

## **Analysis of the Gender and Geographical Impact of ReVision July 2015**

### **Introduction**

This document provides an analysis and review of the recent ReVision papers produced by the Registry, namely: *Q&A: Recruitment, gender balance, geographical distribution, ReVision* (Registry's Q&A Paper or the Paper); and *Q&A: Update on ReVision in the Registry* (Registry's Updated Q&A Paper). Our review is intended to assist the International Criminal Court (ICC) and States Parties to analyse the implications of the ReVision Project and the need to more effectively address the challenging issues of gender and geographical representation, required by the Statute, in the staff composition of the ICC. The general statutory provisions regarding the profile of ICC staff are outlined in Article 44 (1) and (2) with reference also to Article 36(8).

### **Background**

During the last couple of years, the Women's Initiatives for Gender Justice has raised concerns about what we have perceived to be the low value being placed on the statutory framework and provisions regarding gender and geographical representation by the Registry including within its ReVision Project. Having monitored gender and geographical representation at the Court since 2004 and reported on these issues every year in our annual Gender Report Card on the ICC for the past decade, we have perceived a shift in attention to and adherence with the institutional requirements outlined within the Statute and the related rules, regulations and directives. The provisions within the Statute delineating gender and geographical representation requirements are intended to assist States Parties and the Court to: avoid bias in the recruitment and election process; ensure that the staff profile of the ICC reflects the diversity of the legal systems of member States; and ensure that gender and geographical representation are properly and adequately reflected in the leadership and staff appointed to the ICC. The framework agreed to by states during the Rome Statute negotiations is intended to ensure that the Court appoints the necessary competence amongst the staff of the ICC by recognising that such competencies are embodied in both genders and in nationals of states parties from every region.

### **The Registry's Q & A Paper**

Although the focus of the Registry's Q&A Paper is on gender balance and geographical distribution, it provides surprisingly little statistical data and information with which States Parties can assess and understand the current gender and geographical composition of the Registry and the impact of the ReVision Project on these issues and its attention to the statutory requirements.

The Charts provided on pages four-to-six of the Registry's Q&A Paper do not provide sufficiently meaningful information with which to assess the decisions of the ReVision Project. For example, the absence of information indicating the current number of professional staff within the Registry, by grade level, gender and regional breakdown inhibits the ability of States Parties and staff to evaluate the implications of the decisions to abolish certain posts. This information is readily available from the ICC Human Resources Section and should be requested by States Parties. By only providing the

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number of posts to be abolished per region and the percentages (per region) relative to the overall number of posts being abolished, the Paper unfortunately obscures the effect these decisions will have on gender and regional representation as well as on representation at each grade level.

### **Review Summary**

Based on a review of the Registry's Q&A Papers as well as relevant figures produced by the ICC Human Resource Section,<sup>1</sup> it appears that Africa as a region and nationals of states from this region, are disproportionately affected by the ReVision Project with 36% of the professional posts occupied by those from the Africa region to be abolished (nine posts out of 25 professional posts in the Registry). This is the largest proportion of professional posts impacted by the ReVision Project for any region.

In reviewing the staff composition of the Court by geographical representation at each professional grade level,<sup>2</sup> the overall regional representation within the Registry,<sup>3</sup> and considering the abolishment of posts prior to and during ReVision, it appears that the Africa region is under-represented within the Registry in senior leadership posts.

The Asia region is also highly affected by ReVision with 36% of the professional posts held by nationals of states from this region being abolished (four posts out of 11 professional posts in the Registry).

Eastern Europe is the third most affected region with 27% of the professional posts held by nationals of states from this region being abolished (four of fifteen professional posts).

WEOG is the fourth most affected region with 22% of the professional posts held by nationals of states from this region being abolished (23 posts out of 105 professional posts).

Finally, GRULAC is also affected with 12.5% of the professional posts held by nationals of states from this region being abolished (two posts out of 16 professional posts).

In relation to the Court as a whole, Asia, Eastern Europe and GRULAC are all somewhat or significantly under-represented at every professional grade level (see pages seven-to-nine of this document) and in the overall appointment of nationals of states from these regions.

Whilst both the WEOG and Africa regions are over-represented at every grade level, the range is heavily weighted towards the WEOG region with an over-representation of 18% or more at each level with the exception of the P1 grade. The highest over-representation for the Africa region is 6.89% at the P1 grade level.

It appears that to date the ReVision Project as well as the ongoing recruitment and appointment processes within the Registry have not taken the opportunity to reflect upon the underlying issues

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<sup>1</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014.

