

**Eighteenth session**

The Hague, 2-7 December 2019

**Report of the Working Group on
the Revision of the Judges' Remuneration****I. Introduction and mandate**

1. At its sixteenth session in December 2017 the Assembly of States Parties (“the Assembly”) requested the Bureau to “establish a working group, based in The Hague and open only to States Parties, to discuss a mechanism to consider a revision of the judges’ remuneration in implementation of resolution ICC-ASP/3/Res.3 and to report thereon to the Assembly at its seventeenth session.”¹

2. At its seventeenth session in December 2018 the Assembly welcomed the report of the Working Group on the Revision of the Judges’ Remuneration² and decided to extend the mandate of the working group for another year.³ The Assembly also decided to establish a mechanism for the review of the judges’ remuneration, subject to the adoption of terms of reference by the Assembly,⁴ and requested the Registry to commission, in coordination with the working group, an expert in international remuneration systems to undertake a study on the judges’ remuneration.⁵ The Assembly requested that the study include the salary structure and benefits package, and consider the possible terms of reference for a mechanism to review the remuneration of judges, taking into account the cost implications and the suggestions put forward in the report of the working group.⁶ The Assembly requested the expert to report to the working group no later than 1 June 2019 on the results of the study, including recommendations for the terms of reference.⁷ The Assembly mandated the working group to prepare the terms of reference, taking account of the recommendations of the expert, with a view to a decision on their adoption at the eighteenth session of the Assembly.⁸

3. On 26 February 2019, the Bureau appointed Ambassador Martin Sørby (Norway) as Chair of the Working Group on the Revision of the Judges’ Remuneration.

4. Consistent with the original mandate for the working group, meetings were held in The Hague and open only to States Parties. A total of seven meetings were held: on 15 March, 27 June, 4 September, 24 September, 22 October, 5 November and 29 November.

¹ *Official Records ... Sixteenth session ... 2017* (ICC-ASP/16/20), ICC-ASP/16/Res.1, section N., para. 1.

² ICC-ASP/17/28.

³ ICC-ASP/17/Res.1, para. 2.

⁴ ICC-ASP/17/Res.1, para. 6.

⁵ ICC-ASP/17/Res.1, para. 3.

⁶ ICC-ASP/17/Res.1, para. 3.

⁷ ICC-ASP/17/Res.1, para. 4.

⁸ ICC-ASP/17/Res.1, para. 5.

II. Expert reports

5. At its meeting on 15 March 2019, the working group discussed draft terms of reference for the expert study which had been requested by the Assembly, and agreed that the Chair could take a decision regarding the appointment, on behalf of the working group, so as to expedite the process. The terms of reference for the expert study were revised and subsequently adopted by the working group on 20 March 2019. On 24 April the Chair informed States Parties that two institutions had been selected to provide different aspects of the study: the Institute for Employment Studies (IES), and the International Service for Remunerations and Pensions (ISRP). The Chair advised that these institutions had complementary areas of expertise which would provide the working group with a good basis on which to complete its work.

6. The IES was tasked with providing a general study on the judges' remuneration, including the salary structure and benefits package. The ISRP was tasked with providing recommendations regarding the design of a review mechanism for the judges' remuneration, described in the ISRP report as a "salary adjustment methodology".

7. States Parties received the two expert reports on 24 June 2019. The working group also received presentations from the two institutions on the content of their respective reports at its meeting on 4 September 2019. States Parties expressed their appreciation for the reports and the presentations.

III. Terms of reference for a mechanism to review the remuneration of judges

8. At the fourth meeting of the working group, on 24 September 2019, States Parties exchanged views on the expert reports and the way forward regarding the mandate of the working group. The working group agreed to focus its efforts on the terms of reference for a mechanism to review the remuneration of the judges.

9. States Parties considered that the mechanism should be simple, systematic, and consistent with the Rome Statute. Any revision of the salaries should include an analysis of the financial impact for States Parties. States Parties noted that the Assembly should have the final say regarding implementation of any adjustment as a result of the mechanism. The Chair invited specific suggestions from delegations in writing, in order to assist in the preparation of the terms of reference.

10. At the fifth meeting of the working group, on 22 October 2019, the working group had before it draft Terms of Reference for the Review of the Judges' Remuneration. Revised versions were prepared and circulated for subsequent meetings.

IV. Conclusion

11. At the conclusion of the meeting on Friday, 29 November the Chair noted that the discussions, including on draft resolution language for the consideration of the Assembly, would continue during the eighteenth session of the Assembly.
