable, (iii) setting up recruitment practices that identify candidates with the right managerial and leadership skills as well as rebuilding trust between staff and managers.

Staff members put emphasis on training of existing managers as well as providing more development opportunities for other staff members, i.e. to learn how to lead on the job and gradually prepare for future managerial roles.

Accountability of managers is desperately lacking; staff members propose that managers should really be monitored by their direct supervisors and appraised on their ability to effectively lead and manage their teams. For this purpose, staff members should be able to contribute to the performance appraisal of their supervisors (see also our proposal regarding 360 degree appraisal at section 8) and the Court should develop peer review. The same applies

¹ R.14. The Court, and senior management specifically, need to make efforts to rebuild and strengthen internal trust and re-shape the working culture at the Court. Specifically, the Court should aim to move away from a highly litigious, adversarial atmosphere in a human resources management context. This can be achieved, for example, through more transparent and regular communication from leadership to staff. In practice, this would include communicating quickly and effectively decisions to concerned staff/Organs, and prioritising opportunities for staff to engage in a constructive and meaningful dialogue with the leadership, on office-, unit-, section-, Organ- and Court-wide levels.

² R.87. The leadership of the Court should adopt and demonstrate a clear commitment to a multi—pronged strategy to deal with predatory behaviour in the workplace, namely bullying, harassment and sexual harassment. It must be clear to all staff, particularly supervisors, that such behaviour is inexcusable and unacceptable at the Court and will not be tolerated. There should be avenues by which staff can safely report bullying and harassment to managers and receive guidance and support as to the procedure to follow if they wish to lodge a complaint.

³ R.15. Decisive action needs to follow the ASP's and Court's commitment to achieving gender equality and ensuring the dignity, wellbeing, safety and inclusion of all individuals affiliated with the Court, regardless of gender or sexual orientation. Targeted interventions for gender equality should be complemented by gender mainstreaming.

⁴ R.16. Recruitment processes for managers should place more emphasis on the required managerial and leadership skills. Capacity building should also be employed as needed to support the further strengthening of Court managers' leadership skills.

to staff more generally, namely that non-performance should be taken seriously and addressed.

Staff members believe that the most important aspect of the work culture at the Court is the lack of efficiency, underdeveloped working processes, planning practices and duplication of work. Staff ask to be trusted and given responsibility in accomplishing tasks within reasonable time frames.

(Equality)

Staff members believe that senior management at the Court need to take much more active roles in the initiatives that pertain to achieving gender equality and ensuring the dignity, wellbeing, safety and inclusion of all staff. Staff highlight that explicit involvement and action of the Court's leadership is needed to boost credibility of those initiatives and to underpin their claims or willingness to support improvement. There also needs to be more focus on racial sensitivity and fighting discrimination. Staff members believe that concrete steps must be taken in appointing women, especially non-Western European women to senior managerial positions. Staff members support the creation of the position of the Focal Point for Gender Equality, and the SUC invites the Court to allocate more resources and create an established position for the role of the Focal Point.

(Harassment and bullying)

Staff members believe that the change of work culture should start at the top and there must be zero tolerance of harassment, bullying and discrimination. Managers should be held accountable for harassment, bullying and discrimination, which in staff's view is currently not the case. Staff fear retribution if they report misconduct and sometimes even if they do report, the matter is not taken seriously and is not addressed.

To respond to these issues, SUC proposes working in partnership with the Court and the ASP to rebuild and strengthen trust and to reshape the working culture at the Court. In this context, we highlight SUC's membership of the Court's Staff Wellbeing and Engagement Committee.

SUC proposes the following concrete actions for the consideration of the Review Mechanism:

In relation to R14 and R16:

- The Court should continue providing leadership training for all staff members in management positions and adequate resources should be allocated for such trainings by the ASP;
- The Court should rethink the recruitment processes (in particular for P4 and P5 managerial posts) and make a representative of staff (SUC) or an external independent party a mandatory member of recruitment panels;
- The Court should make 360 performance assessment compulsory for all staff in management positions and routinely incorporate the outcome into managers' performance appraisal;

- The Court should set up a strategy and a concrete action plan to tackle issues identified in the 2018 Staff Engagement Survey and any that arise from the upcoming 2021 survey.

