International Criminal Court



## **Assembly of States Parties**

# ICC-ASP/21/27

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

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#### I. Introduction

1. The Rome Statute provides that the International Criminal Court ("the Court") shall ensure the highest standards of efficiency, competency and integrity, and shall have regard to fair representation of women and men for all positions, representation of the principal legal systems of the world for legal positions, and equitable geographical representation for positions in the professional category. The selection procedure is determined by the criteria set forth in articles 44(2) and 36(8) of the Rome Statute and resolution ICC-ASP/1/Res.10 of the Assembly of States Parties ("the Assembly").

2. As decided by the Assembly, the system of desirable ranges applied by the Court is based on the system of the United Nations. The ranges are calculated on the basis of a State's financial contribution to the budget of the Court and of a State's population size, both criteria in relation to the total membership of the Rome Statute.

3. At its nineteenth session, in resolution ICC-ASP/20/Res.5 on "Strengthening the International Criminal Court and the Assembly of States Parties", the Assembly "request[ed] the Bureau to continue engaging with the Court to identify ways to improve equitable geographical representation and gender balance in professional posts, as well as to remain seized of the issue of geographical representation and gender balance, and to report thereon to the twenty-first session of the Assembly."<sup>1</sup> The Assembly noted that "the facilitation on geographical representation, in resolution ICC-ASP/20/Res.3 on the "Review of the International Criminal Court and the Rome Statute System", the Assembly requested "the relevant Assembly mandates designated as responsible for assessing and taking possible further action as appropriate on relevant recommendations to continue with the assessment and, where appropriate, implementation in 2022 and to submit to the Bureau the outcome of its consideration, including on action already taken and proposals for next steps, by 15 November 2022".<sup>3</sup>

4. The mandate on the issue of geographical representation and gender balance was allocated by the Bureau of the Assembly to the New York Working Group and Mr. Choi Taeeun (Republic of Korea) was appointed as facilitator on this issue by the Bureau on 9 March 2022.

#### II. Discussions in the New York Working Group

5. The facilitator convened a meeting on 7 November 2022 open to States Parties, Observer States and civil society. The meeting was held via remote-link. During this meeting, staff from the Human Resources Section of the Registry presented relevant aspects of the annual report of the Court on Human Resources Management,<sup>4</sup> as well as updated statistics and an overview of the Court's efforts to achieve equitable geographical representation and gender balance. The Focal Point for Gender Equality also provided a briefing on the activities undertaken to coordinate and maximize the impact of the Court's initiatives to further gender balance and promote gender equality. A request was made for the Court to identify measures to introduce a tenure policy at the ICC and submit to the Assembly a report containing various options related to the implementation of the tenure policy. Delegations stressed that to achieve meaningful outcomes toward the equitable geographical representation of non- and under-represented States Parties, the court should include in its recruitment procedure an obligation to justify in writing any selection of candidates from over-represented States Parties and non-States Parties during the short-listing. For recruitment from the roster, the same delegations emphasized rostered candidates from non- and under-represented States Parties shall be selected over rostered candidates from non- and over-represented States Parties. In response, there were discussions about who is responsible for writing the justification and whether it would be burdensome for the court. Moreover, states requested

<sup>&</sup>lt;sup>1</sup> ICC-ASP/20/Res.5, annex I, para. 13(d).

<sup>&</sup>lt;sup>2</sup> ICC-ASP/20/Res.5, para. 131.

<sup>&</sup>lt;sup>3</sup> ICC-ASP/20/Res.3, para. 9.

<sup>&</sup>lt;sup>4</sup> ICC-ASP/21/7.

comprehensive data including the number/nationality of applicants for each new post, similar to the OPCW's annual report on the composition of the secretariat.

6. The facilitator encouraged States Parties to attend the third meeting of the Study Group on Governance on 26 April, during which IER recommendations R92 and R95 were discussed with the involvement of the geographical representation and gender balance facilitation. The facilitator also encouraged States Parties to attend the second meeting of the facilitation on cooperation on 29 June, during which IER recommendations R293 to R298. During both meetings States Parties expressed their support for the IER recommendations related to geographical representation and gender balance.

