

Eighth session

The Hague

18-26 November 2009

Report of the Court on human resources management***A. Introduction**

1. The management of human resources within the Court applies a common approach across the Court, while respecting the independence of the different Organs. Regular consultations between the Registrar and the Prosecutor provide the framework for the administration of all human resources matters, including the issuance of human resources policies and Staff Rules and Regulations.

2. At its tenth session, the Committee on Budget and Finance (“the Committee”) “welcomed the progress report of the Court on recruitment as well as on the development of a human resources strategy, and supported the focus on the specific human resources objectives which were part of the Court’s implementation of its Strategic Plan”.¹ In this context, the Committee “noted that some of the measures would be implemented by the Court and that other proposals would subsequently be refined further and submitted for consideration by the Assembly, through the Committee, with a clear indication of any programme budget implications. In this connection, while recognizing the specific needs of the Court, the Committee stressed the desirability of remaining within the framework of the common system. Therefore, the Committee supported a gradual implementation of the objectives, which must be realistic and compatible with the resources and needs of the Court. The Committee requested that a further comprehensive report be provided at its twelfth session”.²

3. Also at its tenth session, the Committee “stressed the importance of an ethics regime in an international institution of a judicial nature. The Court informed the Committee that a code of conduct for investigators had been developed, and that a draft code of conduct for the Court as a whole was being developed. The Committee requested that the Court present an update on the draft code of conduct in its report on human resources at its twelfth session, for consideration in the context of an overview of the Court’s internal justice system”.³

* Previously issued as ICC-ASP/8/CBF.1/6.

¹ Report of the Committee on Budget and Finance on its work at its tenth session (ICC-ASP/7/20, paragraph 41).

² Ibid.

³ Ibid, paragraph 48.

4. At its eleventh session, the Committee considered the use of General Temporary Assistance (GTA) and established posts and recommended “that all unapproved GTA should cease before 31 December 2009.”⁴ The Committee “agreed to further consider this matter at its next session, in the context of its consideration of human resources. It requested the Court to present a report containing general principles for determining the funding basis for posts, addressing specifically staffing in the field, and any differentiation between basic and situation-related costs. In addition, the Committee expected that the Court would present sufficient information on its policy on contract type and length to enable the Committee to consider the relationship between the funding basis and contract length. The Committee wished to examine the implications for recruitment and retention of these questions”.⁵ Similarly, the Committee “recommended that the Court consider what additional steps could be taken to reduce the turnover of staff, including on contract length and predictability”.⁶ In the context of its discussion of sub-programme 3220 (Human Resources Section), the Committee recommended “that the Court consider conducting recruitment missions to unrepresented countries in all regions”.⁷

5. In accordance with the above requests of the Committee, this report presents an update on the implementation to date of the human resources strategy as well as on activities envisaged in 2009 and 2010. Information on the code of conduct, the funding of GTAs and considerations regarding the relationship between contractual arrangements and recruitment and retention are incorporated into the report.

B. The human resources strategy

6. A progress report on the development of a human resources strategy was presented to the Committee at its tenth session.⁸ It is recalled that the human resources objectives were based on the following strategic objectives stated in the Court’s Strategic Plan:⁹

- a) Strategic objective 14: Recruit staff of the highest standards of efficiency, competency and integrity having regard for representation of gender, geography and legal systems.
- b) Strategic objective 16: Cultivate a caring environment which values the diversity of all staff.
- c) Strategic objective 17: Offer development and employment advancement opportunities to well performing staff.

7. The framework for the human resources strategy encompasses nine specific human resources objectives, which are summarized in table 1.

⁴ Report of the Committee on Budget and Finance on its work at its eleventh session (ICC-ASP/7/15, paragraph 45).

⁵ Ibid, paragraph 65.

⁶ Ibid, paragraph 60.

⁷ Ibid, paragraph 82.

⁸ Report of the Court on Human Resources- Development of a Human Resources Strategy: Progress Report (ICC-ASP/7/6).

⁹ Other objectives stated in the Court’s Strategic Plan that relate directly or indirectly to human resources management are strategic objectives number 15 (Safety and security for all staff), number 18 (Development of a common culture) and number 19 (Clear ethical standards of behaviour for all staff).

