



Twenty-Second session

New York, 4 – 14 December 2023

**Report of the Committee on Budget and Finance
on the work of its forty-first session**

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Executive Summary

1. The Committee held its forty-first session in The Hague from 8-12 May 2023. Over the course of the session, the Committee considered a range of issues including, but not limited to, (a) 2022 budget performance and the utilisation of the Contingency Fund (“CF”); (b) Human Resources issues, including GRGB, capacity and tenure proposals; (c) the Legal Aid reform proposal; (d) an update on the Office of the Prosecutor (“OTP”) Trust Fund and secondees; and (e) key issues facing the Court in 2024.

2. On **budget performance 2022**, the Court’s total expenditure exceeded its approved budget by €3 million due in particular to multiple staff pay rises linked to the UN Common System, high inflation rate, and the occurrence of unforeseen situations. Only part of the CF expenditures could therefore be absorbed, which left the CF level at only €2.2 million by the end of the year. Replenishing it to the notional level of €7 million, as recommended by the Committee, is therefore essential to ensure the independence of the Court’s operations.

3. On **Human Resources**, the Committee reiterated its request for information on the update on all modalities, including the National Professional Officer category and United Nations Voluntary Programme as part of the Human Resource Management annual report at its forty-fourth session in May 2024. The Committee took note of the efforts made towards achieving a more balanced geographical and gender representation, specifically the launch of the Court’s first strategy on Gender Equality and Workplace Culture that incorporates some of the needs identified in the Engagement Surveys from 2018 and 2021 and requested to be updated on this matter under the Human Resources Section at its forty-fourth session in May 2024. The Committee recognized the situation the Court experience in 2022, which has affected the recruitment process, where by the end of 2022, the total filled positions stood at 832, against 972 approved. Moreover, in the first quarter of 2023, the high vacancy rate continued and the Court kept a frozen recruitment process for established and General Temporary Assistance posts, filling only the urgent ones through Short-Term Appointments.

4. The Court presented proposals on **tenure** and how this could be implemented. The Staff Union Council presented its concerns and reservations. The Committee referred to its various considerations in former reports concerning, *inter alia*, the experiences of other international organizations, unavoidable risks, financial and productivity implications, and the impact on geographical distribution. The prime objective of introducing fresh thinking, and enhancing mobility and diversity may be easier to achieve by various other means. The Committee recommended that before taking a final decision on the introduction of the tenure policy, the Assembly seriously considers all financial, legal and administrative challenges and risks.

5. On **Legal Aid**, the Committee received updates on the intent to reform and enhance legal aid, and how legal aid teams to be remunerated. The Committee looked forward to receiving a detailed updated report before its forty-second session with a budgetary comparison of the legal aid budget for the year 2024 under the current and the proposed legal aid system. The Committee recommended that the Court take into account the outcome of the assessment of the functioning of the current legal aid system upon the completion of the first case when drafting the new Legal Aid Policy.

6. Presenting the **outlook** for 2024, the Registrar referred *inter alia* to the aggravated security situation, increased inflation pressures and lacking staff capacity. The Committee, like the Court, is concerned by the rising security risk facing the Court and understood the pressures that inflation will have on both its fixed and non-fixed costs and noted the pressure on staff to deliver with a rising vacancy rate (15 per cent) and a growing portfolio of work. The Committee noted all of these challenges and has asked the Court to consider how it could manage these pressures within its current budget envelope, while additional costs may be driven into the 2024 Proposed Programme Budget.

7. The **Trust Fund for the OTP** has received a positive response from States Parties in terms of contributions and the provision of seconded expertise. To date more than €19 million (States and EU) has been pledged to the OTP Trust Fund and to date it has spent over €3 million and committed a further €5 million. There were also 46 secondees in 2022 providing expert support to the OTP, which has increased to 62 to date. The Committee requested that it be informed of the impact of the OTP Trust Fund and secondees on its operation, and also how its long-term cost would impact the Court’s regular budget, at its forty-second session

in September 2023. The Committee was informed that the Court aims to establish a new OTP Trust Fund to fund secondees from developing States. The Committee requested that it be updated on the OTP Trust Fund and the secondees, as well as being kept informed about the arrangements for the new Trust Fund at its forty-second session. The Committee stressed that the Trust Fund and support from secondees are finite and non-recurring. As previously advised, the Court should make cautious choices and refrain from increasing its fixed cost base beyond the end of the voluntary support duration.

8. The meeting began with a **workshop** allowing for in-depth discussions with the Court focusing on (a) workforce posture, (b) improving budgetary predictability, (c) the relationship between the regular budget and extrabudgetary activities (see OTP Trust Fund in paragraphs 54 to 59 of this report) and (d) improvements to the presentation of the budget proposals

I. Opening of the forty-first session

1. The forty-first session of the Committee on Budget and Finance (“the Committee”) was held in The Hague from 8 to 12 May 2023, in accordance with the decision of the Assembly of States Parties (“the Assembly”) taken at its twenty-first session.¹ The agenda of the session is detailed in Annex I and attendance and participation by observers are detailed under “Organizational matters”.

2. The President of the International Criminal Court (“the Court”), Judge Piotr Hofmański, delivered the welcoming remarks at the opening of the session.

II. Workshop

3. The workshop traditionally held at the Spring session, which allows for in-depth discussions with the Court on various topics related to the budget process, focused this time on (a) workforce posture, (b) improving budgetary predictability, (c) the relationship between the regular budget and extrabudgetary activities (see OTP Trust Fund in paragraphs 54 to 59 of this report) and (d) improvements to the presentation of the budget proposals.

Proposed workforce posture

4. The Court briefed the Committee on the status of the proposed workforce² with a focus on the OTP’s field presence enhancement initiatives. Representatives of the Office of the Prosecutor (“OTP”) reported that due to reductions to the OTP’s 2023 proposed budget request, most of the Prosecutor’s plans regarding a more prominent presence in the field had been postponed and that the request for additional staff and the establishment of country offices in the four new situations would be included in the 2024 proposed programme budget (“PPB”).

Improving budgetary predictability: possible options for a financial forecasting system

5. At its thirty-ninth session,³ the Committee acknowledged that developing and implementing a financial forecasting system will take time and, therefore, recommended that the Court consider adopting an internal process at the beginning of next year and requested an update at its forty-first session in May 2023.

6. At its twenty-first session,⁴ the Assembly noted the recommendation of the Committee at its thirty-ninth session and requested that the Court consider adopting an internal process for developing and implementing a financial forecast system with a view to improving budgetary predictability and report to the Committee at its forty-first session, and to the Assembly at its twenty-second session.

7. The Court reiterated the difficulties encountered with the provision of reliable forecast in the PPB⁵ but at the same time indicated that it intends to include some elements that are more stable, i.e., mostly non-staff costs, and thus more predictable for the 2024 PPB. The most challenging, but at the same time biggest cost item of the budget, i.e., staff costs, are under scrutiny. With the help of SAP accounting software it could also be possible to provide estimates of the staff costs outlook for those already onboard in the future. The question of how to deal with unknown future developments in terms of staff costs is still under consideration. The Committee welcomed the intention to continue developing forecasting tools and was looking forward to continuing discussions on this issue.

¹ Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Twenty-first session, The Hague, 6-11 December 2021 (ICC-ASP/20/20), vol. I, part I, section B, para. 49; Resolution ICC-ASP/21/Res.2, annex I, para. 19 (a).

² Report of the Court on the proposed workforce posture (CBF/39/11).

³ Report of the Committee on Budget and Finance on the work of its thirty-ninth session, ICC-ASP/21/15, para. 238.

⁴ ICC-ASP/21/Res.1 (Advance version), Section L, para. 9.

⁵ Scope and principles for employing a rolling budget forecast at the International Criminal Court (CBF/39/18).

Improvements to the presentation of the budget proposals

8. At its twenty-first session,⁶ the Assembly welcomed the recommendations of the Committee in relation to the presentation of the budget proposals and the efforts made by the Court in this regard, encouraged continued improvement, and noted that the Committee would be updated ahead of its fortieth session on the measures taken by the Court and would include its comments in its reports to the Assembly.

9. The Court informed the meeting that there would be no major changes in the presentation of the budget in the 2024 PPB but an attempt would be made to reduce repetitions, as well as to streamline annexes. Furthermore, connections to Court's risk evaluation and, where possible, cost forecasting would be introduced to the PPB.

10. As an outlook for the workshop at its forty-fourth session, the Committee saw a great opportunity for a more efficient budgeting process and transparent budget presentation in order to foster trust among the key participants in the budget process.

RECOMMENDATION

11. **The Committee encouraged the Court to develop transparent budget presentation proposals for discussion at the workshop at its forty-fourth session in May 2024.**

III. Consideration of the agenda of the Committee**A. Status of contributions, States in arrears, and liquidity***Status of contributions*

12. The Committee reviewed the status of contributions as at 31 March 2023 (See Annex I for details). The Committee noted that regular contributions of €56,824,327 (33 per cent) were outstanding for the assessed contributions of the 2023 approved budget of €173,234,300⁷ (including the host State loan of €3,585,100). The Committee observed that only 48 out of the 123 States Parties had paid their contributions in full as at 31 March 2023.

13. The outstanding contributions from prior years and the current year stood at €82,091,792, including the host State loan (€1,570,913).

14. Based on the information provided in the monthly financial situation report as at 31 December 2022, the Committee noted that the liquidity situation of the Court remained challenging. At the end of the previous years, the Court had had to rely on the willingness of some States Parties to pay their contributions for the 2023 assessments early in November or December 2022. Thanks to those early payments, the Court did not have to access the Working Capital Fund ("WCF") by the end of 2022. Without those payments, the Court would have faced a liquidity shortfall in the amount of approximately €17 million.

