

**Coalition for the International Criminal Court (CICC) Comparative Analysis
of ICC Ad Hoc Due Diligence Processes & Draft Permanent Process**

19 June 2023

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Introduction

The following chart supplements the Coalition for the International Criminal Court (CICC) Elections Team Paper, ‘At a crossroads: Recommendations to States Parties on developing a permanent vetting process that is purpose-built’. It provides an informal comparative analysis of the three International Criminal Court (ICC) ad hoc due diligence (“vetting”) processes together with the ASP Presidency’s initial draft terms of reference for the ICC’s permanent vetting process, dated 5 April 2023 and circulated ahead of the 6 July 2023 meeting on the establishment of a permanent due diligence process for elected officials. The permanent process is set to be adopted at the 22nd ASP (ASP22) in December in New York, and this chart provides details from the four processes together with comments (📝) and recommendations (💡). This chart was informed by desk research and consultations with senior experts from domestic vetting processes, notably Herman von Hebel, Chair, Pre-Vetting Commission integrity of judges and prosecutors to self-administration bodies in Moldova, and former ICC Registrar, and Philippe Lacasse, Executive Director, Judicial Appointments and Senior Counsel, Office of the Commissioner Federal Judicial Affairs Canada, Judicial Appointments Secretariat. Both experts are prepared to assist the ASP Bureau further and share best practices from their work in this area.





Item	Deputy Prosecutors election (2021)	Registrar election (2022)	Judicial election (2023)	Permanent process (2023)	Comments & Recommendations
1. Structure					
Names & links	<p>General election webpage: Election of Deputy Prosecutors (2021).</p> <p>↓</p> <p>With link to PDF 'Agreement by the Presidency of the Assembly and the Prosecutor on due diligence process for candidates for Deputy Prosecutor'.</p> <p>↓</p> <p>A separate link to PDF: 'Confidential channel'.</p>	<p>General election webpage: Election of The Registrar (2022).</p> <p>↓</p> <p>With link to PDF: Proposal by the Presidency on Due Diligence Process for Candidates for Registrar agreed by the Bureau of the Assembly on 8 June 2022 [but this is an annex and it is unclear what it is an annex to].</p> <p>↓</p> <p>With info about the channel & the Independent Oversight Mechanism's ('IOM') email.</p>	<p>General election webpage: 2023 - Election of six judges.</p> <p>↓</p> <p>With link to PDF: Due Diligence Process For Candidates For 2023 Judicial Elections</p> <p>displayed as ! new Due diligence process</p> <p>↓</p> <p>Also heading ! new Confidential channel regarding due diligence with details about the channel directly on the webpage.</p>	<p>[Draft] Due Diligence Process for Candidates for Elected Officials of the ICC.</p> <p>↓</p> <p>ASP Presidency's initial draft terms of reference for the ICC's permanent vetting process, dated 5 April 2023 circulated ahead of the 6 July 2023 meeting on the establishment of a permanent due diligence process for elected officials.</p>	<p> The IOM email is shown on the main ASP election webpage of the latter two processes, but not on the Deputy Prosecutor election webpage.</p> <p> These webpages have been progressively clearer and more visible. The name of the 3rd process is the clearest. The exclamation mark helps with visibility on the webpage.</p> <p> Recommend that the full vetting process is clearly written out and visible on a designated ASP webpage - rather than in a PDF document, akin to the webpage for the assessment process in Canada for federal judicial appointments, and the Moldovan pre-vetting process.</p> <p> Recommend adding a link to the proposed new ASP vetting webpage on the bottom of the ICC webpage on the ASP where ICC elections are described.</p>
Adoption	The Prosecutor and the Presidency of the	Drafted pursuant to the Assembly's	Drafted pursuant to Assembly requested	At ASP22 in December 2023.	Recommend that consultations begin on finalising the terms of reference for the permanent process as soon as