Table 1: Overview of key human resources strategic areas and specific objectives

Strategic Plan objective	Key areas identified	Specific human resources objectives
#14 Recruitment	Selection processes	Define and apply a systematic, fair and transparent selection process to ensure the highest quality of (external) recruitment and (internal) placement
	Hiring capabilities	Strengthen the capabilities of staff with hiring responsibilities
	Awareness	Increase external awareness of the Court's employment opportunities
#16 Caring Environment	Conditions of service and compensation systems	Ensure attractive conditions of service and compensation systems for all Court staff at headquarters and field duty stations
	Staff well-being	Increase staff well-being by enhancing existing and developing new support programmes
	Internal justice systems	Enhance and develop further the administration of internal justice systems.
#17 Employment advancement for well-performing staff	Performance management	Institutionalize a well-functioning performance management system, including performance-based incentives
	Learning and development	Provide learning and training opportunities that contribute to the achievement of the Court's goals and address individual development needs
	Career management/ advancement	Develop and implement approaches and systems for career management and advancement of staff

C. Implementation of human resources objectives

8. The human resources strategic objectives span a wide range of measures. As was noted by the Committee at its tenth session, they require a gradual implementation which must be realistic and compatible with the Court's needs and resources. At the same time, the Court notes that considerable progress has been achieved with regard to several objectives in the course of 2008 and further progress is expected in the course of 2009 and 2010. Progress to date and activities envisaged for 2009-2010 are described in the following sections.

1. Recruit staff of the highest standards of efficiency, competency and integrity, having regard for representation of gender, geography and legal systems.

9. Recruitment continued to be the major focus of the Court's human resources activities in 2008. Placements of staff against vacancies continue to rise, offering career development opportunities for staff while departures of staff from the organization affect the retention rate. New recruitment activities have been and will continue to be introduced.

1.1 Recruitment, internal placements and turnover rates

10. In 2008, the Court filled a record number of 195 vacancies in established posts. Of these, 151 were external appointments. The high number of external appointments can be attributed, on the one hand, to the continued attractiveness of the Court as an employer of choice, and on the other hand to the measures adopted in the fourth quarter of 2007 which aimed at speeding up recruitment processes and increasing the Court's efficiency in this regard. It should be noted here that the recruitment activities of the Court also encompass GTA recruitment which, in most respects, does not differ much from recruitment against established posts. The high recruitment rate has continued in the first two months of 2009. An

update on recruitment during the first three months of 2009 is presented in the Performance Report submitted separately to the Committee. Forty-four out of the 195 vacancies filled were accepted by staff members of the Court. This represents a ratio of internal versus external appointments of 29 per cent.

11. A total of 64 staff left the Court in 2008. The turnover rate by month fluctuates between 7 and 14 per cent and on an annual basis was 12 per cent for 2008. The global average for public and private sectors is 20 per cent. As such, the Court's turnover rate is considered a healthy one: according to a 2008 survey undertaken by the International Civil Service Commission, the average turnover rate of United Nations organizations is 7.5 per cent, which many organizations considered as insufficient to ensure the necessary intake of new skills and expertise as well as career development of their staff. In this context, the Court is mindful of the fact that retention of qualified staff is a key priority and measures to support such retention are an integral part of the activities pursued in the strategic areas of creating a caring environment and offering employment advancement opportunities for well-performing staff. They include a credible and transparent performance management system, access to learning and training opportunities, the provision of contractual stability and adequate and competitive compensation systems, including social security programmes, appropriate health, welfare and staff well-being programmes as well as career advancement opportunities. Progress with regard to such measures is reviewed in sections B.2 and B.3 below.

12. Given internal placements and staff turnover, the net increase of staff at the end of 2008 over 2007 was 75 additional staff. As at 31 December 2008, the Court therefore had 587 staff on established posts.

13. Tables 2 and 3 summarize the recruitment performance, appointments, internal placement and turnover by major programme as at 31 December 2008.

Table 2: Recruitment performance

	Budgeted Posts	Headcount	Vacancy rate	Spot-check rate	Under recruitment	Separations (2008)	Separation (%)	Gender balance (female)
Court	679	590	16%	13%	61	76	N/A	48%
Judiciary	43	37	16%	14%	5	4	N/A	73%
OTP	206	194	10%	6%	7	24	N/A	51%
Registry	413	354	18%	14%	45	44	N/A	45%

The above figures include four budgeted posts for elected officials (three in OTP and one in the Registry)