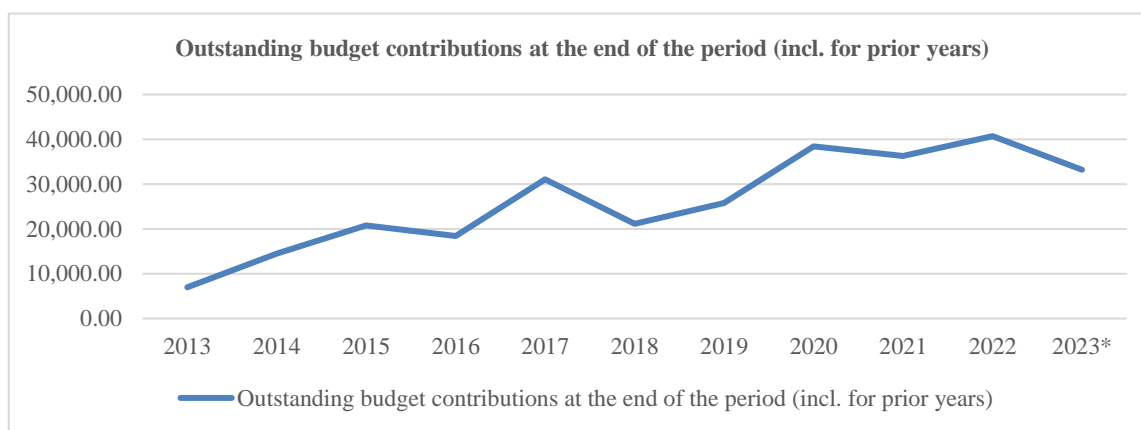
15. The Committee welcomed the significant payments made by one State Party in arrears in the first quarter of 2023, easing the liquidity situation of the Court. In its monthly financial situation report as at 30 April 2023, the Court came to the conclusion that, if payment trends materialize, by the end of 2023 the liquidity shortfall will amount to about €1.5 million, to be covered by the WCF. Table 1 and Figure 1 below show the trend for outstanding contributions over the past ten years.

⁶ ICC-ASP/21/Res.1, section K, para. 7.

⁷ *Official Records ... Twentieth session, 2021* (ICC-ASP/20/Res.1), Section A, para. 3.

Table 1: Analysis of the trend in outstanding contributions over the past ten years

	Programme budget	End of period - Outstanding budget contributions (incl. prior years)	Outstanding contributions (in per cent)
2013	115,120.30	6,980.20	6.06%
2014	121,656.20	14,489.30	11.91%
2015	130,665.60	20,785.70	15.91%
2016	139,590.60	18,405.00	13.18%
2017	144,587.30	31,047.90	21.47%
2018	147,431.50	21,121.90	14.33%
2019	148,135.10	25,771.70	17.40%
2020	149,205.60	38,401.70	25.74%
2021	148,259.00	36,266.70	24.46%
2022	154,855.00	40,707.50	26.29%
2023*	173,234.30	33,190.40	19.16%

Figure 1: Outstanding contributions over the past ten years (in thousands of euros)

* The forecast for 2023 is based on 2022 trends of contributions received. As at 31 March 2023, total outstanding contributions stood at €82,085.25 thousands.

States in arrears

16. The Committee noted that many States Parties were still in arrears and none of them had made use of the possibility of arranging a payment plan with the Court.

RECOMMENDATION

17. **The Committee continued to encourage all States Parties to pay their contributions to the Court in full and in time. Furthermore, the Committee continued to urge States Parties with outstanding contributions to settle their dues with the Court as soon as possible, and if need be, to arrange a payment plan with the Court.**

Liquidity

18. In 2022, the Committee noted that the Court had had to revert to the Contingency Fund (“CF”) for unforeseen situations and that the costs could be absorbed only partially by the regular budget, €3 million had to be charged to the CF. Consequently, the CF was drawn down from €5.2 million to €2.2 million. To prevent the risk of the level of the CF being insufficient to cover unforeseen activities the Committee continued to urge the States Parties to replenish the CF.

RECOMMENDATION

19. **The Committee reiterated the need for the Assembly to replenish the Contingency Fund up to its notional level of €7 million.**

B. Programme performance of the 2022 budget

General observations

20. The Committee considered the “Report on activities and programme performance of the International Criminal Court for the year 2022”, which was based on preliminarily unaudited figures. The Committee noted that in 2022 the Court’s total actual expenditure, including the CF, amounted to €157.9 million, representing an implementation rate of 102.0 per cent of the approved 2022 budget of €154.86 million, with the need to access the CF for an amount of €3.04 million.

21. The implementation rate of the regular budget for 2022 was 99.3 per cent, i.e. a total of €153.83 million, against an approved budget of €154.86 million.

22. Five CF notifications on unforeseen situations were submitted to the Committee for which €4.07 million was actually needed: see Table 2 on budget performance for 2022 by expenditure item. An amount of €1.03 million was absorbed within the approved budget for 2022 and €3.04 million was covered by the CF resources, which reduced the remaining balance of the CF to the amount of €2.2 million at the end of the year.⁸

Table 2: Budget Performance for 2022 by expenditure item (in thousands of euros)⁹

Items	Approved Budget 2022	Total Contingency Fund (CF)	Total Consolidated Budget and CF 2022	Actual expenditure* 2022	Actual expenditure* CF 2022	Total actual expenditure* incl. CF 2022	Total actual incl. CF implementation rate 2022 against Approved Budget in %
	[1]	[2]	[3]=[1]+[2]	[4]	[5]	[6]=[4]+[5]	[7]=[6]/[1]
Judges’ Salaries	5,076.1	-	5,076.1	5,261.8	-	5,261.8	103.7
Professional staff	65,576.2	-	65,576.2				
General Service staff	25,438.0	-	25,438.0	-	-	-	-
Subtotal staff	91,014.2	-	91,014.2	97,568.8	-	97,568.8	107.2
General temporary assistance	21,806.1	1,669.3	23,475.4	17,579.9	1,163.4	18,743.3	86.0
Temporary assistance for meetings	894.9	269.5	1,164.4	1,622.9	274.8	1,897.7	212.1
Overtime	343.7	9.5	353.2	217.9	6.5	224.4	65.3
Subtotal other staff	23,044.7	1,948.3	24,993.0	19,420.7	1,444.7	20,865.4	90.5
Travel	4,119.4	656.6	4,776.0	3,042.5	389.0	3,431.5	83.3
Hospitality	28.0	-	28.0	14.3	-	14.3	51.0
Contractual services	3,324.3	428.2	3,752.5	2,553.3	532.4	3,085.6	92.8
Training	659.1	4.9	664.0	294.4	-	294.4	44.7
Consultants	720.7	134.5	855.2	761.4	106.0	867.4	120.4
Counsel for defence	5,196.7	588.1	5,784.8	4,221.4	423.3	4,644.7	89.4
Counsel for victims	1,906.6	135.7	2,042.3	1,719.2	-	1,719.2	90.2
General operating expenses	14,280.9	951.0	15,231.9	13,818.0	956.5	14,774.5	103.5
Supplies and materials	1,097.2	87.7	1,184.9	784.4	97.9	882.3	80.4
Furniture and equipment	802.0	187.2	989.2	783.7	119.1	902.9	112.6
Subtotal non-staff	32,134.9	3,173.9	35,308.8	27,992.7	2,624.0	30,616.7	95.3
Total	151,269.9	5,122.2	156,392.1	150,244.0	4,068.7	154,312.7	102.0
Host State Loan	3,585.1	-	3,585.1	3,585.1	-	3,585.1	100.0
Total including Host State Loan	154,855.0	5,122.2	159,977.2	153,829.1	4,068.7	157,897.8	102.0

* Expenditure for 2022 is based on preliminary and unaudited figures, which are subject to change.

23. The Committee observed with concern that the actual level of the CF of €2.2 million at the end of the year would not allow the Court any room for manoeuvre in the event of any unforeseen developments that might arise in 2023 and reiterated its previous recommendation regarding the need to replenish the CF to its notional level of €7 million.¹⁰

24. The Committee noted that no narrative on the activities and programme performance of Major Programme VII-5 was included in the common Court report on 2022 programme performance.

⁸ As of 1 January 2022, the CF level was €5,241.4 thousand. The remaining unspent balance after the withdrawal of €3,012.6 was €2,228.8 thousand.

⁹ CBF/41/14: Report on activities and programme performance of the International Criminal Court for the year 2022, Table 11: Court consolidated budget performance in 2022, by item of expenditure (amounts in thousands of euros).

¹⁰ See para. 18 on liquidity issue.

RECOMMENDATION

25. **Bearing in mind the One-Court principle, the Committee requested that the format of Major Programme VII-5 should be in line with all major programmes.**

26. The Committee observed that the full utilization of the 2022 approved budget was due to the unexpected increase in staff costs, high inflation, and the partial absorption of the CF notifications. The application of the revised United Nations Common System (“UNCS”) salary scales had resulted in significant salary increases, i.e., an increase in salaries for the General Service category of 2.5 per cent in August 2022 and an increase in post adjustment for Professional Staff category of 11.9 per cent in February and August 2022.

Judges’ salaries and allowances

27. The Committee noted that the implementation rate for the budget allocated for judges’ salaries was 103.7 percent (or €5.26 million against the approved budget of €5.08 million), representing an over-spend of €185.7 thousand. The amended conditions of service and compensation for the Court’s judges started to be used as of 2021, therefore the revised UNCS salary scale was also applicable to judges’ remunerations, thus having an impact on this budget line.

Staff costs

28. The Committee observed that the costs for established posts exceeded the approved budget by €6.55 million (€91,014.2 thousand approved budget against €97,568.8 thousand actual expenditure). In order to mitigate the impact of the revised UNCS salary scale, the Court put in place different measures, such as rescheduling recruitment activities, postponing the date of entry on duty, freezing recruitment from September until December 2022 and reprioritizing activities. This mitigation strategy resulted in an increase in the vacancy rate to 15 per cent.¹¹ The Committee observed that many vacant posts had been filled by Short-Term Appointments (“STA”) in order to ensure business continuity.

29. General Temporary Assistance (“GTA”) was underspent by €4.23 million. The low implementation rate was the result of delayed recruitment and the application of various measures by the Court to fund over-implementation for established posts and Temporary Assistance for Meetings (“TAM”).