In relation to R15:

- The Court should consider establishing clear quotas for positions at P4 level and above in terms of gender and geographical representation;
- The ASP should provide the Gender Equality Focal Point of the Court with the authority and adequate resources to tackle gender discrimination issues;
- The HRS of the Court should adopt the concept of an Engagement Ambassador. This idea has been raised during the previous 2018 Staff Engagement Survey. The role of the Engagement Ambassador is to convey ideas, feedback on various projects run by the Court in terms of change of culture. The Engagement Ambassador could liaise with various stakeholders in the organisation to implement the results of engagement surveys. This initiative should be recognised, encouraged and used by the senior management.

In relation to R87:

SUC has been conducting anti-harassment awareness campaigns at the Court for several years and has provided a number of trainings for all staff, including in managerial positions. SUC proposes

- To promulgate as soon as possible the updated Administrative Instruction on Harassment and Sexual Harassment that proposes more options for addressing predatory behaviour and promotes a policy of zero tolerance on this matter;
- All staff members should participate in ongoing mandatory anti-harassment training, including during induction;
- The “active bystander” model should be promoted where every staff member is responsible for actively opposing predatory behaviour and intervening when they observe such a behaviour. SUC has already identified a suitable ‘train the trainer’ model;
- Staff in managerial positions should be trained on identifying predatory behaviour in their peers and supervisees and how to properly address it;
- To include this parameter in the performance appraisal in order to assess the implementation of the training;
- In line with the proposed changes in the Ethics framework to recruit counsellors competent to deal with predatory behaviour.

3. FLEXIBILITY, SCALABILITY, AND MOBILITY IN STAFFING

Key recommendations identified: (R101)⁵ (R102)⁶ (R103)⁷

Staff members consider internal and external mobility essential for continued professional growth and general job satisfaction. Better mobility would allow staff to gain experience and skills and would not necessarily have any budgetary impact (for example, through a potential exchange programme between organisations). Furthermore, increased flexibility and mobility within the Court could help address issues of heavy workloads and burnouts in certain parts of the Court by reassigning resources to these areas as needs arise, where suitable.

The Court should make it compulsory for managers to support staff seeking other opportunities either within the Court or elsewhere. However, staff caution against the use of "flexible" contracts that would be detrimental to the work climate. Likewise, SUC clarifies that it does not support a wholesale "re-classification" of positions at the Court. Any such processes must be carefully considered and evaluated.

While SUC recognizes the temporary nature of the Country Offices, the SUC does not support the new modalities applied since November 2019 to initial appointments and subsequent extensions (i.e. contracts extension for no longer than 1 or 2 years), which increase job insecurity for all Registry field staff, regardless of the planned and/or foreseeable activities and duration of the Court's operation in the country. SUC recommends that the Registry adopts a transparent and comprehensive "country office life-cycle" policy and re-explores the possibility to grant contract extensions on a case-by-case basis, based on the phase of the management of the Country Office life cycle.

SUC also encourages the Court to finalise the steps required for the implementation of the NPO contract modality adopted in the Registry strategic plan for local staff and so give staff members in the field the ability to benefit from mobility.

Staff members propose that internal mobility be less bureaucratic and that simplified recruitment regimes govern internal appointments. At the same time, they call for fairness in recruitment and selection processes for internal development opportunities. There should be a clear framework to ensure that staff members can move across the Court and learn and contribute to different aspects of the Court's mandate. This should be applied consistently regardless of the staff member's grade or their location (HQ or country offices), as long as candidates possess the requisite skills and experience to perform the role. Field office staff

⁵ **R.101.** The leadership of each organ of the Court should embrace the concept of movement between work units in the organ to deal with the changing work pressures. Additionally, they should encourage and facilitate the movement of staff across Organs, either short-term or long-term, by allowing staff with relevant skills and experience to apply for positions in Organs other than the one they are currently working in, subject to potential conflicts of interest. Such transfers should include movements into the field, even on a temporary or short-term basis.