<sup>2</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014.

<sup>3</sup> *Q & A: Recruitment, gender balance, geographical distribution, ReVision*, page 5.



nor apply any corrective measures to address the striking regional imbalance in the composition and profile of the professional staff within the Registry.

It is also hoped in the next phase of the ReVision Project, that the systemic issues within the Registry which have led to the reduction in the number of women in mid-to-senior level positions in the last three years, the failure to ever appoint a female to a Head of Division post, and relatively few women appointed as senior managers, will be addressed.

ReVision provides a unique and important opportunity for the Registry to address significant challenges in its gender and geographical representation.

## **Gender**

Noticeably absent from the Registry's Paper is any meaningful data regarding the gender breakdown of professional posts within the Registry, the gender breakdown by grade for this organ as a whole, and any information regarding the gender composition of the 113 posts to be abolished. Whereas some data is provided about the regional composition of the professional posts to be abolished, there is no mention of how many or which professional posts are held by women and men and at which grade levels and therefore, it is impossible for States Parties and staff to assess the impact of ReVision on the gender profile of the Registry.

A comparison carried out by the Women's Initiatives for Gender Justice of the gender profile of the Registry at each grade level reveals that there are currently no female Heads of Division within the Registry and only one woman has ever been appointed at a D1 level.<sup>4</sup> In addition, there has been a 14% decrease in the number of women in mid-to-senior level management posts within the Registry in the last three years. As of 31 July 2012, 53% of P4 posts were occupied by women compared to 39% of P4 posts at 31 July 2014. Given this regressive trend, there is a real possibility that ReVision will further escalate, rather than reduce, the existing gender bias within professional posts in the Registry.

Overall, as of 31 July 2014, women were (and are) slightly under-represented in professional posts within the Registry however, there is a profound and ongoing practice of isolating women into lower and mid-level posts with no improvements over a ten year period in appointing more women to senior management and senior leadership positions. Of the 87 professional posts occupied by women within the Registry as of 31 July 2014, 67 of these positions were in the P1-P3 level, with only 20 women (13 at the P4 level) appointed to higher professional grades.

With 40% female and 60% male appointees at the P4 and P5 levels within the Registry, significantly fewer women than men participate in the management meetings where key policy, operational and institutional issues are discussed. No women participate in the senior management meetings of the Registry where key policy, operational and institutional issues are decided.

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<sup>4</sup> This is within the Office of Internal Audit. This is an independent office however the ICC Human Resources Section includes the staff composition of the OIA within the staff figures of the Registry. Functionally, there are no women appointed at a D1 level within the operations of the Registry.



It is clear by the absence of sufficient data on gender balance within the Paper, that the Registry's assertions that gender issues 'are considered at virtually all stages of the recruitment process' is likely to be profoundly overstated given that these issues were not even addressed in the description of posts to be abolished under the ReVision Project and that only 1.5 pages were dedicated to this issue in Paper.<sup>5</sup>

## **Geographical Representation**

### **i. Regional Impact of ReVision**

The Registry's Updated Q&A Paper indicates that 113 posts are to be abolished within the Registry as a result of the ongoing ReVision Project. This includes established posts – both professional and general service staff - and GTA positions.

Of the abolished positions, 42 are professional posts. The regional breakdown of these posts are as follows: WEOG 23; Africa 9; GRULAC 2; Eastern Europe 4; Asia 4.

The charts provided in the Registry's Q&A Paper appear to relate to professional staff for established posts only, however some of the narrative in the Paper is ambiguous. For example, the Paper states that the Registry has favoured the 'recruitment' of nationals from the WEOG region for GTA contracts.<sup>6</sup> The Paper explains that one of the factors contributing to the over-representation of WEOG nationals, is that GTA contracts favour nationals from this region due to 'their short-term nature and the proximity of WEOG States'. However, the charts appear to solely reflect established professional posts not GTAs and thus the explanation provided in the Paper does not address the over-representation of WEOG nationals in established professional posts. This issue is not adequately addressed or explained in the Paper.

The Registry's Q&A Paper also does not provide any information regarding the gender and geographical profile and grade levels of the GTA contracts and G staff positions overall as well as those affected by the 113 posts to be abolished.

In light of the absence of this information, States Parties may consider requesting information from the Registry regarding: the number and proportion of contracts issued as GTAs; and a breakdown by gender, nationality and region by grade level for those hired by the Registry on GTA contracts in the past two years.