30. The implementation rate for TAM was 181.3 per cent (€1.62 million against the approved budget of €0.89 million). The overspend was directly linked to the increase in judicial activities and the subsequent need for additional resources.

31. The Committee observed that the overall implementation rate of the Court’s staff costs was 102.6 per cent, representing an overspend of this budget line by €2.93 million, and it welcomed the Court’s efforts to cover the overspent balance through savings on non-staff costs.

RECOMMENDATION

32. **The Committee observed that the Court was able to carry out the budgeted and the unforeseen activities using a lower number of established posts and GTA. The Committee recommended conducting a rigorous evaluation of the need for all existing posts and positions (filled and vacant in 2022) and consider the actual number of posts and positions needed when preparing the 2024 proposed programme budget.**

Non staff costs

33. The Committee noted that all non-staff costs budget categories were underspent, with the exception of consultants, which was overspent by €40.7 thousand.

¹¹ As of 31 December 2022, 133 posts out of 972 approved posts were vacant and not advertised and 831 were filled.

Travel

34. The travel budget was implemented at a rate of 83.3 per cent, including CF notifications (€3.04 million against the approved budget of €4.12 million), thus generating savings of €1,076.9 thousand. Savings on travel are explained by continued travel restrictions due to COVID-19 at the beginning of the year. The usage of new working methods implemented across the Court also contributed to savings on travel expenses.

Hospitality, training and consultants

35. Significant savings on hospitality, training and the supply of materials were the result of the measures taken by the Court to cover the overspend on staff costs and to mitigate the liquidity shortage.

Legal aid

36. Overall legal aid for both Defence and Victims was implemented at a rate of 83.6¹² per cent excluding the CF (actual expenditure of €5.9 million against the approved budget of €7.1 million, the remaining balance was €1.2 million). The underspend of €0.98 million was identified mainly in the defence legal aid budget, with an implementation rate of 81.2 per cent due to the deviation between assumptions and actual expenditure. In cases where activities were lower than expected, legal aid payments were reduced, and in one case legal aid was terminated due to the death of the accused. The difference between the budgeted costs and actual use in the case of legal aid for victims in the amount of €0.19 million was justified by the deviation between the assumption at the time the budget was submitted and actual expenditure.

RECOMMENDATION

37. The Committee encouraged the Court to take into consideration the lessons learned from the use of non-staff costs in 2022, mainly the application of new advanced working methods, and technology.

Transfer of funds

38. The Committee observed that in 2022, two Major Programmes exceeded the approved budget envelope (STFV by €3.3 thousand or 100.1 per cent, and Office of Internal Audit by €6.7 thousand or 100.9 per cent). The Committee noted that the transfer of funds between the major programmes was approved by the Assembly¹³ as these major programme were not able to absorb the additional costs relating to salary adjustments notified by the ICSC whilst there was an underspend for other major programmes.

39. The Committee observed that there were three transfers of funds greater of €200.0 thousand during 2022 within the same major programme:

- 1) In Major Programme III, an amount of €416,000 was transferred from general operating expenses to staff costs within IMSS to cover the shortfall in staff costs as a result of the post adjustment for Professional staff in February and August 2022, and the 2.5 per cent increase in General Service salaries in August 2022;
- 2) In Major Programme II, an amount of €600,000 was transferred from GTA to staff costs within the OTP's Unified Teams Section of the B2 Prosecution Pillar to cover the payroll run for the month of October 2022; and
- 3) In Major Programme II, an amount of €900.0 thousand was transferred from staff costs in the OTP's Unified Teams Section of the B1 Prosecution Pillar to the OTP's Unified Teams Section of the B2 Prosecution Pillar to cover the payroll for the month of October 2022.

¹² Overall implementation rate (83.6 per cent) without CF = Actual expenditure for Counsel for defence (€4,221.4 thousand) plus Counsel for victims (€1,719.2) divided by approved budget for Counsel for defence (€5,196.7 thousand) plus approved budget for Counsel for victims (€1,906.6). See Table 2.

¹³ ICC-ASP/21/Res.1, section H, para. 2.

C. Budget performance as at 31 March 2023

40. The Committee considered the “Report on budget performance of the International Criminal Court as at 31 March 2023” and noted that at the end of the first quarter of 2023, the Court had reached an implementation rate of 28.2 per cent, or a total of €47.88 million against the approved budget of €169.65 million, excluding interest and capital repayments on the premises of €3.59 million. Including interest and capital repayments, the implementation rate was 29.7 per cent, or a total of €51.47 million against the approved budget of €173.23 million.

41. The implementation rate for Court-wide overall staff costs, as at 31 March 2023, was 23.4 per cent (or €30,557.5 thousand). The Committee had been informed of the Court’s high vacancy rate at the beginning of the first quarter of 2023 as a consequence of the measures taken in 2022 to delay and freeze recruitment.

42. The Committee noted the high implementation rate for non-staff costs of 47.0 per cent (or €15,794.8 thousand). The Court justified this high implementation rate as being primarily due to the number of obligations raised at the beginning of the year to cover annual contracts and services to support the Court’s judicial activities. These included outsourced security services at country offices, maintenance and service contracts related to the premises, ICT services and subscriptions, and the rental of detention cells.

RECOMMENDATION

43. The Committee recommended that the Court take a careful approach towards the utilization of resources for non-staff costs in order not to exceed the approved budget envelope.

Contingency Fund notifications

44. The Committee noted that no CF notification was submitted during the first quarter of 2023. However, a letter was submitted to inform the Committee that the Court may have to resort to the CF in 2023 to meet unforeseen and unavoidable expenditure in the situation in Ukraine.

Transfer of funds

45. The Committee observed that there was one transfer of funds greater than €200.0 thousand during the first quarter of 2023 in the amount of €221,628 from GTA to individual contractors for interpretation within the Court Management Section to cover special service agreement contracts. Using the “individual contractors” budget line item is more beneficial to the Court than using GTA and also will result in savings in terms of financial resources.

D. Other financial matters

Legal aid reform

46. The Committee welcomed the in-session presentation on the “Update on the Adjusted Reform proposal of the Court’s Legal Aid System” and observed that after its thirty-ninth session, the Registry continued the discussions on the reform of the Court’s legal aid system with the States Parties and the legal profession based on the comments received from all stakeholders on this matter. At its forty-first session, however, the Registry was not in a position to inform the Committee on the outcome of these discussions as they were still ongoing.

47. The Committee reiterated the Assembly’s note of caution in its resolution that legal reform need to consider full attention to the status of the members of the defence and victims’ teams, in order to address their conditions of service, taking into account the current economic realities.

RECOMMENDATION

48. The Committee looked forward to receiving a detailed updated report before its forty-second session with a budgetary comparison of the legal aid budget for the year 2024 under the current and proposed legal aid system.

49. The Committee noted the recommendation issued by the Assembly,¹⁴ requesting that the Court consider interim measures within existing resources in the 2023 legal aid budget, for the benefit of members of defence and victims' teams.

50. The Committee was informed that all members of external defence and victims' team were awarded a ten percent increase in their remuneration, as well as the possibility of requesting compensation for a team member going on parental leave during that person's absence.

RECOMMENDATION

51. The Committee recalled the Assembly's recommendation and stressed the need to absorb the ten per cent increase within the approved budget envelope for legal aid for the year 2023.

52. The Committee noted that the Katanga case was supposed to be completed in early 2023. In this context the Committee recalled Assembly Resolution ICC-ASP/14/Res.4, on the obligation to reassess the functioning of the legal aid system upon completion of the first full judicial cycle.

RECOMMENDATION

53. The Committee recommended that the Court take into account the outcome of the assessment of the functioning of the current legal aid system upon the completion of the first case when drafting the new Legal Aid Policy.

Update on the OTP Trust Fund and the secondees

a. OTP Trust Fund

54. The Committee noted that 27 States Parties have pledged financial contributions¹⁵ to the Trust Fund totalling €12.05 million, in addition to the contribution of €7.25 million from the European Commission for enhancements to the technological tools used by the OTP from the collection, processing and storage of evidence. Pledged contributions amounted to €19.30 million, while €3.7 million had already been spent and €5.05 million was committed.¹⁶

Table 3: OTP Trust Fund – Pledged versus Spent/Committed

OTP Trust Fund	Amount €
Total amount pledged (a)	€19,301.0
Total amount received as at the end of March 2023 (b)	€15,768.5
Amount available for allotment (c)	€12,282.6
Total amount allotted as at the end of March 2023 (d)	€10,628.1
Amount obligated and spent as at the end of March 2023	€3,748.2
Amount committed (e)	€5,051.8

(a) The total amount pledged includes €12.05 million pledged by States Parties and €7.25 million pledged by the European Union.

(b) Funds received from donors into the Court's bank account for the OTP Trust Fund.

(c) Funds confirmed as available for spending via official correspondence between the donors and the OTP.

(d) Funds allotted (made available) to budget lines in the furtherance of Cost Plans shared with the Finance Section.

(e) Expenditure items in the Cost Plans included in the procurement plan as at the end of March 2023.

55. The Committee noted that over half of the OTP Trust Fund will be allocated to the procurement of advanced technology, with 14 per cent being allocated for psycho-social support, and 24.5 per cent for sexual and gender-based crimes and crimes against and affecting children, while 6.5 per cent is to be used for programme support costs. The Committee was informed about the progress of the implementation of the

¹⁴ ICC-ASP/21/Res.2, Section K, para. 92.

¹⁵ The OTP Trust Fund was established on 24 March 2022 with an estimated amount of €15.0 million and an anticipated duration of three years. The contributions are used to support the work of the Office in the following priority areas: i. Use of new advanced technological tools and equipment for the collection, analysis and language-processing of evidence; ii. Provision of enhanced psycho-social support to witnesses and survivors, as well as broader additional witness protection and support measures; and iii. Enhancement of dedicated and specialised capacity with respect to investigations into crimes of sexual and gender-based violence and crimes against children.

