



## Assembly of States Parties

Distr.: General  
6 June 2023

Original: English

---

### Twenty-second session

New York, 4-14 December 2023

## Report of the Court on Human Resources Management\*

### I. Introduction

1. This report contains information on the human resources (HR) activities of the International Criminal Court (“the Court”) undertaken in 2022 in accordance with the Court’s strategic objectives as set out in the Court-wide and Registry strategic plans for 2019-2021, which were extended to 2022 while the new strategic plan was being finalized. This report also contains responses to specific queries and recommendations made by the Committee on Budget and Finance (“the Committee”), the Assembly of States Parties (“the Assembly”), the Independent Expert Review (IER)<sup>1</sup> and the External Auditors. The report concludes by outlining the priorities for 2023 and how these priorities will support the Court’s strategic objectives as set forth in the Court-wide and Registry strategic plans for 2023-2025.

2. In terms of HR management, 2022 was a challenging year, and the Court continued to face operational challenges connected to the COVID-19 pandemic, along with an unprecedented workload and complex and highly risky operations, while budgetary and liquidity crises affected the Court in the last four months of 2022. In early 2022, staff members mainly worked from home owing to the pandemic and the restrictions imposed by the Host State. In April, the restrictions related to working from the office were lifted and the Court’s staff members and elected officials resumed work from the Headquarters building. In addition, the decision of the Office of the Prosecutor (OTP) to open an investigation in the situation in Ukraine in February 2022 generated a significant workload for the Human Resources Section (HRS), including a substantial increase in the number of recruitments. Moreover, because of high inflation, an unexpected salary increase for P-level staff was announced by the International Civil Service Commission (ICSC) for immediate implementation in August while the Court was dealing with a liquidity shortfall. Consequently, the Court had to take drastic measures after the summer, such as a freeze on recruitment and appointments in addition to various budget cuts, including to the HR Organisation Development budget.

3. Despite the many challenges, the Court and HRS again demonstrated great resilience and significant progress was possible in strategic areas, while support to the judicial activities of the Court – a key priority for HRS which will be maintained and strengthened in 2023 as set out under section XVI of this report – continued.

4. The Court took note of the Committee’s recommendation 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 the implementation of the Court’s Human Resources policy.<sup>2</sup> As requested by the Committee, the Court hereby reports back and presents an overview of the HR management initiatives as well

---

\* Previously issued as CBF/41/15.

<sup>1</sup> In addition to this report, the Court has submitted ad hoc reports on the IER recommendations to the Committee separately.

<sup>2</sup> *Report of the Committee on Budget and Finance on the work of its thirty-eighth resumed session*, ICC-ASP/21/5/Add.1, para. 70.

as how HRS objectives are intrinsically connected to Court-wide strategic goals such as efficiency and continuous improvement.

## II. Leadership

### *The Court's Core Values Project*

5. In the second quarter of 2022, a project was initiated to define and reshape the core values of the Court, with the approval of the Court's Principals. The goal is to create a positive workplace culture that will represent its personnel, mission and objectives inside and outside the Court.

6. To establish a solid basis, HRS conducted benchmarking against comparable initiatives at other public-service institutions, international organizations and businesses, and reviewed United Nations (UN) best practices, such as the Values and Behaviours Framework of the UN Secretariat and the Culture Transformation Office of the Joint UN Programme on HIV/AIDS (UNAIDS).

7. Following this research, the project was officially launched on 13 July 2022 during a virtual event attended by some 200 country office and Headquarters staff. The project was presented by the Principals and time was allocated for a Q&A session. Staff were encouraged to get involved.

8. To drive the work, the Court established an inter-organ working group composed of representatives of each organ, the Staff Union Council and the Focal Point for Gender Equality, with HRS in a leading role. In 2022, the working group met regularly to ensure staff involvement and managed the interface between the various offices.

9. While the first phase of the project – defining the Court's Core Values – was supposed to run until the last quarter of 2022, work is continuing into 2023 given the huge demand. A substantially higher number of Sections and Offices of the Court than expected expressed their interest in participating in the activities. The feedback and the level of engagement have been significant.

10. In 2022, 25 team workshops across all Organs and Divisions (including elected officials) took place and there is interest in more. Considering that changing the workplace culture is best achieved through a bottom-up approach, these additional requests need to and will be addressed.

11. Once all the workshops have been completed, a proposal will be developed by HRS. The working group will then examine and refine the proposal and will address issues such as methodology design, critical stakeholder feedback and support, and further campaign development. This will be followed by a final proposal to the Court's Principals for validation and adoption before the project moves into the implementation phase. The final proposal is expected to be presented to the Principals by the second quarter of 2023.

**12. The implementation and execution of the Core Values is planned for 2023. While values play a central role in managing organizations, according to research, simply imposing values on people will not make them stick. Instead, the Court has opted for an engaging and successful strategy to not only involve staff in developing 'their' organizational values, but also to involve them in the roll out, communication and ongoing activities in order to truly embed them. Values need to be woven into systems and processes and reinforced at every opportunity through recruitment, training and personal performance accountability. Above all, core values need to be lived so as not to end up as just a written statement. This will require continued commitment from staff, particularly at management level. To ensure the necessary long-term support to the Court by HRS, the commitment to implementation has been integrated into the Registry strategic plan for 2023-2025.**

### *Organizational Development interventions for Senior Management and their teams at the Court*

13. New capability in HRS allowed for expansion of the Organisational Development Unit (ODU) portfolio to offer organizational development activities at leadership and individual team levels. Two full-day retreats were developed to support the launch of the new OTP structure: a leadership workshop day for 12 senior members of the Integrated Services Division (ISD) was designed and facilitated in the second quarter of 2022 and another OTP retreat was developed and conducted in the third quarter for the new Unified Teams in Pillar A.

14. Receiving new requests confirms that the work has been well received, and this is confirmed by additional demand from OTP – a team building workshop for the ISD Administrative Unit in the third quarter of 2022 and a more recent request from one of the Deputy Prosecutors to design and facilitate a day with her immediate leadership staff to kick off a series of other interventions in her Prosecution Pillar.

15. On the Registry side, similar activities are expected to take place in 2023.

**16. In the light of the current under-staffing situation in the ODU, balancing this heightened demand against ODU’s regular day-to-day portfolio will be the challenge for 2023.**

*Implementation of the last year of the first wave of the Leadership Development Plan*

17. In the strategic plans for 2019-2021, the Court recognized the strategic importance of having a common strategy that includes sustainable leadership development programmes for leaders at all levels. The Leadership Framework, defining leadership behaviours for all levels of staff at the Court, was approved alongside a three-year Leadership Development Plan (LDP) 2020-2022.

18. The final year of the initial LDP was 2022. The planned leadership development activities were implemented per the agreed timeline, which was expanded to include more beneficiaries. The three-year cooperation agreement signed with the United Nations System Staff College (UNSSC) includes two main programmes:

- a) The UN System Executive Development Programme for senior leaders (P-5 and above); and,
- b) The UN e-Certificate for Leadership and Management (ECLM). This programme was initially open to P-4 level staff only but was made available to P-3 level staff in 2022. The UNSSC agreement was extended for one more year to allow a total of 39 ECLM learners (versus 10 to 12 in previous years) to complete the one-year programme in September 2023.

19. Since the start, 93 leaders (74 per cent of staff at P-5 and D-1 level, 40 per cent at P-4 level and 18 per cent at P-3 level) have completed or are currently enrolled in UNSSC programmes. The feedback received from participants so far has been highly positive. A final evaluation will be possible once the current cohort of participants has completed their learning modules. To maximize the learning impact of the ECLM cohort, a series of “check-in webinars” were set up. Two of these took place in 2022. More are planned for 2023. Their purpose is manifold, namely to connect learners with their peers, as participants represent different offices of the Court, to encourage and support them to make effective use of the programmes, as well as to expand the actual eLearning modules to interactive workshops and workplace learning to ensure a durable learning impact.

**20. A priority for 2023 is to determine the next cycle of the LDP. For this purpose, an alumni event is planned, through which it is expected that the new LDP will be shaped.**

*Feedback 360 for People Managers*

21. Developmental 360, a feedback tool aimed at and available to all of the Court’s managers and project leads, was launched in June 2021. Developmental 360 provides learning and development opportunities for supervisors and helps them recognize their strengths and potential areas for development through clear, evidence-based and actionable information. A campaign to boost the awareness and effectiveness of the tool was launched in 2022. Specific divisions within the Court were engaged and informed about the tool. As a result, the respective Directors of those divisions called on their managers to participate in the exercise. Additionally, a request was submitted by HRS to the service provider for advice on successful follow-up after completion of the exercise. As a result, the ‘TalentAccelerator’ tool was made available to the Court. With this tool, candidates can record and track their development objectives with the support of their feedback providers.

**22. Almost 30 per cent of staff members who have supervisory responsibility have gone through the Developmental 360 process and 32 per cent who are currently undergoing it will finish early next year. The goal is to achieve 75 per cent compliance by the end of 2023.**

*Embedding of the leadership framework into HR processes*

23. The new ICC Mentoring Programme, announced in 2022, is expected to become an annual recurring, Court-wide exercise. The Mentoring Programme is designed to tie in with the ICC Leadership Framework, offering the Court's leaders the opportunity to further hone their leadership skills by becoming mentors. Elements of the framework, specifically the "purpose" competency, are integrated into the Mentoring Programme's offerings, e.g. training for mentors and the mentoring handbook. Further work on improving the assessment of leadership competencies during recruitment and on-boarding procedures is in process, in line with the IER and recruitment review recommendations.

**24. Embedding the leadership framework into HR processes continues to be a priority, together with the development of a new on-boarding process for managers based on the Leadership Framework.**

**III. Learning and Development***Learning activities in 2022*

25. Throughout 2022, the Court continued to offer the French Language Programme in the virtual environment for approximately 100 participants, covering two semesters. Participants rated their satisfaction at 4.9 out of 5. Special emphasis is placed on participants who benefit from the use of French in their daily work. New staff are also encouraged to sign up for the beginner's levels.<sup>3</sup> The Legal and Diplomatic French pilot module, created by the *Organisation Internationale de la Francophonie* (OIF)<sup>4</sup> was completed in 2022. After evaluation and minor amendments following feedback from participants, a new and improved module was launched in October 2022 and will run until May 2023. The UN Language Proficiency Examination was also offered along the same lines and the results of the latest examinations are yet to be revealed by the UN.

26. The Unconscious Bias e-learning course was created in-house by the Learning and Development team in 2021 at no additional cost to the Court. It is intended to reduce bias in recruitment processes, in line with the Court's strategic goal on geographical representation and gender balance and the Assembly's request.<sup>5</sup> The course, available to all staff on My Learning, was well received and was made mandatory for all hiring managers and panel members. In total, 163 staff members completed the course in 2022.

