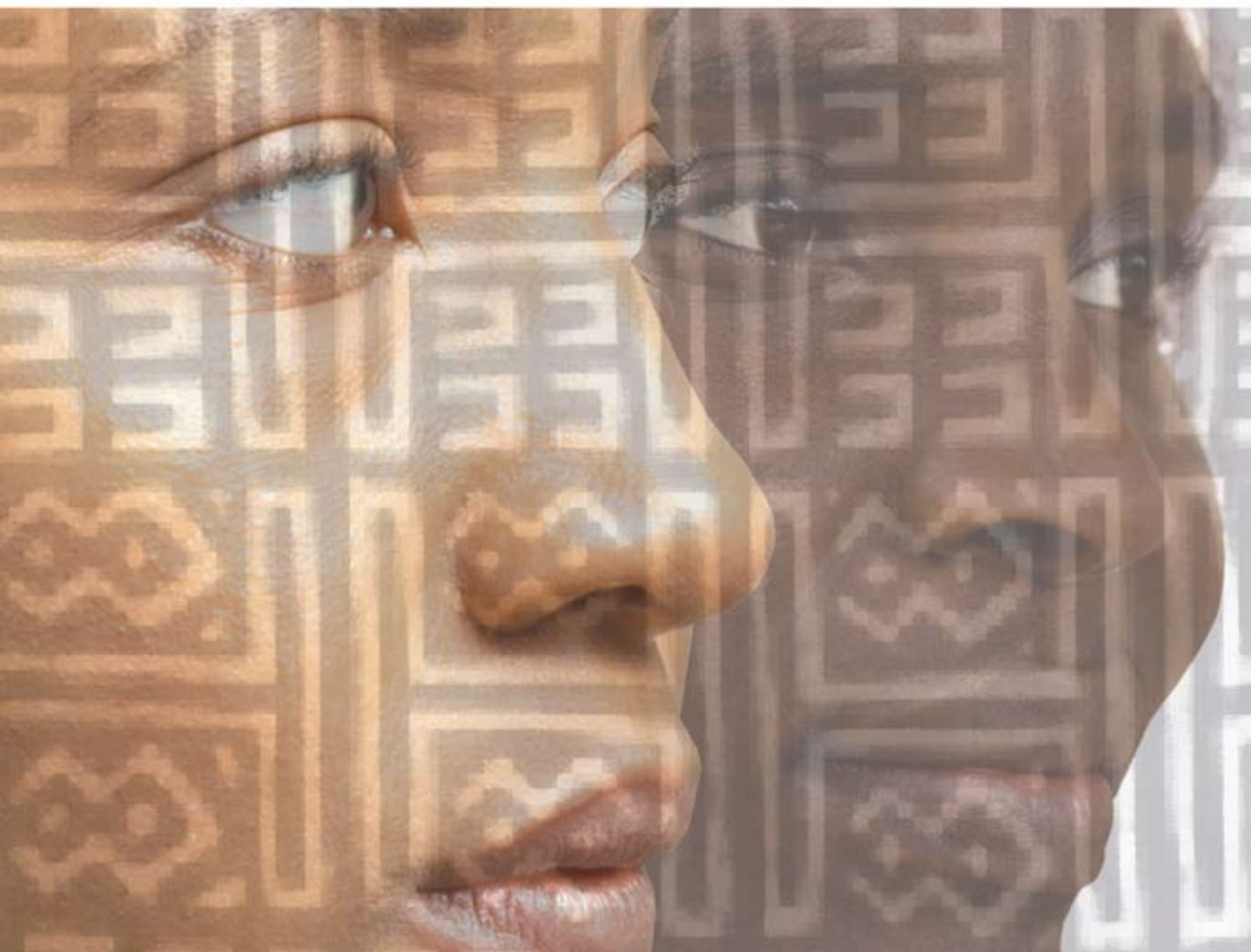


Women's Initiatives for Gender Justice

gender²⁰⁰⁸
report card

ADVANCE PRELIMINARY REPORT

structures &
institutional development
of the international criminal court



The Women's Initiatives for Gender Justice is an international women's human rights organisation which advocates for gender justice through the International Criminal Court (ICC) and works with women most affected by the conflict situations under investigation by the ICC.

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Introduction

Welcome to the *Advance Preliminary Report – Structures and Institutional Development of the International Criminal Court 2008*.

Based in The Hague, the Netherlands, the International Criminal Court (ICC) is the first permanent criminal court established to prosecute war crimes, crimes against humanity and genocide.

The purpose of this *Advance Report* is to assess the implementation by the ICC of the Rome Statute, the Rules of Procedure and Evidence and resolutions of the Assembly of States Parties, in particular the gender mandates they embody in relation to the structures and institutional development of the Court. At the time of the Rome Statute negotiations, States identified some of the institutional criteria required for the Court to be a gender-competent institution. An overview of these can be found on pages 4-5.

The report provides a detailed assessment of institutional developments at the ICC including the geographical and gender profile of the institution in relation to recruitment, management positions, appointments to the List of Counsel and related bodies, the financial status and management of the Court, and the developments in the administration of the Trust Fund for Victims.

Included is an analysis of trends and substantive recommendations to improve and strengthen the internal capacity of the ICC as an institution for gender-inclusive justice. It is clear that structural and institutional capacity go hand-in-hand with the ability of the Court to carry out its substantive work. The latter is dependent upon the former. The strongest indication of the Court's potential to implement its mandate is the capacity of its human, structural and financial resources.

While implementing the Rome Statute is a task we all share, it is the particular responsibility of the Assembly of States Parties (ASP) and the ICC. This *Advance Report* is an assessment of the progress to date in implementing the Statute, and its related instruments, in concrete and pragmatic ways, to establish a Court that truly embodies the Statute upon which it is founded and is a mechanism capable of providing gender-inclusive justice.

In addition to this *Advance Report*, in January 2009 we will launch the comprehensive *Gender Report Card on the ICC 2008*.

Structures

Presidency, Judiciary, Office of the Prosecutor, Registry¹

The Rome Statute creates the International Criminal Court (ICC) which is composed of four organs²:

- the Presidency
- the Judiciary (an Appeals Division, a Trial Division and a Pre-Trial Division)
- the Office of the Prosecutor (OTP), and
- the Registry

The Presidency is composed of three of the Court's Judges, elected by an absolute majority of the Judges, who sit as a President, a First Vice-President and a Second Vice-President. The Presidency is responsible for 'the proper administration of the Court, with the exception of the Office of the Prosecutor'.³

The judicial functions of each Division of the Court are carried out by Chambers. The Appeals Chamber is composed of five Judges. There may be one or more Trial Chambers, and one or more Pre-Trial Chambers, depending on the workload of the Court. Each Trial Chamber and Pre-Trial Chamber is composed of three Judges. The functions of a Pre-Trial Chamber may be carried out by only one of its three Judges, referred to as the single Judge.⁴ There are a total of 18 Judges in the Court's three divisions.