¹⁶ €2.2 million in 2022.

Trust Fund, including the completion of major procurement related to advanced technological tools: 1. Relativity One was a major investment for the Office and was endorsed by the Information Management Board as a new core evidence management and eDiscovery technical solution; 2. Microsoft Azure, Power BI, SOC Monitoring and other online subscriptions.

b. Secondment of personnel

56. In response to the invitation of the Prosecutor, States Parties provided national experts to assist quickly in managing the surge in the workload. The Committee was informed that in 2022, the OTP received 46 national experts on secondment from 21 States Parties, i.e., 37 per cent investigators, 20 per cent lawyers and 18 per cent analysts. During the first semester of 2023, the OTP will welcome an additional 33 national experts on secondment, bringing the total number of national experts to 79 from 26 States Parties. To date, 62 secondees are on board.

c. Observation

57. With due consideration for the capacity issues being experienced across the Court, the OTP should remain cognizant that as it accelerates its use of the funds and secondees it will need to work carefully with the Registry to ensure that the Court as a whole is able to effectively prioritize and manage its requests in a sustainable and efficient manner. In this context the Registry should explore option(s) to access the normal programme support costs that should temporarily enhance its back office capacity.

58. The Committee noted that the Trust Fund is finite and non-recurring. It has previously advised the Court to make cautious choices around ensuring, as far as reasonably possible, that it restricts and refrains from increasing its fixed cost base beyond the end of the Trust Fund duration. The OTP should remain cognizant of the fact that this uplift in resources is temporary in nature and does not automatically provide a basis for a continued higher level of resources.

RECOMMENDATION

59. The Committee requested that it be informed of the impact of the OTP Trust Fund and secondees on its operation and how its long-term cost would impact the Court's regular budget at its forty-second session in September 2023.

New Trust Fund for secondees

60. The Committee noted that the Court is establishing a new trust fund to provide financial support for experts on secondment by States Parties from developing economies or economies in transition. The Committee reminded the Court that a court-wide consultation about Trust Fund arrangements should be conducted, as this may impact on other organs of the Court.

RECOMMENDATION

61. The Committee requested that it be updated on the OTP Trust Fund for the secondees, as well as being kept informed about the arrangements of the new Trust Fund at its forty-second session in September 2023.

E. 2024 Proposed Programme Budget outlook

62. The Committee welcomed the Registrar's briefing highlighting potential future pressures. In particular the Registrar stated that the Court was re-evaluating its security posture in the wake of recent threats, including cyber security, and against people working for the Court. The outcome of the review may lead to additional security-focused costs into the 2024 PPB.

63. The Registrar informed the Committee that the supporting functions of the Court have come under significant pressure over the past 12 months. As such, the Registrar and the OTP outlined their current expectations that in order to deal with these capacity issues involving human resources, they would seek to

address them in the 2024 PPB. The Committee further noted that since the OTP new workforce posture was not yet operational, the proposal to implement new strategies, as well as the opening of five new country offices, would further exacerbate capacity issues across the Court.

64. The Committee also noted that staff costs may also continue to increase in line with the changes in the UNCS.

RECOMMENDATION

65. The Court should seek to demonstrate how it would prioritise competing pressures and any security measures within its current budget envelope presenting a clear achievable plan for its forty-second session in September 2023.

F. Human resources matters

Annual report on Human Resources Management

66. At its thirty-eighth resumed session,¹⁷ the Committee recommended that the Court manage all current and new Human Resources initiatives by using the Human Resources governance principles to ensure coherence and efficiency in terms of implementing the Court's Human Resources policy and to report back to the Committee at its forty-first session in spring 2023.

67. The Committee considered the report of the Court on Human Resources Management and was informed of the priorities and strategic objectives set forth in the forthcoming Court-wide and Registry strategic plans for 2023-2025.

68. The Committee took note of the Court's measures on recruitment and appointments in order to meet the challenges of the budget and further noted that the main priority for 2023 for the Human Resources Section was to ensure available capacity in managing the Court-wide recruitment calendar. Moreover, the Committee reviewed the proposed Strategic Workforce Planning, as well as the recruitment processes in line with the IER recommendations.

69. The Committee was informed about the results of the ICC Staff Engagement Survey, aiming to collect new data on current levels of staff engagement supporting the psychological and physical health of all staff through open channels, and looked forward to having an action plan in order to address such challenges.

70. The Committee took note of the efforts made by the Court to find new donors and funding for candidates from non- and under-represented States Parties to participate in the Junior Professional Officer Programme ("JPO"), as well as for the Internship and Visiting Professional Programme.

71. The Committee noted that the Court is seeking to progress and explore multiple initiatives in order to better configure its workforce to meet various demands across the whole judiciary process, including increasing workforce mobility, and the use of the National Professional Officer ("NPO"), as well as the United Nations Voluntary Programme ("UNV"). Based on the documents presented and various presentations by Court officials, the Committee reiterated the need for all these initiatives to have a comprehensive Human Resources management approach.

RECOMMENDATION

72. The Committee reiterated the request for information on the update on all arrangements, including the National Professional Officer category and United Nations Voluntary Programme as part of the Human Resource Management annual report in its forty-fourth session in May 2024.

¹⁷ CBF/38R/5, para. 70.

Geographical distribution and gender balance

a. Geographical distribution

73. The Court submitted its Human Resource Management report on April 28, 2023, preceded by Human Resources Standard Statistics, which was issued on April 13 and included information on the status of geographical representation and gender balance (“GRGB”) as of 31 March 2023.

74. The Court stated that it had undertaken multiple measures in order to achieve a more equitable GRGB, including advertising vacancy announcements on social media and platforms and in international networks as well. Moreover, the Court’s Human Resources Section staff participated ex-officio in all recruitment processes to ensure that diversity is considered at all stages of the recruitment cycle. As a result, vacancy awareness increased by 6 per cent and applications from female candidates by 22.5 per cent, and those from under and non-represented countries by 14.2 per cent. Applications for all vacancies increased by 23 per cent.

75. The Court showed that the number of in-balance countries had fluctuated during the past six years (2017-2022) and stood at 22 in 2022 compared to 25 in 2021, a decline of 12 per cent; those for the over-represented significantly declined over the period from 27 to 19 in 2022; by contrast the number of under-represented countries increased over the same period from 21 to 29 in 2022, the numbers for non-represented countries negligibly decreased from 55 in 2017 to 53 in 2022, and the number for non-ratified countries remained at 24 in 2022 the same as in 2017.

76. The Court’s total staff count was 1418 as of 31 March 2023. The number of staff in established posts, excluding elected officials, was 835; the number of nationalities at the Court was 95. The Human Resources report showed that the Court’s professional staff numbers stood at 439, excluding elected officials and 35 language staff.

77. The statistical tables clearly revealed imbalances in the regional distribution of the Professional staff as of 31 March 2023. Africans comprised 16.2 per cent of the Professional staff, Asians eight per cent, East European 11.6 per cent, GRULAC 7.5 per cent, and WEOG 56.7 per cent. Similarly, imbalances did exist in the regional distribution among the occupants of the higher grade posts, specifically, D-1, P-5 and P-4. Africans comprise 16 per cent of these posts, Asians seven per cent, East Europeans eight per cent, GRULAC five per cent and WEOG 64 per cent.

RECOMMENDATION

78. The Committee took note of the efforts made towards achieving a more balanced geographical and gender representation, especially the launch of the first strategy on Gender Equality and Workplace Culture that incorporates some of the needs identified in the Engagement Surveys from 2018 and 2021 and requested to be updated on this matter under the Human Resources Section at its forty-fourth session in May 2024.

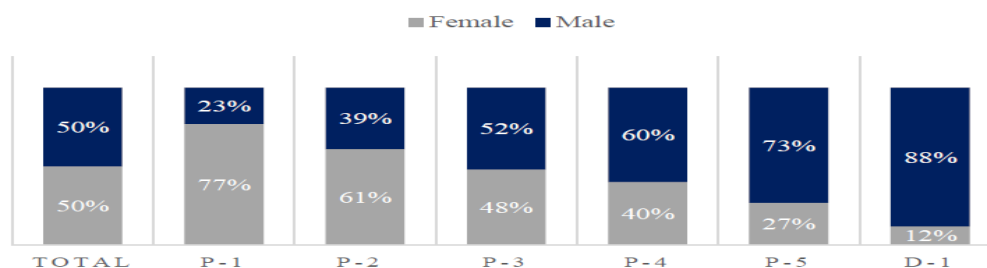
b. Gender balance

79. The Human Resource Management report provided professional staff statistics classified by major Programme and gender as of March 31, 2023. Gender breakdown for all staff was 48 per cent female and 52 per cent male, whereas the breakdown for the Professional and higher grade staff was evenly distributed, i.e., 50 per cent each.

80. The staff employed in the Judiciary as of 31 December 2022 were 63 per cent female and 37 per cent male, the OTP staff were 48 per cent female and 52 per cent male, the Registry staff were evenly divided between females and males, 50 per cent each; the rest of the programmes had a small number of staff.

81. The female share of the Professional and higher grades of staff as of 31 December 2022 was 12 per cent, 27 per cent and 40 per cent at D-1, P-5 and P-4 levels respectively; whereas females made up 48 per cent, 61 per cent, and 77 per cent of the P-3, P-2 and P-1 levels respectively.

82. The Committee also observed that the report on Human Resources Management showed women are still under-represented in senior leadership positions.

Figure 2: Gender distribution of Professional and Higher staff by grade as of 31 December 2022

83. The Committee noted that in certain organs of the Court women are notably absent, for example as of 31 March 2023, there were no women at P-5 level in the Judiciary, no women at D-1 level in the Office of the Prosecutor, nor in the Registry.