7. The facilitator also held bilateral meetings with interested delegations, aimed at providing specific information on statistics relevant to their respective States. As in previous years, the facilitation served, among other matters, as a platform to raise awareness on the staffing of the Court and provide updates regarding fluctuations of staffing.

#### **III. Recruitment process**

8. As at 31 March 2022, the Court had 439 staff members from 91 different nationalities in established professional posts (excluding the three elected officials and language staff).<sup>5</sup>

9. Representatives of the Human Resources Section provided States with background information regarding the functioning of the recruitment process. It was advised that, in accordance with the Rome Statute, the Court selects the most qualified candidates and, when candidates perform equally well, the recruiting panel considers geographical and gender representation. It was stressed that diversity is also relevant for the composition of the panels, and that its members are provided with information regarding under- and over-represented countries, in an effort to ensure that nationals from these countries are properly considered for shortlisting.

#### **IV.** Gender balance

10. As at 31 March 2022, female staff comprised 49.4 per cent of the Court's professional staff, while male staff comprised 50.6 per cent.<sup>6</sup> Throughout the years, there had been some stability regarding gender balance at the Court,<sup>7</sup> however, imbalance in the staff composition within some Court programmes<sup>8</sup> and severe under-representation of female staff in positions P-5 and above<sup>9</sup> had been identified. While 81 per cent of female staff hold lower grade levels in the Court (P-1, P-2 and P-3) as at 31 March 2022 female staff were severely under-represented at the higher levels: only 11.1 per cent of staff at the D-1 level were female, 25.6 per cent at the P-5 level, 39.0 per cent at the P-4 level, and 55.4 per cent at other levels.<sup>10</sup>

11. Since the position of Focal Point for Gender Equality was established in March 2021, the Focal Point has undertaken a number of activities to coordinate and maximize impact of ongoing initiatives of the Court, its organs and Divisions, as well as its staff, in the area of gender equality. The Focal Point has sought to identify gaps by consulting extensively with Court personnel in order to: (1) collect information on the current situation, the concerns and expectations of staff, as well as on ongoing or planned actions by the Court's administration and staff-led initiatives related to gender equality; and (2) use that information to conduct a gender analysis to identify the gaps, what is working well, what can be improved, and what specific actions are needed.

<sup>&</sup>lt;sup>5</sup> Information provided available in the Human Resources Section updated paper "HR Standard Statistics" dated 31 March 2022.

<sup>&</sup>lt;sup>6</sup> ICC-ASP/21/5/Add.1, para. 78.

<sup>&</sup>lt;sup>7</sup> Ibid. Percentage of male and female staff per year: 2014: 53.5%-46.5%; 2015:56.2%-43.8%; 2016: 52.9%-47.1%; 2017: 53.6%-46.4%; 2018:52.8%-47.2%; 2019: 52.7%-47.3%; 2020: 48.1%-51.9%).

<sup>&</sup>lt;sup>8</sup> lbid. Percentage of male and female staff per organ as of 31 March 2022: Judiciary: 42.4%-57.6%; Office of the Prosecutor: 52.6%-47.4%; Registry 50.7%-49.3%; Other Programmes: 42.1%-57.9%-

<sup>&</sup>lt;sup>9</sup> Ibid. As of 31 March 2022, the percentage of female staff at higher grade levels was 49.4% while for male staff it was 50.6%.

<sup>&</sup>lt;sup>10</sup> ICC-ASP/21/5/Add.1, Annex IV (2).

12. In 2021, the Focal Point was involved in the review of key administrative instructions, policies and presidential directives relevant to gender equality, such as on harassment, disciplinary proceedings, recruitment, and flexible working arrangements, as well as in the Independent Expert Review recommendations assessment and implementation process, including through substantial contributions to the work of the Review Mechanism regarding gender equality and work culture.