⁶ **R.102.** The Principals should support and encourage exchanges and secondments between the Court and other relevant international courts and organisations, inter alia through application of the UN Inter-Agency Mobility Agreement. Such exchanges could be contemplated with other external institutions, including NGOs and universities.

⁷ **R.103.** The Court could contemplate secondments from national governments on the basis of its needs, rather than the wishes of the government concerned. Such secondments should concern only positions of a non-managerial, technical or specialist nature. Guidelines on Selection and Engagement of Gratis Personnel should be drafted/updated according to the above considerations.

observe that mobility does not exist in their jobs. Mobility can also be enhanced by making use of remote working means, building on the positive experience accumulated during the current Covid-19 pandemic.

SUC proposes the following concrete actions for the consideration of the Review Mechanism:

In relation to R101:

- The Court managers should regularly and proactively identify sections, units or teams that are overly burdened or expected to encounter increased workload in order to assign and re-direct resources to those units and teams;
- The ASP and the Court should provide timely resources to staff teams, *i.e.* before workload becomes unmanageable. This can in itself alleviate the need for even greater reinforcement at later stages. Therefore, managers should proactively assess needs to produce detailed working predictions for staffing of every section/unit. Managers at the Court should provide concrete plans on how to meet staffing needs, either via flexible usage of internal resources or by external recruitments, secondments, etc.;
- Current Expression of Interest (EOI) for temporary assignment within the Court should be funded and open to all staff, regardless of their level and duty station.

In relation to R102:

- In addition to signing the UN Inter Agency Mobility Agreement, the Court and ASP should consider available options for allowing ICC staff to fully move within the UN system;
- The Court's Leadership should develop exchange programs and joint projects with NGOs or Universities through direct co-funding and sharing.

In relation to R103:

- The Court should subject secondments to business needs where particular areas of expertise or skills are required and ensure candidates are properly tested and selected based on relevant skills.

4. STAFF TRAINING AND DEVELOPMENT

Key recommendations identified: (R86)⁸ (R99)⁹

Staff members reported the absence of regular trainings due to budget cuts over the past years. Online training is available, but cannot replace in person courses of supervised study with

⁸ **R.86.** Staff from field offices should have access to similar institutionally-offered opportunities in terms of professional and personal development as those in The Hague. This refers, for example, to trainings, possibility to be considered for positions at headquarters, and option to benefit from psychological support (welfare officers). The Human Resources Section (HRS) and OHU should aim to ensure that such services and opportunities are made available to field office staff, preferably via video teleconferencing (VTC).

⁹ **R.99.** The Experts recommend that the ASP, the CBF and the leadership of the Court give serious consideration to strengthening the training and development function of the Court, which again should be centralised in the Registry.

role playing and other practical aspects being available. Staff members report concerns over the inequality of the training opportunities available to staff by their managers, and being made to feel guilty for seeking the management support for training.

SUC proposes the following concrete actions for the consideration of the Review Mechanism:

In relation to R99:

- The Court should include substantial funding in its budget to build a robust training and development programme within the Organisation [short term: budget 2022];
- The HRS of the Court should develop in-house training/ train the trainer with available staff and resources wherever possible;
- Selection of training packages and programs should be done in consultation of staff members;
- Access to individual development and training should be equal and transparent – all staff members should have access to a modest individual training budget, and be able to take advantage of the development leave entitlement.

5. ADEQUACY OF HUMAN RESOURCES

Key recommendations identified: (R92)¹⁰

Most of the Court positions were created in 2005. Staff consider that currently their grades and posts are not consistent with UN organizations, but are below the equivalent UN category, grade or step.

Due to the continuous reduction in staff numbers through "natural attrition", the conduct of an analysis along R92 would most likely help managers to fill empty positions from within existing resources. However, it will be a difficult exercise and stressful for staff at all levels.