RECOMMENDATION

84. **The Committee recommended that the Court continue its efforts towards redressing the gender and geographical imbalances, including conducting specific outreach to improve gender parity in leadership positions, and paying close attention to the upcoming recruitment of P-5 and D-1 positions.**

Strategy on Gender Equality and Workplace Culture

85. The Committee recognised that the Court had launched a new strategy on Gender Equality and Workplace Culture on 8 December 2022. The strategy comes with an Implementation Checklist and will be monitored regularly via the Court's Focal Point for Gender Equality and the Court's Staff Wellbeing and Engagement Committee. The Committee took note of the initial measures taken as part of the strategy's implementation, including the campaign on everyday sexism, changes to parental leave and the redesign of vacancy announcements.

RECOMMENDATION

86. **The Committee recommended that the Court widely disseminate the strategy on Gender Equality and Workplace Culture across the institution, including mainstreaming its language and ensuring that all organs work on its implementation.**

The use of unapproved General Temporary Assistance

87. The Committee scrutinized the list of unapproved GTA and the duration of each position as at 31 March 2023, and observed an increase in the number of unapproved GTA positions. Ten unapproved GTA positions were used Court-wide (i.e. five in the OTP and five in the Registry), representing an increase of three positions compared to the situation at its thirty-eighth resumed session in May 2022).

88. The Committee stressed that the use by the Court of unapproved GTA especially when this lasts for longer than the budget year, even when the redeployment of resources was made in accordance with Rule 104.3 of the Financial Regulations and Rules, undermines budget discipline and the purview of the Assembly, following advice from the Committee after its thorough examination of assumptions and workload.

89. The Committee also took note of the performance audit on temporary personnel by the External Auditor, which recommended, among others, that the Court submits a plan to the Assembly and to the Committee to discontinue unapproved GTA, refrain from the practice of creating or continuing unapproved GTA and use STAs instead, and to implement the reform of the GTA policy.

RECOMMENDATION

90. **The Committee recommended that the Court discontinue the use of unapproved General Temporary Assistance and use the "Short-Term Appointment" option in line with the**

recommendation made by the External Auditor and requested that the Court report on progress at its forty-fourth session in May 2024.

Analysis on the United Nations Volunteers Programme

91. The Committee noted that the Court was assessing how to integrate the UNV as part of the human resources force and whether any amendments to the Staff Regulations and Rules and the Court's legal framework more broadly would be needed. The Court informed the Committee that a formal proposal would be submitted at the forty-second session.

Guidelines on the introduction of the National Professional Officer category and their implementation

92. The NPO category was introduced in the Court's Staff Regulations and Rules, which were revised and entered into effect as of 1 January 2022. At its thirty-eighth resumed session, the Committee recommended that the Court develop guidelines in relation to the introduction of the NPO and that it be kept informed of the developed guidelines and their implementation at its forty-first session in Spring 2023.

93. The Court is currently preparing the guidelines addressing, *inter alia*, the temporary nature of the NPO category, the conditions of employment and the recruitment process. The Court needed more time to continue working on the guidelines throughout 2023, and probably beyond, to be ready.

RECOMMENDATION

94. The Committee noted that the Court had already implemented the National Professional Officer category before finishing the required guidelines and before its approval by the Assembly. Therefore, the Committee recommended that the Court finalize the guidelines and submit it to the Committee for its forty-second session in September 2023.

Field Paramedic post comparative cost analysis

95. The Committee was informed of the comparative analysis between having a position based in the Headquarters and having local consultancy services for each country office. Moreover, the Committee was informed of the duties and responsibilities of the Field Paramedic.

RECOMMENDATION

96. The Committee noted that while confidentiality and specific considerations regarding the duties of the field paramedic were presented, a more thorough analysis needed to include cost effectiveness, sustainability and possible outsourced services, and requested that the Court provide this information at its forty-second session in September 2023.

External Affairs Coordinator's position

97. The Committee took note of the report on the update of the current status of the External Affairs Coordinator's position and welcomed the measures taken to address the issue.

RECOMMENDATION

98. The Committee recommended that the Court should ensure that all field positions are appointed to work at the country offices.

G. Audit matters

Action Plan on the implementation of the recommendations on Temporary personnel

99. The Committee considered the "Action plan concerning the recommendations arising from the external performance audit of temporary personnel".

100. The Committee recalled that the performance audit was carried out by the External Auditor of the Board of Audit and Inspection of the Republic of Korea and the final report was issued in July 2022. The objective of the audit was to assess the effectiveness, efficiency and economy of the administrative processes regarding the use of temporary personnel in all organs of the Court. As a result of the audit, the External Auditor issued nine recommendations (see Annex VII). All recommendations were accepted by the Court, and at the request of the Committee, the deadline and responsible entity for their implementation were determined by the Court.

101. The Committee was pleased to note that recommendations (5) and (7) have been implemented and noted that recommendation (3) would be implemented in July 2023 in the context of the 2024 PPB by adding a separate budget line for individual contractors. The Committee further noted that the deadline for the implementation of recommendations (8) and (9 (b)) was set for March 2024, as recommendation (9 (a)) had already been implemented.

102. The deadline for the implementation of recommendations (1) and (2) was set for July 2024. The Committee recalled that the submission of the External Auditor's report took place in July 2022 and noted that the two-year period to implement recommendations (1) and (2) was in order to perform an in-depth analysis of the long-term vacant GTA positions. Furthermore, the Committee noted with concern the lack of deadlines for the implementation of recommendations (4) and (6) concerning the review of existing GTA categories B and C, the implementation of the GTA policies and the promulgation of the Administrative Instruction.

RECOMMENDATION

103. The Committee recommended that the Court make every effort to shorten the deadline for the implementation of recommendations (1) and (2) on temporary personnel, and at the same time, use the outcome of the in-depth analysis of the usage of the GTA category to implement recommendations (4) and (6). The Committee looked forward to receiving a report on all recommendations by its forty-fourth session in May 2024.

H. IT matters

Potential performance audit assignment on "Five-year IT/IM Strategy"

104. During the implementation of the Court's Five-year IT/IM Strategy, the Committee has suggested a number of times¹⁸ using either internal or external auditors to conduct an audit of the Project. So far three internal audit reports have been prepared. Both of those audits focused on compliance aspects of IT projects implemented within the five-year strategy and reassured States Parties that the formal conduct of the project had been satisfactory.

105. The most recent internal audit report on the Judicial Workflow Platform ("JWP") focused on user engagement during the implementation of the five-year strategy. The findings of the audit demonstrated that user engagement was systematically planned but not always ideally implemented. This had been caused in part by the COVID-19 crises during the active implementation phase of the Strategy. The Internal Auditor made very relevant recommendations on how to improve user engagement so that those who are eventually responsible for delivering the value of those IT developments and applications would be in the "driving seat" in the IT application development phase. The Committee noted that, since the JWP is not yet 100 per cent operational and continuous improvements are needed, these recommendations are very timely and relevant.

106. At its thirty-fifth session,¹⁹ the Committee also requested conducting a performance audit of the five-year strategy where the initial objectives of the Strategy would be put to the test and compared with the real outcomes. Since the implementation of the Strategy was extended and at the moment not all elements of the

¹⁸ *Official Records ... seventeenth session 2018* (ICC-ASP/17/20), vol. II, part B.2, para. 101; *Official Records ... nineteenth session 2020* (ICC-ASP/19/20), vol. II, part B.2, paras. 79-80.

¹⁹ *Ibid.*

Strategy are fully operational, it may be too early for such an audit. It would be best to plan to launch this audit in cooperation with the Registry and External Auditor in the future.

RECOMMENDATION

107. The Committee recommended that the External Auditor conduct a performance audit of the five-year IT/IM Strategy implementation once the majority of the projects, including the Judicial Workflow Platform, are finalised and the planned functionalities of those projects or applications are operational, but no later than May 2025.

I. Recommendations of the Independent Expert Review

108. The Committee had intensive discussions with the Court on the status of their implementation:

The Learning and development strategy (R99)

109. The Committee took note of the “Report of the Court on its learning and development strategy in relation to the Recommendation of the Independent Expert Review (99)” concerning the strengthening of the training and development function of the Court and its centralization in the Registry.

110. The implementation of this Recommendation is on-going.

Learning and development (R65 and R86)

111. The Committee took note of the “Report of the Court on learning and development in relation to the recommendation of the Independent Expert Review (R65 and R86)”. Concerning R65, a court-wide induction training has been added to the existing learning development plan; as for R86, institutionally-offered opportunities for the professional and personal development of staff in The Hague (through the learning management platform My Learning) is also being made available to staff in the country offices.

112. Both Recommendations can therefore be regarded as having been implemented.

Sick leave analysis and the staff engagement survey (R18 and R19)

113. The Committee took note of the “Report of the Court on sick leave analysis and the staff engagement survey in relation to the recommendation of the Independent Expert Review (R18 and R19)”. A sick-leave dashboard providing comparable data has been developed.

114. The main activities addressed by the recommendations have been implemented; the strengthening of the Court’s working culture and environment continues to be an ongoing process.

Developmental leave and special leave without pay (R69)

115. The Committee took note of the “Report of the Court on Developmental leave and special leave without pay in relation to the recommendation of the Independent Expert Review (R69)”. The Court’s intranet portal “HR Site” open to all staff contains information on contractual entitlements and benefits, provides answers to frequently asked questions and links to documents, including those on developmental leave and leave without pay. Decisions on the latter rest with the Registrar or the Prosecutor.

116. The Recommendation can be considered to have been implemented.

Recruitment process and flexible appointment and mobility

117. The Committee considered the “Report of the Court on the recruitment process and flexible appointment and mobility in relation to the recommendations of the Independent Expert Review (R16, R83, R85, R88, R89, R91, R92a, R92b, R93, R94, R95, R100, R101, R102, R103, R298)”. The Court has divided the 16 recommendations into the categories “Recruitment Process” and “Flexible appointment and mobility”:

1. Recruitment process (R16, R83, R85, R88, R89, R91, R92a, R92b, R93, R100)

118. The Court engaged an external consulting company to review the current recruitment processes and make recommendations to improve diversity outcomes, increase efficiency and promote staff engagement. IER and Recruitment Review recommendations address similar areas and have been divided into three clusters: Leadership and Strategy, Process and Tools Optimization and Workforce Planning. In the consultant's expert opinion, the implementation of the recommendations will have the most significant impact on the Court's recruitment priorities.

