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**Report of the Court on human resources management\*****I. Introduction**

1. This annual report informs the Committee on Budget and Finance (“the Committee”) of the state of human resources management in the International Criminal Court (“the Court”). It provides information on developments and activities in the areas of recruitment and staffing, conditions of service, staff wellbeing, performance management and learning and training. The management of the Court’s human resources is guided by the Court’s Strategic Plan. Goal 3 of the Plan stipulates that the Court is to be a model public administration. Strategic objective 10 specifies that the Court will seek to “attract, care for, and offer career development and advancement opportunities to a diverse staff of the highest quality”. The Court’s human resources strategy, comprising nine human resources objectives, supports the achievement of the above strategic goal and objective.

2. In addition, the report responds to specific queries and recommendations made by the Committee at its sixteenth and seventeenth sessions with respect to human resources management issues.

3. At its sixteenth session, held in April 2011, the Committee:

(a) Recommended that the Court should provide a full account of costs, benefits, problems and prospects related to all forms of recruitment activities (competitive examinations, recruitment missions, etc.);<sup>1</sup>

(b) Recommended that the Court establish on a trial basis a confirmation board that includes a representative of the Staff Council as is the practice in other international organizations;<sup>2</sup>

(c) Invited the Court to provide more details about the duration and criteria for remuneration of consultants in its future reports and develop a policy and criteria for the hiring of consultants;<sup>3</sup>

(d) Recommended that the Court consider the number of Junior Professional Officers (JPOs) per year that can be recommended within the premises of the Court, the costs of additional workstations, as well as the costs for administering the programme;<sup>4</sup>

\* Previously issued as CBF/18/7.

<sup>1</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Tenth session, New York, 12-21 December 2011* (ICC-ASP/10/20), vol. II, part B.1, para. 59.

<sup>2</sup> *Ibid.*, para. 60.

<sup>3</sup> *Idem.*

<sup>4</sup> *Ibid.*, para. 64.

(e) Recommended that the Court should review and improve all personnel policies and procedures as a matter of priority, with a view to making them simpler, transparent and relevant. These rules and procedures should be consolidated into a HR Management Manual to be used as a main reference source by all programmes, covering GTAs, consultants and others;<sup>5</sup>

(f) Requested the Court to make a full accounting of the costs of the changes for the conditions of service for internationally-recruited professional staff serving at field duty stations, including an explanation of the decision to apply the conditions used by the United Nations funds and programmes and plans to follow the United Nations system as the conditions of the funds and programmes are harmonized with the United Nations Secretariat;<sup>6</sup>

(g) Welcomed the fact that the Court would not request any reclassifications for the proposed programme budget for 2012, that it would review its approach to reclassification [...] and that the Committee would be receiving the proposed future approach by the Court for consideration at its eighteenth session.<sup>7</sup>

4. At its seventeenth session held in August 2011, the Committee

(a) Recommended that the Court ensure that it has policies in place to reinforce managerial accountability and reduce the risk of increased liabilities resulting from staff grievances;<sup>8</sup>

(b) Considered the proposal for a retiree health insurance subsidy scheme and noted that the proposal had not contained sufficient information, especially in respect of the practice of other international organizations that had introduced the 50 per cent subsidy scheme. The Committee reiterated its request that the Court revise its proposal and provide additional information, in particular on the organizations using the 50 per cent subsidy scheme;<sup>9</sup>

(c) Recommended that the Court provide evaluation plans and criteria for the use of consultants and contractual service providers.<sup>10</sup>

5. The Assembly of States Parties (“the Assembly”), at its tenth session, called upon the Court to review the appraisal system, including through a consideration of different options by which satisfactory performance is assessed, and the discretionary elements of terms and conditions of service with the United Nations common system.<sup>11</sup>

6. The Court’s responses to the above recommendations and requests are incorporated in the relevant sections of this report. Separate reports are submitted to the Committee on the proposed new approach to reclassifications and on the retiree health insurance subsidy scheme.

## **II. Recruitment and Staffing**

### **A. Recruitment performance for established posts: external recruitment, internal placements and staff turnover**

7. The recruitment of a diverse staff of the highest quality continued to be a priority of the Court’s human resources management activities. In 2011, the Court filled a total of 104 vacancies in established posts. Of these, 71 (or 68 per cent) were external appointments, whereas 33 vacancies (or 32 per cent) were filled by internal candidates.

8. Staff on General Temporary Assistance (GTA) who are selected to fill a vacant established post are considered to be external appointments for official reporting purposes. The total number of staff on GTA who obtained an established post in 2011 was 22. If these

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<sup>5</sup> Ibid., para. 65.

<sup>6</sup> Ibid., para. 66.

<sup>7</sup> Ibid., para. 70.

<sup>8</sup> Ibid., part B.2, para. 33.

<sup>9</sup> Ibid., para. 42.

<sup>10</sup> Ibid., para. 81.

<sup>11</sup> Ibid., vol. I, part III, Resolution ICC-ASP/10/Res.4, section I.

were to be added to the number of staff who moved from one established post to another, the total number of internal movements would be as high as 55 or 53 per cent, with only 49 staff or 47 per cent truly external appointments.

9. A total of 65 staff left the Court in 2011, which includes 15 non-extensions of local field staff contracts. This represents a turnover rate for the year of 9.3 per cent, and yields a retention rate of 90.7 per cent. The Court considers this a satisfactory retention rate.

10. Given internal placements and staff turnover, the net increase at the end of 2011 over 2010 was six additional staff. As of 31 December 2011, the Court thus had 702 staff in established posts. The vacancy rate, for the year, was 8 per cent.

11. Tables 1 and 2 below summarize the recruitment performance, appointments, internal placement and turnover by major programme as at 31 December 2011.

**Table 1: 2011 Recruitment Performance**

	<i>Budgeted Posts</i>	<i>Headcount</i>	<i>Vacancy Rate</i>	<i>Under Recruitment*</i>	<i>Separations (2011)</i>	<i>Separation (%)</i>	<i>Gender Balance (Female)</i>
<b>ICC</b>	<b>761</b>	<b>702</b>	<b>8%</b>	<b>35</b>	<b>65</b>	<b>9.32%</b>	<b>46%</b>
Judiciary	48	47	2%	0	1	2.22%	66%
OTP	215	199	8%	12	21	10.65%	52%
Registry	477	439	8%	20	42	9.60%	41%

Above figures include five budgeted posts for elected officials (three in OTP and two in the Registry).

\* Vacant posts for which recruitment activity has been initiated following closing of advertisement.

**Table 2: 2011 ICC appointments and resignations**

	<i>external appointments</i>	<i>internal appointments</i>	<i>resignations</i>	<i>movements to GTA</i>	<i>Non-extensions/dismissals</i>	<i>net increase</i>
Judiciary Major Programme I	3	0	1	0	0	2
Office of the Prosecutor Major Programme II	21	14	16	4	1	0
Registry Major Programme III	44	19	26	1	15	2
Secretariat of the ASP Major Programme IV	1	0	1	0	0	0
Secretariat of the TFV Major Programme VI	1	0	0	0	0	1
Proj. Office Perm. Premises Major Programme VII	1	0	0	0	0	1
<b>Total ICC</b>	<b>71*</b>	<b>33</b>	<b>44</b>	<b>5</b>	<b>16</b>	<b>6</b>

\* includes 22 staff who moved from GTA-funded to established posts.