13. The Focal Point joined the gender focal points network of UN Women, thus benefiting from their compilation of good practices, their training and their expert advice, and was involved in the establishment of a network of gender focal points in the other international organizations based in The Hague, and has also benefited from support and advice from several States Parties, including those having Gender Equality Ambassadors or feminist foreign policies, as well as from expert advice from many civil society organizations.

14. In order to further strategize and take advantage of the current impetus to lay down an ambitious and comprehensive blueprint for cultural and structural change at the Court, a High-Level Statement on Gender Equality, adopted by the Principals of the Court on 30 April 2021, set key goals and laid the groundwork for concrete actions to deliver on the Court's gender equality goals. Furthermore, the Court has also undertaken, as part of the Generation Equality Forum, to consult on, adopt and implement its first Strategy on Gender Equality and Workplace Culture by 2025.

15. Going forward, the aim of the actions of the Court in the area of gender equality, would focus on three key areas, will be: (a) to further promote equal opportunities and gender balance at all levels of the workforce (noting the importance of complementing this with diversity and geographical representation); (b) to further develop a gender sensitive organizational work culture – indeed, gender equality is not only about more representation of women, including in senior positions, but also and fundamentally, about structures and culture in the organization; and (c) to further promote a better work-life balance – learning from the COVID experience as well as from progressive work arrangements put in place in other intergovernmental organizations, the private sector and as part of States' feminist foreign policies.<sup>11</sup>

16. At its thirty-eighth resumed session, the Committee on Budget and Finance made observations regarding gender balance and recommended an update by the Court on gender balance issues as part of the Human Resources Management report at its forty-first session in 2023.<sup>12</sup>

#### V. Geographical representation

17. As of 31 March 2022, 91 nationalities were represented in the professional staff of the Court, of which: 23 nationalities were in balance with their targets; 27 nationalities were under-represented; 20 were over-represented; and 53 nationalities were not represented. The remaining 24 nationalities of the professional staff corresponded to States not Parties to the Rome Statute.<sup>13</sup>

18. As at 31 March 2022, in terms of absolute distribution, 74 staff were nationals from the African Group, 32 from the Asia-Pacific Group, 48 from the Eastern European Group, 35 from the Latin American and Caribbean Group (GRULAC), and 255 from the Western European and Others Group (WEOG).<sup>14</sup>

19. As at 31 March 2022, the number of staff per post, per region, was as follows:<sup>15</sup>

(a) D-1 (9): one from the African Group, one from the Asia-Pacific Group, two from GRULAC, and five from WEOG, with the Eastern European Group not represented;

<sup>&</sup>lt;sup>11</sup> ICC-ASP/21/7, para. 35-43.

<sup>&</sup>lt;sup>12</sup> ICC-ASP/21/5/Add.1, para. 80.

<sup>&</sup>lt;sup>13</sup> ICC-ASP/21/5/Add.1, Annex III.

<sup>&</sup>lt;sup>14</sup> ICC-ASP/21/5/Add.1, Annex III.

<sup>&</sup>lt;sup>15</sup> ICC-ASP/21/5/Add.1, Annex III.

(b) P-5 (39): seven from the African Group, one from the Asia-Pacific Group, two from the Eastern European Group, one from GRULAC, and 28 from WEOG; and

(c) P-4 (72): 12 from the African Group, six from the Asia-Pacific Group, six from the Eastern European Group, six from GRULAC, and 42 from WEOG.