119. The Court expects to complete the implementation of leadership competencies in the recruitment processes (R16) by conducting mandatory training for hiring managers and panel members in 2023.

120. The Court is continuing its efforts towards ensuring gender balance (R88) for senior positions as well. Consultations on a new Administrative Instruction on the Staff Selection System are under way.

121. Work started, in line with R85 and R92, on the grouping of job families, enabling flexible assignments within the job family and allowing recruitment for generic rosters and lateral moves.

122. Knowledge of the official languages of the Court and local languages and culture (R83, R110) are being addressed, through appropriate selection panels *inter alia*.

123. Coordination between the OTP-HR office and the HRS of the Registry (R89) to increase synergies are being addressed by the Court, also endorsing the need for additional staffing resources.

2. Flexible appointment and mobility (R94, R95, R101, R102, R103 and R298)

124. In relation to R94 and R95, different human resource models are already in place (i.e., for short-term appointments, consultants and individual contractors). The NPO category has been established but clear guidelines have yet to be developed.

125. Financial Regulations and Rules have already been adopted by the Assembly to allow for inter-organ mobility (R101).

126. The Court has an existing rule enabling staff to take special leave without pay to pursue temporary outside employment with other international judicial institutions. Resource limitations have, however, resulted in a more restrictive approach regarding such arrangements. The Court joined the Inter-Organization Agreement concerning Transfer, Secondment or loan of Staff among the Organizations applying the UN Common System of Salaries and Allowances in 2019 allowing for more mobility between organizations applying the UNCS (R102 and R103). Secondments have been used since 2022 and the Guidelines on Gratis Personnel are currently being worked out (R103).

127. Greater field presence, for example through long-term deployment in the field and the use of contracts with flexible duty stations, are being discussed with staff members, the Staff Union Council and other stakeholders. Discussions on policies and processes are ongoing and are expected to be finalized in 2023 (R298).

128. The Court considers R83, R93, R100 and R101 to be implemented, and the implementation of R16, R85, R88, R89, R91, R92a, R92b, R94, R95, R102, R103 and R298 is ongoing (as reflected in the Matrix).

Tenure (R105)

129. The Committee had before it the "Court's Proposal on IER Recommendation 105- Tenure" of 16 March 2023 and additional information on exceptional extensions beyond tenure, dated 7 March 2023. The Staff Union Council circulated its position on the Tenure policy on 3 March 2023.

130. The Court summarized in its report the financial, legal and administrative challenges and risks identified in earlier reports by the Court and the Committee.

131. The Court proposed a tenure of seven years limited to P-5 and D-1 levels, to be attached to the appointment for each post/position. Under special rules, tenured P-5 and D-1 levels would be able to apply for other P-5 or D-1 positions and certain tenured positions could be extended beyond seven years. As to the transition, the tenure policy would apply to P-5 and D-1 positions that become naturally vacant (i.e., staff

resignation, retirement), as well as to incumbent staff members at the time of their contract renewal. Extensive legal changes will be necessary before the new policy is implemented.

132. According to the Court, the effective net average direct yearly costs of this proposal would be approximately €480,000. Annual indirect costs, as a result of increased recruitments, are estimated at €440,000.

133. The Committee referred to its various considerations in former reports concerning, *inter alia*, the experiences of other international organizations, unavoidable risks, financial and productivity implications, and the impact on geographical representation. The following question seems to be relevant in this context:

- *Can the prime objective of introducing fresh thinking, enhanced mobility and diversity be achieved?*

134. The Committee is concerned that this objective may be difficult to achieve. First, the length of time required for the full implementation of this policy (twenty years if not applied to existing staff) will dilute the impact new leaders can make. Second, the attachment of the tenure to posts and not to staff, which allows incumbents to apply again for P-5 and D-1 positions after the seven years, contradicts the idea of change for fresh ideas.

135. Job mobility is important, various IER recommendations underline this. But it can be achieved by various other means, such as increasing Court internal mobility or making full use of the possibilities the United Nations Mobility service offers. And if the ultimate goal of the tenure policy was to facilitate change in the workplace culture, it is being more appropriately addressed in a number of recommendations by the IER, such as R94, R95, R101, R102, R103 and R298, and further ways to improve it. Positions at this level constitute less than 5 per cent of the overall staff of the Court and its potential impact can therefore only be minimal.

RECOMMENDATION

136. The Committee recommended that before taking a final decision on the introduction of the tenure policy, the Assembly seriously considers all financial, legal and administrative challenges and risks.

Internal justice system (R116, R117 and R120)

137. The Committee had before it the “Report of the Court on the Internal Justice System” and the “Options Paper on IER recommendations R116, R117 and R120”, as well as the SUC “Submissions on internal grievances procedures”.

138. The IER recommended the dissolution of the Appeals Board (“AB”) and the Disciplinary Advisory Board (“DAB”), to be replaced by a First Instance Judge, and to resort to the UN Appeals Tribunal (“UNAT”) instead of the International Labor Organization Appeals Tribunal (“ILOAT”). The creation of a panel of independent Judges as an appeal mechanism for elected officials may be necessary since UNAT is limited to staff members.

139. The current system of grievance procedures at the Court (AB, DAB, roles of the IOM, the Registrar and the Prosecutor, ad-hoc mediation) seems to be working well. The approval of an external consultant “Ombudsperson” was a further improvement to the internal system.

140. While the current AB and DAB are composed of staff members who serve voluntarily and must undertake their normal duties, resorting to the UNAT would require the professionalization of an internal justice system. It would require extensive changes to the Court’s administrative legal framework and the engagement of a first instance judge. The non-coverage of elected officials by UNAT may further require the creation of an ad-hoc panel of three judges. The costs of UNAT and ILOAT may be comparable; to resort to UNAT would, however, require profound changes to the internal system with budgetary implications.

RECOMMENDATIONS

141. In light of current experiences, the administrative challenges and costs involved with a fundamental change of the internal justice system, the Committee recommends continuing with the current informal system with the possibility of resorting to ILOAT.

142. **Should, however, a positive assessment be considered, the Committee would recommend that the Court concretely evaluate the challenges and the costs concerning the engagement of a first instance judge and the provision of an ad-hoc appeals panel for elected officials.**

143. **In the event of a negative assessment, the Court could assess a possible need to improve the functioning of the internal system with the Appeals Board and the Disciplinary Advisory Board.**

IV. Other organizational matters

A. Attendance and services for the forty-first session

144. The following members attended the forty-first session of the Committee:

1. Ms. Sanyu Awori (Kenya);
2. Ms. Jasleen Chaona Chirembo (Malawi);
3. Mr. Werner Druml (Austria);
4. Mr. Fawzi A. Gharaibeh (Jordan);
5. Ms. Yukiko Harimoto (Japan);
6. Mr. Urmet Lee (Estonia);
7. Mr. Daniel McDonnell (United Kingdom);
8. Ms. Mónica Sánchez Izquierdo (Ecuador);
9. Ms. Elena Sopková (Slovakia);
10. Mr. Klaus Stein (Germany);
11. Mr. Pascual Tomás Hernández (Spain); and
12. Ms. Ana Patricia Villalobos Arrieta (Costa Rica).

145. The Executive Secretary to the Committee on Budget and Finance, Mr. Fakhri Dajani, acted as Secretary of the Committee, and with his team assisted by providing the necessary substantive and logistical support to the Committee.

B. Participation of observers

146. Representatives from the Presidency, the OTP, the Registry, the Staff Union Council, and the Coalition for the International Criminal Court addressed the Committee and participated in the session. The Committee wished to thank the observers for their input to the discussions.

Annex I: Agenda of the meeting

At its first meeting, the Committee adopted the following agenda²⁰ for the forty-first session:

1. Opening of the session

- (a) Adoption of the agenda and organization of work
- (b) Participation of observers
- (c) Welcoming remarks by the President of the Court

2. Workshop

- (a) Proposed workforce posture
- (b) Improving budgetary predictability – possible options for a financial forecasting system
- (c) Relationship between the regular budget and extra budgetary activities
- (d) Improvements to the presentation of the budget proposals

3. Financial and budgetary matters

- (a) Status of contributions
- (b) States in arrears
- (c) Programme performance of the 2022 budget and 2023 first quarter
- (d) Performance of the Court’s legal aid system in 2022
- (e) Legal aid reform
- (f) Update on the OTP Trust Fund and the secondees
- (g) 2024 PPB outlook

4. Human resources matters

- (a) Annual report on Human Resources Management
- (b) Geographical distribution and gender balance
- (c) The use of unapproved General Temporary Assistance
- (d) Analysis on the United Nations Volunteers Programme
- (e) Guidelines on the introduction of National Professional Officer category and their implementation
- (f) Follow up on positions of the 2023 Proposed Programme Budget:
 - 1. Field Paramedic post comparative cost analysis
 - 2. External Affairs Coordinator’s position

5. Audit matters

- (a) Action Plan on the implementation of the recommendations on Temporary personnel

6. IT matters

- (a) Potential performance audit assignment on “Five-year IT/IM Strategy”
- (b) Internal Audit report on Judicial Workflow Platform

7. IER recommendations

- (a) R18 and R19 – Sick leave analysis and the staff engagement survey
- (b) R65 and R86 – Learning and development
- (c) R69 – Developmental leave and special leave without pay
- (d) R99 – Learning and development strategy
- (e) R105 – Tenure
- (f) R116, 117, 120 – Internal justice system
- (g) Recruitment process, flexible appointment and mobility

8. Other matters

²⁰ CBF/41/1.