Of concern, is the failure by the Registry to provide a full list of the types of contracts it issues in its recruitment and appointment practices. On page three, the Registry's Q&A Paper lists the types of contracts issued by the ICC as: fixed term (established posts); short-term appointments (without a policy framework for doing so); and GTA funded positions. However, nowhere does the Paper mention the issuance of SSA contracts. Such contracts are listed in the statistics produced on a regular basis by the ICC Human Resources Section.<sup>7</sup>

<sup>5</sup> Q & A: *Recruitment, gender balance, geographical distribution, ReVision*, pages 3-4.

<sup>6</sup> Q & A: *Recruitment, gender balance, geographical distribution, ReVision*, page 6.

<sup>7</sup> SSA Contractors 81, *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 17.



Given this oversight, States Parties may consider requesting information from the Registry about its use of SSA contracts, including: the number and proportion of contracts issued as SSAs; a breakdown of grade level/pro bono contracts by gender, nationality and region of individuals hired on SSA contracts; and an indication of length of contract and whether these have been renewed.

### **Professional Staff**

Figures produced by the ICC Human Resources Section last year for the period up to 31 July 2014, indicate that there were 172 professional staff in the Registry.<sup>8</sup> Please note this figure does not include professional staff in the Secretariat of the ASP (four professional posts), the Secretariat of the Trust Fund for Victims (five professional posts) and the Project Director's office (four professional posts).

Curiously the number of professional staff within the Registry along with other figures such as the overall number of professional staff in established posts at each grade level indicated by gender and geographical representation, and the same data provided in relation to the professional posts affected by the ReVision Project, have not been provided in the Registry's Q&A Paper. Without this material it is difficult for States Parties and staff to evaluate the regional and gender impact of abolishing 113 posts including 42 professional positions.

By applying the regional percentages provided in the Registry's Paper to the actual number of professional staff in the Registry as of 31 July 2014, it is possible to determine the number of professional staff by region and to begin to assess the impact of ReVision on the regional composition of the Registry.<sup>9</sup>

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<sup>8</sup> *Geographical Representation of ICC Professional Staff, Status as at 31 July 2014, page 14.*

<sup>9</sup> *Q & A: Recruitment, gender balance, geographical distribution, ReVision, page 5.*



### Number of Professional Staff per region within the Registry

Region	% of professional staff in the Registry <sup>10</sup>	Total number of staff in professional posts in the Registry as at 31 July 2014 <sup>11</sup>	Number of Registry staff in professional posts by region
<b>Africa</b>	14.73%	172	25 nationals from African states in P posts in the Registry
<b>WEOG</b>	61.24%	172	105 nationals from WEOG states in P posts in the Registry
<b>GRULAC</b>	9.30%	172	16 nationals from GRULAC states in P posts in the Registry
<b>E. Europe</b>	8.53%	172	15 nationals from E. Europeans states in P posts in the Registry
<b>Asia</b>	6.20%	172	11 nationals from Asian states in P posts in the Registry

<sup>10</sup> Q&A: Recruitment, gender balance, geographical distribution, *ReVision*, page 5.

<sup>11</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 14.



### Posts Abolished by ReVision

Region	No. of Professional Posts abolished by ReVision <sup>12</sup>	% of overall Professional posts per region affected by ReVision
<b>Africa</b>	9	36% of the P posts held by nationals from the Africa region will be abolished by ReVision
<b>WEOG</b>	23	22% of the P posts held by nationals from the WEOG region will be abolished by ReVision
<b>GRULAC</b>	2	12.5% of the P posts held by nationals from the GRULAC region will be abolished by ReVision
<b>Eastern Europe</b>	4	27% of the P posts held by nationals from Eastern Europe will be abolished by ReVision
<b>Asia</b>	4	36% of the P posts held by nationals from the Asia region will be abolished by ReVision.
	42 professional posts to be abolished	

Based on these figures, it appears that Africa as a region and nationals of states from this region, are disproportionately affected by the ReVision Project with 36% of the professional posts occupied by those from the Africa region being abolished.

The Asia region and nationals of states from this region are also disproportionately affected (36%) given this is the region with the lowest number of nationals overall within the Registry (11 professional posts within the Registry of which four are to be abolished).

#### ii. Regional representation at each Professional Grade

According to the Registry's Q&A Paper, the actual regional representation in professional posts across the ICC is as follows: WEOG 63%; Africa 16%; GRULAC 8%; Eastern Europe 7%; and Asia 6%.<sup>13</sup>

<sup>12</sup> Annex, Q&A: Update on ReVision in the Registry.

<sup>13</sup> Q & A: Recruitment, gender balance, geographical distribution, ReVision, page 5.