Table 3: Court appointments and resignations in 2008

	External appointments	Internal appointments	Resignations	Movements to GTA	Secondment	SLWOP*	Dismissals	Net increase
Judiciary								
Major programme I	12	0	3	0	0	1	0	8
Office of the Prosecutor								
Major programme II	54	28	19	5	0	0	0	30
Registry								
Major programme III	83	16	38	3	2	0	1	39
Secretariat of the ASP								
Major programme IV	0	0	2	0	0	0	0	-2
Secretariat of the TFV								
Major programme VI	1	0	2	0	0	0	0	-1
Project Office permanent premises								
Major programme VII	1	0	0	0	0	0	0	1
Total Court	151	44	64	8	2	1	1	75

* Special leave without pay

1.2 New recruitment activities

14. The Court has decided to expand its use of rosters. Rosters include candidates who have qualified for certain positions but have not yet been selected for a specific post. Applicants can qualify for a roster either by applying for a specific post and going through the selection process without being the final candidate or by applying for roster vacancies. Rosters have been used in the past for certain functional jobs, such as investigators, security personnel or administrative assistants. This is to be expanded to other functional areas and the use of rosters across organs will be encouraged.

15. New recruitment guidelines have been prepared by the Human Resources Section and are currently undergoing inter-organ consultation and review. The guidelines specify the criteria for qualifying for different grades and levels. In addition to the increased use of rosters, the guidelines also propose a more flexible application of qualification criteria. For example, for certain professional-level functions, the current requirement that relevant work experience must have been obtained after the relevant academic degree may be waived. Within the Office of the Prosecutor, additional assessment tools have been introduced to increase the robustness of the recruitment process of Professional staff.

16. With regard to recruitment activities aimed at unrepresented and underrepresented countries, a Court visit was paid to one major country in January 2009. The Court regularly receives high-level visitors, including ministers and parliamentary delegations and conduct visits in the framework of its external relations responsibilities. Whenever these meetings are

with a representative of a State that is underrepresented in the staff of the Court, the Court initiates a discussion on possible initiatives to raise the number of suitable applicants for posts. The Office of the Prosecutor is planning to conduct a training seminar in underrepresented States Parties for potential candidates from various legal and law enforcement institutions. The proposal should be implemented in 2009.

17. As an alternative to costly visits by its officials, the Court will seek throughout 2009 to conduct virtual recruitment drives through videoconferencing with relevant universities, Bar associations and other suitable institutions. Additional recruitment activities will include agreements on internship programmes as well as consideration of the introduction of the category of Junior Professional Officers and Associate Experts, in accordance with the programmes that exist in almost all common system organizations, including the ad-hoc Tribunals and the International Court of Justice in The Hague.

18. To further support the more efficient management of recruitment, the e-recruitment feature of the Court's SAP programme will be introduced in 2009.

2. A caring environment which values the diversity of all staff

19. In the human resources strategy, the concept of a "caring environment", put forth in strategic objective 16 of the Court's Strategic Plan, was translated into three specific human resources objectives relating to conditions of service and compensation systems, staff well-being and internal justice systems. Throughout 2008 and the beginning of 2009, the Court laid the foundation for modifications and improvements in each of the three areas.

2.2 Attractive conditions of service and compensation systems for all Court staff at headquarters and field locations

20. With regard to the Court's conditions of service, progress has been made or initiated specifically with regard to those conditions governing the compensation and benefits of staff serving at field locations, human resources policy development and social security provisions. Major progress has been made with regard to the reduction of GTA contracts not foreseen in the programme budget. On the agenda for 2009 is also a review of the duration of contracts.

2.2.1 Conditions of service for staff serving in the field

21. At field locations, the Court currently employs locally-recruited General Service staff, internationally-recruited Professional staff as well as a hybrid category of "internationalized" General Service staff who work as security personnel in the field.

22. At the locally-recruited General Service level, the overall compensation and benefit package, which follows that of the common system, is considered appropriate for Court staff. However, problems had arisen in the past with regard to the fact that the field offices General Service staff were GTAs and also with regard to the level of the posts. Both problems have since been addressed successfully. Most GTA positions were approved by the Assembly as established posts in the 2009 programme budget (cleaners remain on GTA contracts). Starting in December 2008, the Registry conducted competitive recruitment processes for all 27 new General Service field posts (as well as for the seven remaining approved GTA posts). By early February 2009, all of these posts were filled. The posts of administrative assistants and drivers were reviewed by an external job evaluation expert and reclassified to a higher level, thus making them comparable to the levels used in other common system organizations.

23. A remaining concern relates to the safety and security of the Court's local staff. Clearly, being associated with the Court's operations in their home countries poses different risks for the national staff than is the case with the United Nations humanitarian organizations. Therefore, in 2009, the Court will review its policy on the applicability of certain residential security standards to this group of staff.