Annex II: Status of contributions as at 31 March 2023²¹

Outstanding Contributions ¹									
	State Party	Working Capital Fund	General Fund				Other Funds ²	Grand Total / All Funds	Outstanding Period
			Prior Years		Year 2023				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL			
1	Afghanistan	-	1,412	29,594	706	16,965	-	48,677	2021-2023
2	Albania	-	-	-	-	25,956	-	25,956	2023
3	Andorra	-	-	-	-	16,286	-	16,286	2023
4	Antigua and Barbuda	-	930	38,398	186	6,447	-	45,961	2015-2023
5	Argentina	-	-	3,538,314	-	2,336,918	-	5,875,232	2021-2023
6	Australia	-	-	-	-	-	-	-	-
7	Austria	-	-	-	-	-	-	-	-
8	Bangladesh	-	-	-	-	-	-	-	-
9	Barbados	-	-	-	-	25,956	-	25,956	2023
10	Belgium	-	-	-	-	-	-	-	-
11	Belize	-	429	8,091	143	3,223	-	11,886	2020-2023
12	Benin	-	-	-	430	16,286	-	16,716	2023
13	Bolivia (Plurinational State of)	-	-	55,062	-	61,752	-	116,814	2022-2023
14	Bosnia and Herzegovina	-	-	-	-	-	-	-	-
15	Botswana	-	-	-	-	-	-	-	-
16	Brazil	-	416,882	5,903,187	416,882	6,542,521	-	13,279,472	2021-2023
17	Bulgaria	-	-	-	-	-	-	-	-
18	Burkina Faso	-	-	-	-	7,508	-	7,508	2023
19	Cabo Verde	-	143	2,874	143	3,223	-	6,383	2022-2023
20	Cambodia	-	-	-	-	-	-	-	-
21	Canada	-	-	-	-	-	-	-	-
22	Central African Republic	8	915	18,662	143	3,223	-	22,951	2015-2023
23	Chad	-	308	19,183	154	9,670	-	29,315	2021-2023
24	Chile	-	-	-	-	1,364,997	-	1,364,997	2023
25	Colombia	-	-	-	-	-	-	-	-
26	Comoros	8	943	32,277	143	3,223	46	36,640	2007-2023
27	Congo	335	4,656	138,238	706	16,286	73	160,294	2012-2023
28	Cook Islands	-	-	-	-	-	-	-	-
29	Costa Rica	-	-	-	-	-	-	-	-
30	Côte d'Ivoire	-	-	-	-	-	-	-	-
31	Croatia	-	-	-	-	-	-	-	-
32	Cyprus	-	-	-	-	117,058	-	117,058	2023
33	Czechia	-	-	-	-	-	-	-	-
34	Democratic Republic of the Congo	-	64	29,594	32	16,965	-	46,655	2021-2023
35	Denmark	-	-	-	-	1,795,467	-	1,795,467	2023
36	Djibouti	-	-	-	143	3,223	-	3,366	2023
37	Dominica	-	286	5,478	143	3,223	-	9,130	2021-2023
38	Dominican Republic	-	-	229	6,392	217,830	-	224,451	2022-2023
39	Ecuador	-	-	11,759	-	250,233	-	261,992	2022-2023
40	El Salvador	-	-	-	-	42,243	5,084	47,327	2023
41	Estonia	-	-	-	-	-	-	-	-
42	Fiji	-	-	-	430	13,063	-	13,493	2023
43	Finland	-	-	-	-	-	-	-	-
44	France	-	-	-	-	-	-	-	-
45	Gabon	-	5,379	117,365	1,793	42,243	-	166,780	2020-2023
46	Gambia	-	143	2,874	143	3,223	-	6,383	2022-2023
47	Georgia	-	-	-	-	-	-	-	-
48	Germany	-	-	-	-	-	-	-	-
49	Ghana	-	-	691	1,986	78,039	-	80,716	2022-2023
50	Greece	-	-	-	-	-	-	-	-
51	Grenada	-	-	-	143	3,223	-	3,366	2023
52	Guatemala	-	-	9,320	3,836	133,175	-	146,331	2022-2023
53	Guinea	134	943	56,681	143	9,670	84	67,655	2011-2023
54	Guyana	-	-	-	143	13,063	-	13,206	2023
55	Honduras	-	-	20,235	1,136	29,180	-	50,551	2022-2023
56	Hungary	-	-	-	-	-	-	-	-
57	Iceland	-	-	-	-	-	-	-	-
58	Ireland	-	-	-	-	-	-	-	-

²¹ As per the Monthly financial situation report prepared by the Court.

Outstanding Contributions¹

	State Party	Working Capital Fund	General Fund				Other Funds ²	Grand Total / All Funds	Outstanding Period
			Prior Years		Year 2023				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL			
59	Italy	-	-	-	-	-	-	-	
60	Japan	-	-	-	17,890,505	-	17,890,505	2023	
61	Jordan	-	-	-	71,422	-	71,422	2023	
62	Kenya	-	-	1,850	97,548	-	99,398	2023	
63	Kiribati	-	2,874	-	3,223	770	6,867	2022-2023	
64	Latvia	-	-	-	-	-	-	-	
65	Lesotho	-	-	143	3,223	-	3,366	2023	
66	Liberia	-	834	15,690	143	3,223	19,890	2016-2023	
67	Liechtenstein	-	-	-	-	-	-	-	
68	Lithuania	-	-	-	-	-	-	-	
69	Luxembourg	-	-	-	-	-	-	-	
70	Madagascar	-	430	11,648	430	13,063	25,571	2022-2023	
71	Malawi	-	-	-	287	6,447	6,734	2023	
72	Maldives	-	-	-	-	-	-	-	
73	Mali	-	574	14,522	574	16,286	31,956	2022-2023	
74	Malta	-	-	-	61,752	-	61,752	2023	
75	Marshall Islands	-	-	-	-	-	-	-	
76	Mauritius	-	-	-	-	-	-	-	
77	Mexico	-	-	-	3,968,434	-	3,968,434	2023	
78	Mongolia	-	-	-	-	-	-	-	
79	Montenegro	-	-	-	13,063	-	13,063	2023	
80	Namibia	-	49,889	-	29,180	-	79,069	2021-2023	
81	Nauru	-	-	143	3,223	-	3,366	2023	
82	Netherlands	-	-	-	-	-	-	-	
83	New Zealand	-	-	-	-	-	-	-	
84	Niger	-	-	231	9,670	-	9,901	2023	
85	Nigeria	-	-	-	114,731	-	114,731	2023	
86	North Macedonia	-	-	1,136	22,733	-	23,869	2023	
87	Norway	-	-	-	-	-	-	-	
88	Panama	-	108,658	749	292,475	-	401,882	2022-2023	
89	Paraguay	-	2,109	1,423	84,485	-	88,017	2022-2023	
90	Peru	-	-	-	54,911	-	54,911	2023	
91	Poland	-	-	-	-	-	-	-	
92	Portugal	-	-	-	-	-	-	-	
93	Republic of Korea	-	-	-	1,147,617	-	1,147,617	2023	
94	Republic of Moldova	-	-	-	16,286	-	16,286	2023	
95	Romania	-	-	-	-	-	-	-	
96	Saint Kitts and Nevis	-	-	-	-	-	-	-	
97	Saint Lucia	-	-	-	-	-	-	-	
98	Saint Vincent and the Grenadines	-	-	143	3,223	-	3,366	2023	
99	Samoa	-	-	-	3,205	-	3,205	2023	
100	San Marino	-	-	-	-	-	-	-	
101	Senegal	-	850	15,583	850	16,965	34,248	2021-2023	
102	Serbia	-	-	-	-	-	-	-	
103	Seychelles	-	143	5,748	143	6,447	12,481	2022-2023	
104	Sierra Leone	-	-	-	-	-	-	-	
105	Slovakia	-	-	-	-	-	-	-	
106	Slovenia	-	-	-	-	-	-	-	
107	South Africa	-	-	-	-	-	-	-	
108	Spain	-	-	-	-	-	-	-	
109	State of Palestine	-	-	706	35,796	-	36,502	2023	
110	Suriname	-	-	441	9,670	-	10,111	2023	
111	Sweden	-	-	-	-	-	-	-	
112	Switzerland	-	-	-	185,629	-	185,629	2023	
113	Tajikistan	-	-	-	-	-	-	-	
114	Timor-Leste	-	-	-	3,222	-	3,222	2023	
115	Trinidad and Tobago	-	-	-	-	-	-	-	
116	Tunisia	-	-	-	-	-	-	-	
117	Uganda	-	4,361	850	16,965	-	22,176	2022-2023	
118	United Kingdom	-	-	-	14,219,317	-	14,219,317	2023	
119	United Republic of Tanzania	-	-	893	16,965	-	17,858	2023	
120	Uruguay	-	-	-	299,092	-	299,092	2023	
121	Vanuatu	-	143	2,874	143	3,223	6,383	2022-2023	

Outstanding Contributions ¹									
	State Party	Working Capital Fund	General Fund				Other Funds ²	Grand Total / All Funds	Outstanding Period
			Prior Years		Year 2023				
			Host State Loan	Budget excl. HSL	Host State Loan	Budget excl. HSL			
122	Venezuela (Bolivarian Republic of)	-	587,379	12,825,912	89,087	568,834	-	14,071,212	2014-2023
123	Zambia	-	4,250	86,012	850	16,965	-	108,077	2017-2023
	Total	485	1,028,036	23,183,986	537,314	52,560,579	6,057	77,316,457	

Notes:

All amounts are in euros.

1) The amounts of outstanding contributions at the end of the month do not necessarily represent the full amount of contributions assessed for the current or prior years, as partial payments may have been made by States Parties.

Detailed information is available at <https://iccextranet.sharepoint.com/sites/AssessedContributions>

2) Regards outstanding amounts of assessed contributions to i) Contingency Fund and ii) the Court's permanent premises by new States Parties that joined the Court after 2015.

Annex III: Geographical Distribution

(1) Distribution of States Parties as at 31 March 2023

	2016		2023		Change			
	Number		Number		Number		%	
	States	Staff	States	Staff	States	Staff	States	Staff
Over-represented	19	163	21	202	2	39	10.5	23.9
In-balance	16	38	19	101	3	63	18.8	165.8
Under-represented	29	90	29	76	0	-14	0	-15.6
Non-represented	60	0	54	0	-6	0	-10.0	0
Non-ratified	21	40	26	60	5	20	23.8	50.0

Red: Negative trend.