The Office of the Prosecutor (OTP) has responsibility for 'receiving referrals, and any substantiated information on crimes within the jurisdiction of the Court, for examining them and for conducting investigations and prosecutions before the Court'.⁵

The Registry is responsible for the 'non-judicial aspects of the administration and servicing of the Court'.⁶ The Registry is headed by the Registrar. The Registrar is responsible for setting up a Victims and Witnesses Unit (VWU) within the Registry. The VWU is responsible for providing, in consultation with the OTP, 'protective measures and security arrangements, counselling and other appropriate assistance for witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witnesses'.⁷

1 Footnote references in this section pertain to the Rome Statute of the International Criminal Court.

2 Article 34 Part IV outlines the composition and administration of the Court in more detail covering Articles 34-52.

3 Article 38.

4 Article 39.

5 Article 42(1).

6 Article 43(1).

7 Article 43(6).

Gender Equity

The Rome Statute requires that, in the selection of Judges, the need for a ‘fair representation of female and male judges’⁸ be taken into account. The same principle applies to the selection of staff in the Office of the Prosecutor (OTP) and in the Registry.⁹

Geographical Equity

The Rome Statute requires that, in the selection of Judges, the need for ‘equitable geographical representation’¹⁰ be taken into account in the selection process. The same principle applies to the selection of staff in the OTP and in the Registry.¹¹

Gender Expertise

Expertise in Trauma

The Registrar is required to appoint staff to the Victims and Witnesses Unit (VWU) with expertise in trauma, including trauma related to crimes of sexual violence.¹²

Legal Expertise in Violence Against Women

The Rome Statute requires that, in the selection of Judges and the recruitment of ICC staff, the need for legal expertise in violence against women or children must be taken into account.¹³

Rule 90(4) of the Rules of Procedure and Evidence (RPE) requires that, in the selection of common legal representatives for the List of Legal Counsel, the distinct interests of victims are represented. This includes the interests of victims of crimes involving sexual or gender violence and violence against children.¹⁴

Legal Advisers on Sexual and Gender Violence

The Prosecutor is required to appoint advisers with legal expertise on specific issues, including sexual and gender violence.¹⁵

Trust Fund for Victims

The Rome Statute requires the establishment of a Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court, and for their families.¹⁶

8 Article 36(8)(a)(iii).

9 Article 44(2).

10 Article 36(8)(a)(ii).

11 Article 44(2).

12 Article 43(6).

13 Articles 36(8)(b) and 44(2).

14 Article 68 (1).

15 Article 42(9).

16 Article 79; see also Rule 98 RPE.

ICC Staff

Recruitment of ICC Staff ¹⁷		men	women
Overall staff ¹⁸ (professional, general and elected officials)		52%	48%
Overall professional posts ¹⁹ (including elected officials)		52%	48%
Judiciary	Judges ²⁰	59%	41%
	Overall professional posts ²¹ (excluding Judges)	42%	58%
OTP overall professional posts ²²		58%	42%
Registry overall professional posts ²³		48%	52%

Executive Committee and Senior Management		men	women
Judiciary	Presidency	67%	33%
OTP	Executive Committee ²⁴	50%	50%
	Heads of Division ²⁵	33%	67%
	Heads of Sections ²⁶	79%	21%
Registry	Heads of Divisions ²⁷	100%	0%
	Heads of Sections ²⁸	53%	47%

17 Figures as of 31 July 2008. Information provided by the Human Resources Section of the ICC.

18 This overall figure represents a 2% increase in female appointments from 2007. The total number of overall staff (professional, general service and elected officials) at the ICC is 590.

19 There has been a 3% increase in female appointments to professional posts when compared with 2007. The total number of professional posts is 291 (49% of the overall staff).

20 During the 6th session of the Assembly of States Parties in 2007, elections were held to fill three judicial vacancies. Three out of five candidates were women, one woman was ultimately elected. With the resignation of Judge Navanethem Pillay on 31st of August, the number of female Judges was reduced to 7. There are currently 17 Judges on the bench of the ICC.

21 This represents a 6% increase of women in professional posts in the Judiciary, when compared with 2007.

22 This represents a 4% increase, from 2007, of women in professional posts in the OTP. There is a 16% difference between male and female appointments (24% in 2007). Despite this improvement, the male/female differential is still significant starting from the P3 level: P3 – 9 women and 25 men; P4 – 9 women and 14 men; P5 – 2 women and 8 men. It is only in the P1 level that women outnumber men with 11 women and 5 men. The P2 level has both 22 women and 22 men.

23 This represents a 2% increase from 2007 of women in professional posts in the Registry. Appointments from P1 to P4 levels are balanced for men and women. However men outnumber women in senior positions, with more than double the number of men at the P5 level (3 women and 7 men) and twice as many men at D1 level (1 woman and 2 men).

24 The Executive Committee is composed of the Prosecutor and the three Heads of Division in the OTP. Note that the Head of Division (Investigations) resigned in 2007. The post is filled by an acting Head of Division (male).

25 This figure is the same as 2007. The post of the Deputy Prosecutor (Investigations) is still vacant.

26 There were no women Head of Sections or equivalent posts in 2007. This figure represents a 21% increase from 2007. Last year 46% of Heads of Sections or equivalent posts were vacant. In 2008, all these posts are filled. Despite this, women are still underrepresented in senior positions within the OTP.

27 All three Divisions at the Registry are headed by men. The Head of the Division of Victims and Counsel was appointed Deputy Registrar on 9th September 2008 and continues to hold the post of Head of Division. The position of Deputy Registrar is a new post.

28 Out of 23 Heads of Sections and equivalent posts in the Registry, there are four vacant posts (17%). Of the 83% of posts that are filled, 53% are occupied by men and 47% by women.

ICC-Related Bodies		men	women
Trust Fund for Victims	Board of Directors ²⁹	80%	20%
	Secretariat ³⁰	27%	73%
ASP Bureau	Executive ³¹	67%	33%
	Secretariat ³²	33%	67%
Investment Court Premises (1 person) ³³		100%	0%

Disciplinary Boards		men	women
Disciplinary Advisory Board ³⁴ (internal)		67%	33%
Appeals Board ³⁵ (internal)		67%	33%
Disciplinary Board for Counsel ³⁶		33%	67%
Disciplinary Appeals Board for Counsel ³⁷		100%	0%

29 ICC-ASP/5/28/Add.1.

30 Figure as of 21 August 2008. Information provided by the Secretariat of the Trust Fund for Victims.

31 Figure as of 1 October 2007.

32 Figure as of 1 October 2007.

33 Figure as of 1 October 2007.

34 Figure as of 2 July 2008. Information provided by ICC Human Resources Section. The figure in the table represents the gender breakdown for the three members of the Board. Note that the Disciplinary Board has six supplementary members (three women and three men), a Secretary (female) and a supplementary Secretary (male).

