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

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## I. Introduction

1. The Rome Statute provides that the International Criminal Court (“the Court”) shall ensure the highest standards of efficiency, competency and integrity, and shall have regard to fair representation of women and men for all positions, representation of the principal legal systems of the world for legal positions, and equitable geographical representation for positions in the professional category. The selection procedure is determined by the criteria set forth in articles 44(2) and 36(8) of the Rome Statute and resolution ICC-ASP/1/Res.10 of the Assembly of States Parties (“the Assembly”).
2. As decided by the Assembly, the system of desirable ranges applied by the Court is based on the system of the United Nations. The ranges are calculated on the basis of a State’s financial contribution to the budget of the Court and of a State’s population size, both criteria in relation to the total membership of the Rome Statute.
3. At its twentieth session, in resolution ICC-ASP/21/Res.2 on “Strengthening the International Criminal Court and the Assembly of States Parties”, the Assembly “request[ed] the Bureau to continue engaging with the Court to identify ways to improve equitable geographical representation and gender balance in professional posts, as well as to remain seized of the issue of geographical representation and gender balance, and to report thereon to the twenty-second session of the Assembly.”<sup>1</sup> The Assembly noted that “the facilitation on geographical representation and gender balance will assess and implement recommendations falling within its ambit”.<sup>2</sup> In addition, in resolution ICC-ASP/21/Res.4 on the “Review of the International Criminal Court and the Rome Statute System”, the Assembly requested “the relevant Assembly mandates designated as responsible for assessing and taking possible further action as appropriate on relevant recommendations to continue with the assessment and, where appropriate, implementation in 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”.<sup>3</sup>
4. The mandate on the issue of geographical representation and gender balance was allocated by the Bureau of the Assembly to the New York Working Group and Mr. Marvin Ikondere (Uganda) was appointed as facilitator on this issue by the Bureau at its second meeting on 14 February 2023.

## II. Discussions in the New York Working Group

5. The facilitation held two meetings during the intersessional period, open to States Parties, Observer States and civil society. Both meetings were held virtually to allow for the participation of the Court.
6. During the first meeting held on 8 November 2023, staff from the Human Resources Section of the Registry presented relevant aspects of the annual report of the Court on Human Resources Management,<sup>4</sup> as well as updated statistics and an overview of the Court’s efforts to achieve equitable geographical representation and gender balance. States Parties were also briefed on the discussions held during the Registry workshop on geographical representation and gender balance held on 30 October and 1 November 2023. Delegations stressed the need to reassess how geographical representation is assessed in the Court’s statistics and recalled its guidance to the Court of should include in its recruitment procedure an obligation to justify in writing the selection of candidates from over-represented States Parties and non-States Parties during the short-listing. States requested comprehensive data including the number/nationality of applicants for each new post.
7. During the second meeting held on 20 November, the facilitator briefed on his participation in the Registry workshop on geographical representation and gender balance. The Gender focal point noted the commitment of the Court’s senior management to continue improving gender parity and gender equality in the Court, underscoring the Gender Equality

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<sup>1</sup> ICC-ASP/21/Res.2, annex I, para. 13(d).

<sup>2</sup> ICC-ASP/21/Res.2, para. 133.

<sup>3</sup> ICC-ASP/21/Res.4, para. 10.

<sup>4</sup> ICC-ASP/21/7.

in the Workplace Strategy, and informed of further activities planned to further gender balance during 2024. Delegations commended the increased engagement of the Court to further geographical representation and gender balance, and welcomed the recruitment and appointment of the gender focal point.

8. The facilitator encouraged States Parties to attend the third meeting of the Study Group on Governance on 26 April 2023, during which IER recommendations R92, R95, R99, R101 and R103 were discussed with the involvement of the geographical representation and gender balance facilitation. During both meetings States Parties expressed their support for the IER recommendations related to geographical representation and gender balance.

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

### **III. Registry workshop on geographical representation and gender balance**

10. The facilitator participated in the internal workshop on geographical representation and gender balance held by the Registry on 31 October and 1 November 2023, which aimed to serve as a platform for in-depth discussions, leveraging the Court's available data to assess the current situation on geographical representation and gender balance. Its primary objective was to identify strategies and concrete proactive measures that would enhance geographical representation and gender balance in the Court in a comprehensive, systemic and sustainable manner, with the ultimate goal of adopting and implementing a strategic, legal and policy framework concerning geographical representation and gender balance. The workshop was attended by the Registry Management Team, representatives from the Court's Human Resources Section, [RLO, IOR] and the Focal Point for Gender Equality, Registry Section Chiefs, representatives of the Court Presidency and the Office of the Prosecutor (including the immediate Office of the Prosecutor, the Human Resources Section within the Office of the Prosecutor and [LAS]), the Secretariat of the Trust Fund for Victims and the Staff Union Council.

11. The findings and recommendations stemming from the workshop will be presented by the Registry to the Presidency of the Court and the Office of the Prosecutor for their consideration as part of the standard inter-organ consultation. Further to these consultations, the findings stemming from this workshop will be presented to States Parties and the Committee on Budget and Finance.