(2) Distribution of Established Professional staff by Regional Group as at 31 March 2023²²

	2016		2023		Change	
	No. Staff	%	No. Staff	%	No. Staff	%
Africans	56	16.9	71	16.2	15	26.8
Asians	23	6.9	35	8.0	12	52.2
East Europeans	28	8.5	51	11.6	23	82.1
GRULAC	26	7.9	33	7.5	7	26.9
WEOG	198	59.8	249	56.7	51	25.8
Total staff numbers	331	100	439	100	108	32.6

(3) Distribution of higher grade level of Professional staff by Regional Group as at 31 March 2023

	Africans		Asians		Eastern Europeans		GRULAC		WEOG		Total Per Grade
	No.	%	No.	%	No.	%	No.	%	No.	%	
D-1	0	0	1	14.3	0	0	1	14.3	5	71.4	7
P-5	7	18.4	1	2.6	3	7.9	1	2.6	26	68.4	38
P-4	11	16.2	6	8.8	6	8.8	4	5.9	41	60.3	68
Total	18	15.9	8	7.1	9	8.0	6	5.3	72	63.7	113

²² GRULAC: Latin America and Caribbean Countries; WEOG: Western Europeans and other States.

Annex IV: Gender Balance

(1) Distribution of all professional grades by major programme as at 31 March 2023*

	2016					2023					Difference		Change	
	F	M	Total	F	M	F	M	Total	F	M	F	M	F	M
	No.	No.	No.	%	%	No.	No.	No.	%	%	No.	No.	%	%
Judiciary	16	17	33	9.2	8.8	24	14	38	9.9	5.9	8	-3	50.0	-17.6
Office of the Prosecutor	63	81	144	36.4	41.7	99	109	208	40.7	46.4	36	28	57.1	34.6
Registry	89	89	178	51.4	45.9	108	104	212	44.4	44.3	19	15	21.3	16.9
Other programmes	5	7	12	3.0	3.6	12	8	20	5.0	3.4	7	1	140.0	14.3
Grand total	173	194	367	100.0	100.0	243	235	478	100.0	100.0	70	41	40.5	21.1

*Excluding elected officials.

Red: Negative trend.

(2) Distribution by higher grade level as at 31 March 2023*

	2016 ²³					2023					Difference		Change	
	F	M	Total	F	M	F	M	Total	F	M	F	M	F	M
	No.	No.	No.	%	%	No.	No.	No.	%	%	No.	No.	%	%
D-1	1	10	11	0.6	5.2	1	6	7	0.5	2.6	0	-4	0	-40.0
P-5	13	20	33	7.5	10.3	12	26	38	4.9	11.2	-1	6	-7.7	30.0
P-4	24	47	71	13.9	24.2	29	47	76	12.0	20.3	5	0	20.8	0
Other grades	135	117	252	78.0	60.3	200	153	353	82.6	65.9	65	36	48.1	30.8
Total	173	194	367	100.0	100.0	242	232	474	100.0	100.0	69	38	39.9	19.6

*Excluding elected officials.

Red: Negative trend.

²³ Data was as at 31 July 2016.

Annex V: Performance of OTP Trust Fund as at 31 December 2022 (in euros)*

Trust Fund	Donors	Balances brought forward	Revenue	Expenses	Donor refunds	Fixed assets	Balance carried forward
Technological Enhancement and Specialized Capacity	Australia	-	675,000	68,014	-	-	606,986
	Austria	-	200,000	20,152	-	-	179,848
	Belgium	-	500,000	50,381	-	-	449,619
	Bulgaria	-	50,000	5,038	-	-	44,962
	Cyprus	-	60,000	6,046	-	-	53,954
	Czechia	-	20,195	2,035	-	-	18,160
	Denmark (earmarked funds)	-	94,124	-	-	-	94,124
	Finland (earmarked funds)	-	300,000	-	-	-	300,000
	France	-	500,000	50,381	-	-	449,619
	Germany	-	1,000,000	100,761	-	-	899,239
	Greece	-	70,000	7,053	-	-	62,947
	Iceland	-	100,000	10,076	-	-	89,924
	Ireland	-	1,000,000	100,761	-	-	899,239
	Latvia	-	100,000	10,076	-	-	89,924
	Lithuania	-	100,000	10,076	-	-	89,924
	Malta	-	25,000	2,519	-	-	22,481
	New Zealand	-	427,070	43,032	-	-	384,038
	Romania	-	100,000	10,076	-	-	89,924
	Slovenia	-	50,000	5,038	-	-	44,962
	Sweden	-	184,156	18,556	-	-	165,600
	Microsoft (contribution in kind)	-	428,299	26,768	-	401,531	401,531
	Interest revenue	-	1,002	-	-	-	1,002
Sub-total		-	5,984,846	546,839	-	401,531	5,438,007

* Expenditure for 2022 is based on preliminary, unaudited figures which are subject to change.

Annex VI: OTP Trust Fund Priority Areas Cost Plans

	Priority area 1: Advanced Technology	Priority area 2: Psychosocial support	Priority area 3: SGBC and CAAC	Project Support Costs	Total Trust Fund
Allocation percentage	55.0%	14.0%	24.5%	6.5%	100%
Funds allocated	€ 10,608	€ 2,707	€ 4,731	€ 1,255	€ 19,301
Staff	€ 4,319	€ 1,904	€ 2,472	€ 1,255	€ 9,949
Consultancy & Contractual Services	€ 1,281	€ 0	€ 541	€ 0	€ 1,822
Training	€ 332	€ 461	€ 557	€ 0	€ 1,350
Travel	€ 0	€ 200	€ 800	€ 0	€ 1,000
General Operating Expenses	€ 200	€ 0	€ 0	€ 0	€ 200
Equipment	€ 4,476	€ 37	€ 0	€ 0	€ 4,513
<i>Yet to allocate</i>	€ 0	€ 105	€ 362	€ 0	€ 467

Annex VII: Recommendations of the External Auditor Action Plan

	Recommendations	Deadline
1	The External Auditor recommends the Court to conduct a study to improve the relevancy and transparency of the GTA budget, which would include reviewing the necessity of long-term vacant GTA positions, without limiting the Court's ability to address fluctuating staffing needs.	July 2024
2	The External Auditor recommends the Court to determine whether it is necessary to apply standard vacancy rates to GTA positions that have been extended beyond the calendar year, as the CBF recommended in 2014, to ensure that the level of funding for GTA reflects the staffing demands accurately.	
3	The External Auditor recommends the Court to create a separate budget-line for individual contractors.	July 2023
4	The External Auditor recommends the Court to: <ul style="list-style-type: none"> a) Establish a plan either to include the existing GTA category "B" and "C" positions in the Proposed Programme Budget or to discontinue them after reviewing their operational needs and submit the plan to the CBF and ASP for approval, while providing the CBF and ASP with progress reports every year; and b) Refrain from the practice of creating or continuing "unapproved" GTA positions (category "B" and "C" positions) in the future and use STAs instead to address staffing needs of less than a calendar year that are unexpected or unforeseen when the budget is proposed. 	To be determined
6	The External Auditor recommends the Court to implement the reform of the GTA policy proposed in 2015 and 2017, and promulgate an Administrative Instruction on duration and extension of fixed-term appointments funded against GTA.	
5	The External Auditor recommends the Court to conduct a holistic review of the existing GTA positions to determine the positions that need to be converted into established posts, which should gradually replace the established posts that are no longer needed and should be abolished.	N/A (implemented)
7	The External Auditor recommends the Court to: <ul style="list-style-type: none"> a) Report annually the list of vacant positions covered by STA to the CBF, in order to ensure that the STA positions are not maintained longer than the duration needed to fill vacant positions or replace the staff on extended leave; b) Report to the CBF the list of STAs that were exceptionally extended beyond one year; and c) Refrain from the practice of extending short-term appointments beyond one year without justifiable reasons for extension set out in the Administrative Instruction on Short-term Appointments. 	a) and b) May 2023 c)N/A (implemented)
8	The External Auditor recommends the Court to include professional staff in approved GTA positions when setting targets for geographical representation and report to ASP the progress to be made in geographical representation based on the comparison to the targets if GTA positions are operated for the multi-year service period as they are today.	8) March 2024 9a)N/A (implemented)
9	The External Auditor recommends the Court to: <ul style="list-style-type: none"> a) Compose panel striving for diversity of regions, where possible; and b) Strive to achieve meaningful outcomes toward the equitable geographical representation by employing various methods such as establishment of rules to prioritise candidates from non- and under-represented States Parties in the recommendation process by hiring managers in response to requests for candidates to be appointed from rosters. 	9b) March 2024

Annex VII: List of documents

Title
Provisional agenda
Report of the Court on learning and development in relation to the recommendation of the Independent Expert Review (R65 and R86)
Report of the Court on its learning and development strategy in relation to the recommendation of the Independent Expert Review (R99)
Report of the Court on sick leave analysis and the staff engagement survey in relation to the recommendation of the Independent Expert Review (R18 and R19)
Report of the Court on Developmental leave and special leave without pay in relation to the recommendation of the Independent Expert Review (R69)
Court's Proposal on IER Recommendation 105 - Tenure
Report of the Court on The Status of the External Affairs Coordinator's Position
Action plan concerning the recommendations arising from the external performance audit of temporary personnel
Registry's Update for the Committee on Budget and Finance on the Reform of the Court's Legal Aid System
Report of the Court on the performance of the Court's legal aid system in 2022
Report of the Court on the recruitment process and flexible appointment and mobility in relation to the recommendations of the Independent Expert Review (R16, R83, R85, R88, R89, R91, R92a, R92b, R93, R94, R95, R100, R101, R102, R103, R298)
Report of the Court on the comparative cost analysis for paramedic services
Report on activities and programme performance of the International Criminal Court for the year 2022
Report of the Court on Human Resources Management
Report on budget performance of the International Criminal Court as at 31 March 2023
