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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**

Note by the Secretariat

Pursuant to paragraph 38 of resolution ICC-ASP/8/Res.3, of 26 November 2009, the Bureau of the Assembly of States Parties hereby submits for consideration by the Assembly the report on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court. The present report reflects the outcome of the informal consultations held by the New York Working Group of the Bureau with the Court.

I. Introduction

1. The report of the Bureau on the equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court (“the Court”)¹ was considered by the Assembly of States Parties (“the Assembly”) on November 21, 2008. The Assembly endorsed the recommendations contained therein and recommended that the Bureau “continue to engage the Court to identify ways to improve equitable geographical representation within the existing model, without prejudice to any future discussions on the suitability, or otherwise, of the current model, as well as to remain seized of the issue of geographical representation and gender balance and to report thereon to the ninth session of the Assembly.”²
2. The facilitator, Mr. Eden Charles (Trinidad and Tobago), prepared an interim report which was submitted for the consideration of the New York Working Group. This report was taken note of during the eighth session of the Assembly of States Parties.³
3. The facilitator convened informal consultations on 28 October 2010 with a view to preparing an updated report on the subject for the consideration of the New York Working Group. Bilateral consultations were also held with some delegations in order to ascertain their views. The facilitator also received inputs from some delegations via electronic mail.
4. At the informal consultations, the Registrar of the Court, Ms. Silvana Arbia, provided an update on the efforts of her office to address the issue of geographical representation and gender balance within existing resources. These efforts had resulted in an increase in the number of female African counsel on the list of defence counsel. These lawyers had also been provided with relevant training.
5. The Registrar also indicated that the Human Resources Section had visited a few of the underrepresented States Parties to advise on the best methods of applying for positions at the Court. As a result, the Court had received 8,622 applications from January to September 2010 in comparison with 13,902 applications received during 2009.⁴
6. She also highlighted efforts undertaken to ensure that geographical representation and gender balance are duly taken into account when selecting participants for the Internship and Visiting Professionals programme.
7. A suggestion was made during the informal consultations on 28 October 2010 that the low attendance at the consultations might be a reflection of the impression among delegations that all was well with the progress made, which was reflected in the figures concerning geographical representation and gender balance in the recruitment of staff.
8. The facilitator noted that while any progress was welcomed, States would be requested to provide additional comments on the updated figures. He also called upon States to provide comments regarding the application of the United Nations model by the Court in its recruitment of staff. Comments were also received electronically from States Parties.

¹ ICC-ASP/7/21.

² *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Seventh session, The Hague, 14-22 November 2008* (ICC-ASP/7/20), vol. I, part III, ICC-ASP/7/Res/3, para. 27.

³ Report of the Bureau on equitable geographical representation and gender balance in the recruitment of staff of the International Criminal Court (ICC-ASP/8/47).

⁴ ICC Staff report situation 30 September 2010.

II. Findings

9. Statistics provided show that females comprise 49.58 per cent of the Court's professional staff, while males comprise 50.42 per cent, a disparity of three persons.⁵

10. The most recent data illustrates that 178 males and 175 females are among the Professional and Director levels of staff. Of the entire Court staff however, there is a disparity of 507 males and 444 females, with the largest difference being in the category of established positions at the Court.⁶

11. Based on the current number of States Parties to the Rome Statute, the Court projects to recruit 12.57 per cent of its staff from Africa, 18.54 per cent from Asia, 8.28 per cent from Eastern Europe, 14.24 per cent from Latin America and the Caribbean (GRULAC) and 46.38 per cent from Western European other States (WEOG).⁷ The statistics provided by the Court reveal that, as at 12 October 2010, 27 States are overrepresented, 18 are in balance, 13 are underrepresented, while 56 are not represented.⁸

12. As at 30 September 2010, 15.46 per cent of staff had been recruited from African States, 6.94 per cent from Asian States, 6.94 per cent from Eastern European States, 8.52 per cent from Latin America and Caribbean States (GRULAC), and 62.15 per cent from Western European and other States (WEOG).⁹

13. Delegations reiterated the point that the Court should give preference to the employment of nationals from States Parties and signatories to the Rome Statute. It was also agreed that applications should be received from other States.¹⁰

III. Recommendations

1. The Court should continue to build on the strides it has made in the recruitment of female staff, particularly at senior levels.
2. The Court should address the disparity which exists in the employment of staff at other levels in the establishment.
3. The Human Resources Section of the Court should, within existing resources, continue to make visits to underrepresented States in an effort to create greater awareness of employment opportunities at the Court.
4. The Court should continue to disseminate information regarding vacancies through various media.
5. The Court should employ pervasive and persistent measures to disseminate information regarding vacancies in regions that are underrepresented in order to attract nationals from as many States as possible, thereby assisting with the universality of the Rome Statute.
6. The Court should give preference to the employment of nationals of States Parties and signatories to the Rome Statute, while also continuing to accept applications from nationals from other States when necessary.
7. Efforts should be made to expand the Internship and Visiting Professionals Programme. Interns with the requisite skills should be evaluated with a view to being hired to fill vacancies which may arise.
8. The Court should consider adopting alternative models as the existing United Nations model appears not to result in the achievement of equitable geographical representation and gender balance in the recruitment of staff.¹¹

⁵Ibid.

⁶Ibid.

⁷Ibid.

⁸ Geographical distribution as of 12 October 2010.

⁹ ICC Staff report situation 30 September 2010.

¹⁰ *Official Records ... First session... 2002* (ICC-ASP/1/3), part IV, ICC-ASP/1/Res.10, annex, para. 4.

¹¹ Report of the Bureau on geographical representation and gender balance in the recruitment of staff of the International Criminal Court (ICC-ASP/6/22/Add.1), annex XII.

9. The Court should continue to attract and retain the most experienced and best qualified staff, including by keeping under review their terms and conditions of service.
10. The Court should continue to use various media identified in the facilitator's interim report in order to disseminate information on vacancies.
11. The Court should be given a timeframe of one year within which to address some of the outstanding issues on the subject and report thereon to the Assembly of States Parties at its tenth session.