12. An update on recruitment, internal placement and turnover against established posts during the first three months of 2012 will be presented separately to the Committee at its eighteenth session. The Committee will also be provided with updated information on geographical representation.

## **B. Costs and benefits of recruitment activities**

13. In accordance with Resolution ICC-ASP/1/Res.10, all vacancies in the Court must be posted on the website of the Court, which is its main advertising tool. In addition, the Court provides information regarding vacant posts to the embassies of its States Parties, as well as a number of relevant organizations, such as bar associations, NGOs and universities.

14. The number of applications the Court receives has ranged between 15,000 and 25,000 per annum. While the number of applications received is in general more than sufficient, applications from non-represented or under-represented regions and countries remain at a less satisfactory level and the Court has thus conducted a review of special recruitment activities to address this issue.

### **1. Recruitment missions**

15. In 2009, the human resources section contacted the embassies of under-represented Eastern European countries with regard to conducting recruitment missions. One country responded positively and a visit was organized. There was considerable interest in the visited country for the Court and its employment opportunities, both with regard to career appointments and internship and visiting professional opportunities. The direct costs for the mission (2 staff for two days) were moderate (approximately €2,000). The indirect costs for both the Court and the host country were in preparation time and organizing the logistics. In terms of benefits, the number of applications received from the visited country increased after the mission. However, no national of that country was subsequently recruited.

16. The Court considers that recruitment or “awareness-raising” missions are in principle an excellent way to attract applications from targeted non- or under-represented countries. The direct costs of recruitment missions consist of travel costs and DSA and can be estimated at around €4,500 for two staff members of the Court for three days. However, there are also significant indirect costs in terms of staff time, particularly with regard to preparation of the mission. This requires collaboration with the respective Embassy in The Hague and the relevant government organizations in the country. Given current staffing constraints and reduced travel budgets, the Court considers that for the time being recruitment missions are unlikely to be cost-effective and is not planning to undertake any.

### **2. National Competitive Examinations**

17. The United Nations Secretariat conducts annual competitive examinations (NCE) for young professionals from participating countries. The list of countries participating varies from year to year. The successful NCE candidates are placed on a roster for P-2 positions that may become available in the future. However, passing the NCE does not guarantee a position and some NCE candidates wait several years before they can obtain employment. The age limit for applying is 32 years.

18. The NCE, which is not conducted by other United Nations organizations, involves a significant logistical and administrative effort and requires the necessary financial and human resources. In order to justify the costs in terms of resulting benefits, the organization needs to have a sufficient number of P-2 positions available to subsequently absorb the successful candidates. This is not the case at the Court, as the number of P-2 positions is rather limited. Therefore, the Court does not consider national competitive examinations a cost-effective recruitment activity.

### **3. Advertising campaigns**

19. Since its establishment, the Court has advertised for specific positions in newspapers and periodicals, and on specialised employment websites. Most of the advertisements in publications with a more global circulation have been for senior-level positions, whereas local publications have been used for advertising vacancies at General Service levels. Posts requiring specific expertise, for instance transcribers or court reporters, have also been advertised in specialist publications and websites. Many candidates have learned about vacancies from such advertisements, which have had the further advantage of making the Court better known and attracting applications for other jobs posted on its website.

20. The costs for advertising various positions vary depending on the size of the advertisement and the circulation of the publication. A half-page advertisement in a leading economic weekly may cost around €25,000; smaller advertisements may be in the order of €6,000. Similar costs apply to daily newspapers with global circulation.

21. For a few years, the Court also had a subscription with a well-known internet job search company for publication of all Court vacancies, especially in under-represented countries. The subscription, which cost about €40,000 per year, has been canceled, as very few applicants emerged from this source.

22. The Court has not conducted general media campaigns advertising its employment opportunities. However, it is suggested that the Court invest in such campaigns in the future, targeting particularly daily newspapers in non- and under-represented countries.

23. A potentially high-impact new advertising activity has been the use of social media, such as Facebook and Twitter, for announcing vacancies. Given the global reach, of such sites, this may also have a positive impact on applications from non-and under-represented countries.

#### **4. Use of recruitment agencies**

24. The experience of the Court in hiring a recruitment agency or ‘headhunter’ in 2008 was not satisfactory and the Court has since refrained from using such assistance.

#### **5. Participation in job fairs**

25. The Court has participated in job fairs organized by government offices or universities. The purpose of such fairs is to bring together relevant international organizations and to raise awareness of employment opportunities with interested audiences. As such events are organized not only for the Court but for other international organizations, the administrative effort to organize the Court’s participation is minimal and it is a relatively cost-effective mechanism in making the Court and its employment opportunities better known. The costs incurred for the Court are thus only for travel of the staff attending. Overall, this is a cost-effective activity.

#### **6. Fast-tracking of recruitment of nationals from non- or under-represented States Parties**

26. At its sixteenth session, the Committee made a proposal for fast-tracking the recruitment of nationals of non-represented or under-represented States Parties.<sup>12</sup> The Court notes that it has in place an established competitive recruitment and selection process which requires that a candidate’s nationality must not take precedence over his or her qualifications for the post. Not adhering to this principle would likely raise concerns among all concerned about the transparency and fairness of the selection process.

27. At the same time, the Court agrees that further efforts must be undertaken to ensure that candidates from non-or under-represented countries who meet the required minimum qualifications receive priority attention at the stage of establishing the shortlist for the initial phase of the selection process and to request specific written justification from hiring managers in cases of non-inclusion of qualified candidates from non- or under-represented countries. This is seen as a no-cost measure with potentially positive benefits. The Court thus intends to put in place this special measure in the context of the envisaged re-establishment of the selection committee as described below and will report back to the Committee on this matter at its twentieth session.

#### **7. Other measures**

28. The Court remains committed to introducing the low-cost measures summarized in the Committee’s report on its sixteenth session<sup>13</sup> and will report to the Committee at its eighteenth session on progress made in this regard.

<sup>12</sup> Ibid., vol. II, part B.1, para. 58(f).

<sup>13</sup> Ibid., subparas. (a)-(e).

### C. Selection mechanism and establishment of a confirmation board

29. At its fourteenth session, the Committee recommended that the Court consider establishing a confirmation board.<sup>14</sup> The Court informed the Committee at its sixteenth session that the heads of organs did not consider a confirmation board a cost-effective mechanism. However, the Committee reiterated its recommendation at its sixteenth session, noting that this was the practice in other international organization and that such board should include representatives of the Staff Council.<sup>15</sup>

30. In view of the concerns expressed by the Committee at recent sessions, the heads of organs have agreed to consider the re-establishment of a Selection Committee. A principal focus of the Selection Committee's role will be on ensuring the integrity of the selection process as such, as stipulated in the ICC Guidelines for Recruitment and Selection. The Selection Committee will not duplicate or question the work of the Interview Panels, whose responsibility it is to determine the best qualified candidate from a technical and substantive angle, based on written tests, telephone and face-to-face interviews and, where applicable, professional assessment centre exercises. Terms of reference for the Committee will be prepared by the Registry in consultation with the Prosecutor.

31. In 2011, a second assessment centre exercise was carried out for a senior position, this time under the auspices of the Assembly. Assessments, conducted by external providers specialized in this area, provide useful information regarding a candidate's competency profile, including leadership and decision-making skills. The Court considers this a valuable selection activity. However, given the costs, which range between €40,000 and €60,000, assessments will have to be limited to senior-level positions.