35 Figure as of 2 July 2008. Information provided by ICC Human Resources Unit. The figure in the table represents the gender breakdown for the three members of the Board. Note that the Appeals Board has six supplementary members (three women and three men), a Secretary (female) and a supplementary Secretary (male).

36 The Disciplinary Board for Counsel is composed of two permanent members, both female, and one male alternate member. Article 36 of the Code of Professional Conduct for Counsel outlines the composition and management of the Disciplinary Board.

37 The Disciplinary Appeals Board for Counsel is composed of two male permanent members and one male alternate.

Geographical and Gender Equity among Professional Staff³⁸

The 'Top 5' by Region and Gender and the 'Top 10' overall³⁹

(includes elected officials, excludes language staff)

WEOG⁴⁰			58% overall (151 staff)	51% men (77)	49% women (74)
<i>Western European and Others Group</i>	'Top 5' countries in the region (range from 12 – 24 professionals)	'Top 5' countries by gender (range 5 – 15 female professionals)			
	1 France [24] ⁴¹ 2 United Kingdom [20] 3 Germany [18] 4 The Netherlands [13] 5 Australia [12]	1 France [15] ⁴² 2 United Kingdom [9] 3 Germany [8] 4 Australia, Spain, United States of America [6] 5 Italy, The Netherlands [5]			
Africa⁴³			18% overall (46 staff)	70% men (32)	30% women (14)
	'Top 5' countries in the region (range from 2 – 8 professionals)	'Top 3' countries by gender (range from 1 – 3 female professionals)			
	1 Nigeria [8] 2 Sierra Leone, South Africa [5] 3 Gambia [4] 4 Senegal [3] 5 DRC, ⁴⁴ Egypt, Ghana, Kenya, Mali, United Republic of Tanzania [2]	1 Nigeria, Sierra Leone [3] 2 Gambia [2] 3 Kenya, South Africa, Sudan, Uganda, United Republic of Tanzania, Zambia [1]			
GRULAC⁴⁵			11% overall (30 staff)	40% men (12)	60% women (18)
<i>Group of Latin American & Caribbean Countries</i>	'Top 5' countries in the region (range from 1 – 7 professionals)	'Top 4' countries by gender (range from 1 – 5 female professionals)			
	1 Colombia [7] 2 Argentina, Brazil, Trinidad & Tobago [4] 3 Costa Rica [3] 4 Ecuador, Peru [2] 5 Chile, Mexico, Saint Vincent and the Grenadines, Venezuela [1]	1 Colombia [5] 2 Costa Rica [3] 3 Argentina, Peru, Trinidad and Tobago [2] 4 Brazil, Ecuador, Mexico, St Vincent & Grenadines [1]			

38 Figures as of 31 July 2008. Information provided by the Human Resources Section of the ICC. The ICC does not include Language Staff for the breakdown of geographical representation. Out of 590 overall staff, there are 261 professional posts excluding the Language Staff and including the Elected Officials, of which 141 are occupied by men (54%) and 120 by women (46%).

39 Note that it has not always been possible to establish a 'Top 5' for Region and/or Gender since for some regions there are not enough nationals or female nationals appointed to professional posts to arrive at a 'Top 5'. In those cases, a 'Top 4' or 'Top 3' was established. Similarly, as there have not been sufficient female national appointments to professional posts, instead of a 'Top 10' a 'Top 8' was established.

40 Western European and Others Group. This region accounts for 58% of the overall professional staff at ICC. This figure is the same as in 2007. In 2007, 42% were women and 58% were men. This year there are 49% women and 51% men.

41 The number of staff per country is reported in brackets.

42 The number of female staff per country is reported in brackets.

43 Africa accounts for 18% of the overall professional staff at ICC (1% increase from 2007). However there were significantly more men appointed this year (70%) than last year (64%).

44 Democratic Republic of the Congo.

45 Group of Latin American and Caribbean Countries. This region accounts for 11% of the overall staff at the ICC. This figure represents a 1% decrease from 2007. There are 40% men and 60% women professionals from this region. GRULAC is the only region in which the overall number of women in professional posts is higher than the overall number of men, with an increase from 2007 (44% men and 56% women).

Eastern Europe⁴⁶ 7% overall (18 staff)**56% men (10) 44% women (8)****'Top 5' countries in the region***(range from 1 – 5 professionals)*

- 1 Romania [5]
- 2 Croatia [4]
- 3 Serbia [3]
- 4 Bulgaria [2]
- 5 Albania, Belarus, Georgia, Ukraine [1]

'Top 3' countries by gender*(range from 1– 3 female professionals)*

- 1 Romania [3]
- 2 Croatia, Serbia [2]
- 3 Bulgaria [1]

Asia⁴⁷**6% overall (16 staff)****62.5% men (10) 37.5% women (6)****'Top 4' countries in the region***(range 1 – 4 professionals)*

- 1 Republic of Korea [4]
- 2 Islamic Republic of Iran, Japan [3]
- 3 Jordan [2]
- 4 Mongolia, Occupied Palestinian Territory, Philippines, Singapore [1]

'Top 2' countries by gender*(range 1 – 2 female professionals)*

- 1 Japan [2]
- 2 Jordan, Philippines, Republic of Korea, Singapore [1]

Overall 'Top 10' – Region and Gender**'Top 10' countries***(range from 5 – 24 professionals)⁴⁸*

- 1 France [24]
- 2 United Kingdom [20]
- 3 Germany [18]
- 4 The Netherlands [13]
- 5 Australia [12]
- 6 Spain [10]
- 7 Belgium, Canada, Italy [9]
- 8 Nigeria, United States of America [8]
- 9 Colombia [7]
- 10 Romania, Sierra Leone, South Africa [5]

'Top 8' countries by gender*(range from 1 – 15 female professionals)⁴⁹*

- 1 France [15]
- 2 United Kingdom [9]
- 3 Germany [8]
- 4 Australia, Spain, United States of America [6]
- 5 Colombia, Italy, The Netherlands [5]
- 6 Canada, Costa Rica, New Zealand, Nigeria, Romania, Sierra Leone [3]
- 7 Argentina, Austria, Belgium, Croatia, Gambia, Japan, Peru, Serbia, Trinidad and Tobago [2]
- 8 Brazil, Bulgaria, Ecuador, Finland, Ireland, Mexico, Jordan, Kenya, Philippines, Portugal, Republic of Korea, Saint Vincent and the Grenadines, Singapore, South Africa, Sudan, Switzerland, Uganda, United Republic of Tanzania, Zambia [1]

46 Eastern Europe accounts for 7% of the overall professional staff at ICC. This figure represents a 1% decrease from 2007. The percentage of women professionals is higher this year (44%) than in 2007 (41%). Men are still the majority at 56% (59% in 2007).

47 As in 2007, Asia accounts for 6% of the overall professional staff at ICC. Two thirds of this small percentage is composed of men (62.5%). Last year, men represented 61.5%.