### Grade levels by region for Professional Posts across the ICC<sup>14</sup>

Please note, in the charts below we have used the figures produced by ICC Human Resources Section as of 31 July 2014 instead of those provided in the Registry's Q&A Paper on page five. This is because the Registry's Q&A Paper does not provide regional target figures for each grade level and only provides overall regional employment targets. We think it is more meaningful to consider both the overall targets as well as the specific employment targets at each grade level for each region and to compare this with the actual employment figures. In our view this material allows States Parties and staff to review the issues of geographical representation, both over and under-representation, for each grade level and for each region and creates a clear picture of the geographical participation at the ICC.

Please note, these figures relate to the ICC as a whole. In order to fully understand the implications of the ReVision project decisions, States Parties should request the targets and actual employment figures for the Registry by grade level for both gender and regional (geographical) representation.

Based on the data outlined in the tables below, it is clear that two regions (WEOG and Africa) are consistently over-represented at every grade level with Eastern Europe only over-represented at the P1 grade. When comparing the levels of over-representation, the range for the Africa region is from 1.98% (P4 grade) to 6.89% (P1 grade). Although nationals from African states are over-represented, they exceed the target levels by a relatively small amount at each grade level with the highest over-representation being at the P1 level where the Africa region is over-represented by 6.89%.

WEOG is over-represented in a range of 5.96% (P1 grade) - 22.63% (P5 grade). Nationals from WEOG states are over-represented by 18% or more at each grade level with the exception of the P1 grade where the WEOG region is over-represented by 5.96%. Interestingly, the more senior the grade level, the more the WEOG region is over-represented.

#### Grade Levels by region for the ICC as a whole

Grade Level	Region	Target	Actual	Difference
P5	WEOG	44.04%	66.67%	22.63% over-represented
	Africa	13.11%	18.18%	5.07% over-represented
	Asia	18.43%	6.06%	12.37% under-represented
	Eastern Europe	8.37%	6.06%	2.31% under-represented
	GRULAC	16.06%	3.03%	13.03% under-represented

<sup>14</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, pages 8-10.





Grade Level	Region	Target	Actual	Difference
P4	WEOG	44.04%	64.15%	20.11% over-represented
	Africa	13.11%	15.09%	1.98% over-represented
	Asia	18.43%	7.55%	10.88% under-represented
	Eastern Europe	8.37%	5.66%	2.71% under-represented
	GRULAC	16.06%	7.55%	8.51% under-represented

Grade Level	Region	Target	Actual	Difference
P3	WEOG	44.04%	63.55%	19.51% over-represented
	Africa	13.11%	16.82%	3.71% over-represented
	Asia	18.43%	4.67%	13.76% under-represented
	Eastern Europe	8.37%	4.67%	3.70% under-represented
	GRULAC	16.06%	10.28%	5.78% under-represented

Grade Level	Region	Target	Actual	Difference
P2	WEOG	44.04%	61.86%	17.82% over-represented
	Africa	13.11%	16.49%	3.38% over-represented
	Asia	18.43%	6.19%	12.24% under-represented
	Eastern Europe	8.37%	8.25%	0.12% under-represented
	GRULAC	16.06%	7.22%	8.84% under-represented

Grade Level	Region	Target	Actual	Difference
P1	WEOG	44.04%	50%	5.96% over-represented
	Africa	13.11%	20%	6.89% over-represented
	Asia	18.43%	0%	18.43% under-represented

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	Eastern Europe	8.37%	20%	11.63% over-represented
	GRULAC	16.06%	10%	6.06% under-represented

### iii. Over-representation by region and individual states prior to ReVision

A list of states with an over-representation of nationals appointed to professional posts at the Court was included in the Annex to the Registry's Q&A Paper.<sup>15</sup> Unfortunately, by producing this list alphabetically it obscures the hierarchy of states and regions with the highest number of nationals and those over-represented in professional posts at the Court and is therefore misleading.

#### WEOG

According to the Registry's Q&A Paper, nationals of states from the WEOG region occupy 63% (62.66%) of the professional posts across the Court.<sup>16</sup> According to figures produced by the ICC Human Resources Section, nationals from the WEOG region are the largest group at every professional grade level (P1-D1) and are also over-represented at every professional level.<sup>17</sup>

#### All over-represented WEOG States in Professionals Posts at the ICC

- **Netherlands:** As of 31 July, 2014, the state with the highest over-representation of nationals in professional posts is the Netherlands.