20. From a broader perspective, a comparison of the data from 2016 and 2022 respectively<sup>16</sup> showed improvement in the in-balance States and a reduction in the number of over-represented ones. For the rest of the categories, namely the under-represented, non-represented and non-ratified countries, their numbers largely did not change.<sup>17</sup>

#### VI. Recruitment of nationals from non-States Parties

21. In comparison to the previous report on geographical representation and gender balance,<sup>18</sup> in 2021 there was a net reduction of two staff from non-States Parties.<sup>19</sup>

22. It was observed that recruiting nationals of non-States Parties can be more expensive than hiring nationals of States Parties. According to the practice and fundamental principles of the International Civil Service, as determined by the Administrative Tribunal of the International Labour Organization (ILOAT), all employees of the Court are entitled to exemption from taxation on salaries, emoluments and allowances paid by the Court. The estimated tax liability for 2021 was  $\in$ 84 thousand, in relation to United States taxpayers on the payroll of the Court.<sup>20</sup>

23. At its thirty-eighth resumed session, the Committee on Budget and Finance observed that the number of staff from non-States Parties had increased from 21 in 2016 to 24 in 2022, or by 14.3 percent.<sup>21</sup>

#### VII. Measures to improve geographical representation

24. The Court has informed States that it has increased its presence on social media, which has resulted in increase in the number of followers on LinkedIn by 29 per cent, vacancy announcement awareness by 47 per cent, applications from female candidates by 32 per cent, applications from candidates from under and non-represented countries by 30 per cent, and applications for all vacancies increased by 19 per cent.

25. The Court has also informed States that it continued its efforts to improve geographical representation and gender balance of ICC staff, which included: (a) distributing all vacancy announcements in both working languages of the Court; (b) having all participating panel members took the in-house designed mandatory training Unconscious bias in recruitment to counter any unconscious bias and increase the diversity of participating candidates; (c) having Human Resources staff participate in all recruitment processes and assist panels in ensuring consideration of diversity at all stages of the recruitment cycle (d) having the Selection Review Board oversee all recruitment; (e) ensuring geographical and gender diversity on all recruitment panels; (f) disseminating updated information on geographical representation to all recruitment panels; (g) considering geographical and gender representation both at the shortlisting stage and when the decision on the final selection of suitable candidates was made; (h) considering geographical and gender representation for all types of appointment; and (i) informing embassies of newly published vacancy announcements.<sup>22</sup>

<sup>&</sup>lt;sup>16</sup> ICC-ASP/21/5/Add.1, para. 77.

<sup>&</sup>lt;sup>17</sup> ICC-ASP/21/5/Add.1, para. 77.

<sup>&</sup>lt;sup>18</sup> ICC-ASP/20/29.

<sup>&</sup>lt;sup>19</sup> ICC-ASP/21/5/Add.1, Annex III.

<sup>&</sup>lt;sup>20</sup> Financial statements of the International Criminal Court for the year ended 31 December 2021 (ICC-ASP/21/12), item 13.2.

<sup>&</sup>lt;sup>21</sup> ICC-ASP/21/5/Add.1, Annex III.

<sup>&</sup>lt;sup>22</sup> ICC-ASP/21/7, para. 33

#### VIII. Interns, JPOs and visiting professionals

26. States indicated that geographical representation and gender balance was also desirable in the selection of interns, visiting professionals (IVPs) and Junior Professional Officers (JPOs). Interest was also expressed in the inter-relationship between these programmes and the actual recruitment of the Court, given that IVPs and JPOs are frequently potential candidates for professional postings. It was therefore noted that measures aimed at promoting equitable geographical distribution in these programmes could have a positive impact in the diversification of the pool of applicants for professional postings.

27. The Court confirmed that it sought to address some of the geographical representation challenges through the IVPs Programme since it is considered that a diverse group of qualified professionals in this programme will encourage more potentially eligible and interested candidates from those countries for the Court's staff positions, now and in the future. To make this programme accessible to all, the Court has implemented a Trust Fund based on voluntary donations to enable funded placements for persons from developing regions who are also from States Parties, and preferably those that are non- or underrepresented.