24. Professional staff serving in the field are internationally-recruited. Their compensation follows the “mission appointment” model of the United Nations’ peacekeeping operations, which means that Professional staff serving in the field receive only the net salary plus Mission Subsistence Allowance (MSA). Post adjustment is not added. Since the initiation of the Court’s field operations in 2005, it has become clear that this model is neither competitive (the mission appointment is only used by other common system organizations for certain short-term staff of the peacekeeping operations) nor fair, in that it means that a P-2 staff member working under excellent living conditions in The Hague draws a higher salary than a P-2 working under hardship conditions in the field.

25. A supplementary problem that the Court faces in relation to field deployment is the financial implications when re-assigning General Service staff to different field locations. With the present type of contracts, such redeployments to cover operational needs in a flexible manner result in higher costs for the institution.

26. The problems associated with the current model have been drawn to the Committee’s attention in the past. At its tenth session, the Committee also reviewed the comparison provided by the Court with other organizations operating with the Special Operations Approach (SOA).¹⁰ Following a review of possible options, the Registrar presented a proposal to the Prosecutor which offers suggestions for a more competitive compensation model which would include post adjustment but would refrain from adopting the SOA which is not seen as a feasible model for the Court.

27. Parallel to the Court’s internal review, the General Assembly of the United Nations reviewed the United Nations Secretariat’s mission appointment model for its peacekeeping operations. On 23 December 2009, the General Assembly decided to abolish the model and to grant staff members serving in the field for more than three months the normal benefits and allowances of the Professional category, i.e. post adjustment, assignment grant, shipment of personal effects, mobility and hardship allowances and rental subsidy. A subsistence allowance will henceforth only be paid for staff on “travel status” of up to three months’ duration. SOA will not be granted to United Nation peacekeeping personnel.¹¹

28. The abolition of the mission appointment model went into effect on 1 January 2009. Therefore, the Court is currently the only organization applying the common system that continues with this compensation model. Bearing in mind the Committee’s recommendation that the Court remain within the framework of the common system, the Court is therefore reviewing the implications of the move to post adjustment, including transitional arrangements for the current year.

29. For the group of security staff serving as “internationalized” General Service staff, the introduction of the field service category has been proposed by the Registrar to the Prosecutor, and is currently under review.

2.2.2 Human resources policy development

30. The absence of several key human resources-related policies and guidelines has proven a source of inefficiency, in that decisions need to be taken on an ad-hoc basis or by default through referencing comparable policies in the common system. This has put the Court at risk of treating similar cases and requests in an inconsistent manner which in turn, in some instances, results in appeals and complaints by staff. The Registrar and the Prosecutor have placed emphasis on the need to develop a sound policy basis for managing the Court’s human resources. In 2008, the Court issued a number of policies related to human resources

¹⁰ Report of the Court on Human Resources- Development of a Human Resources Strategy: Progress Report (ICC-ASP/7/6, annex II).

¹¹ General Assembly resolution A/RES/63/250 of 24 December 2008, entitled “Human resources management”.

management, such as policies on part-time employment, disciplinary proceedings, private legal obligations and official status files. Future policies are currently under development on special service agreements (SSA), short-term appointments, determination of within-grade steps, inter-organization mobility, reclassification, performance appraisal rebuttals, recruitment guidelines and others related to specific benefits and entitlements.

31. Of particular importance in this area is the development of the draft code of conduct, which has reached the final stage and will be submitted to senior management for consideration and review in March 2009.

2.2.3 Social security provisions

32. In January 2009, the Court signed an agreement with its group health insurance provider that will allow eligible staff who have reached retirement age and wish to retire from the Court to remain insured as a retiree on an optional basis. At present, the retiree will need to bear the total costs of the insurance and there is no cost to the Court for the after-service health insurance.

33. An optional life insurance scheme covering non-service incurred illness, accidents and death will be offered to staff in 2009, again at no cost for the organization.

2.2.4 General Temporary Assistance (GTA)

34. The Committee also requested the Court to develop general principles for determining the need and the funding basis for GTAs¹² and to regularize the use of GTA. The principles for determining the need for GTA staff are shown in table 4.

