
Seventh session

The Hague

14 - 22 November 2008

**Report of the Bureau on geographical representation
and gender balance in the recruitment of staff
of the International Criminal Court**

Note by the Secretariat

Pursuant to paragraph 23 of resolution ICC-ASP/6/Res.2 of 14 December 2007, the Bureau of the Assembly of States Parties hereby submits, for the consideration of the Assembly, its report on the issue of geographical representation and gender balance in the recruitment of staff of the International Criminal Court. The report reflects the outcome of discussions held by the New York Working Group of the Bureau, pursuant to the mandate assigned to it by the Bureau at its third meeting, on 1 April 2008.

Report of the Bureau on geographical representation and gender balance in the recruitment of staff of the International Criminal Court

Introduction

1. By resolution ICC-ASP/4/Res.4, the Assembly of States Parties reminded the Court “of its obligation under the Statute, in the recruitment of staff, to seek equitable geographical representation and gender balance and the highest standards of efficiency, competency and integrity, as well as to seek expertise on specific issues, including, but not limited to, violence against women or children, and decide[d] to invite the Bureau, in consultation with the Court, to submit proposals to improve equitable geographical representation and gender balance in the recruitment of staff members, to the Assembly in advance of its fifth session.”¹
2. By resolution ICC-ASP/5/Res.3, the Assembly reminded the Court, “in the recruitment of staff, to seek equitable geographical representation and gender balance and the highest standards of efficiency, competency and integrity, as well as to seek expertise on specific issues, including, but not limited to, violence against women and children.”²
3. By resolution ICC-ASP/6/Res.2, the Assembly recommended that the Bureau “continue to engage with the Court to identify ways to improve equitable geographical representation and gender balance within the existing model, without prejudice to any future discussion on the suitability, or otherwise, of the current model, as well as to remain seized of the issue of geographical representation and gender balance.”³
4. At its fourth meeting, on 29 April 2008, the Bureau appointed Mr. Eden Charles (Trinidad and Tobago) as facilitator for the issue of geographical representation and gender balance in the recruitment of staff of the Court, to continue the work of the previous two facilitators, Ambassador Kalimi Mworira (Kenya) and Ambassador Mirjam Blaak (Uganda).
5. The Court is required to achieve equitable geographical representation and gender balance through recruitment from governments, the civil service, academia, civil society and the private sector, without compromising the quality of staff employed.

Informal Consultations

6. The facilitator held informal consultations on 25 July and 19 September 2008, as well as bilateral consultations during that period. All consultations took place at United Nations Headquarters in New York, where the facilitator disseminated the 2007 Report of the Bureau on geographical representation and gender balance in the recruitment of staff of the International Criminal Court,⁴ which gave an update of the strides made by the Court to comply with the provisions of the Rome Statute to achieve geographical and gender balance in the recruitment of staff.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November – 3 December 2005* (International Criminal Court publication, ICC-ASP/4/32) part III, resolution ICC-ASP/4/Res.4, paragraph 23.

² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fifth session, The Hague, 23 November to 1 December 2006* (International Criminal Court publication, ICC-ASP/5/32), part III, resolution ICC-ASP/5/Res.3, paragraph 21.

³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November - 14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. I, part III, resolution ICC-ASP/6/Res.2, paragraph 23.

⁴ Report of the Bureau on geographical representation and gender balance in the recruitment of staff of the International Criminal Court (ICC-ASP/6/22, Add.1 and Add.1/Corr.1 (English only)).

7. During the consultations held on 25 July 2008, discussions focused, inter alia, on the Court's use of the United Nations model of desirable ranges in its recruitment efforts. This was based on information received from the Court in respect of the geographical balance of staff of the Court. For the main part, delegations were of the view that, based on the data received from the Court, it appeared that United Nations model was working satisfactorily. There was not much support for exploring alternative models.

8. At the consultations held on 19 September 2008, discussions centred on the measures adopted by the Court to disseminate the vacancy announcements. The continued relevance of the United Nations model of desirable ranges was also highlighted. The issue of the recruitment of women in the Court was also debated and it was agreed that while there was no great disparity in the recruitment of male and female staff, there was a higher incidence of resignations of female staff.