48 There are 15 countries in the 'Top 10' list in 2008. In 2007 this number was higher at 26. The 2007 range was from 3 to 20 professionals, whereas in 2008 the range is from 5 to 24. Out of these 15 countries, 10 or 2/3 are from WEOG region occupying the first 8 places of the list. Last year, 13 countries out of 26, or 1/2 were from WEOG.

49 As in 2007, there are 43 countries in the 'Top 8' list. This year, the range is from 1 to 15 female professionals, whereas in 2007 it was from 0 to 10.

Legal Counsel

Appointments to the List of Legal Counsel ⁵⁰	men	women
Overall (221 individuals on the List of Legal Counsel) ⁵¹	81%	19%
‘Top 5’ 1 USA 2 France 3 UK 4 DRC 5 Canada		
WEOG ⁵² (68% of Counsel)	81%	19%
‘Top 5’ 1 USA 2 France 3 UK 4 Canada 5 Belgium & Germany		
Africa ⁵³ (26% of Counsel)	84%	16%
‘Top 5’ 1 DRC 2 Mali 3 Kenya 4 Cameroon 5 Morocco & Uganda		
Eastern Europe ⁵⁴ (3% of Counsel)	57%	43%
Only seven appointments from Eastern Europe: Croatia, Romania, Serbia (2 appointees), Slovenia, The Former Yugoslav Republic of Macedonia (2 appointees)		
GRULAC ⁵⁵ (2% of Counsel)	100%	0%
Only four GRULAC appointments: Brazil, Trinidad & Tobago, Argentina & Mexico (1 appointee each)		
Asia ⁵⁶ (1% of Counsel)	100%	0%
Only three appointments from Asia: Japan, Malaysia and Philippines (1 appointee each)		

50 Figure as of 24 October 2007. See http://www.icc-cpi.int/library/defence/Defense_Counsel_List_English.pdf Note that the List of Legal Counsel available online has not been updated since the last *Gender Report Card*. Despite several requests, no new information was provided to the Women’s Initiatives for Gender Justice for this publication.

51 A total of 350 individuals applied to the List of Legal Counsel of which 221 individuals were appointed. Only 56 of the 350 (16%) individuals who applied to the List of Legal Counsel were women. Of the 221 individuals appointed there are 41 women and 180 men.

52 Compared with 70% in 2006. Appointments from the USA (33 individuals), which is not a States Party, have been included in the calculation for the WEOG region.

53 Compared with 24% in 2006. Appointments from Algeria, Cameroon, Mauritania, Morocco and Tunisia, which are not States Parties, have been included in the calculation for the Africa region. Note that from the situations before the Court, there are 20 appointments from the DRC, three from Uganda, one from CAR and none from Sudan. Of these appointments, only two are held by women, both from the DRC.

54 Compared with 4.2% in 2006.

55 Compared with 1.8% in 2006.

56 Compared with 0.6% in 2006. Appointments from Malaysia and the Philippines, which are not States Parties, have been included in the calculation for the Asia region.

Appointments to the List of Assistants to Counsel⁵⁷

	men	women
Overall (14 individuals on the List of Assistants to Counsel)	36%	64%
'Top 3'		
1 Belgium (3 appointees)		
2 Canada, France, Italy, UK (2 appointees each)		
3 Australia, DRC, Germany (1 appointee each)		
WEOG – 13		
Africa – 1		
Rest – 0		

Appointments to the List of Professional Investigators⁵⁸

	men	women
Overall (13 individuals on the List of Professional Investigators)	92%	8%
'Top 3'		
1 Mali (8 appointees)		
2 UK (2 appointees)		
3 Brazil, Ghana and Poland (1 appointee each)		

57 Figure as of 24 October 2007. See http://www.icc-cpi.int/library/defence/Defense_Counsel_List_English.pdf Note that the List of Legal Counsel available online has not been updated since the last *Gender Report Card*. Despite several requests, no new information was provided to the Women's Initiatives for Gender Justice for this publication.

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Trust Fund for Victims⁵⁹

The mission of the Trust Fund for Victims (TFV) is to support programs aimed at addressing the harms suffered by victims as a consequence of crimes under the jurisdiction of the ICC through physical and psychological rehabilitation and material assistance. In accordance with Rule 98 of the RPE, the TFV fulfils two primary mandates:

- to implement awards for reparations ordered by the Court against the convicted person,⁶⁰ and
- to use the other resources for the benefit of victims subject to the provisions of Article 79 of the Rome Statute.⁶¹

The total TFV resources available for the first year of implementation in 2007/08 was €3,050,000. The TFV receives project proposals from organisations operating in the field and, if proposals are approved, transmits them to the TFV Board and to the relevant ICC Chambers for approval. The TFV's priorities are for engaging in community rehabilitation for and with the victims where the ICC has jurisdiction. The TFV grant-making process emphasises: *participation* by victims in program planning, *sustainability* of community initiatives, *transparent* and *targeted* granting, and *accessibility* for applicants that have traditionally lacked access to funding, addressing the *special vulnerability of girls and women*, *strengthening capacity* of grantees and *coordinating* efforts to ensure that the selection and management of grants is strategic and coherent.⁶²

Out of 42 projects submitted to the TFV in 2007/2008, 34⁶³ were submitted to Chambers for approval amounting to approximately €1,400,000 of TFV funding.⁶⁴ It is expected that 380,000 victims will benefit from these projects deemed to have 'incorporated gender-specific interventions to support the special vulnerability of women and girls'.⁶⁵ A scaling up of these projects and the beginning of new projects in Central African Republic (CAR) and Sudan are planned in 2009.⁶⁶ The TFV allocated €650,000 for CAR and other activities in 2009.⁶⁷

59 Situation on 15 August 2008. Figures provided by the Trust Fund for Victims Secretariat.

60 Rule 98 (2), (3), (4) of the RPE.

61 Rule 98 (5) of the RPE.

62 *Trust Fund for Victims Global Strategic Plan 2008-2011*, Version 1, August 2008, page 16.

63 16 projects in DRC and 18 projects in Northern Uganda.

64 Please note that this amount becomes €1,650,000 when intermediary matching resources are added; *Trust Fund for Victims Background Summary*, August 2008, page 9.

65 *Trust Fund for Victims Background Summary*, August 2008, page 7.

66 *Proposed Budget Programme for 2009 of the International Criminal Court*, ICC-ASP/7/9, 29 July 2008, pages 131-133.

67 *Trust Fund for Victims Background Summary*, August 2008, page 9.

TFV Projects 2008

Uganda	There are 18 projects approved for a total expenditure of €681.598, of which €601.566 is TFV funding. Three projects ⁶⁸ (16.6%) are focused on direct support for women and girl victims/survivors. ⁶⁹
DRC	There are 16 projects approved for a total of €953.519, of which €789.677 is TFV funding. Four projects ⁷⁰ , representing 25% of those approved, provide direct support for women and girl victims/survivors. ⁷¹
CAR	There were no projects in 2008.
Sudan	There were no projects in 2008.