Table 4: GTA categories and descriptions

Category	Description
Approved function	GTA is performing a function as approved by the Assembly in the budget. The function is considered to be of a temporary nature and therefore does not warrant creation of an established post.
Replacement function	GTA is performing the tasks of an established post: <ul style="list-style-type: none"> • which is vacant, • of which the regular incumbent is on extended unpaid leave (e.g. SLWOP, secondment or loan),
New/changed function	GTA is performing tasks for which a need arises that were not foreseen in the budget document.
Specific function	GTA requiring separate reporting, e.g.: <ul style="list-style-type: none"> • in lieu of Contingency Fund, • in support of trust fund projects or other extra-budgetary funded functions

35. With regard to staffing in the field, and as noted above, the conversion of most locally-recruited General Service posts from GTA to established posts have addressed this particular aspect of the Committee's request.

36. As far as the Committee's request for an explanation of the differentiation between basic and situation-related costs is concerned, the Court confirms that this differentiation does not affect the decision to create an established or a GTA post. The differentiation between basic and situation-related costs is reflected in the budget guidelines of the Court as shown in table 5 below.

¹² CBF Report September 2008; ICC-ASP/7/15.

Table 5: Differentiation between basic and situation-related costs

Basic costs	Costs which are required to set up and sustain the Court as an organization with a basic capacity to be ready to react to situations before an investigation is opened. Basic costs include the judges, the elected officials with their support, the essential services for maintaining the Court's basic administrative functions and its premises, and the necessary capacity to perform initial analysis, investigative, prosecutorial and judicial functions before the opening of an investigation.
Situation-related costs	Costs generated by activities when a decision to open an investigation into a situation has been made (either by the Prosecutor under article 53, or by the Pre-Trial Chamber under article 15, paragraph 4, of the Rome Statute).

37. With regard to the Committee's recommendation that all unapproved GTA should cease before 31 December 2008, the Court confirms that this recommendation has been implemented to the greatest extent possible. Following the seventh session of the Assembly, the Registry undertook a comprehensive review of all GTAs in major programmes I, III, IV, VI and VII. In a few cases in major programmes I, III, IV and VI, where GTAs were placed against established posts while a competitive selection process was conducted for filling the vacant post, the Court exceptionally authorized an extension until the end of February 2009, on the condition that the competitive selection process be concluded at that time and that no further extensions be granted. As a result, the number of GTAs not specified in the budget has been reduced drastically and as of March 2009, such GTAs are only employed in very exceptional circumstances or for the purpose of covering for staff on maternity or other extended leave. Even such exceptional circumstances will however be carefully scrutinized. Within the Registry, the number of "unapproved" GTA, which was 34 in September 2008, has been reduced to 4 as at March 2009.

38. Within the Office of the Prosecutor, a through review of all GTA requests was conducted in December 2008 and a Standard Operating Procedure was adopted to ensure the proper use of GTA in accordance with the Committee's recommendations, approved by the Assembly.¹³

39. Information concerning the GTA situation as of 31 March 2009 will be submitted separately.

2.2.5 Types of contract and contract duration

40. Information on the types of contracts currently offered by the Court was provided to the Committee at its tenth session.¹⁴

41. As part of its work on human resources-related policy development, the Court intends to develop criteria for the extension of contracts and their duration. This will address concerns expressed by staff over a lack of clarity with regard to the duration of extensions, which normally range from one year to three years. In exceptional circumstances, mainly related to performance issues, a duration shorter than one year may be approved by the Registrar or the Prosecutor or their delegated authority.

¹³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (International Criminal Court publication, ICC-ASP/7/20), vol. I, paras. 7 and 11.

¹⁴ See Report of the Court on Human Resources- Development of a Human Resources Strategy: Progress Report (ICC-ASP/7/6, annex III), reproduced in the annex to the present report, for ease of reference.

42. In addition to the determination of principles guiding contract extensions, the Court has begun to examine the feasibility of introducing longer-term contracts, for example, contracts of five years as well as continuing (open-ended) contracts. In this context, and similar to the conditions of service for Professional staff in the field, the most recent developments in the common system provide an important input into the Court's deliberations on its contractual arrangements framework.

43. In its annual report for 2006, the International Civil Service Commission recommended to the General Assembly the adoption of a broad framework for contractual arrangements.¹⁵ The contractual arrangements would comprise three types of appointments, i.e. temporary, fixed-term and continuing appointments. Organizations of the common system had agreed to the framework, which was formally approved by the United Nations General Assembly by resolution A/RES/63/250.¹⁶ Determining the implementation modalities for the contractual framework will be the responsibility of each common system organization. However, all organizations are likely to introduce or re-introduce the continuing appointments modality. The United Nations Secretariat envisages that continuing appointments can be granted after five years of service and will be subject to specific criteria being met, notably with regard to performance.