### **IV. Recruitment process**

12. As at 31 March 2022, the Court had 439 staff members from 95 different nationalities in established professional posts (excluding the three elected officials and language staff).<sup>5</sup>

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

<sup>5</sup> Information provided available in the Human Resources Section updated paper "HR Standard Statistics" dated 31 March 2023.

## V. Gender balance

14. As at 31 March 2023, gender breakdown for the Professional and higher grade staff was evenly distributed between female and male staff at 50 per cent.<sup>6</sup> Throughout the years, there had been stability regarding gender balance at the Court,<sup>7</sup> however, imbalance in the staff composition within some Court programmes<sup>8</sup> and severe under-representation of female staff in positions P-5 and above<sup>9</sup> had been identified. While 82.6 per cent of female staff hold lower grade levels in the Court (P-1, P-2 and P-3) as at 31 March 2023 female staff were severely under-represented at the higher levels: only 0.5 per cent of staff at the D-1 level were female, 4.9 per cent at the P-5 level, 12 per cent at the P-4 level, and 82.6 per cent at other levels.<sup>10</sup>

15. 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. 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.

16. 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.

17. 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

<sup>6</sup> ICC-ASP/22/15, para. 79.

<sup>7</sup> Ibid. Percentage of male and female staff per year: 2014: 53.5%-46.5%; 2015: 56.2%-43.8%; 2016: 52.9%-47.1%; 2017: 53.6%-46.4%; 2018: 52.8%-47.2%; 2019: 52.7%-47.3%; 2020: 48.1%-51.9%; 2021: 50.6%-49.4%.

<sup>8</sup> Ibid. Percentage of male and female staff per organ as of 31 March 2022: Judiciary: 37%-63%; Office of the Prosecutor: 52%-48%; Registry 50%-50%; Other Programmes had a small number of staff.

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

<sup>10</sup> ICC-ASP/22/15, Annex IV (2).

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.

18. In efforts linked to reshaping the Court's workplace culture, the Focal Point was made a permanent member of the Staff Wellbeing and Engagement Committee, 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. On 8 December 2022, the Court launched its first strategy on Gender Equality and Workplace Culture

25. (GEWC Strategy). 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. The strategy will be monitored regularly via the Court's Focal Point for Gender Equality and the Court's Staff Wellbeing and Engagement Committee, 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 key performance indicators, 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.<sup>11</sup>

31. At its forty-first resumed session, the Committee on Budget and Finance made observations regarding gender balance and recommended an update by the Court on gender balance issues as part of the Human Resources Management report at its forty-fourth session in 2024.<sup>12</sup>

## VI. Geographical representation

32. As at 31 March 2023, 95 nationalities were represented in the professional staff of the Court, of which: 19 nationalities were in balance with their targets; 29 nationalities were under-represented; 21 were over-represented; and 54 nationalities were not represented. The remaining 26 nationalities of the professional staff corresponded to States not Parties to the Rome Statute.<sup>13</sup>

33. As at 31 March 2023, in terms of absolute distribution, 71 staff were nationals from the African Group, 35 from the Asia-Pacific Group, 51 from the Eastern European Group, 33 from the Latin American and Caribbean Group (GRULAC), and 249 from the Western European and Others Group (WEOG).<sup>14</sup>

34. As at 31 March 2023, the number of staff per post, per region, was as follows:<sup>15</sup>

(a) D-1 (7): one from the Asia-Pacific Group, one from GRULAC, and five from WEOG, with the African and Eastern European Groups not represented;

(b) P-5 (38): seven from the African Group, one from the Asia-Pacific Group, three from the Eastern European Group, one from GRULAC, and 26 from WEOG; and

<sup>11</sup> Report of the Court on Human Resources Management, CBF/41/15, paras. 94-108.

<sup>12</sup> ICC-ASP/22/15, para. 78.

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

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

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

(c) P-4 (68): 11 from the African Group, six from the Asia-Pacific Group, six from the Eastern European Group, four from GRULAC, and 41 from WEOG.

35. From a broader perspective, 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.<sup>16</sup>

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

36. In comparison to the previous report on geographical representation and gender balance,<sup>17</sup> in 2022 there was a net increase of two staff from non-States Parties.<sup>18</sup>

37. It was observed that recruiting nationals of non-States Parties can be more expensive than hiring nationals of States Parties. According to the practice and fundamental principles of the International Civil Service, as determined by the Administrative Tribunal of the International Labour Organization (ILOAT), all employees of the Court are entitled to exemption from taxation on salaries, emoluments and allowances paid by the Court. The estimated tax liability for 2022 was €65 thousand, in relation to United States taxpayers on the payroll of the Court.<sup>19</sup>

38. At its forty-first resumed session, the Committee on Budget and Finance observed that the number of staff from non-States Parties had increased from 40 in 2016 to 60 in 2022, or by 50 percent.<sup>20</sup>

## VIII. Measures to improve geographical representation

39. The Court has informed States that 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.<sup>21</sup>

40. The Court has also informed States that it continued its efforts to improve geographical representation and gender balance of ICC staff by undertaking the following actions: 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

<sup>16</sup> ICC-ASP/22/15, para. 75.