### D. General Temporary Assistance

32. As of 31 December 2011, the Court employed 217 staff funded from GTA. Of these, only nine staff were performing functions not foreseen at the time of the preparation of the 2011 programme budget. An updated list of staff against "non-approved" GTA as of 31 March 2012 will be provided to the Committee at its eighteenth session.

33. It is recalled that staff funded from GTA are staff of the Court holding fixed-term appointments, just like staff on established posts. However, the duration of these appointments is limited: While the maximum duration is twelve months at a time (January to December), many GTA appointments are for shorter durations. No appointment against GTA can be made beyond 31 December of the current year. The principles for GTA appointments and the categories of GTA have been presented to the Committee on several occasions, including at its sixteenth session.<sup>16</sup>

34. For the organization, the GTA modality provides an indispensable tool for reacting flexibly and quickly to newly emerging staffing needs and temporary post requirements. For staff recruited against GTA, appointments represent useful opportunities to offer their expertise and provide services, with the possibility of competing successfully for an established post in the future. (As noted in paras. 6-7 above, 22 out of 104, or 20 per cent of vacant established posts in 2011, were filled by staff already in the service of the Court under the GTA modality.) At the same time, some problems have been experienced recently, for which the Court wishes to seek the advice and support of the Committee.

35. The first problem relates to the recommendation of the Committee, subsequently approved by the Assembly,<sup>17</sup> that a vacancy rate of 8 per cent should be applied to posts budgeted under GTA in the programme budget. Budgeting established posts at vacancy rates is a fully justified and established budgeting tool, given turnover rates and replacement durations. For established posts, the vacancy rate does not impact on the duration of contracts that the Court can issue to individuals.

<sup>14</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.1, para. 55.

<sup>15</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.1, para. 60.

<sup>16</sup> See ICC-ASP/10/9, para. 24.

<sup>17</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. I, part III, annex III, para. 18.

36. However, subjecting temporary assistance needs to the same budgeting methods would appear to contradict the very purpose of temporary assistance, in that such assistance must be procured and secured as and when it is needed. Applying a vacancy rate of eight per cent to a GTA post approved for nine months means that, in reality, the functions of the GTA post can only be performed for eight months and one week, resulting in a shortfall of services of three weeks. When requesting GTA in the programme budget for a specific duration, managers base their request on clearly defined estimates of the duration of the required assistance. A shortfall of three weeks cannot easily be accommodated. The situation is even more severe with respect to GTA posts approved for twelve months. The vacancy rate of eight per cent means in effect that services can only be secured for eleven months. This also impacts directly on the duration of contracts the Court can issue and is to the disadvantage of the qualified personnel hired to provide the temporary services.

37. Given these programmatic, financial and human management concerns, the Court intends to request the Committee, in the context of the 2013 programme budget, to remove the application of a vacancy rate to GTA budgetary provisions.

38. The second problem the Court has encountered relates to the conversion of long-standing GTA positions to established posts. While the GTA modality exists for the purpose of fulfilling temporary staffing needs, experience has shown that, in a few cases, the originally envisaged temporary needs became permanent. For such cases, the Court used to propose a conversion to established posts and, up to 2008, these proposals were on the whole supported by the Committee.

39. In recent years, the Committee has not considered conversions favourably and rejected proposals to that effect. Consequently, the heads of organs did not approve submission of proposals for conversions in the 2012 programme budget. Only one request for conversion of GTA to an established post was submitted, with the specific support of the President of the Assembly, for major programme IV, the Assembly's Secretariat, and with the justification that the long-standing GTA need had become a permanent one. The conversion was approved. The same justification for a conversion that was made by the Assembly's Secretariat also applies to a number of other GTA positions across the Court: These positions are long-standing, their need in the organizational structure has turned out to be permanent rather than temporary and, in many cases, the incumbents against these long-standing GTA positions have served in them for many years but without the benefits of employment security to which staff on established posts are entitled.

40. The Court therefore intends to request, in the context of the 2013 programme budget, the support of the Committee and the approval of the Assembly for the conversion of those long-standing GTA-funded positions which have proved to be required on a permanent rather than a temporary basis. As a criterion for conversion requests, the Court will propose a minimum existence of such GTA positions of three years (i.e. since 2010 or earlier), the condition that the job description of the post has remained the same since its establishment, and a full justification for the reason why the functions continue to be required. Moreover, current incumbents of a GTA-funded position will be required to undergo a competitive recruitment process if they were selected previously for the position without such process.

41. At the same time, the Court wishes to emphasize that it does not intend to propose the conversion of GTA positions to established posts as a regular annual exercise. Rather, the Court considers the currently existing long-standing GTA positions for which it intends to request a conversion a remnant of the early years of the Court's operations, when the Court was still in the process of establishing the optimum organizational structure. With the emergence of a more stable and improved long-term structure, conversions from GTA to established posts may no longer be required in the future.

42. With regard to the financial implications of the intended requests for conversion from GTA to established positions, the Court notes that these would not impact on the annual budget if the vacancy rate requirement for GTA continued to be eight per cent. If however, as the Court intends to request, that requirement were to be removed, the conversion to established posts would actually yield a saving in the budget.

## E. Use of consultants and individual contractors

43. Consultants and individual contractors are not staff of the Court and they do not occupy established posts. Consultants and individual contractors are employed by the Court under the Special Services Agreement (SSA) modality.

44. At its seventeenth session in August 2011, the Committee noted with concern the considerable increase in the projected use of consultants, with increases in almost all major programmes.<sup>18</sup> In this regard, it should be noted that the proposed increase in consultants in the proposed programme budget for 2012, including the supplementary budget, amounted to €0.4 million and represented only two per cent of the total proposed increase for the year. Of this amount, a proposed increase of 0.1 million or 25 per cent was foreseen in order to provide assistance to major programme VI for conducting activities with victims and affected communities as part of the implementation of reparations, external evaluation and audit of existing programmes, as well as victim identification and assessments as ordered by the Court. Similarly, there was an increase of 0.1 million proposed to assist with the Human Resources Management Manual requested by the Committee at its sixteenth session.<sup>19</sup>

45. A policy on SSA is currently being finalized and is expected to be promulgated as an Administrative Issuance (AI) in the first half of 2012. The policy provides detailed criteria for the use of consultants, as well as a template for evaluation of the services rendered.

46. Detailed information on the use of consultants by the Court in 2011 is provided as a separate document.

## F. Introduction of the Junior Professional Officer programme

47. The need for JPOs, serving at the P-1 to P-3 levels, exists in many functional areas of the Court, for example, the junior legal officer functions in Chambers and Registry, functions relating to Victims and Witness Protection and the Trust Fund for Victims, as well as in the administrative areas. In view of the increasing workload in many parts of the Court, there exists an urgent need for additional support, particularly at the more junior professional levels.

48. The concept and principles underlying the JPO modality, which has existed for almost fifty years across the United Nations system, were described in the Court's report on human resources management submitted to the Committee at its fourteenth session.<sup>20</sup> Junior Professional Officers are young professionals who become staff of the organization for a limited duration (usually two years). JPOs are recruited and fully funded under bilateral agreements between the organization and donor countries ("sponsoring countries"). JPOs do not occupy established posts and thus do not impact on geographical representation. Also, as noted in the previous submission, the Court applies the principle of mandatory competitive recruitment to all established posts, and former JPOs wishing to apply for regular established posts following their JPO service would have to participate in the competition like any other competing candidate.