44. Continuing appointments are contracts without an end date. This, however, does not imply that the organization will not be able to terminate a continuing appointment. As is the case with fixed-term appointments, continuing appointments can be terminated for reasons of poor performance, following abolition of the established post of the incumbent or if a termination is otherwise in the interest of the organization. In fact, experience as well as the jurisprudence of the Administrative Tribunal of the International Labour Organization have proven that non-extension of a fixed-term contract is subject to the same requirements as those governing termination of contracts.

45. The granting of longer-term or continuing appointments would offer a number of distinct advantages to the Court. While there is no empirical data available that links the Court's turnover rate to the duration of its contracts, it can safely be assumed that longer-term appointments provide staff with a greater measure of security. The uncertainty as to whether a contract will be extended is known to cause anxiety and concern to staff and their families and longer-term contracts would thus increase staff well-being and may foster a stronger sense of commitment to the organization. Similarly, while no new recruit to the organization should be given a five-year or continuing appointment immediately, the prospect of obtaining a status of longer-term job security is likely to be a potent motivator for joining the Court. The introduction of longer-term or continuing appointments, finally, would also represent a significant administrative efficiency as extensions require time and effort on the part of the hiring managers, the head of organ or their delegated authority and the Human Resources Section. Contract lengths are between one year and two years. Assuming an average contract duration of two years, and about 1,000 staff, the introduction of open-ended contracts could translate to as much as 500 fewer extensions per year.

46. Given the above considerations, the Court will consider the possibility to introduce continuing appointments and/or five-year contracts as of 2010.

2.3 Staff well-being

47. In 2008, the Court continued its efforts to assist new staff through the provision of support services helping them settle into their new environments.

¹⁵ Report of the International Civil Service Commission for 2006 (A/63/221).

¹⁶ United Nations General Assembly resolution A/RES/63/250 of 24 December 2008, entitled "Human resources management".

48. The Health and Welfare Unit of the Human Resources Section developed a new information package for spouses, partners and families of staff, including career possibilities, and to facilitate integration by building a new social and support network.

49. As result of increased field activities including outreach, field mission support and a healthy working environment are the main focus areas of the Health and Welfare Unit. A field medical support project now ensures emergency medical care and access to health care in the field. Country information booklets for mission travel and deployment to the field were developed and a new project to provide individual pre-mission and post-mission psychological debriefing is about to be implemented. This is in conjunction with current pre-travel health advice, vaccinations and other preventative measures.

50. As part of a Court-wide initiative, the Staff Welfare Officer conducts Secondary traumatization awareness workshops to support staff working with traumatized persons and/or dealing with potentially difficult material. The objectives of the workshop program are to raise awareness about the risks of secondary traumatization, help identify symptoms and develop preventative coping mechanisms. Stress awareness workshops and team exercises are regularly offered upon request.

51. On the policy side, an administrative instruction on sick leave provisions will be issued in the second quarter of 2009. For 2010, the preparation of a more comprehensive work/life balance policy is envisaged.

2.4 Administration of internal justice

52. The formal mechanisms for the administration of internal justice, consisting of an Appeals Board and a Disciplinary Advisory Board, with a right to appeal to the external Administrative Tribunal of the International Labour Organization, have been well-established. In 2008, a new administrative instruction on disciplinary proceedings was issued. Means of strengthening the capacity of the Court to investigate misconduct of staff are also currently under consideration by the Assembly in the context of the establishment of an independent oversight mechanism.

53. In 2009, the focus will be on the establishment of informal mechanisms to deal with conflict and to provide conflict resolution assistance and mediation to staff. While the creation of an Ombudsman position for informal conflict resolution and mediation is not proposed, it is nevertheless recognized that many disputes and conflicts could be resolved through mediation and counselling before they reach the formal appeals and disciplinary proceedings stage. Therefore, training of staff members will be provided to assume such counselling and mediation functions in-house.

54. The Court wishes to note the important contribution of the Staff Union Council in the context of internal justice administration. Council members have assisted many staff members in difficult situations while maintaining a frank and constructive dialogue with the administration. The Staff Union Council's Executive Committee meets regularly with the heads of organs and the Chief of Human Resources.

3. Employment advancement opportunities for well-performing staff

55. In the human resources strategy, strategic objective 17, the "career development" objective, of the Court's Strategic Plan was translated into three specific human resources objectives relating to performance management, learning and training and career management and advancement.