As of 31 July 2014, the number of nationals from the Netherlands appointed to professional posts within the ICC as a whole exceeds the top end of the desirable range of appointments, as determined by the Committee on Budget and Finance (CBF), by 186%. This level represents the highest over-representation of nationals from a single state within the WEOG region since the ICC was established.

When this level of over-representation in professional posts is combined with the acknowledgements in the Registry's Q&A Paper that G staff are considered to have been 'locally recruited' and that WEOG nationals are favoured for the appointments on GTA contracts, nationals from WEOG states and from the Netherlands in particular appear to be disproportionately influential in the administrative, operational and decision-making processes within the Registry. This is also true of the composition of the ReVision Team and the ReVision Project Board.

In light of this unprecedented figure (186%) it may be relevant for States Parties to ask: why and how such a significant level of over-representation in professional posts developed; what are the underlying systemic issues which created the current profile; and how was this level of over-

<sup>15</sup> Q & A: Recruitment, gender balance, geographical distribution, ReVision, page 13.

<sup>16</sup> Q & A: Recruitment, gender balance, geographical distribution, ReVision, page 5.

<sup>17</sup> Geographical Representation of ICC Professional Staff, Status as at 31 July 2014.



representation allowed to increase by 73% since 31 July 2012 when the level of over-representation was 113%.

According to the CBF, the top end of the desirable range for the number of nationals from the Netherlands in professional posts is **seven**. As of 31 July, 2014, **20** nationals from the Netherlands occupied professional posts across the Court.<sup>18</sup>

With 20 nationals in established posts, the Netherlands has the third highest number of nationals appointed to professional posts across the ICC, behind France (46) and the United Kingdom (30).<sup>19</sup>

The Registry's Updated Q&A Paper indicates that 25 nationals from the Netherlands will be affected by the posts to be abolished under the ReVision Project, of which four are professional posts.

- **Republic of Ireland:** As of 31 July, 2014, the state with the second highest over-representation of nationals in professional posts is the Republic of Ireland.

As of 31 July 2014, the number of nationals from the Republic of Ireland appointed to professional posts within the ICC as a whole exceeds the top end of the desirable range of appointments, as determined by the CBF, by 133%. We do not have any figures for the number of nationals from the Republic of Ireland as of 31 July 2012 to be able to compare the current representation levels with those of the past.

According to the CBF, the top end of the desirable range for the number of nationals from the Republic of Ireland in professional posts is **three**. As of 31 July, 2014, **seven** nationals from the Republic of Ireland occupied professional posts across the Court.<sup>20</sup>

- **France:** As of 31 July, 2014, the state with the third highest over-representation of nationals in professional posts is France.

As of 31 July 2014, the number of nationals from France appointed to professional posts within the ICC as a whole exceeds the top end of the desirable range of appointments, as determined by the CBF, by 109%. This represents a 4% increase since 31 July 2012 in the over-representation of nationals from France appointed to professional posts.

According to the CBF, the top end of the desirable range for the number of nationals from France in professional posts is **22**. As of 31 July, 2014, **46** nationals from France occupied professional posts across the Court.<sup>21</sup>

With 46 nationals in established posts, France has the highest number of nationals appointed to professional posts across the ICC.

<sup>18</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12

<sup>19</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12

<sup>20</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12

<sup>21</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12



The Registry's Updated Q&A Paper indicates that 10 nationals from France will be affected by the posts to be abolished under the ReVision Project, of which six are professional posts.

- **Belgium:** The fourth highest over-representation of nationals in professional posts is Belgium.

As of 31 July 2014, the number of nationals from Belgium appointed to professional posts within the ICC as a whole exceeds the top end of the desirable range of appointments for Belgium, as determined by the CBF, by 100%. We do not have any figures for the number of nationals from Belgium as of 31 July 2012 to be able to compare the current representation levels with those of the past.

According to the CBF, the top end of the desirable range for the number of nationals from Belgium in professional posts is **five**. As of 31 July, 2014, **10** nationals from Belgium occupied professional posts across the Court.<sup>22</sup>

The Registry's Updated Q&A Paper indicates that one national from Belgium will be affected by the posts to be abolished under the ReVision Project. This is a professional post.

- **United Kingdom:** The fifth highest over-representation of nationals in professional posts is the United Kingdom.

As of 31 July 2014, the number of nationals from the United Kingdom appointed to professional posts within the ICC as a whole exceeds the top end of the desirable range of appointments, as determined by the CBF, by 50%. This represents a 37% increase since 31 July 2012 in the over-representation of nationals from the United Kingdom appointed to professional posts.