49. At its fourteenth session, the Committee noted that the existing guidelines on gratis personnel, adopted by the Assembly at its fourth session, did not seem to be applicable to JPOs as they only applied to "specialized functions".<sup>21</sup> This approach is also followed by organizations across the United Nations system which have JPO programmes in place while adhering to gratis personnel guidelines similar to those applicable to the Court. The Committee therefore generally welcomed the Court's intention to establish this programme [...] and recommended that the Court develop a special proposal on the JPO programme.<sup>22</sup>

<sup>18</sup> Ibid., vol. II, part B.2, para. 80.

<sup>19</sup> Ibid., part B.1, para. 65.

<sup>20</sup> ICC-ASP/9/8, paras. 27 to 31.

<sup>21</sup> *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. II, part B.1, para. 59.

<sup>22</sup> Ibid., para. 58.

50. The special proposal, which described the proposed implementation of the JPO programme, together with an outline of guidelines for the management of the programme, as well as a draft memorandum of understanding between participating States and the Court, was presented to the Committee at its sixteenth session in April 2011.<sup>23</sup> The Court requested the Committee to recommend to the Assembly approval of the introduction of the JPO programme in 2012. The Court noted that it had been approached by a number of State Parties who were interested in funding JPOs.

51. However, the Committee did not recommend approval and instead requested the Court to consider the number of JPOs per year that could be recommended within the premises of the Court, the costs of additional workstations, as well as the costs for administering the programme. The Committee also noted that these costs should in principle be fully recovered from the sponsoring countries.<sup>24</sup>

52. The Court wishes to confirm that the costs for administering the programme are indeed recovered from the sponsoring countries. As is the custom in all organizations that have a JPO programme, an overhead charge is paid by sponsoring countries for each JPO. In principle, the percentage of the charge is to be established between each sponsoring country and the Court; however, the normal charge is 12 or 13 per cent per annum. Sponsoring countries also pay for the JPO's initial and repatriation travels, home leave, if applicable and make an allowance for some training during the assignment. The overhead payments are utilized to cover all costs of administration, including the cost of a workstation, which is €3,500 per year.

53. The Court will be able to accommodate at least 10 JPOs at any given time, either in the interim premises or the permanent ones. Moreover, the number of interns is expected to fall in the coming years, since funding for internship stipends is unlikely to be available to the same extent as has been the case until now.

54. The Court now seeks again the endorsement by the Committee of the introduction of the JPO programme and a decision by the Assembly. If no decision can be obtained, the Court proposes to suspend its efforts to introduce the JPO modality and to inform the potential sponsoring countries that the Court will not be able to offer this programme to young professionals.

### **III. Conditions of Service**

#### **A. Development of human resources policies**

55. In 2011, the Court promulgated several important HR-related policies, namely Administrative Instructions (AI) on Transitional Measures for Implementing Conditions of Service for Internationally-Recruited Staff serving in Field Duty Stations, the Code of Conduct, Special Entitlements for Staff Members at Designated duty Stations, Staff Development Leave, Recording of Attendance and Leave, Certified Sick Leave and Emergency Leave, the Mobility and Hardship Scheme (which also implemented the changed conditions of service for internationally-recruited field staff), as well as Information Circulars (IC) on Entitlements in Respect of Conditions of Service in Field Duty Stations and the Composition of Performance Appraisal Rebuttal Panels.

56. For 2012, the promulgation of AIs on Special Services Agreements (hiring of consultants and individual contractors), the Performance Appraisal System and the new Transitional Measures for internationally-recruited Field Staff are envisaged.

57. Since 2010, the Court has promulgated nine HR-related Administrative Instructions (AI) and two HR-related Information Circulars (IC). This is considerably more than was the case in the earlier years of the Court's existence. In developing these policies, the Court has been mindful of making them as simple and transparent as possible, as was recommended by the Committee at its sixteenth session.<sup>25</sup> However, the speed and volume of HR policy development work still falls short of what would be desired and needed. As the Court

<sup>23</sup> ICC-ASP/10/9, paras. 33-40.

<sup>24</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.1, para. 64.

<sup>25</sup> *Ibid.*, para. 65.

pointed out in its report to the seventeenth session of the Committee,<sup>26</sup> in the early years of the Court's operations, Court management placed little emphasis on the development of administrative instructions, citing the desire to remain flexible and non-bureaucratic. However, the role of policies is not to render an organization inflexible and bureaucratic; their role is to enhance clarity, transparency and consistency and prevent staff grievances. While this has now been recognized and while senior management is now keen to strengthen and speed up the HR policy development process, the fact that the Court does not have a dedicated professional-level HR capacity which focuses solely on policy development, implementation and interpretation is proving detrimental. If policy development and implementation really were to come up to par with other international organizations in the foreseeable future, a policy development unit consisting of two Professionals, including one lawyer, and two General Service staff would be required.

58. The Committee recommended, at its sixteenth session, that the HR-related rules and procedures should be consolidated into an HR Management Manual.<sup>27</sup> The Court has welcomed this recommendation. Given the complexity of the task and the time and resources required to develop such Manual, the Court included in its proposed programme budget for 2012 a provision for a consultant to assist with this work. The consultancy was not recommended for approval by the Committee and the Assembly subsequently did not approve it. In view of the above outlined constraints, the project of developing a comprehensive HR Management Manual can only be included in the list of desirable future HR priority projects.

59. In the meantime, the Court has decided to build on the Committee's recommendation and take some of the steps that are currently feasible towards an improved and more comprehensive HR policy framework:

(a) Putting together an HR Management Manual comprising all relevant rules requires that all the required rules and policies are developed and promulgated. As a first step, the Court has therefore agreed on a priority list of some 50 policies that need to be developed.

(b) A second important step already accomplished has been the publication, on the Court's intranet, of a "Topical Index of Administrative Issuances" relating to HR, sorted by key words and in alphabetical order. This Index makes references to all relevant staff rules and regulations, Presidential Directives, Administrative Instructions and Information Circulars. The Index, which has received positive feedback from managers and staff, can be found on the Court's intranet.

(c) It is envisaged that once the policy development work has advanced further, the Index will form the basis of an interactive internet tool similar to that of the United Nations Secretariat's "Human Resources Handbook". This Handbook, which is accessible on the internet and thus provides useful references and information also to other organizations following the United Nations common system, is an excellent and well-organized compendium and reference tool which the Court considers a useful model for its own compendium, once the policy framework has been further developed.

60. The Court will keep the Committee apprised of progress made with regard to the above. The Court will also revert to the Committee, in the context of the 2013 programme budget, with regard to the resource requirements for developing the HR procedures part of the proposed Manual, as that part of the project cannot be undertaken without additional resources in the form of consultancy services.

## **B. Internationally-recruited Professional staff serving at field locations**

61. In 2010, the Court implemented improved conditions of service for Professional staff serving at field duty stations, in line with the conditions applied by the United Nations funds and programmes. The Court employs between 20 and 30 internationally-recruited staff in the field. The improvements applied particularly to staff serving at non-family duty stations, i.e. the most difficult. The peacekeeping operations field staff of the United

<sup>26</sup> ICC-ASP/10/9, para. 57.

<sup>27</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.1, para. 65.

