

## **Recommendations<sup>1</sup> on ICC Recruitment of the International Criminal Court for the Fifth Session of the Assembly of States Parties**

- ICC Recruitment Team of the Coalition for the International Criminal Court (CICC) -

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The staff members of an organization implement its mandate and are a necessary and vital condition for the organization to function fairly and effectively. In that context, the Coalition for the International Criminal Court analyzes certain aspects of the human resources policies and practices at the ICC with a view to submitting recommendations for improvement.

The activities of the Issue Team on ICC Recruitment currently focus on gender balance and geographical representation.

### **Gender balance**

Regarding gender balance at the Court, the Team *observes* that:

- There is a 12% gap between men (56%) and women (44%) in the appointment to professional posts across the Court. The largest difference is in the appointment of men and women to senior professional (P4 – P5) posts. Women occupy 2 of 12 Head of Section positions (or their equivalents) in the OTP. Women occupy 7 of 19 Head of Section positions (or their equivalents) in the Registry.
- Because most of the women appointed are concentrated in lower level professional (P1 – P3) posts, they have far less access to and participation in the fora and structures where crucial decisions are made on a day to day basis regarding the substantive work of the Court. This has not changed from 2005, and the continuous under-representation of women in decision-making roles will further reinforce their marginalization in other areas.
- Despite explicit mandates within the Rome Statute for legal expertise in relation to sexual and gender violence, and expertise in trauma also related to sexual and gender violence, not a single position has been recruited by the Court with this expertise as the *primary* criteria.
- The position of Gender Legal Advisor, obligated under Article 42(9) of the Rome Statute, has not been appointed. The position was advertised in December 2005 as an amalgamation of the Head of Legal Advisory Section and joint Gender Legal Advisor role. Despite the application of qualified candidates, no one has been interviewed nor appointed for the position.

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<sup>1</sup> While the work of the ICC Recruitment Team reflects the positions of those Coalition members most active on particular issues and this paper has been prepared in consultation with other Coalition teams, this paper cannot be construed to represent the views of all organizations/members of the CICC. Since the Rome Diplomatic Conference, Coalition members have organized themselves into teams, one to follow each working group or theme of the intergovernmental process. Coalition teams now follow issues addressed by the Assembly of States Parties or its subsidiary mechanisms and by the International Criminal Court. Teams provide a forum within which interested members discuss issues, follow developments, elaborate relevant research and positions in response to developments, and elaborate and implement advocacy strategies in relation to those positions. All Coalition members are welcome to join any teams and all Coalition members are regularly apprised of the work of the teams.

The Team *recommends* the Assembly of States Parties at its Fifth Session to:

- Urge the Court to appoint a **Gender Legal Advisor** as a matter of urgency and aim to have the candidate in place by March 2007.
- Request the Registry of the Court to implement ‘best practice’ in recruitment programs encouraging those involved in recruitment to undergo training on potential discrimination which may be taking place (i.e. in relation to establishing criteria, advertising positions, reviewing CVs, recognizing diverse expertise and interviewing).
- Request the Human Resources Section of the Court to place greater emphasis on recruiting expertise (both legal and trauma) in relation to sexual and gender violence across all three organs of the Court, seeking candidates with a background in dealing with or representing victims of gender based violence by indicating this preference on the website and on the application form.
- Urge the Registry of the Court to initiate affirmative action strategies to promote applications to the List of Counsel from candidates amongst women’s lawyer associations, women judges associations and women’s networks within other judicial associations such as the IBA, IBC and IAP; and to provide additional resources to make these activities possible.
- Request the Registry of the Court to seek information about candidates’ experience representing victims of gender based crimes on the application form for List of Counsel, explicitly encourage applications from lawyers with this experience on the ICC website and develop a “FAQ” page on the ICC website to promote a better understanding of the application process.
- Establish by the ASP 2007, a **Gender Sub-Committee** of States Parties to monitor implementation of the gender mandates in the Rome Statute.

### **Geographical Representation**

The ICC implements a system of geographical representation to ensure an equitable representation of the nationalities of the States Parties. The system is a carbon copy of the system implemented at the United Nations Secretariat.

As the ICC has a very specific mandate and many observers have noted that the representation of nationals from Africa is relatively limited given the fact that most of the Court’s work takes place in the region.

Representation of States Parties and regions within staff is a powerful way to ensure legitimacy of the organization as a whole. Consequently, it is important that the ICC is equipped with a system of geographical representation that reflects the organization’s membership and work.

The Coalition’s Issue Team on ICC Recruitment recommends the Assembly of States Parties at its Fifth Session to:

- Take note of the research produced by the CICC and the scenarios suggested regarding geographical representation of ICC staff (attached).
- Adopt or further develop a system of geographical representation that better reflects the membership and the work of the Court.