According to the CBF, the top end of the desirable range for the number of nationals from the United Kingdom in professional posts is **20**. As of 31 July, 2014, **30** nationals from the United Kingdom occupied professional posts across the Court.<sup>23</sup>

With 30 nationals in established posts, the United Kingdom has the second highest number of nationals appointed to professional posts across the ICC.

The Registry's Updated Q&A Paper indicates that 13 nationals from the United Kingdom will be affected by the posts to be abolished under the ReVision Project, of which four are professional posts.

- **Australia:** The sixth highest over-representation of nationals in professional posts is Australia.

As of 31 July 2014, the number of nationals from Australia appointed to professional posts within the ICC as a whole exceeds the top end of the desirable range of appointments, as determined by the CBF, by 44%. We do not have any figures for the number of nationals from Australia as of 31 July 2012 to be able to compare the current representation levels with those of the past.

<sup>22</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12

<sup>23</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12



According to the CBF, the top end of the desirable range for the number of nationals from Australia in professional posts is **nine**. As of 31 July, 2014, **13** nationals from Australia occupied professional posts across the Court.<sup>24</sup>

The Registry's Updated Q&A Paper indicates that three nationals from Australia will be affected by the posts to be abolished under the ReVision Project, of which two are professional posts.

- **Canada:** The seventh highest over-representation of nationals in professional posts is Canada.

As of 31 July 2014, the number of nationals from Canada appointed to professional posts within the ICC as a whole exceeds the top end of the desirable range of appointments, as determined by the CBF, by 8%. We do not have any figures for the number of nationals from Canada as of 31 July 2012 to be able to compare the current representation levels with those of the past.

According to the CBF, the top end of the desirable range for the number of nationals from Canada in professional posts is **12**. As of 31 July, 2014, **13** nationals from Canada occupied professional posts across the Court.<sup>25</sup>

The Registry's Updated Q&A Paper indicates that three nationals from Canada will be affected by the posts to be abolished under the ReVision Project, all of which are professional posts.

There are no other WEOG states over-represented in professional posts at the ICC.

The professional posts for nationals of the above six states account for 20 of the 23 professional posts held by nationals of states from the WEOG region to be abolished under the ReVision Project. The other three professional posts are held by nationals from Austria, Germany and Portugal.

### **All over-represented African States in Professional Posts**

According to the Registry's Q&A Paper, nationals of states from the Africa region occupy 16% (16.23%) of the professional posts across the Court.<sup>26</sup> Four states in the Africa region are over-represented according to the top end of the desirable range of nationals for each state, as determined by the CBF.

It should be noted that whilst these states are over-represented in professional posts, it is largely due to the low numbers assigned as the top end of the desirable range for each state rather than a large number of nationals from any African state or from the region as a whole appointed to professional posts at the ICC.

It should also be noted that there is currently only one national of a state from the Africa region in a senior management position within the Registry.

<sup>24</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12

<sup>25</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12

<sup>26</sup> *Q & A: Recruitment, gender balance, geographical distribution, ReVision*, page 5.



**South Africa:** The top end of the desirable range of nationals from South Africa to be appointed to professional posts is **three**. As of 31 July, 2014, **ten** nationals from South Africa occupied professional posts across the Court.<sup>27</sup> This is a 233% over-representation. We do not have any figures for the number of nationals from South Africa as of 31 July 2012 to be able to compare the current representation levels with those of the past.

The Registry's Updated Q&A Paper indicates that two nationals from South Africa will be affected by the posts to be abolished under the ReVision Project, both of which are professional posts. One of these positions was one of only two senior managers (P5) from the Africa region within the Registry.

**Senegal, The Gambia and Sierra Leone:** The top end of the desirable number of nationals from Senegal, The Gambia and Sierra Leone is **one, respectively**. As of 31 July, 2014, **three** nationals from each of these states occupied professional posts across the ICC.<sup>28</sup> This is a 200% over-representation for each state. We do not have any figures for the number of nationals from Senegal, The Gambia and Sierra Leone as of 31 July 2012 to be able to compare the current representation levels with those of the past.

There are no other African states over-represented in professional posts at the ICC.

The Registry's Updated Q&A Paper indicates that four nationals from Sierra Leone will be affected by the posts to be abolished under the ReVision Project, of which one is a professional post.

The Registry's Updated Q&A Paper also indicates that one national each from Senegal and The Gambia will be affected by the posts to be abolished under the ReVision Project. Both of these are professional posts.

In total, nine professional posts currently held by nationals of states from the Africa region are to be abolished. In addition to the five posts above, other nationals of states from the Africa region in professional posts to be abolished are from: Benin, Egypt, Ghana and Niger.

