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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 twenty-second session, in resolution ICC-ASP/22/Res.3 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-third session of the Assembly.”¹ The Assembly noted that “the facilitation on geographical representation and gender balance will assess and implement [Independent Expert Review] recommendations falling within its ambit”.² In addition, in resolution ICC-ASP/22/Res.6 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, where necessary, to oversee implementation of the recommendations in 2024 and to submit to the Bureau the outcome of their consideration, including on action already taken and proposals for next steps, by 15 November 2024”.³

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 on 28 December 2023, and Mr. Marvin Ikondere (Uganda) was re-appointed as facilitator on this issue by the Bureau on 6 March 2024.

II. Discussions in the New York Working Group

5. The facilitation held two meetings⁴ during the intersessional period, open to States Parties, Observer States, the Court and non-governmental organizations.

6. During the first meeting, held on 29 May 2024, staff from the Human Resources Section of the Registry presented relevant aspects of the annual report of the Court on Human Resources Management,⁵ as well as updated statistics and an overview of the Court’s efforts to achieve equitable geographical representation and gender balance. The Gender and Equality Focal Point of the Court participated in the meeting and provided an update on her work and on the progress and actions undertaken at the Court following the introduction of the Court’s first Gender Equality and Workplace Culture Strategy at the beginning of 2023. States Parties were also briefed on the implementation of the outcomes of the Registry workshop on geographical representation and gender balance held in 2023. An intra-Registry working group had been established to further explore the findings and recommendations from the workshop, and to translate them into concrete actions within a coherent and comprehensive strategy, as well as to monitor progress on the identified action points.

¹ ICC-ASP/21/Res.3, annex I, para. 13(d).

² ICC-ASP/22/Res.3, para. 129.

³ ICC-ASP/22/Res.6, para. 8.

⁴ 29 May and 31 October 2024.

⁵ ICC-ASP/23/2.

7. The facilitator participated in the meeting of the Study Group on Governance on 4 June 2024, during which the Court provided an update on the implementation of Independent Expert Review (IER) recommendations R92, R95, R99, R101 and R103.

8. At the meeting on 31 October 2024, States Parties noted the discussions in the context of the Review Mechanism on the implementation, as of 1 January 2025, of a tenure policy for staff at the P-5 and Director levels. The tenure policy would likely lead to increased turnover at senior levels, and could therefore have a beneficial impact on the geographical representation and gender balance in the staff of the Court over time.

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. Recruitment process

10. As at 31 March 2024, the Court had 430 staff members from 97 different nationalities in established professional posts (excluding the elected officials and language staff).

11. Representatives of the Human Resources Section provided States with background information regarding the functioning of the recruitment process and measures to improve geographical representation and gender balance amongst the staff of the Court. Recruiting the most qualified and diverse staff continued to be a priority for the Court. The Court continued its efforts to redress geographical representation and gender balance and pursue a more diverse and inclusive approach to the recruitment and selection of staff. The Court highlighted a few of the efforts in this regard: a) all members of recruitment panels were required to undertake training on unconscious bias; b) updated information on geographical representation was disseminated to all recruitment panels; c) social media was used to actively source qualified candidates with desirable profiles to increase the pool of applicants, using targeted and tailored outreach materials; and d) HRS staff joined career fairs to raise awareness of the Court among under and non-represented States Parties.

IV. Gender balance

12. As at 31 March 2024, the gender breakdown for the Professional and higher grade staff was 47.1 per cent female staff and 52.9 per cent male staff.⁶ An imbalance remained in managerial and more senior positions. As at 31 March 2024, only 29 per cent of staff at the D-1 level were female, 40 per cent at the P-5 level, 40 per cent at the P-4 level.⁷ The Human Resources Section continued to work closely with the Court's Focal Point for Gender Equality to redress the imbalance and to further efforts towards more inclusive representation of both genders and nationalities.

13. At its forty-fourth session, the Committee on Budget and Finance made observations regarding gender balance, noting that the gap between males and females persisted during the period 2018-2023; females far outnumbered males in the lower levels (P-1, P-2 and P-3), whereas males dominated the higher levels, i.e., P-4, P-5 and D-1.⁸ The Committee recommended that the Court continue its efforts towards redressing the gender and geographical imbalances, including conducting specific outreach to improve gender parity in leadership positions. The Committee recommended an update on this as part of the Human Resources Management report in 2025, including gender disaggregated data on recruitment, appointments and resignations for P-4 level and above.⁹

⁶ ICC-ASP/23/15, annex IV.

⁷ ICC-ASP/23/15, annex IV.

⁸ ICC-ASP/23/15, para. 66.

⁹ ICC-ASP/23/15, para. 69.