ICC Budgetary Matters

	2006	2007	2008
Overall ICC budget	€80,871,800	€88,871,800	€90,382,000
Implementation rate	79.7% ⁷²	90.5% ⁷³	<i>not available</i>
Implementation rate 1st trimester	<i>not available</i>	21.4% ⁷⁴	23.7% ⁷⁵

68 TFV/UG/2007/R1/020 on the rehabilitation of girl soldiers; TFV/UG/2007/R1/023 on assistance to women victims of rapes and violence; and TFV/UG/2007/R2/40 on the support to survivors of sexual and gender based violence.

69 Please note that it is not possible to have a precise figure of the budget dedicated to gender based projects as project TFV/UG/2007/R1/020 is integrated with project TFV/UG/2007/R1/003 which has a total budget of €278917,03; and the budget of project TFV/UG/2007/R1/023 has still to be announced.

70 TFV/DRC/2007/R1/021 on providing psychological assistance to victims of sexual violence and facilitate their return to their families and communities; TFV/DRC/2007/R2/029 on providing psychological rehabilitation especially to former child soldiers (girl mothers); TFV/DRC/2007/R2/031 on facilitating the reintegration of groups of victims of sexual violence through psychological counselling and micro-credit; and TFV/DRC/2007/R2/036 on providing income generation activities for female victims and empowering them in their communities.

71 Please note that it is not possible to have a precise figure of the budget allocated to all the projects dedicated to the support of women victims/survivors as project TFV/DRC/2007/R2/031 is integrated with project number TFV/DRC/2007/R1/026 which has a total budget of €409.854.

72 *Report of the Committee on Budget and Finance on the work of its eighth session*, 29 May 2007, ICC-ASP/6/2, pages 6-8.

73 *Report of the Committee on Budget and Finance on the work of its tenth session*, 26 May 2008, ICC-ASP/7/3, pages 8-10.

74 *Rate of implementation of the 2007 budget as of 31st March 2007*, ICC-ASP/6/2.

75 *Rate of implementation of the 2008 budget as of 31st March 2008*, ICC-ASP/7/3.

Structures – Overview of Trends

There is a 4% gap between the appointment of men and women to professional posts across the Court (52% men, 48% women). This represents a significant improvement from 2007 (10% gap). This year there has been a 3% increase in the overall number of women appointed to professional positions.

In the Registry, 52% of professional posts are held by women. This is a 2% increase from the figures for 2007. For two years in a row the Registry has the strongest gender statistics. While the appointments to P1–P4 levels are relatively gender balanced, the majority of those appointed to the most senior positions (P5 and D1) are men (nine men, four women).

Overall in the OTP, 42% of the professional posts are held by women. This is a 4% increase from the figures in 2007. However this represents a 16% gap overall in the appointments of men and women to professional positions (58% men, 42% women). There are still significantly more men than women appointed to mid-to-senior level positions (P3–P5) in the OTP.

In the Judiciary (excluding the Judges) there are 16% more female professionals than male (58% women, 42% men). This is an increase of 6% from 2007.

Two out of three Heads of Divisions in the OTP are women.

All three posts of Heads of Divisions in the Registry are held by men.

The new Registrar appointed by the Judges on 28 February is a woman.

In 2007, there were no women as Heads of Sections or equivalent posts in the OTP. In 2008, there are three women out of 14 Heads of Sections or equivalent posts (21%). Overall women continue to be under-represented in management and senior level positions in the OTP.

In the Registry, out of 23 Heads of Sections or equivalent, four are vacant. Of the 19 filled posts, nine are occupied by women (47%).

Overall there are 590 staff (including professional and general service staff and elected officials) at the ICC, 291 of whom are professional staff (49.3%).

For the geographical breakdown, excluding language staff (as determined by the ICC), there are 261 professional staff representing 65 nationalities. The percentages per region are the following: WEOG 58%, Africa 18%, GRULAC 11%, Eastern Europe 7%, and Asia 6%. There is no significant difference in the figures for all regions when compared with figures in 2007.

For the second year in a row, the only region for which the number of women in professional posts is higher than men is GRULAC with 18 women (60%) and 12 men (40%).

In all other regions, the overall percentage of men is higher than the overall percentage of women appointed to professional posts. For the African region the gender gap is significant with 70% of appointments being men. For nationals from Asian countries the gender disparity is also very high (62.5% men). For both regions there has been an increase in the number of male professionals appointed during 2008.

For the other regions the figures are: WEOG – 51% men & 49% women, and Eastern Europe – 56% men & 44% women.

There has been a significant increase from 2007 in three out of five regions regarding the number of female nationals appointed to professional posts. In WEOG there has been a 7% increase. In GRULAC there has been a 4% increase. Eastern Europe has had a 3% increase.

With the exception of WEOG, it was not possible to come up with ‘Top 5’ countries by gender per region for lack of female nationals appointed to professional posts. In the case of GRULAC, a ‘Top 4’ with a range of 1–5 female professionals was established and, for Africa and Eastern Europe, a ‘Top 3’ with a range of 1–3 professionals. Asia only has ‘Top 2’ with a range of 1–2 female professionals underscoring the severe lack of female nationals appointed to the ICC.

Similarly, a ‘Top 10’ by gender overall could not be established. The ‘Top 8’ of gender ranges from 1–15 female professionals.

Despite the high number of ratifications from African countries and all the situations before the Court being in Africa, only four professionals from the current situations before the Court have been appointed.⁷⁶ Of these, two are women.

In the Judiciary, only one senior elected position is held by an African⁷⁷. In both the Registry and the OTP respectively, four senior posts are held by nationals from the Africa region. Only one national of an Eastern European country holds a senior post in the Registry and Asia is not represented at this level.⁷⁸

None of the Heads of the Judiciary, OTP, Registry, ASP Bureau, ASP Secretariat, Board of the TFV or Secretariat of the TFV are from Africa, Asia or Eastern Europe.

All the members elected to the Disciplinary Board for Counsel (two permanent and one alternate) and the Disciplinary Appeals Board for Counsel (two permanent and one alternate) are from WEOG countries.

The information on the ICC website regarding the List of Legal Counsel has not been updated since 24 October 2007. As such the data available on the website is incorrect. Despite requests over several months from the Women's Initiatives for Gender Justice for information on the List of Counsel and proposing the website information be updated, the Registry declined to provide any information.

As of 24 October 2007, there are 221 individuals on the List of Legal Counsel of which 41 are women (19%) and 180 are men (81%). This represents a 3% increase in the number of women appointed to the List of Counsel from 2006. However, there are over four times more men than women recognised as Counsel on the List and over five times more men than women applied to the List, reflecting the lack of targeted efforts by the Registry to promote the List amongst women jurists, lawyers, magistrates, and academics.