3.1 Performance management

56. A credible, transparent and well-functioning performance management system is the foundation for many other human resources management programmes and activities. While the Court has had in place for some time a performance appraisal system based on both competency and results achievement, it was not systematically applied across all parts of the Court. Moreover, in many parts of the Court, staff members were appraised only in connection with an upcoming contract extension, i.e. in the case of longer-term contracts, only every two or three years.

57. In 2008, significant progress was made in improving the Court's application of the performance management system. In August 2008, the Registrar proposed to all major programmes a plan for improving and fully institutionalizing the system. This included introduction of:

- a) An annual and mandatory cycle for work planning at the divisional, sectional, unit and individual levels;
- b) An annual and harmonized cycle for appraisals and mid-year reviews of individual staff performance; and
- c) An annual and harmonized cycle for developing individual and organ-wide learning and development plans for staff.

58. To support the shift towards a more rigorously applied and harmonized annual cycle, a comprehensive training programme was designed and delivered between November 2008 and February 2009 within the Registry. The training consisted of four modules:

- a) Introduction to performance management;
- b) Work planning and objective-setting;
- c) Communication; and
- d) Feedback and Learning and Development.

Participants were managers and staff with supervisory responsibilities, as well as members of the Staff Union Council.

59. Further activities in this important area envisaged for 2009 include improvements to the appraisal form and monitoring of the adherence to the annual cycle. For 2010, a comprehensive review of the current appraisal tool, including the consideration of best practices, is envisaged. At that point, the introduction of performance-based incentives, including pay incentives, should be considered.

60. Within the Office of the Prosecutor, the performance management strategy has been focused on increasing the development, understanding and dissemination of clear operational rules. The Office of the Prosecutor Regulations are in the process of being issued and an Operational Manual, detailing the role and mission of each staff and the processes they have to follow in executing their mandate is being developed. Such clarity is required to ensure an adequate measurement of performance.

61. The appraisal-related measures mentioned above constitute one important aspect of performance management. These measures are nevertheless looking at past activities. Forward-looking developmental part of performance management is of at least equal importance to proper performance management. As such, performance management forms an integral part of career development programmes and is closely linked to the Court's ability to support development through learning and training.

3.2 Learning and training

62. Access to learning and training is a strong motivator for attracting and retaining qualified staff. In order to keep budget increases low, the Court's budget for training has remained stagnant despite its growing number of staff. Some training activities can be carried out at the same cost, regardless of the number of participants, while others require incurring a per capita cost. In 2008, about half of the centralized training budget was spent on general language training (English, French and Spanish) as well as some specialized language training (for example, French drafting skills). In addition, the human resources section designed and delivered performance management training (see above), teambuilding, communication skills and induction training. The IT Section, together with the Budget and Finance Section, organized in-house training for SAP certifying officers as well as field staff. Certificates of completion are provided to participants in SAP and language training. Technical and specialist training, e.g. security training, continued to be organized by the relevant sections.

63. In May 2008, the Office of the Prosecutor adopted a new approach to identifying the training and learning needs of its staff. A comprehensive training needs assessment was jointly conducted by the Office of the Prosecutor and the Registry across the Office, starting at the unit level. Training needs were based on the provisions of the Statute, the Rules and the Office of the Prosecutor Regulations and integrated with the Court's Strategic Plan and the Prosecutorial Strategy, taking into account financial feasibility.

64. A consolidated training proposal, comprising 26 different training courses, was subsequently reviewed and approved by the Office of the Prosecutor's Executive Committee. Sixteen of these courses were implemented in late 2008 while the rest are envisaged to take place in 2009. A similar approach has been adopted by the Registry for 2009, resulting from the performance appraisals of staff.

65. Since 2009, the Judiciary has been working in conjunction with the Human Resources Learning and Development Unit in order to establish a method of identifying and linking training needs at a personal and division level to the performance appraisal system. This will continue to be developed the coming years.

66. Implementation of the leadership development programme, for which the Court conducted a competitive bidding exercise in 2007, was put on hold in 2008 due to a lack of funds. As recommended by the Committee, the Court will seek to identify funds for conducting this programme in 2010.

3.3 Career management and advancement

67. Increasingly, there are examples of a more systematic approach to career development of Court staff. In the Office of the Prosecutor, for example, career paths have been established for staff members, whose levels range from junior (P-1/P-2) to senior (P-4/P-5). To date, 22 staff members have been subsequently selected for higher-level posts through competitive recruitment. The Office of the Prosecutor is currently considering development initiatives for positions where such a career path is not so feasible. Options include flexible rotations or reassignments within the Office to provide staff members the opportunity to acquire new skills and to broaden their professional experience. To date, 10 staff members have been laterally transferred within the Investigation and Prosecution Division, providing them with opportunities to learn new skills and to expand their professional expertise.