Nations Secretariat have followed a different approach. The introduction of these improved conditions followed a two-year review process, of which the Committee was informed at its tenth, twelfth and fourteenth sessions.<sup>28</sup>

62. Shortly after the introduction of the new conditions in the Court, the United Nations General Assembly, following the recommendations of the International Civil Service Commission, decided to harmonize the approaches used by the UN Secretariat and UN funds and programmes. For staff of the latter group of organizations, this generally meant a deterioration, to varying degrees, depending on duty station and family status, in remuneration and benefits compared to the previous Special Operations Approach (SOA).

63. One important element of the harmonization was also a harmonized approach to Rest and Recuperation (R&R) leave and entitlements, which differed among organizations of the common system that have a field presence. R&R leave is granted to staff who serve at difficult duty stations. They are entitled to leave the duty station at certain intervals (ranging from every 6 to every 16 weeks). While some organizations granted three working days leave for such purposes, others granted five; while some paid for travel, others did not, while some paid a daily subsistence allowance (DSA), others did not. The harmonized approach envisages five consecutive days of R&R leave, the possibilities of a lump-sum approach to cover accommodation costs and payment of travel under certain conditions.

64. The ICSC recommended, and the General Assembly agreed, that the new conditions would initially apply only to newly recruited staff and that staff already serving in the field would benefit from transitional arrangements that would allow a phasing out of the current benefits and entitlements over a period of five years. Current benefits and entitlements would continue in full until 30 June 2012; thereafter they may gradually be reduced. While the transitional arrangements are to be determined by each organization, the old approach is to be abolished by 30 June 2016.

65. The heads of organs of the Court decided, in line with the Court's requirement to follow the United Nations common system with regard to salaries, benefits and entitlements, to adopt the new approach of the UN common system. An Administrative Instruction was already issued to that effect in 2011.<sup>29</sup> Initially, the new conditions will apply only to newly recruited staff. At present, the Court is working on determining the transitional arrangements that will apply to staff already on board and it is expected that an Administrative Instruction describing the Court's transitional arrangements will be issued in the first half of 2012. The change to the new harmonized approach of the United Nations common system will result in savings in the coming years for the Court in terms of staff costs for its internationally-recruited field staff.

66. The new harmonized provisions for R&R, however, have not as yet been implemented by the Court. Currently, the Court does not pay for travel and DSA but only grants time off for R&R purposes. In order to fully adhere to the new and overall less costly harmonized approach adopted by the United Nations common system, the Court wishes to adapt its R&R provisions in line with the United Nations approach as regards R&R with an effective date of 1 January 2013. As the new R&R provisions would represent a longer-term financial liability, they would thus require the approval of the Assembly, in line with the stipulations made by the Committee and the Assembly. Therefore, a detailed cost estimate will be provided in the proposed 2013 programme budget for the new R&R provisions. It is not expected that the additional costs for R&R would offset the savings incurred by the change to the new overall compensation approach.

67. With regard to the past and current financial implications of already adopted approaches, on which the Committee requested further information, the Court notes that it provided the Committee at its seventeenth session with a written response regarding the additional costs brought about by its adoption in 2010 of the approach then used by United Nations funds and programmes.

<sup>28</sup> ICC-ASP/7/6, para. 15 (b), Rationale, and Annex II; ICC-ASP/8/8, paras. 24-29, ICC-ASP/9/8, paras. 34-36.

<sup>29</sup> ICC/AI/2011/006, entitled Mobility and Hardship Allowance.

68. The cost implications for 2010 were €431,333 and €398,242 for 2011, and were included in the proposed budget for 2012 as €400,000. The reduction in costs for 2011 compared to 2010 is due to the movement of staff from non-family to family duty stations and/or resignations.

69. Subsequently one of the non-family field offices, Chad, has closed, resulting in an indirect reduction in costs of around €66,400 per year.

70. The reduction in costs relating to the latest conditions of service will only fully materialize once all serving staff members are on this scheme. The indirect cost saving is around €20,000 per staff member per year.

### C. Implementation of improvements in social security provisions

71. In its report on human resources management presented to the Committee at its fourteenth session, the Court highlighted the need to improve several aspects of its health insurance package.<sup>30</sup> In particular, the Court pointed out the need to introduce a subsidy scheme for health insurance premiums of long-serving staff who retire from the organization. The Court noted that such subsidies were provided by all international organizations that did not limit employment duration and were also an integral part of social security provisions of national administrations. The Committee discussed the proposal but did not comment on it in its report.

72. At the sixteenth session of the Committee, the Court provided additional information on the subject and made an oral presentation. The Committee did not reject the proposal but did not yet recommend its approval; instead the Committee requested a separate more detailed proposal.<sup>31</sup> This separate detailed proposal was provided to the Committee at its seventeenth session.<sup>32</sup> The Committee considered the proposal and [...] reiterated its request that the Court revise its proposal and propose additional information.<sup>33</sup>

73. The Court is pleased to provide the Committee with this additional information, together with a summary of the information submitted previously, in a separate document on the retiree health insurance subsidy scheme.

## IV. Staff well-being

74. Throughout 2011, the Court continuously sought to enhance existing programmes, and develop new ones, in support of staff well-being and welfare. The Court conducted group sessions, workshops, trainings and awareness information sessions in the area of staff health and welfare for a total of 481 staff members. These included stress and secondary traumatization workshops, introductory trainings on developing resilience, relaxation sessions, two lunchtime presentations for all staff, group support and group debriefings and other psychosocial workshops or sessions upon request.

75. At the individual level, the Staff Welfare Officer of the Court conducted 266 consultations with 73 staff members. Recovery and reintegration of staff who were on sick leave for reasons such as burn-out, stress or workplace problems were actively supported by the Medical and Staff Welfare Officers.

76. The Court further improved and developed its medical services. These included 1100 individual consultations on a wide range of occupational health issues, health and safety risk management activities, advising managers on managing sickness absences and early back-to-work reintegration. In this context, the Court's Health and Welfare Unit also liaised with other United Nations and international organizations and participated in the UN Joint Inspection Unit (JIU) activities on the important topic of management of sick-leave in the United Nations system. The Court's Health and Welfare Unit attended several meetings organized by local institutions and the municipality of The Hague with local health care providers on improving services for expatriates in the area.

<sup>30</sup> ICC-ASP/9/8, paras. 43-47.

<sup>31</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.1, para. 68.

<sup>32</sup> CBF/17/4, Proposal of the Court for a Retiree health insurance subsidy scheme.

<sup>33</sup> *Official Records ... Tenth session... 2011* (ICC-ASP/10/20), vol. II, part B.2, para. 42.

77. As in previous years, a number of the Court's health and welfare-related activities focused on field staff and staff travelling on mission. Support activities included pre-travel health briefings, malaria prophylaxis, travel medical kits, vaccinations and travel medical clearances to 297 travellers to the field; the Staff Welfare Officer provided group trainings and individual consultations at the field offices in the DRC (Bunia and Kinshasa) and in Bangui in the Central African Republic.

78. The Medical Officer participated in reconnaissance missions to Kenya and to Côte d'Ivoire, conducting country health-risk assessments for mission travellers and staff to be deployed and to ensure adequate access to emergency medical care and medical evacuation facilities.

79. As a new initiative, the Health and Welfare Unit participated in three video conferences, organized by the Staff Council, with the staff of the field offices of Kinshasa, Kampala and Bangui on health and welfare-related matters.