⁷⁶ DRC (2), Uganda (1) and Sudan (1); CAR is not represented by any professional staff at the Court.

⁷⁷ Judge Akua Kuenyehia, First Vice President.

⁷⁸ Email communication from Human Resources Section of the ICC, 29 August 2008.

Under Rule 90(4) of the Rules of Procedure and Evidence, the ICC is required to ‘take all reasonable steps to ensure that in the selection of common legal representatives, the distinct interests of victims, particularly as provided in article 68(1),⁷⁹ are represented and that any conflict of interest is avoided’. This therefore requires the Court to ensure that the List of Legal Counsel includes individuals with expertise on sexual or gender violence. The Registry, in its coordination and oversight of the List of Counsel does not systematically consider this criterion when assessing the eligibility of applicants to the List, and does not actively seek information from applicants with regard to their experience in this area.

68% of the List of Legal Counsel is from WEOG compared with 70% in 2006.

From the situations before the Court, there are 20 appointments to the List of Legal Counsel from the DRC, three from Uganda, one from CAR and none from Sudan. Of these appointments, two are held by women, both from the DRC.

There are 14 individuals on the List of Assistants to Counsel, all appointments from the WEOG region except one from the DRC. There are 28% more women than men on the List of Assistants to Counsel.

There are 13 individuals on the List of Professional Investigators, with nine appointments from Africa, three from WEOG, one from Eastern Europe and one from GRULAC. There is only one woman on the List of Professional Investigators.

⁷⁹ Article 68 (1) obligates the Court to take ‘appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. ... the Court shall have regard to all relevant factors including age, gender ... and the nature of the crimes, in particular but not limited to, where the crime involves sexual or gender violence or violence against children’.

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.⁸⁰ Appointing ICC staff with legal expertise on violence against women or children recognises the significance of crimes against women, and the need for expertise at every level to ensure these crimes are prosecuted.

The position of Gender Legal Adviser in the OTP, obligated under Article 42(9) of the Rome Statute, has not been appointed. This position is important to ensure that gender crimes are both effectively investigated and prosecuted. This position was advertised in December 2005 and despite the urgent need for the appointment of a Gender Legal Adviser, no-one has been interviewed or appointed to the position.

During 2008, the TFV submitted 34 projects to the Chambers of the ICC, 18 projects in Uganda and 16 in DRC, amounting to €1,400,000. The total TFV resources available in 2008 amounts to €3,050,000. Of the 18 Ugandan projects, three (17%) focus on direct support to women and girl victims/survivors. Of the 16 projects in the DRC, four (25%) work directly with women and girl victims/survivors.

On the 10th of September 2008, the Board of Directors of the TFV launched a €10 million appeal to assist 1.7 million victims of sexual violence under the jurisdiction of the Court.

One out of five members of the Board of Directors of the Trust Fund is a woman (20% women and 80% men) in breach of the gender equity requirement specified in Resolution ICC-ASP/1/Res 6, para 3 of 9 September 2002. Women are highly represented at the Secretariat of the Trust Fund for Victims where they constitute 73% of the staff. This represents an increase of 6% from 2007.

⁸⁰ A vacancy of Associate Legal Officer (P2) with Chambers requiring knowledge of legal and gender issues, particularly in relation to crimes of sexual violence, was posted early 2007, but was later cancelled for unknown reasons. See <http://www.icc-cpi.int/jobs/vacancies/647.html>

Institutional Development

Gender Training

Registry

The Victims and Witnesses Unit (VWU) in the Registry organised a lunchtime lecture on the impact of war on women and children in Darfur in October 2007. The support team of the Unit (seven people) participated in general training on trauma during the first half of the year.⁸¹

Three support assistants participated in a university course on 'Understanding and Responding to Sexual Violence' in the UK in September 2008.⁸² A lecture and training with a gender expert on conflict related sexual violence in Bosnia, Afghanistan and Sudan will take place on the 3rd of December 2008.

No other information on gender training by the Registry was available to the Women's Initiatives for Gender Justice.

Office of the Prosecutor

Two staff of the OTP attended a seminar on 'Prosecuting Sexual and Gender-based Crimes before Internationalised Criminal Courts' in Washington on 14 October 2008.

On 27 October, the OTP held a lunchtime lecture with feminist scholar Professor Catharine MacKinnon on *The Recognition of Rape as an Act of Genocide – Prosecutor v. Akayesu*.

No other information on gender training by the OTP was available to the Women's Initiatives for Gender Justice.

Judiciary

No information on gender training was available to the Women's Initiatives for Gender Justice.

81 According to VWU, there will be follow-up training specifically focused on gender based violence on the 21st of November 2008. Another activity planned before the end of 2008 is a lecture and training with a gender expert on conflict-related sexual violence in Bosnia, Afghanistan and Sudan on the 3rd of December 2008.

82 Situation as of 4 September 2008; information provided by the Victims and Witnesses Unit.

Policies

Sexual Harassment Policy⁸³

Policy



Although there is a policy, the parameters and procedures are lower than what is considered 'best practice' in this field.

Procedure



Procedures are not featured in the policy itself but are outlined in Chapter X of the Staff Rules. Formal complaints are forwarded to the Disciplinary Advisory Board⁸⁴ which hears the case with brief statements and rebuttals by the staff member who has allegedly violated the Policy, and if the staff member wishes, by a representative (who must be a staff member or a former staff member of his or her choosing). There is no indication in the Staff Rules of a right for complainants to participate in the proceedings nor their access to a representative. The Board must make a decision within 30 days and the staff member may appeal the decision to the Administrative Tribunal of the International Labour Organisation.

Article 46 of the Rome Statute deals with senior ICC officials (Judges, the Registrar, Deputy Registrar, Prosecutor or Deputy Prosecutor) who can be removed from office if they are found to have committed 'serious misconduct' or 'a serious breach of his or her duties under Statute' as provided for in the Rules of Procedure and Evidence. Any individual may make a complaint which would be considered by a panel of Judges formed by the Presidency. Should there be grounds to consider serious misconduct has occurred this is referred to the Bureau of the ASP to further investigate. A decision respecting removal from the office of a senior ICC official is dealt with by secret ballot of the ASP in various ways (see Articles 46(2) and 46(3) of the Rome Statute) depending on the office being dealt with (Rule 26 RPE).

Training



There has been no training undertaken for staff on the Sexual Harassment Policy. Nevertheless, Section 4.5 of the Sexual Harassment Policy requires managers and supervisors to 'ensure that all staff, including existing and new employees' have knowledge of the policy, their rights and how to use the grievance procedure. Section 4.6 of the Policy further requires all staff to be trained on issues related to harassment and for training programs to be held *on an ongoing basis*.

83 'Sexual and Other Forms of Harassment', Administrative Instruction ICC. Sexual harassment is defined as 'any unwelcome sexual advance, request for sexual favour or other verbal, non-verbal or physical conduct of a sexual nature, which interferes with work, alters or is made a condition of employment, or creates an intimidating, degrading, humiliating, hostile or offensive work environment'.