Findings

9. The statistics provided by the Court show that there is a discrepancy of 12 per cent between male and female staff of the Court. At the professional level, male staff make up 56 per cent of the Court, while female staff make up only 44 per cent of staff.⁵ A number of reasons advanced by the Court for the disparity in the numbers of female staff include, but are not limited to:

- a) Lack of knowledge of the Court in many recruitment markets;
- b) Lack of competitiveness in the remuneration package;
- c) Language requirements; and
- d) Difficulties in attracting staff with a working spouse.

10. On the issue of remuneration, some delegations suggested that the salary paid by the Court was comparable to those of other international tribunals, such as the International Criminal Tribunal for the former Yugoslavia. Therefore, the delegations found it difficult to conclude that salary was an issue in recruitment of staff for the Court.

11. Taking into account the current regional representation of staff, the Court projects that it would recruit 18.14 per cent of its staff from African countries, 6.37 per cent from Asia, 7.84 per cent from Eastern Europe, 11.27 per cent from Latin America and the Caribbean (GRULAC) and 56.37 per cent from the Western European and other States group. The statistics reveal that some States are underrepresented and also not adequately represented at senior levels.

12. On the question of employment of nationals of non-States Parties, it was generally agreed that preference should be given to applicants from States Parties and signatories to the Rome Statute. It was also agreed that applications should be received from other States when necessary, and as provided for in resolution ICC-ASP/1/Res.10.⁶ It was suggested that political benefits could accrue through the recruitment of staff from non-States Parties as a means of attracting those States to become parties, which could contribute to achieving universality of the Rome Statute.

⁵ Report of the Bureau on geographical representation and gender balance in the recruitment of staff of the International Criminal Court (ICC-ASP/6/22/Add.1), annex XI.

⁶ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), ICC-ASP/1/3, part IV, resolution ICC-ASP/1/Res.10, annex, paragraph 4.

13. The material received from the Court shows that several avenues are utilized to disseminate information on vacancies, including e-mails, newspaper advertisements, as well as making the vacancy announcements available to Embassies located in The Hague. These measures were found to be helpful but should be expanded to include the use of Embassies based in Brussels since not all States Parties have diplomatic representation in The Hague.

Recommendations

1. The Court should explore other methods to attract and retain female staff, particularly at senior levels.
2. The Court should conduct exit interviews to ascertain the reasons why women resign from the Court, as this could assist in establishing:
 - a) The causes of the resignations; and
 - b) The measures that may be employed to remedy the situation.
3. The Court should continue to disseminate information regarding vacancies through the use of Internet recruitment sites.
4. The Court should continue to target underrepresented States, regions, and professions.
5. The Court should continue to send recruitment missions to underrepresented regions and States.
6. The Court should continue to give employment preference to nationals of State Parties and signatories to the Rome Statute, while also continuing to accept applications from nationals from other States, when necessary.
7. The Court should employ pervasive and persistent measures to disseminate information regarding vacancies in regions that are underrepresented in order to attract nationals from as many States as possible, thereby contributing to ensuring the universality of the Rome Statute.
8. The Court should continue to consider adopting alternative models as proposed in a paper prepared by the Coalition for the International Criminal Court (CICC) and contained in the 2007 report of the Bureau.⁷
9. The Court should consider sending e-mails regarding vacancies to Embassies where more States Parties are present.
10. The Court should consider implementing the recommendation in paragraph 43 of the Report of the Committee on Budget and Finance on the work of its tenth session.⁸
11. The Court should be given a timeframe of one to two years within which to address some of the outstanding issues on the subject and report back to the Assembly.

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⁷ Report of the Bureau on geographical representation and gender balance in the recruitment of staff of the International Criminal Court (ICC-ASP/6/22/Add.1 and Add.1/Corr.1 (English only)), annex XII.

⁸ Paragraph 43 of the Report of the Committee on Budget and Finance on the work of its tenth session (ICC-ASP/7/3) provides as follows: "The Committee noted that there had been an improvement in the geographical representation and gender balance in the recruitment of staff of the Court, and encouraged the Court to continue its efforts in this regard. Further, the Committee invited the Court to consider further ways to improve geographical representation, such as through national competitive examinations or through advertising vacancies in national newspapers of underrepresented or non-represented countries."