80. In the aftermath of the critical incident in April 2011, when a field staff member lost his life in the line of duty, the Court initiated a working group with the aim of developing a handbook on "Death of a Staff Member". All sections of the Court were asked to contribute and the information gathered is currently being analyzed. This will also include proposals for commemorating staff who have lost their lives in the service of the Court.

## V. Performance Management

81. A solid performance management framework, considered credible and effective by managers and staff, is at the core of any organization's human resource management efforts. Since 2008, the Court has made significant progress in institutionalizing its performance appraisal system (PAS) and has kept the Committee abreast of initiatives and efforts in this regard.

82. As noted in paragraph 5 above, at its tenth session the Assembly called upon the Court to review the appraisal system, including through a considerations of different options by which satisfactory performance is assessed.<sup>34</sup> The Court notes that, in its discussion of the review of the appraisal system, the Assembly also took into account Staff Rule 103.8, entitled "Salary increments", which stipulates that "if a staff member performs [...] satisfactorily, he or she shall be entitled to receive a salary increment...".

### A. The Court's performance appraisal system

83. The Court's current performance appraisal was approved by the heads of organs and introduced in 2004. Initially, it was not used by all parts of the Court; since 2008 its application has been increasingly institutionalized and performance appraisal has now become an annual exercise.

84. It is worthwhile noting that, unlike other standards applicable to organizations following the common system (such as the post classification standards), there is no common performance appraisal tool in the United Nations common system. Rather, each of the more than 40 organizations of the United Nations system and other organizations applying the common system has its own appraisal tool. That said, the differences between the tools used within the common system and by similar international organizations are not overly significant, in that their main features are very similar if not identical. All are based on defining individual performance targets for the performance cycle (usually a year). These targets may be called objectives, key tasks, key results, outputs, expectations, etc., but they all have in common that they constitute an agreement on the expected performance of an individual. These targets are to be aligned with the objectives of the organization and the relevant organizational entity. In addition to key tasks and/or results that are agreed by supervisor and supervisee, behavioural parameters are also established, usually in the form of so-called competencies. Most organizations operate with a defined competency framework. If there is a gap between desired and actual performance, developmental objectives and activities are also determined. At the end of the performance period, an

<sup>34</sup> ICC-ASP/10/Res.4, section I.

assessment is done and feedback is provided to the supervisee by supervisor and the supervisor's manager. The majority of organizations assign numerical ratings to an individual performance.

85. The Court's performance appraisal system and competency framework are fully in line with the standards described. A competency framework exists and is integrated into the performance appraisal form. The assessment consists both of a qualitative part and numerical ratings. There are six ratings: Outstanding (6), very good (5), good (4), average (3), below average (2) and poor (1).

86. In 2011, the Court started work on developing an Administrative Instruction describing the current PAS process and tool, including further clarification on the application of the rating system.

## **B. Review of the current performance appraisal system**

87. There is general agreement that the appraisal form, which was developed in 2003, together with the competency framework and with the help of an experienced consulting company, could benefit from a review in accordance with best practice existing in other organizations. The Court therefore welcomes the recommendation of the Assembly and has already embarked on the process of reviewing its appraisal system. It is expected that a revised performance appraisal procedure will be ready for application in the next performance cycle.

88. The Court is aware of the need to approach a review of the PAS in the most cost-effective manner. Experience has shown that developing and introducing a new performance appraisal system is a time-consuming and usually costly undertaking, as it must involve an evaluation of the functioning of the current tool, a review of models existing in other comparable organizations, full involvement of staff and managers at all levels (i.e. consultations, focus groups, etc.) in the design of the new tool and, once adopted, must be followed by a comprehensive training programme. The International Civil Service Commission, which has researched the performance management systems in the United Nations common system for several years, prepared a useful report for the Commission's 71<sup>st</sup> session in 2010.<sup>35</sup> The Commission's study observed that the introduction of a new performance appraisal system "involves a considerable amount of investment in the establishment of working groups, the collection of benchmarking data, negotiation with interested parties, including the staff association, and the identification and creation of new sets of processes and guidelines. In some cases, this has also involved significant changes to the computerized human resources management systems and/or extensive training programmes."

89. Given available research and the experience in other international organizations, the Court will look at cost-effective options for developing a revised or new tool. In particular, the Court will be testing a more efficient system of appraisal and, in this context, also look at existing models, such as that of the United Nations Secretariat and consider their adoption at the Court.

## **C. Performance appraisal and step increases**

90. The evaluation of the present system and the development of options for a new one will fully take into account the Assembly's request that the Court also consider different options for establishing satisfactory performance. In the Court's current performance appraisal system, ratings from 3 to 6 are considered satisfactory, while ratings of "below average" or "poor" are not considered satisfactory.

91. It is noted that, whatever the specific approach to performance assessment, all organizations of the common system grant staff members who perform "satisfactorily" an annual step. If performance is not satisfactory, the step can be withheld. The Staff Rules of the Court, like those of all other organizations following the United Nations common system, do require that staff receive an annual step increment unless their performance is

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<sup>35</sup> ICSC/71/R.3 dated 2 June 2010, "Performance management framework".

not satisfactory. As staff are contracted based on the Staff Rules, the annual increment also represents an acquired right, and non-adherence to the Staff Rules would have legal implications.

92. While it is true that annual step increments may increase actual expenditures, the Court is of the view that changing the definition of satisfactory performance in order to avoid payment of an annual increment would be severely detrimental to staff morale and motivation. If savings are to be incurred, they should not be affected by assessing a staff member's performance in a more negative way than would be warranted by the actual performance. Moreover, it should be borne in mind that increases in steps are to some extent counterbalanced by decreases when a staff member leaves the Court and his or her replacement may be recruited at a lower step than the previous incumbent.

## VI. Learning and Training

93. Since 2009, the Court has operated successfully with annual Strategic Learning Plans. The plan and the methodology for determining learning needs were presented to the Committee in the Court's 2010 report on human resources management.<sup>36</sup> In 2011, the same approach was pursued, encompassing the key strategic areas of

- (a) Leadership, management and organizational development;
- (b) Substantive and technical knowledge;
- (c) Information Technology;
- (d) Languages;
- (e) Staff well-being;
- (f) Human resources and financial management;
- (g) Induction and career support.

94. In order to take into account learning needs identified through the annual performance management process, which has a cycle from March to February, Strategic Learning covers the period April to March. An update on the implementation of the 2011 Plan will be provided to the Committee at its eighteenth session.

95. Of particular importance in 2011 was the commencement of the Court's first Managerial Leadership Programme, which was conducted for 25 senior managers from across the Court.

96. The Court has noted that the Assembly decided to reduce the funds available for training by 50 per cent in 2012. Therefore, strategic area (d), languages, can no longer be supported.

## VII. Other matters

### A. Reclassifications

97. In its report on human resources management submitted to the Committee at its fourteenth session in May 2010,<sup>37</sup> the Court provided detailed information on the rationale for reclassifications and the Court's approach and methodology used. Given the concerns expressed by the Committee and the Assembly over the use of reclassifications in the Court as well as internal management and staff concerns, it was agreed that the Court would develop a new approach to classifications and submit it to the Committee at its eighteenth session. The new approach is presented in a separate document, which details the context and the new approach.

<sup>36</sup>ICC-ASP/10/9, paras. 69-81 and annexes II and III.