28. In 2018, 23 individual IVPs from Africa, Asia-Pacific, Eastern Europe and Latin American and the Caribbean region were funded by the Trust Fund. In 2019 and 2020, no new individual IVPs have been funded by the Trust Fund. An additional JPO from the Republic of Korea was recruited in 2021 and is expected to be onboarded in early 2022. New JPOs from France and Germany are also expected to be recruited in 2022. Following the recommendations of the Committee for Budget and Finance (the "Committee"), the Court has intensified its outreach efforts to find new donors, with a focus on States Parties that are open to funding JPOs from developing countries. The Court has also participated in career events to increase the visibility of the JPO programme to potential candidates and has actively participated in meetings with the UN JPO network to keep abreast of best practices and trends. In view of the significant impact that the JPO programme can have in terms of geographical representation, the Court's efforts were equally focused on States that are under-represented or non-represented.<sup>23</sup>

29. Despite the ongoing COVID-19 pandemic, the Court recruited and onboarded a total of 273 IVPs in 2021 (213 interns and 60 visiting professionals). IVPs worked mainly remotely from the duty station, following the guidelines and recommendations of the Crisis Management Team and the Host State. In order to ensure that IVPs had a good experience in the difficult circumstances imposed by the COVID-19 pandemic, the Court organized bimonthly webinars with judges, principals and senior staff members on different topics related to their work at the Court. The feedback received from IVPs and guest speakers was overwhelmingly positive. In 2021, the Court launched an alumni network of IVPs which is active on LinkedIn. The network aims to connect former IVPs and to be a space where people can keep abreast of the most recent updates regarding the work of the Court as well as career opportunities.<sup>24</sup>

30. The Court advised that it had once again coordinated the implementation of the Legal Professional Programme (LPP), with funding from the European Commission. In 2021, the LPP saw placements for six participants, but no new candidates were recruited on account of negotiations between the Court and the EC regarding renewal of the Grant.<sup>25</sup>

### IX. Conclusions

31. States Parties and civil society have an interest in being kept updated regarding the fluctuations of staffing at the Court, from the perspective of geographical representation and gender balance. It was stressed that a fair representation of male and female staff and equitable geographical distribution benefits the Court by ensuring diversity of perspective

<sup>&</sup>lt;sup>23</sup> ICC-ASP/21/7, paras. 55-58.

<sup>&</sup>lt;sup>24</sup> ICC-ASP/21/7, paras. 63-65.

<sup>&</sup>lt;sup>25</sup> ICC-ASP/21/7, para. 67.

which, internally, increases the creativity in the work environment and, externally, remains crucial to address perception challenges and advance the universality of the Rome Statute.

32. There is an overall balance in terms of gender with female staff slightly underrepresented. Still, there is a severe imbalance of women in the upper echelons. The Court should continue its efforts to narrow this gap and report on its activities in this regard.

33. Regarding geographical representation, there is a persistent and chronic imbalance in respect of some countries and regions. There are also some nationalities from over-represented groups that are under-represented in the Court's staff. Some States that rank among the highest contributors to the Court's budget are severely under-represented.

34. Many States indicated that the issue of nationals of non-States Parties being recruited to the Court's staff should be examined in conjunction with the current challenges of achieving equitable geographic representation.

35. More efforts should be undertaken by the Court and the Assembly to ensure the visibility of employment opportunities and the application of qualified candidates from nonand under-represented countries and regions. The proactive role of the States Parties in question remains crucial to supporting the Court, inter alia, by helping to reach a pool of qualified candidates from non- and under-represented countries.

#### X. Recommendations

#### A. To the Court

36. The chronic imbalance in geographical representation, as well as that of women in senior levels, requires that the Court redouble its efforts in addressing this situation, in particular efforts should be made to identify, reach and recruit women qualified for senior-level positions, as well as to support the career advancement within the Court of female staff.

37. The Court should continue prioritizing outreach activities, in order to target potential candidates from non- and under-represented countries, especially developing ones, for internship, JPO and visiting professional programmes, including by encouraging voluntary contributions to the corresponding fund. Information on geographical and gender balance regarding these programmes should continue to be made available to the Assembly.