SUC proposes the following concrete actions for the consideration of the Review Mechanism:

In relation to R92:

- The Court should adopt a process where priority in recruitment should be given to internal candidates. Recruitment processes at the ICC should consist of two phases: First, an internal phase where all available and willing ICC staff could apply. This will encourage internal mobility. If no candidate is selected, a report should be made with

¹⁰ **R.92.** A major effort is needed to re-classify all positions in the Court in terms of their core responsibilities and generic skills, with the aim of allowing officers from different Organs to apply for positions anywhere in the Court that they have the skills and experience to occupy. Care should be taken when advertising positions to ensure that the full range of skills needed is accurately reflected in the Job Description and Selection Criteria for that position to ensure that panels make appropriate recruitment decisions. For increased flexibility, a major effort is needed to re-classify all positions in the Court in terms of their core responsibilities and generic skills, with the aim of allowing officers from different Organs to apply for positions anywhere in the Court that they have the skills and experience to occupy.

a solid justification and the external phase should then begin when world-wide candidates are invited to apply, considering the geographical and underrepresentation requirements. This action can also lead to cost saving associated with relocation grants for international recruitments;

- The Court should support professional development, and in particular, encourage use of development leave to support staff who seek career opportunities within the organization. Development leave requirements should be interpreted broadly in line with the applicable AI on development leave to relate it to professional skills for current and future roles staff members could serve in the Court.

6. INTERNAL GRIEVANCE PROCEDURES

Key recommendations identified: (R115) to (R125)¹¹

SUC welcomes the emphasis placed by the Independent Experts on consolidating and improving the internal grievance procedures within the Court. SUC has identified the issue of internal justice as one of key areas of concern in its own submissions to the Independent Experts during the consultation process.

Staff members continue to voice concerns about the lack of transparency of internal grievance procedures. They express doubts about impartiality and professionalism and, very frequently, speed of the formal proceedings. This is particularly an issue with regard to disciplinary proceedings where some cases have taken a year or more to conclude. Similarly, IOM does not enjoy trust and confidence of all staff, as also observed by the experts (IER Report, para. 285).

SUC is closely involved with the grievance procedures at the Court. It nominates staff to the DAB and AB, *inter alia*. Furthermore, members of the SUC's Staff Advisory Committee frequently act as advisors to staff during administrative and disciplinary procedures and have as such acquired in-depth understanding of the problems and challenges involved.

Recommendations 115-125, addressing the internal grievance procedures, are some of the most concrete in the IER Report. The experts advocate for significant changes in the system, including, *inter alia*, dissolving DAB, AB and mediation services operated by staff, introducing external judges to deal with administrative complaints, resorting to the UN Appeals Tribunal for Administrative Matters instead of the ILOAT and others.

SUC agrees that the internal grievance procedures require improvements and quite possibly re-conceptualization. We agree that what is needed is a careful re-consideration to create a more efficient, transparent, fairer system that instils confidence. SUC also notes that more emphasis should be placed on the mutually agreed resolution of conflicts.

SUC is, however, also concerned about some of the recommendations, for example, the encouragement to move to the UN Appeals Tribunal, dissolution of DAB/AB. We emphasize

¹¹ See pages 102-104 IER Final Report 30 September 2020.
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that any change to internal grievance procedures must be carefully considered and the voice of staff heard alongside that of Court management and the ASP.

SUC recommends that a working group is established by the ASP to study the potential for improving internal grievance procedures. The working group should include representatives of the ASP, Court management, and SUC at the very least. Such a working group would also benefit from specialists' input in the area (e.g. international administrative law experts or persons who have previously undertaken the task of restructuring internal grievance procedures in an international organisation).

Whilst any changes to internal grievance procedures will realistically only occur in mid-term or long-term period, SUC notes that some steps can be taken immediately to improve the state of affairs. For example:

- Introducing a clear obligation on the Principals to communicate to staff consistently regarding the available grievance mechanisms; organise presentations and Q&A sessions, none of which exist at the moment in any systematic manner;
- Establishing an HR manual along the model of UN Human Resources handbook (<https://hr.un.org/handbook>) to enable staff access to all the documents for the ICC regulatory framework, including grievance procedures;
- Ensuring that staff members serving on administrative boards have adequate skills and sufficient knowledge, training and availability to perform their duties as board members;
- Consistency in informing staff of any decision in any format, at the relevant time, including how and by when the decision can be challenged;
- Improving the organisation of DAB and AB work, monitoring the timeliness of decision making, including by partially releasing board members of their routine duties while they are assigned to an active case.