<sup>37</sup>ICC-ASP/9/8.

## B. Managerial accountability and staff grievances

98. At its seventeenth session, the Committee recommended that the Court ensure it has policies in place to reinforce managerial accountability and reduce the risk of increased liabilities resulting from staff grievances.<sup>38</sup> The recommendation of the Committee was made in the context of its concern over the amounts paid to former staff members as a result of appeals and grievance processes.<sup>39</sup> Since the Court was established, the ILOAT has issued seven judgments in respect of appeals made by current or former Court staff. Three of these judgements were decided in favour of the Court.

99. In recent years, the Court has undertaken efforts to strengthen managerial focus on due process and to settle complaints internally. It should be noted, however, that staff appeals and the costs associated with ensuring due process of conducting and responding to these appeals, including before the ILOAT, are not always and necessarily a result of a lack of good management. A case in point is the example of a former staff member whose contract was not extended due to clearly documented unsatisfactory performance. Due process was fully observed and confirmed by the internal appeals board. Nevertheless, the former staff member decided to take the case to the ILOAT, which upheld the Court's decision in 2011.

100. The majority of past staff appeals, as well as those likely to be made in the future, relate to the following:

- (a) Dismissals;
- (b) Non-extension of contracts;
- (c) Disputes over specific benefits and entitlements;
- (d) Performance appraisal disputes;
- (e) Classification of post disputes;
- (f) Disciplinary matters.

101. With regard to dismissals and non-extension of contracts, the Court has in recent years observed the relevant jurisprudence and staff rules and regulations and both human resources managers and legal advisers are collaborating closely with programme managers in cases where staff have to be dismissed or contracts are not extended. Particularly in cases of non-extensions due to unsatisfactory performance, managers have been advised of the requirements for proper documentation of the performance and for assisting the staff member concerned to improve performance prior to a decision on non-extension.

102. Disputes over specific benefits and entitlements demonstrate the importance of a solid human resources policy framework which provides clarity and avoids loopholes to the greatest extent possible. As noted, the Court's policy development work is ongoing and has become a priority.

103. With regard to performance appraisal disputes, the Court now has in place a rebuttal mechanism which seeks to settle disputes at internal levels.

104. An area with the potential for further appeals is reclassifications, particularly in cases when a post has been classified at a higher level but the upgrade of the post, and thus the incumbent, has not been approved in the programme budget. In addition, a staff member may be in disagreement with the outcome of the (re-)classification of his or her post, or claim irregularities in the procedures, and appeal. This is dealt with further in the separate submission of the Court on a new approach to classifications and reclassifications.

105. Disciplinary cases deal with alleged unsatisfactory conduct of staff or alleged unsatisfactory conduct of managers. The Code of Conduct, promulgated in 2011, and an Administrative Instruction on disciplinary proceedings have provided a solid framework for both managerial accountability and due process.

<sup>38</sup> *Official Records ... Tenth session ... 2011* (ICC-ASP/10/20), vol. II, part B.2, para. 33.

<sup>39</sup> The Court notes that most of the amount cited by the Committee was paid to just one former staff member.

### C. Discretionary elements in the United Nations common system

106. The Court applies the common system of salaries, allowances and benefits (“the common system”). The rationale for applying the system, and its implications, were presented to the Committee at its thirteenth session in a report entitled “Report of the Court on its salary framework”.<sup>40</sup> At its tenth session, the Assembly requested the Court to provide the Committee with a report on the discretionary elements of terms and conditions of service within the United Nations common system.<sup>41</sup>

107. The Court’s report takes into account the following:

(a) The common system encompasses salaries, allowances and benefits. They are described in the booklet entitled “United Nations Common System of Salaries, Allowances and Benefits”, which is available on the website of the ICSC. Other aspects of terms and conditions of service, such as contract durations, performance appraisal tools, etc., do not form part of this common system of salaries, allowances and benefits, although frameworks for such policy matters may be provided by the ICSC.

(b) Within the common system, salary scales, as well as certain allowances and benefits, are different for Professional and General Service staff.

(c) In legal terms, the distinction between non-discretionary and discretionary is seen mainly in the use of the terms “shall” and “may”. The Staff Rules of all common system organizations use the terms “shall” to indicate a firm rule and obligation and “may” to indicate that there is room for discretion by the relevant authorized official, usually the head of the organization. However, there may be elements which are non-discretionary in principle but discretionary in their application. An example is the sick-leave entitlement: the granting of sick leave as such is obligatory for all organizations following the common system; however, the duration of sick-leave granted may be determined by each organization individually.

(d) There are close to 50 organizations that follow the United Nations common system, including the Court. While the non-discretionary elements of salaries, allowances and benefits will be adhered to by all of them (for example, salary scale, post adjustment, education grant), the discretionary ones may differ from organization to organization. The Court has based its application of most of the discretionary elements on the practices of the United Nations Secretariat, which is the largest organizational entity of the common system,

108. Tables 3 and 4 in the Annex show the non-discretionary and discretionary elements for Professional and General Service staff for the common system, and their application at the Court in accordance with the relevant Staff Rules. The Court notes that there are few discretionary elements in the common system and that the Court’s application of both discretionary and non-discretionary elements is fully in line with established practices of the organizations following the common system.

## VIII. Summary and conclusions

109. In 2012, the Court will observe its tenth anniversary. Over the last decade, we have witnessed the institutionalization of a new organization with a unique mandate. The small group of dedicated professionals who came together in 2002 to form the “Advance Team” and to set up the young Court has grown into an established workforce of more than 700, supported by some 150 temporary staff, as well as interns, visiting professionals, consultants and experts. The Court’s staff now come from almost 80 different countries, and their expertise and experience covers a vast range: from legal experts with expertise in the different legal systems of the world to specialists for the protection of victims and witnesses, from prosecution to defence, from investigation to cooperation experts, from information technology to security specialists, from court reporters and technicians to interpreters, translators and transcribers proficient in working languages and rare languages required for conducting Court proceedings, from administration to Court management experts.

<sup>40</sup> ICC-ASP/8/32.

<sup>41</sup> ICC-ASP/10/Res. 4, section I.

110. In terms of human resources management, much has been achieved with regard to building up this multicultural, multi-skilled and multi-lingual workforce. Staff Rules and Regulations have been put in place, and a human resources strategy, embedded in the Court's Strategic Plan has been developed and gradually implemented. Staff benefits and entitlements have been successfully aligned with the United Nations common system of salaries, allowances and benefits; recruitment processes have been streamlined and accelerated. A post classification system has been introduced and a performance appraisal system has been developed in conjunction with a competency framework. Training and learning programmes have been put in place to support staff and career development, while health and welfare and staff well-being measures and programmes have been integrated into human resources priorities and benefited from a wide range of initiatives. More recently, priority attention has also been given to the development of a comprehensive HR policy framework and leadership development training.

111. Challenges remain. The Court wishes to strengthen its efforts to recruit nationals from non- and under-represented countries. It seeks to place greater emphasis on the development of an HR policy framework. Its performance appraisal system, in place since 2004, may warrant a review and revision. The Court seeks to adopt a new approach to post classification and is further mindful of the importance of putting in place additional measures towards supporting both career development and staff well-being programmes. With regard to social security provisions, the Court needs, as a matter of priority, to secure improvements in order to adhere to international and national civil service standards.