<sup>17</sup> ICC-ASP/21/27.

<sup>18</sup> ICC-ASP/22/15, Annex III.

<sup>19</sup> Financial statements of the International Criminal Court for the year ended 31 December 2022 (ICC-ASP/22/12), item 13.2.

<sup>20</sup> ICC-ASP/22/15, Annex III.

<sup>21</sup> Report of the Court on Human Resources Management, CBF/41/15, para. 90.

dialogue for the Asia-Pacific region and encouraging students and young professionals from this region to consider a career at the Court.<sup>22</sup>

## IX. Interns, JPOs and visiting professionals

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

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

43. In 2022, the Court received a total of 215 new interns and visiting professionals, namely 165 interns and 50 visiting professionals. 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. In terms of gender distribution, 73 per cent were female and 27 per cent male<sup>23</sup>

44. 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.<sup>24</sup>

45. The Court advised that it had once again coordinated the implementation of the Legal Professional Programme (LPP), with funding from the European Commission. In 2022, the LPP saw placements for six new participants, and expected to support the recruitment of nine new Legal Professionals funded by the European Commission Grant.<sup>25</sup>

## X. Conclusions

46. States Parties and civil society have an interest in being kept updated regarding the fluctuations of staffing at the Court, from the perspective of geographical representation and gender balance. It was stressed that a fair representation of male and female staff and equitable geographical distribution benefits the Court by ensuring diversity of perspective which, internally, increases the creativity in the work environment and, externally, remains crucial to address perception challenges and advance the universality of the Rome Statute.

47. Gender balance was achieved amongst the Professional-level staff of the Court. However, there is a severe imbalance at the senior Professional levels, with women underrepresented at the D-1, P-5 and P-4 levels. The Court should continue its efforts to narrow this gap and report on its activities in this regard.

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

<sup>22</sup> Report of the Court on Human Resources Management, CBF/41/15, para. 87.

<sup>23</sup> Report of the Court on Human Resources Management, CBF/41/15, paras. 125, 127-128.

<sup>24</sup> Report of the Court on Human Resources Management, CBF/41/15, para. 129.

<sup>25</sup> Report of the Court on Human Resources Management, CBF/41/15, paras. 131-132.

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

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

## **XI. Recommendations**

### **A. To the Court**

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

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

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

54. Vacancy announcements should:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Annex I

### Proposed text for inclusion in the omnibus resolution

1. The following paragraphs of the 2022 omnibus resolution (ICC-ASP/21/Res.2), located in in the section on the recruitment of staff, are to be amended as follows:

125. *Takes note* of the Court's report on Human Resources Management,<sup>1</sup> and requests the Court to further strengthen its efforts, in the recruitment of staff, to seek equitable geographical representation with a particular focus on candidates from non-represented and under-represented 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;

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 under-represented States Parties and gender balance to the Assembly at its twenty-second ~~second~~ **third** session, including, but not limited to, improvements in the recruitment process and annual recruitment data;

**126bis Welcomes the initiative by the Registry to hold a two-day Workshop on Geographical Representation and Gender Balance (GRGB) in order to assess the current situation and to identify strategies and concrete proactive measures to significantly enhance GRGB in a comprehensive, systemic, and sustainable manner;**

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

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

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

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;*~~

131. *Welcomes* the Court-wide, Office of the Prosecutor, ~~and Registry~~ **and Trust Fund for Victims Strategic Plans for 2019-2021 and their extension into 2022-2023-2025**, and their ~~three-year programme of action~~ **strategic goals** to improve the geographical representation and gender balance as one of the Court's priorities;

<sup>1</sup> ICC-ASP/21/7 CBF/41/15.

<sup>2</sup> ICC-ASP/2022/2931.

132. *Further welcomes* the consultations that took place in 2022 with a view to the adoption, ~~by December 2022,~~ of the Court's first Strategy on Gender Equality and Workplace Culture **on 8 December 2022**, aimed at enhancing and reinforcing policies and conditions of employment at the Court from a gender perspective, in the context of the Court-wide and organ-specific Strategic Plans for 2023-2025, all of which take into account the relevant recommendations of the Independent Expert Review of the International Criminal Court and the Rome Statute System;

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

2. Paragraph 13 of annex I (Mandates) of the 2022 omnibus resolution (ICC-ASP/21/Res.2) is replaced by the following:

With regard to **recruitment of staff**,

(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;

(b) *requests* the Court to submit to the Assembly a comprehensive report on human resources by the end of May ~~2023~~**2024**, to be considered by the Assembly at its twenty-~~second~~**third** session, which would include an update on the implementation of the recommendations on the topic made by the Committee in ~~2022~~**2023**;

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

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

(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;

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<sup>3</sup> [https://asp.icc-cpi.int/iccdocs/asp\\_docs/ASP20/RM-Comprehensive%20Action%20Plan-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive%20Action%20Plan-ENG.pdf).