7. TENURE

Key recommendations identified: (R84)¹² (R105)¹³

SUC considers that introducing term limits for senior managers would create more agility and room for movement at the senior levels, which would enable fresh ideas, innovation and change. SUC notes that this may be a positive course of action, but cautions that any change of employment contracts in this regard must be carefully weighed against potential downsides.

¹² R.84. The Registry is recommended to consider tenure for field office positions, following the example of embassies and UN offices in the field. The conditions of such tenure would depend on whether the duty station is a non-family or hardship one, and whether the staff is international or nationally recruited. The Heads of field offices and Occupational Health Unit (OHU) surveys on field office welfare should be consulted on the matter.

¹³ R.105. To encourage fresh thinking and bring more dynamism to the Court, a system of tenure should be adopted, applicable to all those who will be newly appointed in positions of P-5 and above.

SUC believes that any measures taken should focus on managing high performance turnover and incentivizing high performers. As we suggest in our response, SUC is in favour of mobility, both vertical and lateral, and internal and external. We consider that mobility can be incentivized in other way, that, we believe, could be more beneficial for the institution, for example to protect staff from burnout, promote knowledge transfer within the organization, and foster individual professional development through internal rotation, cross-training and leadership tracks, as well as stimulate increased upward mobility, through the use of term limits for senior staff.

We invite the Court to create a forum for discussion of this topic in which the participation of SUC is assured.

8. PERFORMANCE APPRAISALS

Key recommendations identified: (R97)¹⁴ (R98)¹⁵

SUC recognises that a robust performance appraisal system that enjoys the confidence of both management and staff underpins any and all efforts to further the strategic goals of the organisation; we welcome proposals to celebrate performance excellence and to strengthen the management of poor performance equally.

SUC proposes the following concrete actions for the consideration of the Review Mechanism:

In relation to R97:

- The Court should organise mandatory informative sessions to explain the strategy, goal of the organ/division and section. This will enable staff members to feel connected to the work of the respective organisational unit;
- The managers should ensure that the supervisor understands and is familiar with the work tasks of the staff member he/she is supervising;
- The HRS of the Court should provide mandatory training to supervisors on how to define objectives. The material already exists on the ICC intranet but it could be better publicised throughout the performance cycle;
- Performance appraisals should not be considered only as an administrative obligation. They should be used as a tool to assess performance of staff members and give them the ability and capacity to improve if necessary or to be rewarded if they succeed in fulfilling their objectives;
- The Court should create an internal system of mentoring: staff members who face challenges or difficulty in performing their objectives can receive guidance from the mentor;

¹⁴ R97. Managers in the Court, including the Principals, need to commit to the system of performance appraisal adopted by the Court, in particular by offering honest and constructive regular feedback to staff so that the annual performance review is not a shock to the individual. Conducting proper performance appraisal and counselling of their staff should itself be a significant performance indicator for supervisors and managers.

¹⁵ R98. A system of 360-degree assessment of managers should be introduced across all Organs of the Court, which, given the hierarchical nature of the workplace there, would probably have to be *via* anonymous written comments to management by staff or through an annual facilitated discussion amongst the work unit staff without the manager being present.

- In terms of rewards, cultivate the practice of praising high performers in a transparent manner. The Court does not have a system of rewards related to salary or steps. It could however institute different types of commendations for specific achievements in an area. The same could be done for managers who perform well. Their strategies should be promoted as best practices to encourage others to follow suit.

SUC welcomes the introduction of the pilot project named Developmental 360 for managers. 360-degree feedback program can be a powerful way of helping employees grow within their organization. SUC encourages to expand this initiative to all managers. Used successfully, it is a tool that increases engagement, identifies training opportunities and helps employees develop in their own role and go on to succeed in a leadership role.