V. Geographical representation

14. As at 31 March 2024, 97 nationalities were represented in the professional staff of the Court, of which: 15 nationalities were in balance with their targets; 34 nationalities were under-represented; 22 were over-represented; and 53 nationalities were not represented. The remaining 26 nationalities of the professional staff corresponded to States not Parties to the Rome Statute.¹⁰

15. As at 31 March 2024, in terms of absolute distribution, 70 staff were nationals from the African Group, 36 from the Asia-Pacific Group, 49 from the Eastern European Group, 35 from the Latin American and Caribbean Group (GRULAC), and 240 from the Western European and Others Group (WEOG).¹¹

16. As at 31 March 2024, the number of staff per post, per region, was as follows:¹²

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

(b) P-5 (36): six from the African Group, two from the Asia-Pacific Group, three from the Eastern European Group, and 25 from WEOG, with GRULAC not represented; and

(c) P-4 (70): 12 from the African Group, six from the Asia-Pacific Group, six from the Eastern European Group, five from GRULAC, and 41 from WEOG.

17. At its forty-fourth session, the Committee on Budget and Finance observed¹³ that there had been a decline in the number of imbalanced States during the five-year period from 2018 to 2023. Specifically, the over-represented group decreased by six, while the under-represented group saw a significant increase of 12. The non-represented category had remained stagnant, while the number of non-ratified States had increased by two.

VI. Recruitment of nationals from non-States Parties

18. 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 2023 was €126 thousand, in relation to United States taxpayers on the payroll of the Court.¹⁴

19. At its forty-fourth session, the Committee on Budget and Finance observed that the number of staff from non-States Parties had increased by two.¹⁵

20. States Parties noted that a possible moratorium on the recruitment of staff from non-States Parties was under discussion in the context of the Review Mechanism.

VII. Interns, JPOs and visiting professionals

21. Geographical representation and gender balance was also desirable in the selection of interns, visiting professionals (IVPs) and Junior Professional Officers (JPOs), particularly because IVPs and JPOs are potential candidates for professional postings. Measures aimed at promoting equitable geographical distribution in these programmes could therefore have a positive impact in the diversification of the pool of applicants for professional postings.

22. 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

¹⁰ ICC-ASP/23/15, annex III.

¹¹ ICC-ASP/23/15, annex III.

¹² ICC-ASP/23/15, annex III.

¹³ ICC-ASP/23/15, para. 63.

¹⁴ Financial statements of the International Criminal Court for the year ended 31 December 2023 (ICC-ASP/23/12), item 13.2.

¹⁵ ICC-ASP/23/15, para. 63.

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.

23. In 2023, the Court received a total of 194 new interns and visiting professionals: 134 interns and 60 visiting professionals. Of the 194 IVPs who undertook a placement with the Court in 2023, 65 per cent came from WEOG states, 11 per cent from GRULAC states, 5 per cent from Eastern Europe, 7 per cent from Asia Pacific and 12 per cent from Africa. In terms of gender distribution, 76 per cent were female and 24 per cent male.¹⁶

24. The Court advised that it had once again coordinated the implementation of the Legal Professionals Programme (LPP), with funding from the European Commission. In 2023, the LPP saw placements for nine new participants.¹⁷

VIII. Conclusions

25. 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 addressing perception challenges and advancing the universality of the Rome Statute.

26. 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.

27. 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.

28. It was noted that a possible moratorium on the recruitment of staff from non-States Parties was under discussion in the context of the Review Mechanism.

29. 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.

IX. Recommendations

A. To the Court

30. 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.

31. 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.

¹⁶ ICC-ASP/23/2, paras. 152-154.

¹⁷ ICC-ASP/23/2, para. 157.

32. 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.

33. 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.

34. 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.

35. 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.¹⁸

B. To the Assembly and States Parties

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

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

¹⁸ The Court should include in their annual Human Resources Management report comprehensive data presenting the number and nationality of applicants for new posts and update it regularly, with an explanation of how geographical representation and gender balance is considered in the recruitment process.

Annex I

Proposed text for inclusion in the omnibus resolution

1. The following paragraphs of the 2023 omnibus resolution (ICC-ASP/22/Res.3), located in in the section on the recruitment of staff, are to be amended as follows:

121. *Takes note* of the Court's report on Human Resources Management¹ 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;

122. *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-fourth session, including, but not limited to, improvements in the recruitment process and annual recruitment data;

123. *Welcomes* the efforts by the Registry to implement the outcomes of the Workshop on Geographical Representation and Gender Balance (GRGB) held in 2023;

124. *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;²

125. *Urges* States Parties to continue 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;

126. *Recalls* 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, *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;

127. *Also recalls* the Court-wide, Office of the Prosecutor, Registry and Trust Fund for Victims Strategic Plans for 2023-2025, and their strategic goals to improve geographical representation and gender balance as one of the Court's priorities;

128. *Further recalls* the adoption of the Court's first Strategy on Gender Equality and Workplace Culture on 8 December 2022;

2. Paragraph 13 of annex I (Mandates) of the 2023 omnibus resolution (ICC-ASP/22/Res.3) is to be 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 forty-fourth session and *urges* the Court to take the necessary steps to implement it;

¹ ICC-ASP/23/2.

² ICC-ASP/23/28.

(b) *requests* the Court to submit to the Assembly a comprehensive report on human resources by the end of May 2025, to be considered by the Assembly at its twenty-fourth session, which would include an update on the implementation of the recommendations on the topic made by the Committee in 2024;

(c) *also 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-fourth 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;