27. Lastly, on-boarding sessions for new staff took place in 2022 and nearly 100 staff members were invited. The sessions play an important role in helping new staff 'set up' in the new working environment and make connections with other 'starters' in similar situations. To manage numbers efficiently, standardized presentational materials are in place and are reviewed based on feedback. To keep sessions lively and interactive, different presenters are invited and a change in presentation methods is applied (e.g. Q&A, feedback loops, partner work, Socratic dialogue).

*Learning and Development Fairs*

28. Following the 2021 engagement survey results, the Division of Management Services (DMS) identified areas requiring attention and accordingly created a DMS Engagement Action Plan. One of the priorities was staff selection and development. DMS managers called for an initiative for staff to learn more about learning and development opportunities at the Court. As a result, the "Learning and Development Fair" was created by ODU to (re)introduce staff to the tools and programmes available at the Court. Two successful fairs were hosted for staff in DMS with the aim of making the event a standard offering on the ODU annual calendar for Court-wide learning and development opportunities.

*The Mentoring Programme*

29. Building on the feedback of the Mentoring Programme for Women Pilot (2019-2020), a new programme was designed in 2022. The programme links to the ICC Leadership Framework, providing opportunities for mentors to hone their leadership skills and for mentees to take ownership of their

<sup>3</sup> Since 2015, the French government has been providing financial support to the Court's French Language Programme.

<sup>4</sup> The OIF provides financial support at 50 per cent of the cost of the module.

<sup>5</sup> *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Twentieth session, The Hague, 6-11 December 2021* (ICC-ASP/20/20), vol. I, part III, ICC-ASP/20/Res.1, section M, para. 6.

development. It is open to all staff yet maintains a “gender edge”, meaning that women in particular are encouraged to apply and that gender-related matters are woven into the programme practice (e.g. via the Training for Mentors). The programme was officially announced in November 2022, followed by a virtual “Mentoring Info Week” in December at which the Registrar delivered the opening remarks. Some 50 staff are expected to commit to joining the initiative. The programme will run for nine months. Depending on the results, it is envisaged that it will become a recurrent annual Court-wide offering.

**30. In line with the External Auditors’ recommendation,<sup>6</sup> strengthening the learning and development function at the Court is a priority. As such, a new learning and development policy is being drafted and inter-organ consultation is expected to take place before the end of 2023, with implementation planned for 2024.**

#### **IV. Performance Management**

31. Rates of compliance with the performance appraisal system remained at the highest levels, reflecting the year-on-year organizational efforts made to raise awareness of the importance of the performance management process. The rate for the objective setting stage reached 96 per cent for the period 2022-2023 (similar to 2021-2022 and 2020-2021) and the final compliance rate for 2022-2023, which will be finalized in March 2023, is expected to reach 97 per cent, as achieved in 2021-2022 and 2020-2021.

32. To increase the relevance of the process, in April 2022 managers and staff were trained in how to improve the quality of objective setting: 175 participants attended the two Court-wide Objective Setting workshops and more than 80 per cent of survey respondents gave a satisfaction rating of 8 out of 10 and agreed that the workshop topics and experience were useful to them.

33. Additionally, specific performance management workshops were delivered to OTP’s Heads of Unified Teams during the second half of 2022 in order to continue supporting senior managers at the Court in providing meaningful feedback conversations and identifying high and under-performers. These sessions were also useful for discussing other related topics, including working climate and engagement.

**34. Sustaining the high level of compliance with the performance management process (i.e. 96 per cent objective setting and 97 per cent final compliance rate) continues to be a priority for 2023. Another priority is to continue to increase the strategic relevance of the process by fostering a better link between organizational and individual objectives, while enhancing the link between performance management, learning/development and the approved leadership framework.**

**35. Furthermore, the Court will continue to support managers and staff working towards a culture of trust and ongoing feedback, using practical tools such as workshops, sessions for managers and new online material. Lastly, the Court will explore, by benchmarking with other similar organizations, non-financial rewards and recognition programmes that could increase high performance engagement levels.**

#### **V. Staff Engagement and Well-being**

36. Staff engagement and well-being remain strategic priorities for the Court. In November 2021, the second Staff Engagement Survey took place with the participation of 74 per cent of the Court’s staff members. In early 2022, the results of the 16 categories that comprised the survey questionnaire were shared by the Principals with staff members. Based on those results, the Principals defined the following top five Court-wide priorities:

- a) Ethics and standards of conduct;
- b) Leadership, with emphasis on values, engagement and internal communication;
- c) Well-being, including stress;
- d) Staff selection and career development; and,
- e) Promoting gender equality by addressing gender gaps, including in the previous four priority topics, as well as other relevant key topics.

<sup>6</sup> *Final audit report on Human Resources management*, ICC-ASP/17/7, Recommendation 1 (HR-2018-1).

37. A significant effort has been made to develop action plans deriving from the 2021 staff survey to address areas of improvement and celebrate successes at all levels and in all organs of the Court. In addition, as per the commitment of the organ Heads to further strengthen the Court's working environment and contribute to creating an atmosphere of openness, support and development, the first Pulse Engagement Survey was conducted in November 2022. The Pulse Engagement Survey was tailored around the Court's top five priorities, with the participation of 54 per cent of staff members.

38. The results of the Pulse Engagement Survey are being analysed by the Principals and the Staff Wellbeing and Engagement Committee (SWEC) and will guide discussions at all levels on how to develop and complement current action plans that will continuously improve working conditions and ensure a high level of staff engagement.

**39. In 2023, the following priorities were identified in terms of staff engagement and well-being: the communication of the Pulse Engagement Survey results to all staff members while advising Division Directors and Section Chiefs on implementing and monitoring staff engagement action plans; the consolidation of the SWEC and its role in sponsoring key well-being initiatives; and the rollout of the second ICC Pulse Engagement Survey in November 2023.**

## VI. Workforce Planning

40. Further to the IER recommendations, the Strategic Workforce Planning function at the Court, to which HRS resources were assigned in 2021, has been developing well throughout 2022, with the ultimate goal of facilitating data-based conversations, strategic analysis and planning, and identifying patterns within the organization. The results of these efforts can be summarized in three major areas: 1. Setting up of the function: share the vision and foundations for data-centred and forward-looking ways of working in line with continuous improvement initiatives, set clear objectives in line with the strategic objectives of the Registry and of the Court; 2. Creating an HR Workforce Analytics Working Group comprised of members of Strategic Workforce Planning, HR Operations and the SAP Team; 3. Continuous improvement of existing HR processes, dashboards and reporting and create new dashboards and reporting tools based on priority.

41. As for the continuous improvement initiatives rolled out during 2022, the most relevant were:
- a) HR Reporting Overview: with a view to establishing a holistic approach in the use of data, its sources, accuracy and reliability, the first HR Reporting Overview was created to bring visibility to overall HRS regular reporting activities. Work will continue in 2023 to produce an analysis to establish where efficiencies could be gained in the area of reporting;
  - b) Standard reports to the Committee on Budget and Finance: major continuous improvements were achieved in the automation of standard reporting to the Committee, where the emphasis was on: improving the reliability and accuracy of data, connecting relevant systems as sources of data (i.e. automation of recruitment statuses) and the creation of a reporting submission process; and,
  - c) Sick leave: analytical dashboards have been expanded with data from another similar international organization based in Vienna, in addition to the existing benchmark with another international organization in The Hague and the Dutch national system.

42. At the same time, important continuous improvement initiatives to support Geographical Representation and Gender Balance (GRGB) efforts have been developed: in addition to automating most frequently used HR reports, HRS worked on improving communication with stakeholders by providing reliable data to support data-driven decision-making regarding GRGB at the Court. To this end, several automated reporting tools have been created, *inter alia*, a "State Party Report", a "Geographical Representation and Gender Balance Reporting Tool" and a "Turnover Reporting Tool". Improvements were also made to the existing "Geographical Representation – On Track v. Off Track" metric.

43. The above-mentioned automated tools, and the new ones being developed, will be used to support target development and the new Registry strategic plan for 2023-2025, with a view to improving GRGB over time and bringing efficiencies and standardization to HR processes.

44. With regard to the Job Families initiative, in 2020 the Court started collaboration with the UN Global Center for Human Resources Services (“OneHR”) which continued throughout 2022. To date, 565 jobs have been grouped into job families and it is expected that the work will be completed in early 2023. The work will continue with developing methodologies for a competency mapping exercise with the aim of identifying synergies between different jobs. This is a foundational step for future increased mobility between staff in the same job family/network – a project that HRS will continue to work on in the years to come.

45. Lastly, throughout 2022, HRS worked on developing external networks and visibility by joining, for example, the UN HR Analytics network, which enables the Court to align with the latest UN practices and gives visibility to the work of the Court in this area.

**46. In 2023, the Court will produce an analysis to establish where efficiencies could be gained in the areas of reporting and automation of frequently used reports. Also, the Job Families initiatives, which will have an impact on improving mobility opportunities for the Court’s staff members, will be another important priority on which work will continue during 2023.**

## VII. Recruitment and Staff selection

47. Recruiting the most qualified and diverse staff continues to be a priority for the Court. A significant number of recruitments took place in 2022. Sixty-seven vacant established posts were filled, representing a 37 per cent increase as compared to 2021. In 2022, 179 recruitment processes were initiated, about 53 per cent more than in the previous year. This reflected a significant increase in staffing needs owing to the opening of judicial activities in courtroom 3 in the second part of 2022 following the Court’s opening of an investigation in the situation in Ukraine.

### *Recruitment freeze*

48. At its session of September 2022, the Registry Management Team decided to freeze all appointments with an impact on staff forecast and only allow cost-neutral appointments or appointments covered by the Contingency Fund. The appointment freeze was triggered by a combination of several factors, including a salary increase and the Court’s liquidity issues. HRS has continued to work on ongoing recruitments and initiated new recruitments to avoid a large backlog. During September and December 2022, no new appointments were made in the Registry, while in other organs, only prioritized appointments were made.

### *Recruitment Review recommendations*

49. In June and July 2022, the HRS recruitment team held two workshops facilitated by ODU with the aim of discussing the recommendations arising out of the Study on the ICC Recruitment Process and linking them with the Court’s current need to improve the recruitment service. The following areas of focus were defined:

- a) Need to re-engineer recruitment systems and processes;
- b) Need to educate clients and key stakeholders;
- c) Need to invest in recruitment tools and systems;
- d) Need to build forward-looking recruitment capability with the aim of becoming a talent acquisition partner, as indicated in the IER, Recruitment Review recommendations and as set out in the Registry strategic plan for 2023-2025.