The process of 360 degree must be implemented in a way that engages leaders so they are compelled and motivated to improve in their job.

9. ETHICS AND PREVENTION OF CONFLICT

Key recommendations identified: (R106)¹⁶ (R109)¹⁷

Staff members support the creation of an Ethics Chapter for the Court as a whole, applicable for all staff without distinction. Improving ethical standards is imperative and will contribute to an improved work culture.

10. CONTENT OF INTERNAL LEGAL FRAMEWORK

Key recommendations identified: (R13)¹⁸ (R120)¹⁹

Staff referred to a lack of a robust policy framework, commenting that policies are written in isolation and without proper discussions. Staff believe that the use of the UN framework as a starting point is a valid recommendation and would significantly reduce the effort required to draft and adopt fundamental AIs.

Staff believe that the change from ILOAT to the UNAT would be detrimental to staff. The ILOAT is entirely adequate to adjudicate complaints and guarantees effective and independent oversight. Continuity is a further consideration.

¹⁶ **R106:** The Court should develop a single Court-wide Ethics Charter, laying down the minimum professional standards expected of all individuals working with the Court (staff, elected officials, interns and visiting professionals, external counsel and their support staff, consultants). Additional Codes of Conduct for specific roles can supplement the Court's Code of Conduct, as per de Audit Committee's recommendation. The instrument should foresee continued application of certain obligations (such as confidentiality) for officials and staff, after they leave their office or post.

¹⁷ **R109:** In the long term, the power to render decisions on complaints against elected officials should be trusted to a form of judicial council, composed of current and former national and international judges.

¹⁸ **R.13.** The Experts also recommend the Court to follow the UN administrative procedures as a starting base in developing new policies. When needed, the approaches can be tweaked to the Court's needs, taking into account the differences in size of the organisation and mission. The use of UN Common System should also lead the Court and ASP to review the decision to make use of ILOAT rather than the UN Appeals Tribunals.

¹⁹ **R.120.** The Court is encouraged to explore whether resorting to the UN Appeals Tribunal for administrative matters, rather than the ILOAT, would be more cost efficient for the Court. Such a decision would also be in line with the Court's use of the UN Common System.

SUC recently participated in the jurisdictional review of the UN common system through its sister federation CCISUA. The report of the UN Secretary General on the initial review of the jurisdictional set-up of the United Nations common system (A/75/690)²⁰ outlines the benefits and disadvantages of ILOAT and UN tribunals which is currently pending resolution before the UN General Assembly.

SUC proposes the following concrete actions for the consideration of the Review Mechanism:

In relation to R13:

- ASP should support the full integration of the Court into the UN common system administrative framework;
- The Court should join the UN Chief Executive Board for Coordination (CEB)²¹ in order to further integrate and benefit from the ongoing discussion on topics such as addressing sexual harassment, the future of work, leadership and gender equality, all identified as issues to tackle in the IER report.

In relation to R120:

- The ASP and the Court should await the UN GA vote on the jurisdictional review options proposed in the UN Secretary General's report before considering any change at the ICC level.

11. MULTILINGUALISM

Key recommendations identified: (R100)²²

SUC proposes the following concrete actions for the consideration of the Review Mechanism:

In relation to R100:

- The Court should fund language courses in English and French for selected positions;
- The Court should establish bilingual recruitment panels and the testing of language skills during the recruitment process, including local languages from situation countries if need be;
- The Court should adopt an increased use of French in internal meetings, and the ASP should allocate adequate resources to implement this recommendation;
- The Court and the ASP should adopt mandatory English and French proficiency for Elected officials and key senior management positions.

[End]

²⁰ <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/385/64/pdf/N2038564.pdf?OpenElement>

²¹ unsceb.org

²² **R.100.** Sustained effort should be directed at improving the French language capabilities at the Court, through targeted recruitment, French language classes and incentives for staff to improve their French. More generally, when recruiting persons who will be working on a situation country or region, whether in the field or in headquarters, where communication will be predominantly in a particular language, it should be ensured that the individual selected is sufficiently capable in that language to do the job effectively.