68. In this context, the Office of the Prosecutor also implemented a professional exchange program with the aim of encouraging mutual exchange of expertise between its staff and staff from other organizations. The Office has recently started a law enforcement network (L.E.N.) and experienced professionals from nine national jurisdictions were invited for an interactive seminar in December 2008 and were subsequently assigned on a four-week programme at the Court to work on joint projects with staff of the Office of the Prosecutor.

69. The high number of internal placements is an encouraging indication of an increase in career development opportunities for staff. It is important to point out in this context that the Court places hardly any restrictions on advancement by more than one level or on the movement from the General Service to the Professional categories. In the Court, a staff member may well move from a P-3 to a P-5 position or from a G-5 to a P-2 position, provided that s/he has the necessary qualifications for the higher level or Professional position.

70. To the extent its resources have permitted, the Human Resources Section has increasingly provided career counselling to staff. This includes both temporary and permanent transition support.

71. As noted, adequate conditions of service, a good performance management system and access to training and learning are essential building blocks on which to construct solid systems for career management and advancement. As these are still being developed, a comprehensive strategic approach to succession planning and talent management, envisaged in the human resources strategy, has yet to be elaborated by the Court. Adding professional competency assessment processes to its current selection mechanisms also has not yet been feasible. These will be challenges the Court intends to address in the next stages of implementing its human resources strategy.

D. Summary and conclusions

72. As of March 2009, the Court has more than 650 staff on established posts. In the area of human resources management, the organization has evolved from the early focus on rapid high-quality recruitment, with due regard to geographical and gender representation and legal systems (strategic objective 14 of the Court's Strategic Plan), and the administration of contracts and benefits and entitlements to one that is equally if not more engaged in supporting a caring environment (strategic objective 16) and offering opportunities for advancement and development for its staff (strategic goal 17).

73. In 2008 and early 2009, implementation of strategic goal 16 has included the initiation of a review of the conditions of service for its field staff, the continuation of the development of policies related to human resources management and new programmes supporting staff well-being and social security. In 2009, a review of the criteria for contract extension and the possibility of longer-term contracts will take place, as well as training of in-house focal points for conflict resolution and mediation.

74. With regard to strategic goal 17, the Court has made significant progress with regard to institutionalizing performance management in all parts of the Court, which includes the provision of training in work planning and communication and feedback skills for supervisory staff. New approaches to developing learning and training plans for Court staff were introduced and the Court's increasing internal recruitment for vacancies attests to the growing scope for career development within this new permanent institution. In 2009 and 2010, the Court intends to, inter alia, improve its performance appraisal system, implement a leadership and management development programme and undertake further work in supporting staff in developing their careers.

Annex

Overview of current contracts used

Contract types and duration

1. The International Criminal Court provides two types of staff contracts: fixed-term and short-term contracts. In addition to staff contracts, special service agreements are provided to consultants and individual contractors.

Fixed-term contracts

2. Fixed-term contracts are provided to staff recruited both against established posts and as General Temporary Assistance (GTA) personnel. These are governed by the Court's Staff Regulations and Rules.

3. For established posts, the duration of fixed-term contracts normally ranges from one year to three years. The decision whether a position is advertised for three years or less is taken by the responsible manager on the basis of an analysis of the functional needs. There has to be an expectation that the position in question will be needed for at least three years.

4. For GTA fixed-term contracts, the duration is determined by the budget cycle. As a rule, GTA positions are only approved for a maximum of one year.

5. In the case of fixed-term contracts of less than twelve months, certain benefits and entitlements (such as assignment grant) are pro-rated.

6. Fixed-term appointments of three years have a notice period of 60 days. Contracts between six months and less than three years have a 30-day notice period and for contracts below six months, the notice period is 15 days.

Short-term contracts

7. Short-term contracts are provided up to a maximum of one month and are used mainly for language staff (such as conference interpreters), meeting clerks or administrative assistants needed for short periods only. Persons recruited on short-term contracts are staff of the Court but certain entitlements and benefits do not apply. For short term contracts, the notice period is 7 days.

Special Service Agreements

8. Special Service Agreements are provided to consultants who work as individual contractors. Individual contractors are not staff of the Court and therefore have no specific entitlements and benefits other than the remuneration agreed to in the agreement.

9. At the moment, the Court does not have continuing or permanent contracts.