38. Court should continuously improve initiatives in the area of outreach and recruitment culture, including the increase of outreach activities, both in person as well as online, in nonand under-represented States in order to stimulate applications from those States Parties through active candidate sourcing.

39. Vacancy announcements should:

(a) continue to be advertised through the Court's website and its social media profiles, as well as circulated via periodicals and publications, in particular in those with circulation in countries that are non- or under-represented;

(b) be regularly informed to the Assembly, in order to assist States Parties and civil society organizations in further disseminating them; and

(c) be circulated at least in both working languages of the Court.

40. All personnel policies, procedures and hiring practices should remain under review and improvement, and the Court should continue to apply and strengthen its recruitment policies to foster the selection of qualified candidates from non- and under-represented countries, in particular developing ones, including through the dissemination and full implementation of its Administrative Instruction on Staff Selection, which includes a provision granting qualified candidates from non- and under-represented States Parties priority for the purpose of short-listing.

41. The Court should address, within a reasonable timeframe, the issue related to the possibility of freezing the hiring of nationals of States that are not Parties to the Rome Statute, as repeatedly recommended by the Committee.

42. The Court should continue gathering, monitoring, analyzing and reporting data of female applicants and applicants from non- and under-represented countries, in particular from developing ones, in order to identify the specific challenges they face in successfully acquiring positions at the Court.<sup>26</sup>

#### B. To the Assembly and States Parties

43. The chronic imbalance in geographical representation, as well as that of women in senior levels, requires redoubled efforts by States Parties.

44. States Parties engaging with the Court with respect to the JPO programmes should also consider providing financing for participants from non- and under-represented regions, in particular from developing countries.

45. States Parties should consider providing funding to cover stipends for participants from non- and under-represented regions, in particular from developing countries, in the internship and visiting professional programmes.

46. States Parties, especially those non- and under-represented, should develop targeted strategies to support the dissemination of Court vacancies to their national institutions and organizations, as appropriate, including universities, professional associations and chambers, and judicial institutions.

47. The Bureau should engage in consultations to identify partners that could promote capacity-building in non- and under-represented countries or regions, in order to generate pools of qualified applicants at the Court, and interested States Parties are encouraged to provide financial support to civil society and institutions undertaking such capacity-building.

48. States Parties are encouraged to use the geographical representation and gender balance facilitation as focal point to address any concerns in relation to staff representation and balance.

<sup>&</sup>lt;sup>26</sup> The Court should include in their annual GRGB report a comprehensive data presenting the number, nationality of applicants for new post and update it regularly, with the explanation how GRGB is considered in the recruitment process. *See* https://www.opcw.org/resources/documents/executive-council/ec-100.

#### Annex

#### Proposed text for inclusion in the omnibus resolution

#### A. Language for the omnibus resolution on recruitment of staff

Replace paragraphs 122 to 131 of the omnibus resolution adopted at the twentieth session of the Assembly (ICC-ASP/20/Res. 5) with the following text:

*Takes note* of the Court's report on Human Resources Management,<sup>1</sup> and requests the Court to further strengthen its efforts, in the recruitment of staff, to seek equitable geographical representation with a particular focus on candidates from non-represented and underrepresented States Parties, 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, trauma-related psycho-social needs and violence against women or children, and encourages further progress in this regard;

*Calls* upon the Court to report the outcome of its efforts to seek equitable geographical representation with a particular focus on candidates from non-represented and underrepresented States Parties and gender balance to the Assembly at its twenty-second session, including, but not limited to, improvements in the recruitment process and annual recruitment data;

*Takes note* of the continued dialogue between the Court and the Bureau with regard to ensuring equitable geographical representation and gender balance in the recruitment of staff members, and welcomes the report of the Bureau and its recommendations;<sup>2</sup>

Urges States Parties to undertake efforts to identify and enlarge pools of potential applicants to the Court's professional positions from States Parties from non- and underrepresented regions and countries, including through the financing by the Assembly of the Court's internship and visiting professional programmes, and by States Parties of Junior Professional Officer (JPO) programmes, through targeted outreach initiatives and through the dissemination among relevant national institutions and organizations of the Court's vacancies;