50. The last staff engagement survey of 2021 confirmed the need for a significant change, as staff selection and development were the lowest rated category across the organization. This survey indicates that there is no trust across the organization that recruitment and selection processes at the Court are implemented with high ethical standards and objectivity, and that the current recruitment practices ensure that the best candidates are recruited.

51. In order to ensure that the Court can effectively perform its functions, HRS has set the following priorities for 2023 in terms of Recruitment and Staff Selection:

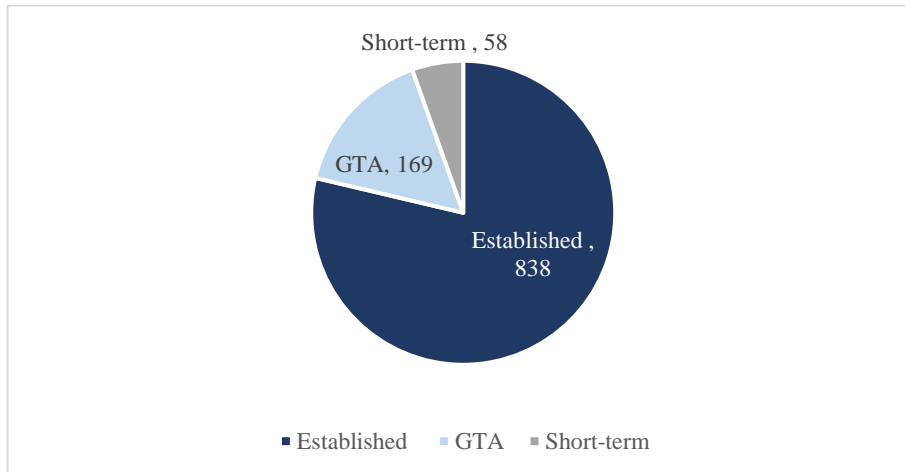
- a) To establish a Court-wide recruitment plan supported and approved by the senior management;
- b) To continue providing support for the recruitment and appointment of the next Registrar, envisaged to be finalized in the first quarter of 2023;
- c) To expand the capacity of the recruitment team with the aim of enabling the team to deliver according to the set priorities and recruitment plan;
- d) To work on building understanding and awareness of the recruitment process, its steps and timelines, by organizing webinars and online training for hiring managers and panel members with the aim of fostering trust in the process; and,
- e) To design and create a project plan in relation to the independent expert recruitment review report and propose feasible ways forward for the Court for the next three years, including resource needs.

### VIII. Workforce of the Court and Recruitment Statistics

#### Headcount

52. The Court’s workforce consists of staff in established posts as well as General Temporary Assistance (GTA) funded positions to achieve the Court’s core objectives. In addition, staff on short-term appointments (STA) provide support for short-term needs of less than one year, typically backfilling for staff on leave of absence or for vacant posts pending finalization of the recruitment process.

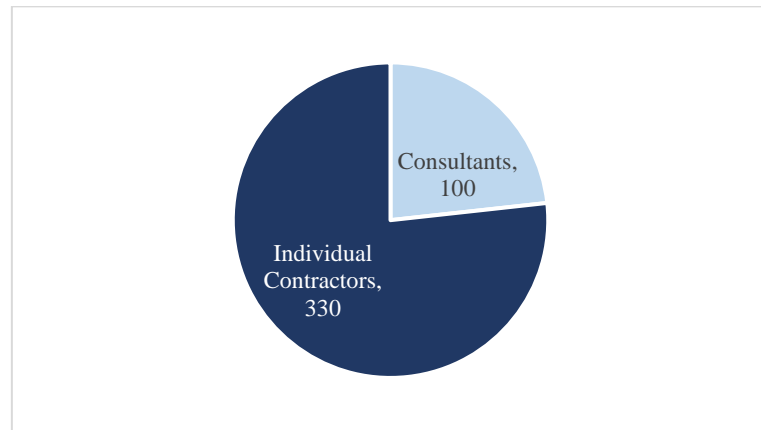
**Figure 1:** Number of staff per type of contract in 2022



53. In addition to staff, consultants are engaged when the Court requires highly specialized experts to deliver services which cannot be performed by current staff for want of specialized knowledge and expertise. Consultants and individual contractors are engaged on a temporary and ad hoc basis to provide services which are not staff functions, but relate to programmed or mandated activities of the Court.



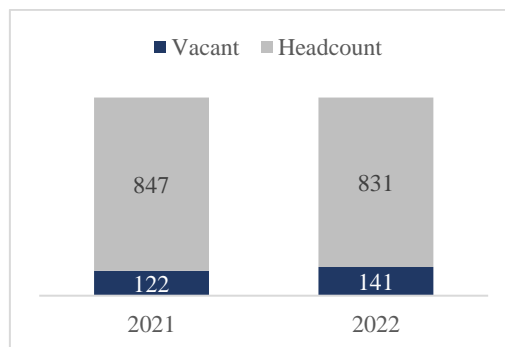
**Figure 2:** An outline of the composition of consultants and individual contractors<sup>7</sup> as of 31 December 2022.



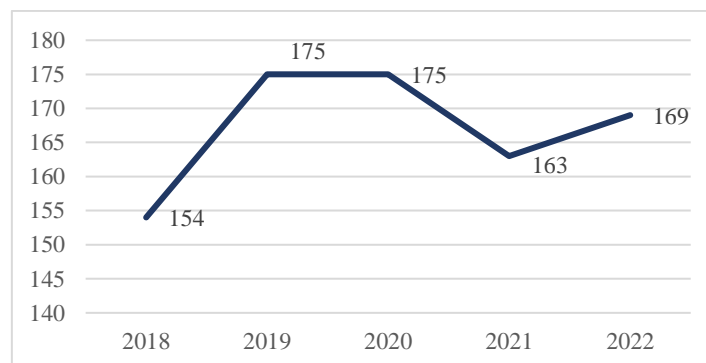
#### *Recruitment and staffing levels*

54. In 2022, the Assembly approved 972 established posts and 180<sup>8</sup> GTA-funded positions within the approved budget envelope, to enable the Court to achieve its set objectives.

**Figure 3:** Headcount and vacant posts in 2021 and 2022



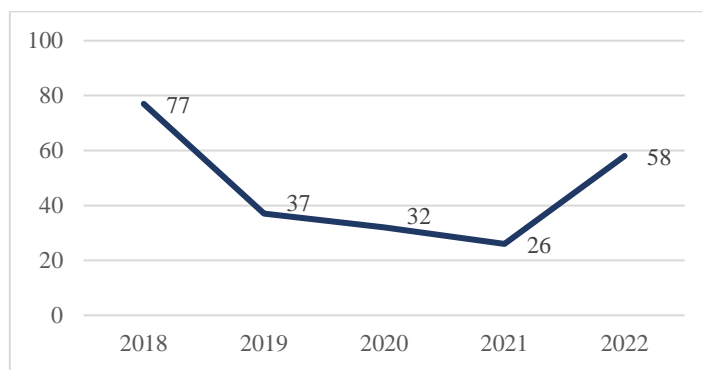
**Figure 4:** Headcount on GTA



<sup>7</sup> These figures correspond to the workforce administered by HRS and do not include defence counsel, commercial contractors, etc.

<sup>8</sup> Only GTAs approved for 12 months are included in this figure.

**Figure 5: Headcount on STA**



*Recruitment Performance for established posts*

55. As at 31 December 2022, the Court had a total of 967 filled approved positions, 831<sup>9</sup> staff members on fixed-term established posts and 136 staff members on fixed-term GTA-funded positions.

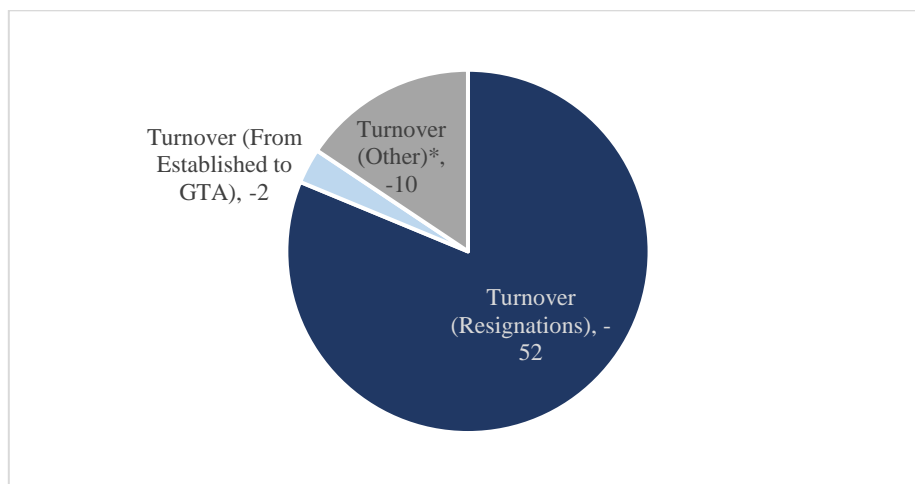
56. In 2022, 107 fixed-term positions were filled – 67 established posts and 40 GTA-funded positions. Of the 67 filled established posts, 22 (33 per cent) were filled by external candidates, 25 (37 per cent) by staff in GTA-funded positions and 20 (30 per cent) by staff already in established posts. Over the course of the year, the Court conducted 540 written tests and 495 interviews.<sup>10</sup>

57. In addition to fixed-term positions, a number of short-term appointments (21) were made to replace staff on special leave without pay or on maternity leave, as well as to provide short-term cover pending recruitment for a given vacant post.

58. A total of 64 staff in established posts left the Court in 2022, including nine staff members who had retired. This represents a turnover rate for the Court of approximately 7.7 per cent for the year.

59. A summary is given below of the staffing situation and recruitment performance, appointments, internal placements and turnover for the Court’s established posts as at 31 December 2022.