### **All over-represented GRULAC States in Professional Posts**

According to the Registry's Q&A Paper, nationals of states from the GRULAC region occupy 8% (8.44%) of the professional posts across the Court.<sup>29</sup> Three states in the GRULAC region are over-represented according to the top end of the desirable range of nationals for each state, as determined by the CBF.

It should be noted that whilst these states are over-represented in professional posts, it is largely due to the low numbers assigned as the top end of the desirable range for each state rather than a large number of nationals from any GRULAC state or from the region as a whole appointed to professional posts at the ICC.

<sup>27</sup> *Geographical Representation of ICC Professional Staff, Status as at 31 July 2014, page 11*

<sup>28</sup> *Geographical Representation of ICC Professional Staff, Status as at 31 July 2014, page 11*

<sup>29</sup> *Q & A: Recruitment, gender balance, geographical distribution, ReVision, page 5.*



- **Colombia:** The top end of the desirable range of nationals from Colombia to be appointed to professional posts is **three**. As of 31 July, 2014, **six** nationals from Colombia occupied professional posts across the ICC.<sup>30</sup> This is a 100% over-representation.

The Registry's Updated Q&A Paper indicates that one national from Colombia will be affected by the posts to be abolished under the ReVision Project. This is a professional post.

- **Peru:** The top end of the desirable range of nationals from Peru to be appointed to professional posts is **two**. As of 31 July, 2014, **three** nationals from Peru occupied professional posts across the ICC.<sup>31</sup> This is a 50% over-representation. No professional posts held by nationals from Peru are affected by ReVision.
- **Argentina:** The top end of the desirable range of nationals from Argentina to be appointed to professional posts is **three**. As of 31 July, 2014, **four** nationals from Argentina occupied professional posts across the ICC.<sup>32</sup> This is a 33% over-representation. No professional posts held by nationals from Argentina are affected by ReVision.

There are no other GRULAC states over-represented in professional posts at the ICC.

In total, two nationals in professional posts from states within the GRULAC region are affected by ReVision. In addition to a professional post held by a national from Colombia, a professional post held by a national from Venezuela will also be abolished under the ReVision Project.

### All over-represented Asian States in Professional Posts

According to the Registry's Q&A Paper, nationals of states from the Asia region occupy 6% (5.52%) of the professional posts across the Court.<sup>33</sup> There are no states within the Asia region over-represented in professional posts at the ICC.

According to the Registry's Updated Q&A Paper, four nationals in professional posts from states within the Asia region are affected by ReVision. These are nationals of Cyprus, Iran, Japan, and Singapore.

### All over-represented Eastern European States in Professional Posts

According to the Registry's Q&A Paper, nationals of states from the Eastern Europe region occupy 7% (7.14%) of the professional posts across the Court.<sup>34</sup> Three states in the Eastern European region are over-represented according to the top end of the desirable range of nationals for each state, as determined by the CBF.

<sup>30</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12

<sup>31</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12

<sup>32</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12

<sup>33</sup> *Q & A: Recruitment, gender balance, geographical distribution, ReVision*, page 5.

<sup>34</sup> *Q & A: Recruitment, gender balance, geographical distribution, ReVision*, page 5.





It should be noted that whilst these states are over-represented in professional posts, it is largely due to the low numbers assigned as the top end of the desirable range for each state rather than a large number of nationals from any Eastern European state or from the region as a whole appointed to professional posts at the ICC.

- **Romania:** The top end of the desirable range of nationals from Romania to be appointed to professional posts is **two**. As of 31 July, 2014, **six** nationals from Romania occupied professional posts across the ICC.<sup>35</sup> This is a 200% over-representation.

The Registry's Updated Q&A Paper indicates that one national from Romania will be affected by the posts to be abolished under the ReVision Project. This is a professional post.

- **Croatia and Serbia:** The top end of the desirable range of nationals from Croatia and Serbia to be appointed to professional posts is **two**, respectively. As of 31 July, 2014, **four** nationals from each of these states occupied professional posts across the ICC.<sup>36</sup> This is a 100% over-representation.

There are no other Eastern European states over-represented in professional posts at the ICC.

The Registry's Updated Q&A Paper indicates that two nationals from Croatia will be affected by the posts to be abolished under the ReVision Project, one of which is a professional post.

The Registry's Updated Q&A Paper also indicates that one national from Serbia will be affected by the posts to be abolished under the ReVision Project. This is not a professional post.