*Welcomes* the establishment by the Court of a programme to fund, through voluntary contributions, the placement of interns and visiting professionals from developing regions with a particular focus on candidates from non-represented and under-represented States Parties, welcomes the voluntary contributions received thus far and calls upon States Parties to contribute to this programme;

*Requests* the Court to further devise mechanisms that can ensure in a more sustainable and systematic manner the funding of placements of interns and visiting professionals from developing regions, and further requests the Court to explore and propose modalities for implementing Junior Professional Officer (JPO) programmes for candidates from non- and under-represented States Parties, particularly from developing regions, to be funded through voluntary contributions;

*Requests* the Court to continue looking into measures to introduce a rotation policy at the ICC and further requests the Court to report the outcome to the Assembly;

*Requests* the Court to identify measures to introduce a tenure policy at the ICC without further delay, and *further requests* the Court to submit to the Assembly a report containing various options related to the implementation of the tenure policy;

*Welcomes* the Court-wide, Office of the Prosecutor and Registry Strategic Plans for 2019-2021 and their extension into 2022, and their three-year programme of action to improve the geographical representation and gender balance as one of the Court's priorities;

*Further welcomes* the consultations that took place in 2022 with a view of the adoption, by December 2022, of the ICC's first Strategy on Gender Equality and Workplace,

<sup>&</sup>lt;sup>1</sup> ICC-ASP/21/7.

<sup>&</sup>lt;sup>2</sup> ICC-ASP/20/29.

aimed at enhancing and reinforcing policies and conditions of employment at the Court from a gender perspective, in the context of the Court-wide and organ-specific Strategic Plans for 2023-2025, all of which take into account the relevant recommendations of the Independent Expert Review of the International Criminal Court and the Rome Statute System;

Takes note of the report of the Comprehensive action plan,<sup>3</sup> and notes that the facilitation on geographical representation and gender balance will assess and implement recommendations falling within its ambit.<sup>4</sup>

#### В. Language for the omnibus resolution mandates annex

Replace paragraph 13 of annex I to the omnibus resolution adopted at the twentieth session of the Assembly (ICC-ASP/20/Res.5) with the following text:

#### With regard to recruitment of staff,

endorses the recommendations of the Committee on Budget and Finance in (a) relation to geographical representation and gender balance contained in the report of its thirty-eighth resumed session<sup>5</sup> and *urges* the Court to take the necessary steps to implement it;

(b)requests the Court to submit to the Assembly a comprehensive report on human resources by the end of May 2023, to be considered by the Assembly at its twentysecond session, which would include an update on the implementation of the recommendations on the topic made by the Committee in 2022;

requests the Court to include in that report an outline of its efforts to improve (c)the recruitment process in seeking equitable geographical representation with a particular focus on candidates from non-represented and under-represented States Parties and gender balance, including annual recruitment data;

(c)bis requests the Court to submit another report detailing various options related to the implementation of the tenure policy as soon as possible and in any case by the end of May 2023;

requests the Bureau to continue engaging with the Court to identify ways to (d) improve equitable geographical representation and gender balance in professional posts, as well as to remain seized of the issue of geographical representation and gender balance, and to report thereon to the twenty-second session of the Assembly; and

urges the Court to continue to seize the opportunities of the outstanding and future recruitment processes to implement measures that would contribute to the efforts of meeting the desirable ranges of geographical representation and gender balance;

<sup>&</sup>lt;sup>3</sup> https://asp.icc-cpi.int/iccdocs/asp\_docs/ASP20/RM-Comprehensive%20Action%20Plan-ENG.pdf.

<sup>&</sup>lt;sup>4</sup> Specifically takes notes of the IER recommendation on including a representative of an under-represented

geographical region in the recruitment panels and makes efforts for the full implementation of it. <sup>5</sup> ICC-ASP/21/5/Add.1.