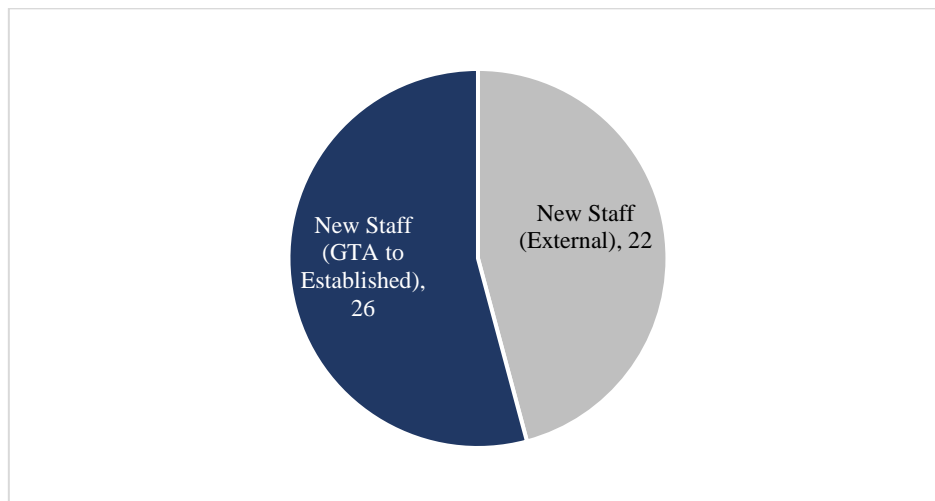
**Figure 6: The Court’s turnover in 2022**



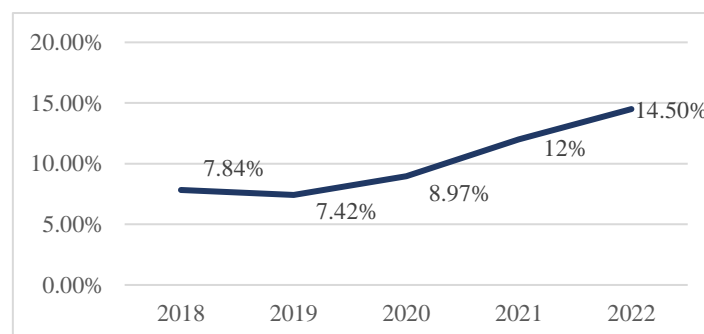
\*Turnover (Other) = disability, retirement, death, restructuring.

<sup>9</sup> In MP III (Registry), one post funding a Staff Council President is counted as filled.

<sup>10</sup> In 2022, interviews were mainly held via VTC due to the now commonly accepted hybrid working environment.

**Figure 7:** The Court's new staff in 2022*Vacancy rate*

60. The Court's monthly vacancy rate increased from 12 per cent at the end of December 2021 to an average rate of 14.5 per cent for 2022. Ideally, the Court would operate at a healthy equilibrium between the number of vacant established posts which would naturally be in place owing to staff resignations and separations, and the arrival of new hires.

**Figure 8:** The Court's vacancy rate**IX. Continuous improvement - Automation**

61. During the COVID-19 crisis, the Court noted the importance of digitized processes and remote data availability. In 2022, the Court continued with the automation of two HR processes - HR Service Requests and digital personnel files.

62. The HR Service Request solution provides the Court with an efficient digital process for submitting requests to HRS as well as the possibility to set service level agreements and measure their implementation. Upon completion, the Court will have a solid digital platform for HR processes that will allow staff and the HRS to interact efficiently and effectively. In 2022, the Court continued discussions on the implementation of such a solution.

63. Digital personnel files will replace the current hard copy of official staff files and provide each staff member with direct access to their staff records and the ability to update outdated records. The digitalization of personnel files continued in 2022. It is expected that all personnel files will have been digitalized in the course of 2023.

64. **The Court will continue to digitalize personnel files during 2023, followed by an implementation plan for the HR Service Request solution, and will report back to the Committee as part of next year’s report on Human Resources Management.**

## X. Legal and Policy

### *Tenure*

65. In order to encourage fresh thinking and bring more dynamism to the Court, the IER recommended (R105) that the Court adopt a system of tenure, applicable to all positions of P-5 and above.<sup>11</sup> The system should stipulate a maximum tenure in positions of these levels of somewhere between five and nine years and should admit few, if any, exceptions.

66. In December 2022, the Assembly endorsed the positive assessment of IER recommendation R105 on tenure and invited the Court, through the Registry, “to develop a detailed proposal for a tenure policy addressing also the financial implications, for its introduction as of 1 January 2024 for approval by the Assembly of States Parties (“the Assembly”) at its twenty-second session”.<sup>12</sup>

67. Pending submission of the requested detailed proposal to the Assembly, the Court conducted a mapping exercise with a view to identifying the Staff Rules and policies that are likely to be impacted by the introduction of the tenure policy. Further to this preliminary assessment, it is expected that the main policies affected by the introduction of tenure will be the Administrative Instructions on the Duration and Extension of Fixed-Term Appointments Against Established Posts (ICC/AI/2013/005) and on Staff Selection (which is currently at draft/consultation stage – see below “Policies under development”). In addition, approximately 11 other policies were identified as needing review and potential amendments further to the introduction of the tenure policy.

68. **Subject to approval by the Assembly of the requested detailed proposal on the tenure policy in 2023, the Court will undertake a revision of the affected Staff Rules and related policies in order to anchor the tenure policy in its legal framework.**

### *Parental leave*

69. Last year, the ICSC recommended a number of changes to the parental leave scheme, essentially to replace the current maternity, paternity and adoption leave provisions with a parental leave provision of 16 weeks for all parents; and to provide an additional period of 10 weeks for the parent who gives birth.<sup>13</sup>

70. In December 2022, the ICSC recommendation was endorsed by the United Nations General Assembly<sup>14</sup> and the new parental leave scheme was recently adopted by the UN through the introduction of a new provisional staff rule, with effective date 1 January 2023.<sup>15</sup>

71. With a view to alignment with the UN Common System pursuant to Staff Regulation 6.2, the Court has conducted a preliminary assessment of the Staff Rules and related policies that will be impacted by the introduction of the changes to the parental leave scheme.

72. **During 2023, the Court will revise its Staff Rules and related policies with a view to aligning them with the new parental leave policy introduced by the UN. The details regarding implementation of the new policy at the Court are currently under consideration by the Principals.**

### *National Professional Officer category*

73. The National Professional Officer (NPO) category was established at the Court by the Assembly at its twentieth session, further to the recommendation by the Committee.<sup>16</sup> The NPO category was introduced in

<sup>11</sup> *Independent Expert Review of the International Criminal Court and the Rome Statute System Final Report*, 30 September 2020, ICC-ASP/19/16, Section II. HUMAN RESOURCES, R105.

<sup>12</sup> *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. I, part III.A, ICC-ASP/21/Res.4, para. 9.

<sup>13</sup> A/77/30, *Report of the ICSC for 2022*.

<sup>14</sup> UNGA Res. 77/256.

<sup>15</sup> ST/SGB/2023/1, with reference to provisional rule 6.3.

<sup>16</sup> *Official Records ... Twentieth session ... 2021* (ICC-ASP/20/20), vol. I, part III, ICC-ASP/20/Res.1, section M, para. 2.

line with the UN Common System practice to perform functions of a professional nature that require local knowledge in terms of culture, language and experience, with a view to providing flexibility in field operations. The revised text of the Court's Staff Regulations and Rules introducing the category of NPO entered into effect on 1 January 2022.<sup>17</sup>

74. The Assembly took note that the application of the NPO category should be implemented once the financial implications could be seen and reflected as part of the proposed programme budget for 2023, and awaited detailed guidance from the Committee on the application of this new modality.<sup>18</sup> At its thirty-eighth resumed session, the Committee recommended that the Court develop guidelines in relation to the introduction of the NPO category and that it be kept informed of the developed guidelines and their implementation at its forty-first session in spring 2023.<sup>19</sup> The Court is currently preparing guidelines for the implementation of the NPO category, addressing, *inter alia*, (i) the temporary nature of the NPO category; (ii) conditions of employment; and (ii) the recruitment process.

**75. Further to the Committee's recommendation, the Court is developing guidelines on the NPO category. In 2023, the Court will continue working on this document and report back to the Committee as part of next year's report on Human Resources Management.**

*Changes to the Financial Regulations and Rules aimed at ensuring staff mobility*

76. With reference to the request by the Assembly to employ maximum flexibility in the management of its human resources in reacting to unexpected situations, and to the extent possible redeploy resources based on actual workload requirements,<sup>20</sup> the Court proposed to amend its Financial Regulations and Rules in order to ensure staff mobility between Major Programmes.<sup>21</sup>

77. The proposed amendments were endorsed by the Assembly,<sup>22</sup> as outlined below (**amendments in bold**).

a) Financial Regulation 4.8 has been amended as follows:

**“Without prejudice to regulation 4.8 bis, no transfer between appropriation sections may be made without authorization by the Assembly of States Parties, unless such a transfer is made necessary by exceptional circumstances, and is in accordance with the criteria to be agreed upon by the Assembly of States Parties.”**

b) A new provision has been added (Financial Regulation 4.8 *bis*):

**“The Registrar or the Prosecutor, as appropriate, may authorize temporary assignments of staff members between appropriation sections while the costs related to the salaries, entitlements and allowances of the concerned staff member remain under the budgetary administration and responsibility of the releasing appropriation section.”**

**78. The Court expects that the above-mentioned amendments will enable greater flexibility and staff mobility across Major Programmes. These amendments will also support HRS initiatives such as the Job Families project, as outlined in the section on *Workforce Planning* above.**

*Policies under development*

79. A draft policy on staff selection is currently being developed. In addition to reflecting the valuable input provided by the consultants conducting the review of recruitment services, the policy also aims to bring measures intended to improve geographical and gender balance. Inter-organ consultation on the policy is planned during 2023 once the impact of the introduction of tenure is clear and can be appropriately reflected in the draft policy on staff selection.

<sup>17</sup> *Ibid.*, section M, para. 3.

<sup>18</sup> ICC-ASP/20/15, para. 256.

<sup>19</sup> *Report of the Committee on Budget and Finance on the work of its thirty-eighth resumed session*, ICC-ASP/21/5/Add.1, paras. 87 and 88.

<sup>20</sup> *Official Records ... Nineteenth session ... 2020* (ICC-ASP/19/20), vol. I, part III, ICC-ASP/19/Res.1, section L, para.10I.

<sup>21</sup> *Report of the Court on Human Resources Management*, ICC-ASP/21/7, Annex III.

<sup>22</sup> *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. I, part III, ICC-ASP/21/Res. 1, section Q and Annex.

80. The Court noted the Committee's recommendation that the long-term request by the Staff Council to be fully part of the United Nations mobility process, allowing for greater mobility between the Court and other related international institutions, be considered.<sup>23</sup> As previously reported,<sup>24</sup> the Court joined the Inter-Organization Mobility Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries and Allowances in 2019. An administrative instruction on this subject was drafted by HRS and is in the final stages of inter-organ consultation. Its promulgation was put on hold in 2022 as a result of other pressing priorities, but it is planned for 2023.