In total, four nationals in professional posts from states within the Eastern European region are affected by ReVision. Including Romania and Croatia, the other nationals affected are from Georgia and Russia.

## Conclusion

1. The impact of the ongoing recruitment and appointment practices within the Registry and the ReVision Project appear to be expanding the gulf between gender and geographical balance and representation within this organ. It is clear from events over the past year, that the decisions and actions of the Registry's leadership have fueled and under-scored a profound sense of alienation and disenfranchisement experienced by individual states from many regions and in some instances by an entire region. It is difficult to imagine that greater efficiency and institutional capacity of the ICC can be achieved through compromising the positive support and engagement of its member states and by continuing to overlook the talent and skills in the diversity of its membership. The deeply divisive manner in which the ReVision Project has been conducted was not a necessary or inevitable feature of this process.

<sup>35</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 12

<sup>36</sup> *Geographical Representation of ICC Professional Staff*, Status as at 31 July 2014, page 11-12.





There are some particularly offensive or at best insensitive sections of the Registry's Q&A Paper. For example, in the section titled, '*What measures is the Court taking to improve geographical distribution*' the Paper outlines three concrete strategies.<sup>37</sup> Two of these are: to introduce 'paid internships which would be used particularly for applicants from developing [sic] non-represented or under-represented countries'; and introduce a 'Junior Professional Programme to facilitate a restricted entry to junior level professional positions for candidates from non-represented and under-represented countries'. The third strategy is to try to reduce the use of GTAs since these favour WEOG candidates. None of these strategies address the over and under-representation of nationals and regions in established professional posts.

In addition, the gender representation within the Registry has taken a profound step backwards in recent years. This can be seen in: the reduction in the number of women appointed to mid-to-senior level posts since July 2012; the failure to ever appoint a woman to a Head of Division within the Registry; the proportionately low number of women participating in management discussions; and that no women participate in the senior management meetings of the Registry where critical decisions are made. Dealing with gender inequalities within the staff composition of the Registry is not addressed in either of the Q&A Papers, there are no strategies suggested to address the under-representation of women in senior management posts nor to stem the tide on the reduction in the number of women appointed at a P4 level.

2. It appears that the ReVision Project and the leadership within the Registry has not ensured that whilst ReVision is underway the Registry continues to fulfil its duties to ensure that other areas of the Court are able to properly exercise and fulfil their functions. The abolishment of positions needed to prepare and set up the new premises with the Court just months away from moving to its permanent site does not seem well thought through. In addition, it is likely that its work has negatively impacted on the smooth and efficient provision of support for critical judicial functions of the ICC.

According to Article 43 of the Rome Statute, the Registry is primarily a service provider,<sup>38</sup> headed by the Registrar who is the principal administrative officer of the ICC.<sup>39</sup> The role of the Registry is to provide administrative services for the Judiciary, the Office of the Prosecutor, the independent offices of defence and those responsible for victims-related issues to ensure and enable each of these areas to fully function with the necessary support, infrastructure, clarity, stability and quality of service required.

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<sup>37</sup> Q & A: *Recruitment, gender balance, geographical distribution, ReVision*, page 7.

<sup>38</sup> Article 43 (1) of the Rome Statute: The Registry shall be responsible for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor in accordance with article 42.

<sup>39</sup> Article 43 (2) of the Rome Statute: The Registry shall be headed by the Registrar, who shall be the principal administrative officer of the Court. The Registrar shall exercise his or her functions under the authority of the President of the Court.



3. Finally, it appears that the ReVision Project has been embarked upon without locating this endeavor within the larger reality and context of the Court as a whole. With this in mind one should consider: the regional membership of states which have ratified the Rome Statute and are therefore States Parties to the ICC; the situations under investigation by the Court and the cases before the ICC; and the leadership demonstrated by the Africa region with respect to the number of self-referrals to the Court.

Bearing in mind these realities, the decision by the Registrar to disproportionately abolish professional posts held by nationals of states from the Africa region seems unwise and poorly conceived. The lack of receptivity to the genuine concerns expressed by many states on these issues and the ongoing indifference to their views is unlikely to lead to a more efficient, harmonious, and supported Court at a time when its mandate is most needed and its case load has never been higher. In addition, the lack of frankness and transparency in the information presented in the Registry's Q&A Papers along with similar approaches taken by the Registrar on other matters, most notably during the victims consultation process, the IOM and at earlier stages of the ReVision Project, as well as the escalation in gender and geographical disparity within the Registry since the Registrar has been in office, do not inspire nor warrant confidence that such issues will be rectified at the next stage of the process.