112. In addressing these challenges, the Court will be guided by the need to achieve efficiencies wherever possible and to observe financial stringency. The Court will likewise be guided by its full commitment to pursue goal 3 of the Strategic Plan of the International Criminal Court: To be a model of public administration and to attract, care for, and offer career development and advancement opportunities to a diverse staff of high quality.

## Annex

**Table 3: Common system salaries, allowances and benefits: Professional staff**

<i>Category</i>	<i>Element</i>	<i>Discretionary in common system</i>	<i>Description of discretion</i>	<i>Discretionary in ICC as per Staff Regulations and Rules</i>	<i>Description of discretionary/non-discretionary in ICC</i>
<b>Salaries and related allowances</b>	Salary scale, level of salaries and post adjustment	No		No	Staff Rules 103.1, 103.3, 103.4, 103.5, 103.5
	Salary increments based on satisfactory performance	No		No	Staff Rule 103.8
	Language incentive: accelerated step increase based on proficiency in a second official language	Yes	Practice varies – it appears that some organizations without a prescribed desirable geographical distribution range may choose to not grant accelerated step increases to P-staff	No	P-staff are entitled to accelerated step increase due to proficiency in second official language, Staff Rule 103.13
	Rental subsidy	The principle: no The application: yes	Additional amounts may be granted at a few duty stations where commercial rents are excessively high	No	ICC has not granted additional amounts; Staff Rule 103.3 (f)
	Overtime payments	In principle: no In application: yes:	Normally no overtime payment for P-staff. In some organizations overtime is paid to P-staff for specific purposes	In principle: No Exceptionally: yes	Staff Rule 103.15 (b) applies.
	Special Post Allowance	Yes	Organizations have different approaches to granting a special allowance when staff are asked to assume higher-level functions on a temporary basis	Yes/No: In principle it is discretionary, in practice it has become a non-discretionary element	Staff Rule 103.11 and AI
	Dependency benefits	No		No	Staff Rule 103.17
	Education Grant	No		No	Staff Rule 103.18

<i>Category</i>	<i>Element</i>	<i>Discretionary in common system</i>	<i>Description of discretion</i>	<i>Discretionary in ICC as per Staff Regulations and Rules</i>	<i>Description of discretionary/non-discretionary in ICC</i>
<b>Travel, relocation and mobility</b>	Mobility, Hardship and non-removal allowances	No		No	Staff Rule 103.14 and AI
	Assignment Grant	No		No	Staff Rule 107.14
	Removal and shipment cost	The principle: no The application: yes	Providing staff with financial assistance towards shipment costs upon initial recruitment, reassignment or separation is non-discretionary. Amounts paid may be discretionary. Some organizations use lumpsum approaches.	No	Financial assistance is specified in Staff Rules 107.4, 107.5 and 107.6, and there is no lumpsum relocation grant.
<b>Leave</b>	Home leave	No		No	Staff Rule 105.6
	Annual leave	No		No	Staff Rule 105.2
	Sick-leave	The principle: no The application: yes	The non-discretionary element is with regard to the limits of sick-leave entitlements.	No	Staff rules 106.4, 106.5 and AI. ICC application follow UN Secretariat, relevant Staff Rule applies
	Maternity leave	No		No	Staff Rule 106.6
	Paternity leave	No	General Assembly resolution 59/268 confirmed recommendation to implement across common system	No	Staff Rule 106.8
	Adoption leave	Yes	Adoption leave may be granted although most organizations grant it	No	Staff Rule 106.7
	Special leave	Yes	Special leave with or without pay may be granted, fully discretionary	Yes	Subject to approval by Prosecutor or Registrar, Staff Rules 105.3 and 105.4
	Official Holidays	Yes	Normally ten days but timing depends on local circumstances	Yes	Staff Rule 105.1, normally ten days
<b>Separation payments</b>	Commutation of accrued annual leave	Yes	Accrued annual leave may be converted into cash amount upon separation	No	Staff Rule 109.7 applies
	Repatriation Grant	No		No	Staff Rule 109.6
	Termination Indemnity	No		No	Staff Rule 109.2 (g)
	Death grant	No		No	Staff Rule 109.5

<i>Category</i>	<i>Element</i>	<i>Discretionary in common system</i>	<i>Description of discretion</i>	<i>Discretionary in ICC as per Staff Regulations and Rules</i>	<i>Description of discretionary/non-discretionary in ICC</i>
<b>Social Security</b>	Health insurance	The principle: no The application: yes	Organization must provide health insurance but selection of scheme is organization's decision.	No	Staff Rule 106.2
	Life insurance	Yes		Yes	Staff Rule 106.3. ICC does not offer life insurance

**Table 4: Common system salaries, allowances and benefits: General service staff**

<i>Category</i>	<i>Element</i>	<i>Discretionary in common system</i>	<i>Description of discretion</i>	<i>Discretionary in ICC as per Staff Regulations and Rules</i>	<i>Description of discretionary/non-discretionary in ICC</i>
<b>Salaries and related allowances</b>	Salary scale, level of salaries and post adjustment	No		No	Staff Rules 103.1, 103.2, 103.4, 103.5, 103.5
	Salary increments based on satisfactory performance	No		No	Staff Rule 103.8
	Language allowance based on proficiency in a second official language	No		No	Staff Rule 103.12
	Overtime payments	Yes	May receive overtime payments or compensatory time off	Yes	Staff Rule 103.15 (c) applies.
	Special Post Allowance	Yes	Organizations have different approaches to granting a special allowance when staff are asked to assume higher-level functions on a temporary basis	Yes/No. In principle it is discretionary, in practice it has become a non-discretionary element	Staff Rule 103.11 and AI
	Dependency benefits	No		No	Staff Rule 103.17

<i>Category</i>	<i>Element</i>	<i>Discretionary in common system</i>	<i>Description of discretion</i>	<i>Discretionary in ICC as per Staff Regulations and Rules</i>	<i>Description of discretionary/non-discretionary in ICC</i>
<b>Leave</b>	Annual leave	No		No	Staff Rule 105.2
	Sick-leave	The principle: no The application: yes	The non-discretionary element is with regard to the limits of sick-leave entitlements.	No	Staff rules 106.4, 106.5 and AI. ICC application follow UN Secretariat, relevant Staff Rule applies
	Maternity leave	No		No	Staff Rule 106.6
	Paternity leave	Yes	General Assembly resolution 59/268 confirmed recommendation to implement across common system	No	Staff Rule 106.8
	Adoption leave	Yes	Adoption leave may be granted although most organizations grant it	No	Staff Rule 106.7
	Special leave	Yes	Special leave with or without pay may be granted, fully discretionary	Yes	Subject to approval by Prosecutor or Registrar, Staff Rules 105.3 and 105.4
	Official Holidays	Yes	Normally ten days but timing depends on local circumstances	Yes	Staff Rule 105.1, normally ten days
<b>Separation payments</b>	Commutation of accrued annual leave	Yes	Accrued annual leave may be converted into cash amount upon separation	No	Staff Rule 109.7 applies
	Termination Indemnity	No		No	Staff Rule 109.2 (g)
	Death grant	No		No	Staff Rule 109.5
<b>Social Security</b>	Health insurance	The principle: no The application: yes	Organization must provide health insurance but selection of scheme is organization's decision.	The principle: No. The application: Yes	Staff Rule 106.2
	Life insurance	Yes		Yes	Staff Rule 106.3. ICC does not offer life insurance