**81. The review of the Administrative Instruction on the Duration and Extension of Fixed-Term Appointments Against Established Posts (ICC/AI/2013/005) and the promulgation of the Administrative Instruction on Staff Selection are set as policy priorities for 2023. This exercise will include, *inter alia*, considerations arising from the introduction of the tenure policy, as outlined in the section on *Tenure* above. In addition, the promulgation of the Administrative Instruction on Transfer, Secondment or Loan of Staff among the Organizations applying the UN Common System of Salaries and Allowances is planned for 2023.**

*Policies promulgated in 2022*

82. In March 2022, the Court promulgated the Administrative Instructions on Investigations of Unsatisfactory Conduct<sup>25</sup> and Unsatisfactory Conduct and Disciplinary Proceedings.<sup>26</sup>

83. The Administrative Instruction on Investigations of Unsatisfactory Conduct is essentially the Court's first administrative issuance concerning the conduct of investigations into unsatisfactory conduct. It follows from the authority given to the Independent Oversight Mechanism (IOM) in its mandate by the Assembly, and was prepared in accordance with best practices of administrative investigations in UN organizations. It will apply to all misconduct investigations, whether conducted by the IOM or by anyone else appointed in accordance with the Administrative Instruction to conduct such investigations. This Administrative Instruction sets out the rights and obligations of Court personnel in reporting and cooperating with IOM investigations, be they complainants, victims, witnesses, or subjects. It specifies how information on suspected unsatisfactory conduct may be reported and the protections provided to individuals reporting and cooperating with IOM investigations, including confidentiality and protection from retaliation.

84. Together with the Administrative Instruction on Investigations of Unsatisfactory Conduct, the Administrative Instruction on Unsatisfactory Conduct and Disciplinary Proceedings expressly integrates the IOM into the Court's disciplinary framework. Essentially, the two policies codify the current sequential practice whereby matters are referred to the Disciplinary Advisory Board (DAB) only after the IOM (or the responsible official) has established the facts. There is no longer an obligation to refer formal complaints of harassment to the DAB. Accordingly, going forward, such cases may be closed if found to be unsubstantiated at the end of a prompt and thorough investigation by either the IOM or the responsible official.

85. In April 2022, the Court promulgated the Administrative Instruction on Addressing Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority.<sup>27</sup> This Administrative Instruction is based on a zero-tolerance policy on discrimination, harassment, including sexual harassment, and abuse of authority. Reports of prohibited conduct can be submitted by any person against any person, irrespective of whether such persons have a contractual status with the Court. The document follows the relevant UN policy, adapted to the needs of the Court. The prohibited conduct is addressed and sanctioned through different means, including training. Individuals can resort to both formal and informal resolution mechanisms. Importantly, there is no time limit on making a complaint.

86. In October 2022, the Court promulgated the Administrative Instruction on Rules Governing Compensation in the Event of Illness, Injury or Death Attributable to the Performance of Official Duties on Behalf of the Court. The rules governing compensation payable on illness, injury or death attributable to the

<sup>23</sup> *Report of the Committee on Budget and Finance on the work of its thirty-ninth session*, ICC-ASP/21/15, para. 328.

<sup>24</sup> *Report of the Court on Human Resources Management*, ICC-ASP/21/7, para. 14.

<sup>25</sup> ICC/AI/2022/001.

<sup>26</sup> ICC/AI/2022/002.

<sup>27</sup> ICC/AI/2022/003.

performance of official duties on behalf of the Court is governed by this Administrative Instruction along with the rules set forth in Appendix D annexed to the United Nations Staff Regulations and Rules (“Rules governing compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the United Nations”) (“Appendix D”) which the Court applies *mutatis mutandis*. In October 2022, a communication was shared with the entire Court concerning the promulgation of this new Administrative Instruction and guiding staff members on how to submit a service-incurred claim.

## XI. Geographical Representation and Gender Balance (GRGB)

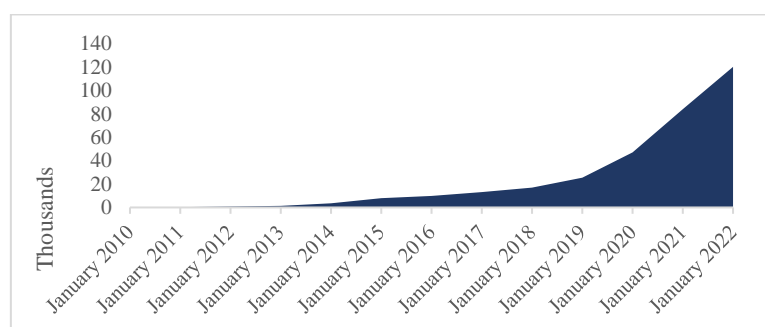
87. In 2022, the Court continued its efforts to achieve a more equitable GRGB:

- a) All vacancy announcements continued to be advertised on various social media and platforms for international job vacancies (e.g. LinkedIn, Impactpool, Facebook and Twitter);
- b) Vacancy announcements were advertised via international networks (e.g. Embassies, UN networks, UN Jobnet, UN Jobs, UN HR, CBF Secretariat, etc.);
- c) All vacancy announcements were distributed in both working languages of the Court;
- d) HRS used social media to actively source qualified candidates with desirable profiles to increase the pool of applicants, using targeted and tailored outreach materials;
- e) HRS staff participated as *ex officio* in all recruitment processes and reminded the recruitment panels and hiring managers that diversity should be considered in all stages of the recruitment cycle;
- f) The Selection Review Board oversaw all recruitment;
- g) Geographical diversity was ensured on recruitment panels;
- h) Updated information on geographical representation was disseminated to all recruitment panels;
- i) Geographical representation was considered both at the shortlisting stage and when the decision on the final selection of suitable candidates was made;
- j) HRS staff participated in career events to raise awareness and promote the Court’s career opportunities among under- and non-represented States Parties (e.g. Berlin, in January 2022 and Fribourg, in March 2022); and,
- k) HRS staff participated in the annual Asia-Pacific Forum, an event dedicated to facilitating dialogue for the Asia-Pacific region and encouraging students and young professionals from this region to consider a career at the Court.

88. It must be noted that in 2022, the higher vacancy rate constituted an additional challenge in terms of improving geographical representation and gender balance.

89. Despite that, in 2022 the Strategic Workforce Planning function within HRS supported the Court’s GRGB efforts through maintaining the Court’s LinkedIn page and giving visibility to its activities. It has been noted that these efforts have resulted in a significant increase in the number of followers in recent years.

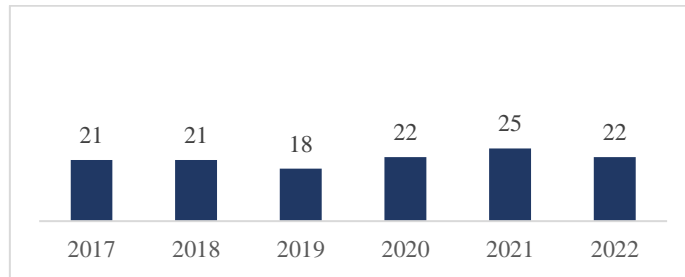
**Figure 9:** The cumulative number of followers on the Court’s LinkedIn page has increased from 78 in January 2010 to over 120,000 in January 2022.



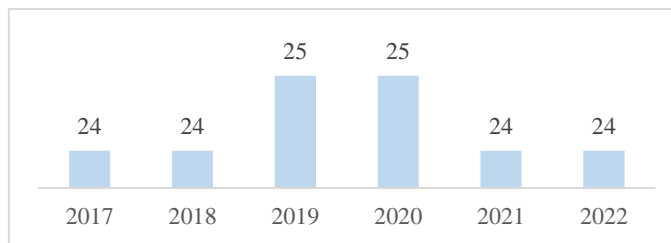
90. The Court’s efforts towards GRGB, particularly its increased presence on social media, has also resulted in a 6 per cent increase in vacancy announcement awareness. Applications from female candidates have increased by 22.5 per cent and applications from candidates from under and non-represented countries by 14.2 per cent. Applications for all vacancies increased by 23 per cent.

91. The below figures illustrate the statistics on the representation of countries at the Court since 2017.

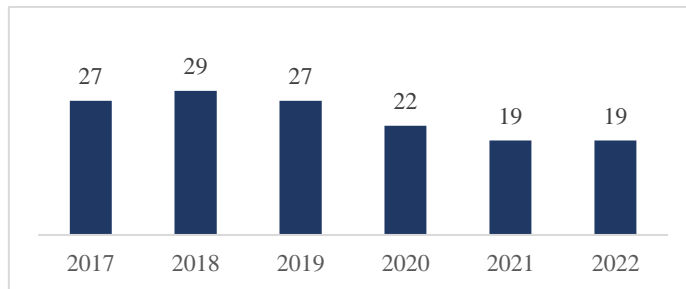
**Figure 10:** Number of in-balance countries



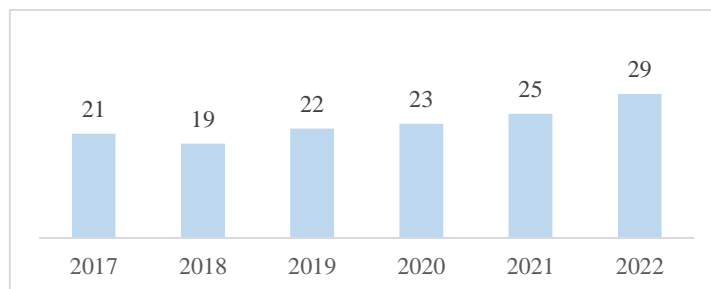
**Figure 11:** Number of non-ratified countries



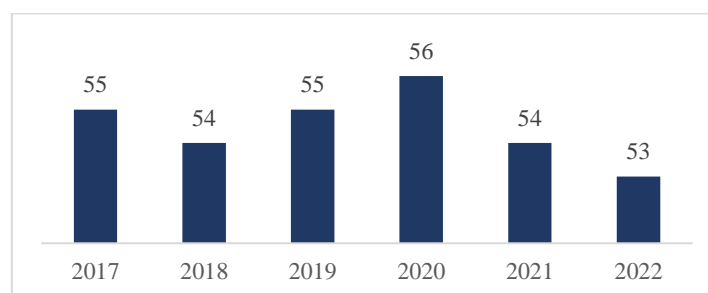
**Figure 12:** Number of over-represented countries