84 The Disciplinary Advisory Board is comprised of one member and two alternate members appointed by the Registrar (in consultation with the Presidency); one member and two alternate members appointed by the Prosecutor; and one member and two alternate members elected by the staff representative body, at least one of whom shall be a staff member of the OTP.

Sexual Harassment Policy *continued*

Focal point Registrar or Prosecutor in the first instance, or a third party if the staff member feels uncomfortable approaching the Registrar or Prosecutor directly (ie manager, staff counsellor, fellow staff member, representative of the Human Resources Section, Court Medical Officer or member of the staff representative body). No designated focal point(s) apart from the Registrar or Prosecutor have been appointed.

Equal Opportunity Policy⁸⁵

Policy The Court 'recruits, hires, promotes, transfers, trains and compensates its staff members on the basis of merit and without regard for race, colour, ethnicity, religion, sexual orientation, marital status, or disability'. Gender discrimination is not mentioned in this overarching provision, but it is enumerated in the Policy's provision on non-discrimination in relation to opportunities for employment, transfer and training. Discrimination is described as both direct and indirect.

Procedure Grievance procedures are described in Section 6 of the Policy and are identical to the procedures for the Sexual Harassment Policy (see above).

Training There has been no training undertaken on the Equal Opportunity Policy for the designated focal points and staff.

Focal point Registrar or Prosecutor in the first instance, or a third party if the staff member feels uncomfortable approaching the Registrar or Prosecutor directly. No designated focal point apart from the Registrar or Prosecutor is appointed.

85 'Equal Employment Opportunity and Treatment', Administrative Instruction ICC.

Parental Leave within the Staff Rules

Policy



ICC staff are entitled to a continuous period of 16 weeks' maternity leave with full pay; a continuous period of 8 weeks' adoption leave with full pay; and 4 weeks of 'other parent leave' with full pay in connection with the birth or adoption of that staff member's child.

Procedure



A staff member seeking maternity leave must present a medical certificate stating the probable date of delivery of her child; maternity leave may commence between six and three weeks prior to the probable date of delivery. A staff member seeking adoption leave shall inform the Registrar or the Prosecutor at least one month prior to the anticipated commencement of the adoption leave and submit the documentary proof available at that time. A staff member seeking 'other parent leave' must submit proof of the birth or adoption of the child within three months of the other parent leave ending.

Training



Staff are not given an orientation on staff rules and conditions including the parental leave provisions.

Focal point



Direct managers for maternity leave and other parent leave; Registry or Prosecutor for adoption leave.

Compensation of Judges

Policy



As adopted by the ASP 2004, 'spouse' is defined as a partner by marriage recognised as valid under the law of the country of nationality of a Judge or by a legally recognised domestic partnership contracted by a Judge under the law of the country of his or her nationality.

Procedure



See 'Recommendations'.

Training



See 'Recommendations'.

Focal point



Assembly of States Parties.

Private Legal Obligation of Staff Members⁸⁶

Policy



Staff members are required to comply with applicable national laws and regulations, fulfil their legal obligations, and honour orders of competent courts without involving the Court, including judicially established family obligations.

Procedure



Section 4 of the *Administrative Instructions on Private Legal Obligations of Staff Members* establishes the procedures applicable in cases of non-compliance with family support court orders and determines that, in spouse and child support cases, the Court may use its discretion to cooperate with a request from a competent judicial authority to facilitate the resolution of family claims even without the consent of the staff member. The staff member has to submit evidence to the Human Resources Section that he or she has taken all the necessary steps.

Training



No training was organised for the staff up to now.

Focal point



No focal point indicated.

⁸⁶ Administrative Instruction ICC/AI/2008/004, 15 August 2008

Recommendations

Structures

1 **The Court**, particularly the senior elected officials in each organ, should prioritise cooperation with States Parties in 2009 to develop an effective oversight mechanism for the prevention and redress of allegations of fraud, waste, sexual harassment and violence against ICC staff in the course of their duties.

2 **Urgently appoint** a Gender Legal Adviser to the OTP. This position is mandated by the Rome Statute but no appointments have been made since the establishment of the Court in 2002. This post should be included in the OTP budget for the next financial year.⁸⁷

Alongside the Prosecutor's decision to 'mainstream gender within the activities of the OTP', a 'two-track' approach, involving both gender mainstreaming and designating gender positions, including the Gender Legal Adviser post, across all organs of the Court, is vital for a gender competent Court.

3 **The OTP should** adopt internal benchmarks to assist its recruitment practices towards addressing the consistent under-representation of women in professional posts in the OTP, the over-representation of women at the P1 and P2 levels and the significant disparity in appointments in senior posts. At the P3 level there are almost three times as many men as women. At the P4 level there are 64% more men than women and at the P5 level, there are four times more men than women.

4 **Form an inter-organ** committee to prepare a 3-year plan to address gender and geographical equity and gender competence at the Court. The 3-year plan should encourage a proactive role for the Court and provide a common framework for the activities of each organ in recruitment, including specific objectives to guide the Court in its employment practices. The Plan should include indicators and markers to assess progress towards gender and geographical representation across all organs and related bodies, including the Trust Fund for Victims and the ASP Secretariat. The 3-year plan could also be integrated into the Court's overall *Strategic Plan* as critical aspects of its strategic goals for 'quality of justice' and being 'a model of public administration'. While the Court's *Strategic Plan* is for the next 10 years, its particular emphasis is on the first 3 years of implementation. The 10-year plan is on its second year of implementation.

⁸⁷ The fine imposed by the ILO on the ICC following the finding of wrongful dismissal of an employee by the Prosecutor (approximately €190,000), is equivalent to 2-3 years salary for a Gender Legal Adviser position.

- 5 **As part of the** 3-year plan, the Court should establish time-specific ‘placement goals’ for hiring women and staff from under-represented countries and regions. Placement goals are not quotas, but serve as reasonably attainable objectives or targets that are used to measure progress towards achieving equal employment opportunities, and enable the Court to identify ‘problem areas’ resulting in disparities in relation to the appointment, promotion or attrition of women or staff from under-represented countries.
- 6 **Establish a ceiling** on the number of staff from ‘over-subscribed’ regions, with the view that the ceiling is gender balanced and equitable in all career levels, and actively search, encourage and recruit staff from under-represented regions, with the view that the recruitment is proactive for women, is gender balanced and equitable in all career levels.
- 7 **Apply ‘best practices’** in the recruitment process encouraging those involved in recruitment to undergo training on potential discrimination, including unconscious and institutional gender and racial biases, which may be occurring (ie in relation to establishing criteria, advertising positions, reviewing CVs, recognising diverse expertise and interviewing).
- 8 **Establish ‘search committees’** for professional vacancies comprised of ICC staff, including women and staff from under-represented regions of the Court, especially those with a track record of promoting competence. Search committee members should be encouraged to also undertake training in relation to ‘best practices’ in the recruitment process. A search committee could review or oversee applications after the initial vetting process, participate in or conduct interviews, and participate in the decision concerning appointments.
- 9 **Place greater emphasis** on recruiting expertise (both legal and trauma) in relation to sexual and gender violence across all three organs of the Court. Seek candidates with a background in gender analysis, women’s human rights and/or in dealing with or representing victims of gender-based violence. Include these as primary criteria in new positions and indicate these preferences in job announcements, both on the website and on the *Personal History Form*.