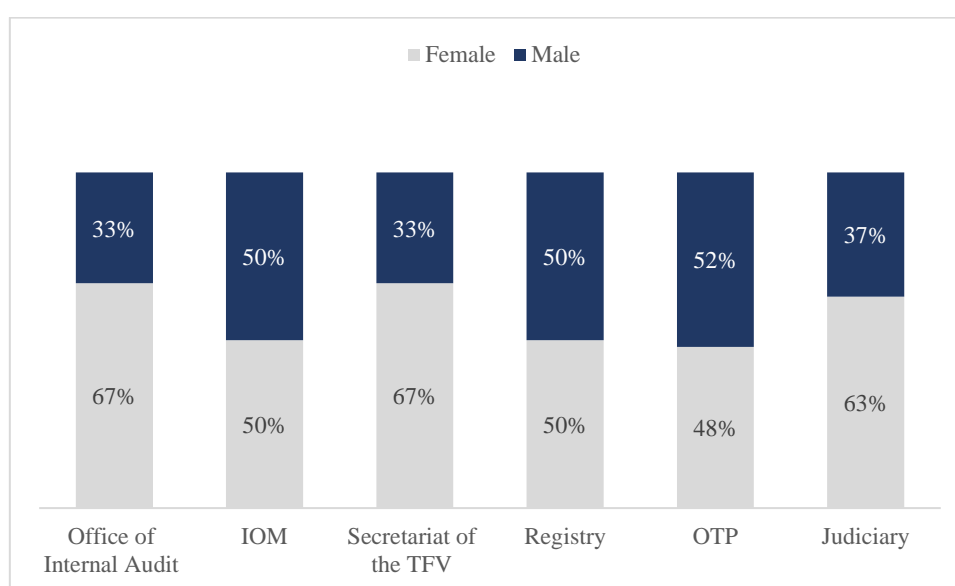
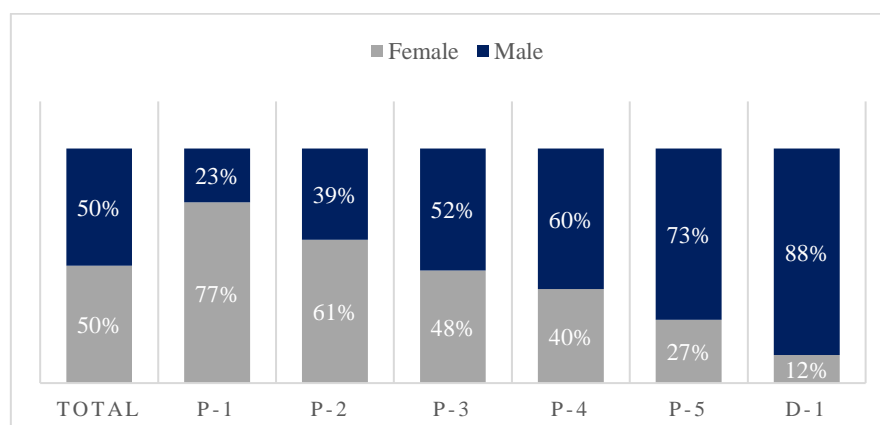
**Figure 13:** Number of under-represented countries

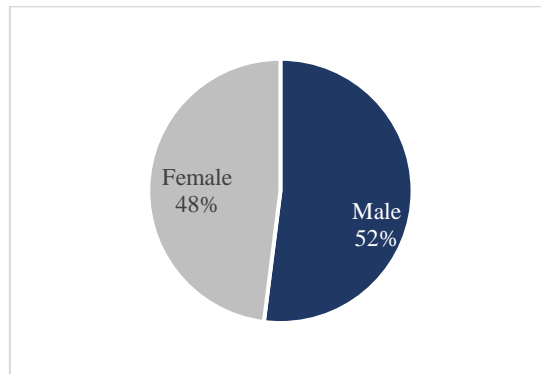
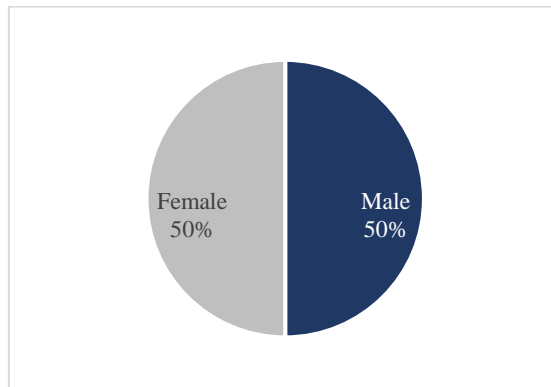




**Figure 14:** Number of non-represented countries

92. With regard to gender balance, the following graphs provide a snapshot of current statistics Court-wide and a breakdown per Major Programme and per grade. There have been slight improvements in gender parity at P-3 and higher grades (2 per cent increase at P-3 level, 0.4 per cent at P-4 level, 20.5 per cent at P-5 level and 1.9 per cent at D-1 level).

**Figure 15:** Gender balance per Major Programme as of 31 December 2022**Figure 16:** Gender distribution of Professional and Higher staff by grade as of 31 December 2022

**Figure 17:** Gender Breakdown for all staff**Figure 18:** Gender breakdown for Professional and Higher staff

93. **The Court will continue its efforts towards achieving a more balanced geographical and gender representation and will report on the progress made as part of next year’s Report on Human Resources Management.**

## **XII. Gender Equality – Focal Point**

94. During the course of 2022, the Court’s Focal Point for Gender Equality continued to contribute to strengthening and harmonizing the regulatory and disciplinary framework regarding prohibited conduct (notably, through actively advising on the new set of Administrative Instructions for the Court on harassment, including sexual harassment, discrimination and abuse of authority, as well as on disciplinary proceedings and investigations). The Focal Point also reviewed and provided advice on the new Administrative Instruction on Flexible Working Arrangements, as well as on Sexual Exploitation and Abuse. The Focal Point was also engaged in drafting the new set of strategic plans for the Court and the Registry for 2023-2025.

95. In early 2022, the Focal Point launched the Court’s first internal campaign on “Let’s Set the Tone against Everyday Sexism”. As the Court strives for more gender equality in the workplace, it requires a workplace culture where diversity is valued and everyone feels included. It needs to be put in practice, through modelling appropriate behaviour, encouraging engaging, inclusive and productive forms of management, and by calling out inappropriate or exclusionary behaviours within our organization, including calling out sexism when it happens. This campaign has several objectives:

- a) Training and supporting staff members at all levels and interns as ICC Champions against everyday sexism, so that they can be agents of change, having the ability to identify sexism and unconscious bias from gender stereotypes in the workplace;
- b) Communicating and raising awareness across the organization on what everyday sexism looks like and how it affects us all;
- c) Showing the commitment and ownership of all, across all levels, in recognizing sexism and addressing it through their mandates and actions;

- d) Breaking the silence and making room for more open and impactful engagement among staff and between staff and management on their experiences and issues regarding everyday sexism, including through workshops and as part of their team meetings;
- e) Strengthening the levels of awareness and accountability across the Court of unacceptable behaviours, and further encouraging reporting by staff when misconduct occurs;
- f) Contributing to building a safe, inclusive and empowering workplace culture for all at the Court.

96. An initial group of 30 ICC Champions was identified across the organization, at Headquarters and in the country offices, and received training on unconscious bias and recognizing and tackling sexism. This first group of Champions (women and men, across all organs and at all levels), have made concrete commitments which they will each undertake to implement. Through a snowball effect, more teams and colleagues have asked to take the training, and others have also joined as Champions. Activities, such as film screenings, lectures and events, have been organized around themes linked to gender and sexism, including masculinities, gender persecution, gender and the Geneva Conventions, the International Day against Homophobia, Biphobia and Transphobia, the crime of incitement through a gender lens and inclusive language, and brochures have been produced on sex and gender, masculinities, feminist theories and queer theories, including a separate document on gender inclusive pronouns.

97. In efforts linked to reshaping the Court's workplace culture, the Focal Point was made a permanent member of the SWEC, and was part of the internal working group geared towards identifying the core values of the Court. The Focal Point was also part of the working group that developed the 2021 Staff Engagement Survey which allowed the Court, for the first time, to gather data on alleged instances of harassment, discrimination and abuse of authority at the Court. This will serve as benchmark for the Court going forward. Together with HR services and the Staff Union, the Focal Point also contributed to the preparation and launch of the second mentoring programme project at the Court in 2022.

98. In terms of gender balance and recruitment, the Focal Point supported HR efforts in terms of reviewing vacancy announcement language, implementation of pilot recruitments and further advocacy and sourcing efforts for new positions. The Focal Point's Terms of Reference clarify the multiple ways in which they can and have supported recruitment panels, including reviewing vacancy announcements, ensuring that the Court is using gender inclusive language, advising and reviewing questions and interview formats, advising on longlists and shortlists, and advising the hiring manager and the recruitment panel throughout the process. In 2022, the Focal Point was asked to support more than 10 recruitment processes, including recruitments for senior management positions.

99. As part of their mandate, the Focal Point was also asked to provide individual counselling to personnel across the organization (interns and visiting professionals, officials and staff, counsel and external support staff, consultants and contractors). In this context, the Focal Point engaged with various requests in 2022 on a variety of topics, including flexible working arrangements, parental leave, career development, bullying and misconduct, and the rights and conditions of service of counsel and external support staff.

100. The Focal Point operated inside the Court with the support of and in close coordination with many offices and services, notably HR, the immediate offices of the three Principals of the Court, the Staff Union, the OTP Gender Focal Point, the Occupational Health Unit, the legal services of the three organs, the President of the ICC Bar Association, the Mentorhood network, the Gender Platform network, and many other colleagues.

101. The Focal Point reported on their mandate and activities regularly in 2022, notably through the Review Mechanism and the NYWG facilitation on geographical representation and gender balance; they also participated in external events, and held regular meetings and consultations with interested States, civil society organizations, academia and international organizations. The Focal Point continued to benefit in particular from the support and resources of the UN Women Office of The Focal Point for Women and the Gender Focal Points network.

102. On 8 December 2022, the Court launched its first strategy on Gender Equality and Workplace Culture (GEWC Strategy).

103. The GEWC Strategy provides a pathway to addressing some of the findings and recommendations made by the IER, as well as the relevant gaps and needs identified in the ICC Staff Engagement Surveys in 2018 and 2021, which had been incorporated in the Court-wide strategic plan for 2019-2021, the OTP strategic plan for 2018-2021, and the Registry strategic plan for 2019-2021.

104. The development, adoption and implementation of the GEWC Strategy by 2025 reflects the commitment of the Court, as one of the many organizations engaged in the Generation Equality movement, to catalyse tangible progress towards gender equality during the UN Decade of Action (2020-2030) to deliver the Sustainable Development Goals, including Sustainable Development Goal 5 on Gender Equality.