Recommendations

Structures continued

- 10 **Diversify the** advertisement of ICC vacancies in media, email listserves or other means that are accessible to the larger audience:
a) from 'non-WEOG'; websites, listserves or newsletters of NGO networks, regional or national bar associations, and national or regional print media in countries under-represented among Court staff, and
b) with a background in gender issues, such as websites or newsletters of national, regional and international women's organisations and networks, national associations of women lawyers, women judges' associations and women's networks within other judicial associations such as the International Bar Association, the International Criminal Bar and the International Association of Prosecutors.
- 11 **Engage in proactive** informational outreach activities, such as disseminating information about ICC recruitment during scheduled outreach activities or from field offices, obtaining email listserves from professional associations or NGOs during outreach activities for the purposes of prospective advertisements and specifically inquiring about promising gender competent candidates.
Actively collect Curriculum Vitae of gender competent women professionals from under-represented countries, even when there is no job opening, and keep them as active files for future hiring processes.
- 12 **Develop a** 'Frequently Asked Questions' page on the ICC website to promote a better understanding of the application process (describing, for example, which section within the Court vets the applications, the composition of the 'search committees', and the average timeframe for a decision).
- 13 **Revisit the** current system of geographical representation of ICC staff and consider adopting a staggered approach to an alternative calculation of geographical representation, which places increasingly less emphasis on contribution and increasingly greater emphasis on membership each consecutive year until the targeted calculation is met.
- 14 **Strengthen** the Human Resources Section of the Court by providing a larger budget for increasing staff in this area. The Human Resources Section is vital for implementing the plans identified by the inter-organ Committee regarding gender and geographical representation.

- 15 **Human Resources** and managers should incorporate into the core training modules and orientation for all staff, gender training specific to the role and functions of the specific Unit, Division or Organ.
- 16 **Seek information** about candidates' experience of representing victims of gender-based crimes on the application form for List of Legal Counsel. Explicitly encourage applications from lawyers with this experience on the ICC website and develop a 'Frequently Asked Questions' page on the ICC website to promote a better understanding of the application process.
- 17 **Increase** the number of women on the List of Legal Counsel and actively promote the List to women's lawyers associations and within countries with situations before the ICC. Seek information regarding candidates' experience representing or interviewing victims of gender-based crimes and explicitly encourage applications from lawyers and investigators with such experience (as above). Set time-specific targets to increase the number of women on the Lists of Assistants to Counsel and Professional Investigators (as above).
- 18 **Give consideration** to amending Article 112(3)(b) of the Statute, so that gender competence within the ASP Bureau is mandated, in addition to equitable geographical distribution and adequate representation of the principal legal systems of the world.
- 19 **The Board** and Secretariat of the Trust Fund for Victims should embark on a vigorous fundraising campaign. Currently there is only €3,055,000 in the Fund. More pledges need to be encouraged from States, and individual donors should be sought to contribute to the scheme.
- 20 **The ASP** in November 2008 should approve the request from the Victims and Witnesses Unit for a new position of Trauma Expert with Special Expertise in Gender Based Violence.

Recommendations

Institutional Development

- 21 **During 2009**, the Presidency of the ICC should oversee a sexual harassment audit of the Court. This should include each organ and be implemented at all levels of the institution. The results of the audit should be shared with the Bureau of the Assembly of States Parties. Recommendations to address any incidents or patterns of harassment should be developed to ensure the legal rights of employees are respected and to provide staff with a non-discriminatory, equality-based, human-rights respecting work environment.
- 22 **In light of** the well publicised decision by the Administrative Tribunal of the International Labour Organisation (ILO)⁸⁸ against the Prosecutor following a complaint filed by a former employee of the OTP, the Court should review its internal complaints procedures to ensure that they are sufficiently robust, are transparent, provide adequate protection for staff, are an effective mechanism for accountability, uphold the rights of employees and ensure the positive reputation and good standing of the Court as a whole.
- 23 **Prioritise** the need for ongoing gender training for staff of all organs of the Court and make attendance at gender training seminars mandatory. The President, Registrar and Prosecutor should ensure staff attendance for each organ of the Court.
- 24 **Prioritise** the need for training individuals on the List of Legal Counsel, the List of Assistants to Counsel and the List of Professional Investigators on interviewing/working with victims of rape and other forms of sexual violence and the gender provisions within the Rome Statute.
- 25 **Appoint advisers** with legal expertise on sexual and gender violence⁸⁹ to enable focal points within each organ of the Court to organise and develop gender training.

88 *Palme v. ICC*, Judgment Number 2757, 105th Session, 2008, International Labour Organisation Administrative Tribunal.

89 Pursuant to Articles 42(9), 44(2) in combination with 36(8)(b), and 43(6) of the Rome Statute.

- 26 **Designate** focal points for the Court's Sexual Harassment Policy and Equal Opportunity Policy, clarify and/or amend the procedure involved in making formal complaints (ie whether complainants have a right to participate in the proceedings before the Disciplinary Advisory Board or whether complainants have access to a representative) and conduct staff-wide orientation on the grievance procedures for both policies.
- 27 **Implement training** for ICC staff on the grievance procedures for the Sexual Harassment and Equal Opportunity Policies.
- 28 **Develop** and promote a flexible employment policy, so that ICC staff are aware of, and are not discouraged from, taking parental leave, modified work schedules or other accommodation as needed. This facilitates the recruitment of, and enables the ongoing employment of, staff members (primarily women) with family and other commitments.
- 29 **Ensure** adequate access to and information about childcare resources or facilities, and encourage the Human Resources Section to include additional information on its 'Recruitment' page indicating the ICC is responsive to the needs of those with family commitments.
- 30 **Establish** a mentorship program for junior staff, particularly female staff and staff from under-represented regions, to support their potential advancement to decision-making and senior positions.
- 31 **Encourage** senior personnel at the Court to participate in training on 'managing workplace diversity' to facilitate a positive workplace environment for women and individuals from other under-represented groups and provide the necessary resources to carry this out.

Recommendations

Institutional Development continued

- 32 **Review** and amend the current definition of ‘spouse’ in the Conditions of Service and Compensation of Judges of the ICC to include all domestic partnerships including same-sex partners, whether legally recognised or not under the law of the country of a Judge’s nationality.
- 33 **Develop** and implement sexuality based anti-discrimination training for the Judges and Bureau of the ASP.

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