105. The final version of this strategy draws on good practices and successes achieved in other international organizations (such as the United Nations), as well as in States' national entities (such as Ministries of Foreign Affairs); it also reflects the input and comments gathered during the extensive internal and external consultations carried out by the Court between December 2021 and March 2022, which included:

- a) Eight internal information and consultation sessions for the Court's personnel at Headquarters and in the country offices, in English and in French;
- b) Expert consultative sessions, including with the Staff Union Council, civil society organizations and the Executive Council of the ICC Bar Association;
- c) Written and oral input received from the Court's staff, interns and visiting professionals, counsel and members of external teams, as well as States Parties, international and regional intergovernmental organizations, civil society and academia.

106. The GEWC Strategy fits within the body of existing strategic documents that lay out concrete actions that will be undertaken within the organization in the coming years.

107. The Court-wide and organ-specific strategic plans for 2023-2025 set out strategic goals and key performance indicators which are relevant to gender equality and the workplace culture at the Court, such as:

- a) The relevant IER recommendations, as well as their assessment and implementation;
- b) The strengthening of the Court's disciplinary framework, including through the adoption and review of relevant Administrative Instructions and Presidential Directives;
- c) The review and adoption of a recruitment policy;
- d) The Court-wide exercise regarding the organization's core values;
- e) The Judiciary and the OTP's work culture exercises;
- f) The priorities and actions identified regarding gender equality and workplace culture following the Staff Engagement Survey of November 2021.

**108. The strategy will be monitored regularly via the Court's Focal Point for Gender Equality and the Court's SWEC, notably thanks to the annexed Implementation Checklist, and in full coordination with the monitoring of the Court-wide strategic plan and the organ-specific strategic plans and their KPIs, with which the GEWC Strategy is aligned. A final report on its implementation will be issued in 2025, when it will also be reviewed for the next cycle.**

#### *Recruitment of the Gender Equality Focal Point*

109. Recruitment for the position of Gender Equality Focal Point was initiated in early September 2022.

**110. In total, 155 applications were received for this position. The recruitment process has been finalized and the appointment of the selected candidate is scheduled to take place in the second quarter of 2023.**

### **XIII. Reorganization and additional recruitment-related activities at the Office of the Prosecutor**

111. The OTP, in line with IER recommendations, has driven forward with the structural and cultural changes outlined in the Prosecutor's vision for the implementation of his mandate under the Rome Statute. In furtherance of the commitments made in his inaugural speech that priority would be given to staff well-being, effective and efficient organization and ensuring an Office free of any and all forms of harassment, the Prosecutor established an independent ad hoc Advisory Panel on Work Culture. After receiving the Panel's report, the Prosecutor has taken steps to address the issues and challenges to ensure the necessary improvements to the workplace culture of the OTP. Under the guidance of the Special Advisor on Workplace Culture, Ms Purna Sen, the newly established internal advisory group recommended a wider cultural change oversight group currently called *Are We There Yet?* to shape and drive the work, implement tangible action and achieve a workplace free of any form of harassment.

112. In addition, throughout 2022 the Prosecutor continued to implement the necessary reassignment of resources reflecting the approved restructuring of the Office through the 2022 budget process. The election and subsequent appointment of two Deputy Prosecutors, Ms Nazhat Shameem Khan and Mr Mame Mandiaye Niang, provided the necessary leadership and vision for the two new Prosecutorial Pillars. Under the guidance of the Prosecutor and Deputy Prosecutors, the vision of the Unified Teams has been realized, marrying the multitude of specialized skill sets into specific situation-orientated teams with the regional knowledge, language skills and specialized expertise required to effectively and efficiently progress prosecutions and deliver results at trial.

113. The creation of the Integrated Services Division to support the Prosecution Pillars has resulted in economies of scope and scale, pooling the OTP's shared specialized and technical areas of forensics, information technology, administrative support, psychosocial, security and language services in one consolidated division. Given the move of the Office to the Relativity evidence management system, the Office has expanded its resource allocation and invested in developing the competence of existing resources within the Information, Knowledge and Evidence Management Section.

114. Within an evolving paradigm, the Prosecutor – in accordance with the overall jurisdictional parameters conferred through the referrals by 43 States Parties to the Rome Statute and following the decision of Ukraine to accept the Court's jurisdiction over alleged crimes under the Rome Statute occurring on its territory – established on short notice a Unified Team responsible for the investigation in the situation in Ukraine. Headed by a Principal Trial Lawyer, this multidisciplinary Unified Team has been tasked with investigating alleged Rome Statute crimes committed on the territory of Ukraine.

115. The Prosecutor has also taken steps to address the recommendations of the IER report, specifically in relation to R95, R102 and R103, and has engaged Seconded National Experts ("secondees") on the basis of operational needs. Throughout 2022, secondees from States Parties have been selected and have engaged with the OTP in specific technical and specialist roles. The OTP is developing a proposal to broaden the scope of such engagements to ensure as wide as possible representation through specific funding opportunities.

116. Lastly, the Prosecutor continued to engage with OTP staff in relation to potential long-term deployments and reassignments to field duty stations and possible operational hubs into the future. Such consultation has included the possibility of permanent reassignment of staff from Headquarters to field duty stations and the implementation and development of more flexible conditions of service to allow for the potential rotation of staff across situations and locations in future.

#### *The United Nations Voluntary Programme (UNV)*

117. The Court took note of the Committee's views that the UNV can provide benefits to the Court in terms of human resources.<sup>28</sup> The Court is currently assessing ways in which the UNV could be used as part of its

<sup>28</sup> *Report of the Committee on Budget and Finance on the work of its thirty-ninth session*, ICC-ASP/21/15, para. 292.

human resources force as well as whether any amendments to the Staff Regulations and Rules and the Court's legal framework more broadly would be needed.

**118. The Court will work on a formal proposal regarding the UNV and present it to the Committee at its forty-second session in September 2023.**

#### **XIV. Junior Professional Officer (JPO) Programme**

119. The Court's JPO Programme was established in 2017 and as of 2022 had six participant States Parties: Japan, the Republic of Korea, Switzerland, Germany, France and Finland. Since 2017, the Court has received a total of 14 JPOs, as per below:

| State Party       | Number of JPOs |
|-------------------|----------------|
| Japan             | 5              |
| Republic of Korea | 3              |
| Switzerland       | 2              |
| Germany           | 1              |
| France            | 2              |
| Finland           | 1              |
| <b>Total</b>      | <b>14</b>      |

120. In 2023, the Court is expected to on-board four new JPOs, namely from Switzerland, the Republic of Korea, Germany and France.

121. Following the recommendations of the Committee, the Court has continued its outreach efforts to find new donors, with a focus on States Parties that are open to funding JPOs from developing countries. During the twenty-first session of the Assembly, the Court engaged with different States Parties in an effort to promote the JPO Programme as well as to invite States to fund JPOs from developing countries.

122. The Court takes note of the Assembly's request<sup>29</sup> that the Court explore and propose modalities for implementing the JPO Programme for candidates from non- and under-represented States Parties, particularly from developing regions, to be funded through voluntary contributions.

**123. The Court is exploring modalities for funding JPOs from developing countries and will report to the Committee as part of next year's report on Human Resources Management.**

**124. The Court would like to invite States Parties, particularly those willing to fund JPOs from developing countries, to consider joining the JPO Programme by reaching out to the Human Resources Section Programme Management team [JPOrecruitment@icc-cpi.int].**

#### **XV. The Internship and Visiting Professional (IVP) Programme and Trust Fund for IVPs**

125. In 2022, the Court received a total of 215 new interns and visiting professionals, namely 165 interns and 50 visiting professionals.

126. It is noted that there is no resource dedicated to the daily administration of the IVP Programme and so far, the HRS has shouldered the full management of this large programme within its already limited capacity. The Court therefore considers that more human capacity is needed to ensure that the IVP Programme can

<sup>29</sup> *Official Records ... Twenty-first session ... 2022* (ICC-ASP/21/20), vol. I, part III.A, ICC-ASP/21/Res.2, para.130.

continue to be supported properly and will submit a proposal in this regard as part of the Proposed Programme Budget for 2024.

127. Of the 215 IVPs who undertook a placement with the Court in 2022, 61 per cent came from WEOG states, 15 per cent from GRULAC states, 8 per cent from Eastern Europe, 9 per cent from Asia Pacific and 7 per cent from Africa.

128. In terms of gender distribution, 73 per cent were female and 27 per cent male.

129. As with other categories of personnel, since April 2022 IVPs have been transitioning back to full-time work from the office. The Court has therefore continued with the monthly webinars and talks held by judges, Principals and senior staff members on different topics related to their work at the Court. The feedback received from IVPs and guest speakers was and remains overwhelmingly positive and the Court will continue to pursue cost-effective ways to ensure that IVPs have a satisfying learning experience.

130. In 2022, the HRS and the Staff Union Council also co-organized an event dedicated to IVPs. The event served as a forum for discussions and exchanges of experiences and ideas for the future development of the IVP Programme.

*The Legal Professional Programme (LPP) funded by the European Commission (EC) Grant*

131. In 2022, after the confirmation of a new cycle of the EC Grant, the HRS coordinated the implementation of the LPP in collaboration with the Registry's External Relations and State Cooperation Unit.

132. In 2022, six new Legal Professionals (LPs) were recruited under the LPP. Their nationalities and gender are reflected in the following table:

|     | Nationality              | Gender |
|-----|--------------------------|--------|
| LP1 | Ukraine                  | Female |
| LP2 | Venezuela                | Male   |
| LP3 | Central African Republic | Female |
| LP4 | Colombia                 | Male   |
| LP5 | Burkina Faso             | Male   |
| LP6 | Philippines              | Female |

**133. In 2023, HRS is expected to support the recruitment of nine new LPs funded by the EC Grant.**

*The Trust Fund for the development of Interns and Visiting Professionals (Trust Fund for IVPs)*

134. The Trust Fund for IVPs was established in 2016 with the aim of providing funded IVP placements to nationals of developing countries that are States Parties to the Rome Statute. The Trust Fund for IVPs contributes to the Court's efforts to increase geographical representation and to give fair opportunities to all individuals wishing to work at the Court.

135. Through generous donations received from States Parties, , the Court has been able, since 2016, to fund a total of 33 IVPs. Staff and elected officials may also contribute to the Trust Fund for IVPs by making a single or a monthly donation which is directly deducted from their salaries. Since 2016, more than 50 elected officials and staff members have contributed to the Trust Fund, amounting a total of EUR 50,145.51 in donations.

136. In 2022, following the generous donations received from France, elected officials and staff members, the Court funded seven new IVPs. Three were nationals of francophone countries. Their nationalities and gender are reflected in the following table:

|     | Gender | Nationality                  |
|-----|--------|------------------------------|
| VP1 | Male   | Central African Republic     |
| VP2 | Male   | Burkina Faso                 |
| VP3 | Female | Paraguay                     |
| VP4 | Male   | Democratic Republic of Congo |
| VP5 | Female | Botswana                     |
| VP6 | Female | St. Vincent & the Grenadines |
| VP7 | Male   | Mexico                       |

137. The Court moreover commends the generous donations made by Ireland and Germany to the Trust Fund for IVPs in 2022. These donations will enable the Court to fund more than 15 new IVPs in 2023.

138. As part of the Court's efforts to further enhance the visibility of the Trust Fund for IVPs among interested States Parties, during the twenty-first session of the Assembly, HRS held discussions with representatives of States Parties to promote the Trust Fund for IVPs and invited States to make contributions to this important project.

**139. In 2023, the Court will apply the donations received from States Parties, elected officials and staff members in 2022. The Court will also continue with its efforts to promote the Trust Fund for IVPs with the aim of securing more funded placements for IVPs in 2023 and 2024.**

**140. The Court would like to encourage States Parties to consider providing funding to further develop and expand the Trust Fund for IVPs.**

## **XVI. HRS main priorities for 2023**

141. Considering the Court's strategic objectives and priorities established under the Court's strategic plans for 2023-2025, as well as priorities recognized by the Committee and the Assembly based on the IER recommendations, the following priorities have been identified for the Court's HR management in 2023:

- a) Ensuring capacity within HRS to manage the Court-wide recruitment calendar as per Goal 1 of the Registry strategic plan for 2023-2025<sup>30</sup> (RSP);
- b) Continue supporting a healthy working environment at the Registry, in alignment with Goal 2 of the RSP, but also at the Court overall by strengthening the engagement mechanism through the implementation of pulse engagement surveys, identification of priorities and the definition of action plans;
- c) Implementing the tenure policy, including amending the Court's relevant policies as per IER R105;<sup>31</sup>
- d) Implementing the new changes in parental leave entitlement, including amending the Court's relevant policies in support of priority objective 2.4 of the RSP;<sup>32</sup>

<sup>30</sup> *The Registry is more efficient and provides more effective services in all areas, reflecting a culture of continuous improvement.* [ICC goals 1,2,5,6,9]

<sup>31</sup> *Independent Expert Review of the International Criminal Court and the Rome Statute System - Final Report*, 30 September 2020, R105.

<sup>32</sup> *Strengthen mechanisms to promote staff engagement and well-being, as well as a culture of respect and accountability.*



- e) Designing an internal mobility framework by developing a job families approach to all positions at the Court to provide more flexibility to the workplace in support of priority objective 2.3 of the RSP;<sup>33</sup>
- f) Strengthening the training and development function at the Court in alignment with priority objective 2.2 of the RSP by implementing a new Administrative Instruction on Learning and Development;
- g) Finalizing the definition of the Court's Core Values and rolling out the implementation and integration of those values in all the Court's processes; and
- h) Continuing to develop and expand the HR Analytics function, including the automation of more reports and the conclusion of the projects on Digital Personnel Files and Automated HR Service Requests in support of priority objective 1.3 of the RSP.<sup>34</sup>

## **XVII. Conclusion**

142. As outlined in this report, despite some setbacks due to the financial challenges experienced by the Court in 2022, many milestones were achieved in terms of HR management, including the Core Values Project.

143. The priorities for 2023 are expected to strengthen the Court's HRS as a service provider that aims for efficiency and continuous improvement, in line with the Registry's strategic goals and priority objectives.

144. The HRS is looking ahead to continuing to support the Court in discharging its crucial mandate in the most efficient and coherent way in accordance with the Court's HR policies and governance principles. The Court looks forward to reporting on the progress made in next year's report.

---

<sup>33</sup> *Create a framework for a more flexible workforce as well as more efficient talent acquisition.*

<sup>34</sup> *Embed continuous improvement as an operational principle in management and operations in promoting cultural change.*

## Annex

## I. Overview of HR-related recommendations and requests by the ASP and CBF.

| Reference                      | Request or recommendation  | Referred to in the present report   |
|--------------------------------|--|---|
| ICC-ASP/21/5/Add.1, para 70    | <i>70. 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 the implementation of the Court's Human Resources policy, and to report back to the Committee at its forty-first session in spring 2023.</i>  | Introduction  |
| ICC-ASP/20/Res.1 M.6           | <i>6. Invites the Court to expand its training for staff sitting on recruitment panels to avoid any undue disadvantage or unconscious bias against applicants interviewed in a language other than their mother tongue, requests the Court to develop its language training policies to promote continuous improvement of the proficiency of staff in the official and working languages of the Court and other languages, as appropriate, including training for newly recruited staff proficient in only one of the working languages, and to consider ways to ensure adequate funding for this purpose;</i>   | Learning and Development  |
| ICC-ASP/21/Res.2 para.125      | <i>125. Takes note of the Court's report on Human Resources Management and requests the Court to further strengthen its efforts, in the recruitment of staff, to seek equitable geographical representation with a particular focus on candidates from non-represented and underrepresented States Parties, gender balance and the highest standards of efficiency, competency and integrity, as well as to seek expertise on specific issues, including, but not limited to, trauma-related psycho-social needs and violence against women or children, and encourages further progress in this regard;</i>   | Staff Selection<br>Geographical Representation and Gender Balance (GRGB)<br>Gender Equality - Focal Point |
| ICC-ASP/21/Res.2 para.126      | <i>126. Calls upon the Court to report the outcome of its efforts to seek equitable geographical representation with a particular focus on candidates from non-represented and underrepresented States Parties and gender balance to the Assembly at its twenty-second session, including, but not limited to, improvements in the recruitment process and annual recruitment data.</i>  | Geographical Representation and Gender Balance (GRGB)   |
| ICC-ASP/21/Res.4 para. 9,10,11 | <i>9. Endorses the positive assessment of recommendation R105 (Tenure) for which the Review Mechanism served as the platform for assessment, and invites the Court through the Registry, in close consultation with the Bureau, to develop a detailed proposal for a tenure policy addressing also the financial implications, for its introduction as of 1 January 2024 for approval by the Assembly at its twenty-second session;</i><br><i>10. Requests the relevant Assembly mandates designated as responsible for assessing and taking possible further action as appropriate on relevant recommendations to continue with the assessment and, where appropriate, implementation in 2023 and to submit to the Bureau the outcome of its consideration, including on action already taken and proposals for next steps, by 15 November 2023</i><br><i>11. Requests the Court through its focal points to provide regular updates to the Review Mechanism on progress achieved, including on any impediments to progress identified, and to evaluate the</i> | Legal and Policy - Tenure   |

| Reference                         | Request or recommendation   | Referred to in the present report                     |
|-----------------------------------|---|---|
|                                   | <i>progress in the assessment, possible further action, and, where appropriate, implementation of the recommendations of the Group of Independent Experts, and report to the Assembly ahead of its twenty-second session;</i>   |   |
| ICC-ASP/21/5/Add.1, para. 87, 88  | <p>87. Taking into consideration the introduction of the National Professional Officer category, the Committee recommended that the Court develop guidelines, including but not limited to the following points:</p> <ul style="list-style-type: none"> <li>a) The heads of Country Offices would be international staff. In the event of the contrary, what safeguards would need to be implemented to protect the individual, the integrity of the Country Office and the reputation of the Court;</li> <li>b) Conversion to National Professional Officers would be from vacant posts/positions and the conversion should follow the same recruitment process as for other categories; and</li> <li>c) The temporary nature of National Professional Officer would be taken into account.</li> </ul> <p>88. The Committee recommended that it be kept informed of the developed guidelines and their implementation at its forty-first session in spring 2023.</p> | Legal and Policy - NPO                                |
| ICC-ASP/21/15, para. 328          | 328. Greater mobility of staff should be one advantage of a tenure policy. The Committee was of the opinion that enhanced mobility could be achieved internally by moving senior staff between different departments, which will benefit the Court and individuals in gaining broader managerial experience. The Committee further recommended that the Court consider a long-term request by the Staff Council to be fully part of the United Nations mobility process, allowing for greater mobility between the Court and other related international institutions.  | Legal and Policy - Tenure                             |
| ICC-ASP/21/5/Add.1, para. 80      | 80. The Committee recommended an update by the Court on geographical distribution and gender balance issues as part of the Human Resources Management report at its forty-first session in 2023.  | Geographical Representation and Gender Balance (GRGB) |
| ICC-ASP/21/Res.2-Annex I para. 13 | <p>13. With regard to recruitment of staff,</p> <ul style="list-style-type: none"> <li>(a) endorses the recommendations of the Committee on Budget and Finance in relation to geographical representation and gender balance contained in the report of its thirty-eighth resumed session and urges the Court to take the necessary steps to implement it;</li> <li>(b) requests the Court to submit to the Assembly a comprehensive report on human resources by the end of May 2023, to be considered by the Assembly at its twenty-second session, which would include an update on the implementation of the recommendations on the topic made by the Committee in 2022;</li> <li>(c) requests the Court to include in that report an outline of its efforts to improve the recruitment process in seeking equitable</li> </ul>   | Geographical Representation and Gender Balance (GRGB) |

| Reference                        | Request or recommendation   | Referred to in the present report                          |
|----------------------------------|---|--|
|                                  | <p><i>geographical representation with a particular focus on candidates from non-represented and under-represented States Parties and gender balance, including annual recruitment data;</i></p> <p><i>(e) urges the Court to continue to seize the opportunities of the outstanding and future recruitment processes to implement measures that would contribute to the efforts of meeting the desirable ranges of geographical representation and gender balance;</i></p>                               |  |
| ICC-ASP/21/15, paras 277 and 278 | <p><i>277. The Committee observed with concern the limited recruitment capacity at the Court to cope with the proposed workforce posture, as well as the need for a Court-wide coherent human resources policy.</i></p> <p><i>278. The Committee decided to discuss the above-mentioned issues in the budget workshop during its forty-first session in May 2023.</i></p>   | Recruitment and Staff selection                            |
| ICC-ASP/21/15, para. 292         | <p><i>292. The Committee recognized the advantages provided by the United Nations Voluntary Programme, and recommended that the Court report, at its forty-first session in May 2023, on how it will be used as part of the human resources force, and whether amendments to the Staff Regulations and Rules will be required.</i></p>  | Human Resources activities at the Office of the Prosecutor |
| ICC-ASP/21/Res.2 para.130        | <p><i>130. Requests the Court to further devise mechanisms that can ensure in a more sustainable and systematic manner the funding of placements of interns and visiting professionals from developing regions, and further requests the Court to explore and propose modalities for implementing Junior Professional Officer (JPO) programmes for candidates from non- and under-represented States Parties, particularly from developing regions, to be funded through voluntary contributions.</i></p> | JPO<br>IVP Programme and Trust Fund for IVPs               |