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	<p>Assembly of States Parties discussed the election process for the position of Deputy Prosecutor and agreed that the process shall include due diligence measures.</p> <p>↓</p> <p>Adopted by the Bureau on Due Diligence process Adopted by the Bureau on 6 July 2021.</p>	<p>request to the Bureau in Resolution ICC-ASP/20/Res.4, Part II, para. 4.</p> <p>↓</p> <p>Due Diligence process Adopted by the Bureau on 8 June 2022.</p>	<p>the Bureau, in Resolution ICC-ASP/21/Res.2, para. 82.</p> <p>↓</p> <p>Due Diligence process Adopted by the Bureau on 28 February 2023.</p>		<p>practicable due to the limited timeframe and the various issues which need to be addressed.</p>
Civil society consultations	No.	To some degree.	To some degree.	Yes.	💡 Recommend meaningful consultations with civil society who have been championing this issue since 2019.
Languages	ENG, FRE, SPA, and ARA.	ENG, SPA, and ARA. 📄 French was not included.	ENG, FRE, SPA, and ARA.	Unknown.	💡 Recommend the terms of reference for the permanent vetting process, and the specifics of the confidential reporting channel, are translated into all languages of states where candidates are nominated/apply from (States Parties can assist with this).







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		<p>📄 As tweeted by Stephen Lamony, ‘I hope this information is also available in the countries of origin of the candidates in their official languages.’</p>			
Scope	Deputy Prosecutor election.	Registrar election.	Judicial election.	Applied to ‘all elected ICC officials’.	<p>📄 The permanent vetting process applies to ‘all elected ICC officials’ which should include applicable ASP elections requiring officials to have a high moral character, including the ACN and TFV BOD elections. High moral character is not required in CBF elections, but perhaps the vetting process should apply to CBF elections as well.</p>
Length of document	19 paragraphs.	20 paragraphs.	22 paragraphs.	27 paragraphs.	<p>💡 Recommend that terms of reference for the permanent process are more comprehensive and more visible on a standalone webpage on the ASP website including further details for candidates, akin to websites for the Canadian and Moldovan processes.</p>
Headings	<ol style="list-style-type: none"> 1. <i>Opening paras</i> <i>Appendix with</i> 2. Confidential Channel 3. Receipt of 	<ol style="list-style-type: none"> 1. <i>Opening paras</i> 2. Review of background information 3. Receipt and review of 	<ol style="list-style-type: none"> 1. <i>Opening paras</i> 2. Review of background information 3. Receipt and review of 	<ol style="list-style-type: none"> 1. Introduction 2. Opening of nominations and vacancy announcements 3. Background 	<p>💡 Recommend the terms of reference for the permanent process include the general vetting terms which apply to all elections, and annexes which set out the specific process for the different types of elections.</p>

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	<p>Allegations</p> <ol style="list-style-type: none"> 4. Initial Review 5. Reporting 6. IOM Assessment 7. Reporting 	<p>allegations of misconduct</p> <ol style="list-style-type: none"> 4. Process for review 5. Reporting 	<p>allegations of misconduct</p> <ol style="list-style-type: none"> 4. Process for review 5. Reporting 	<p>check</p> <ol style="list-style-type: none"> 4. Confidential channel for the receipt of allegations of misconduct 5. Review of allegations of misconduct 6. Reporting 7. Decision on the way forward 	
Organisational structure	Unknown.	Centralised in one office in order to avoid duplication, with relevant Registry sections, e.g., Security and Safety, Human Resources etc. reporting to the IOM, as required (Bureau meeting, 13 April 2022).	Centralised in the IOM with the assistance of the Registry and the Secretariat of the Assembly of States Parties as appropriate	Centralised in the IOM with the assistance of the Registry of the ICC and the Secretariat of the Assembly of States Parties, as appropriate.	<p>📄 The process does not need to be solely adversarial for all complaints. Some allegations may be less serious than others. Candidates and complainants may wish to discuss allegations informally. This could lead to positive resolutions, and a positive review of the candidate’s high moral character.</p> <p>💡 Recommend considering informal resolutions as provided in the ICC’s harassment AI, when the parties agree. The organisational structure could be broadened to include the ICC’s new independent Ombuds who can provide ‘one-on-one conflict coaching to be able to give voice to concerns effectively, shuttle diplomacy to communicate with others through an intermediary without having to be in the same physical space, and facilitated discussions or mediation.’</p>

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2. IOM activities					
Assessment of high moral character process	An in-depth background check of criminal, academic and employment records of candidates; an enquiry into any allegations of misconduct against any such candidates.	The assessment shall comprise two parts. One reviewing existing background information concerning the shortlisted candidates and a second, receiving and reviewing allegations of misconduct made against them, if any.	It shall comprise two parts: A first part to review existing background information concerning the nominated candidates, and a second one to receive and review any allegations of misconduct made against any of the nominated candidates.	An in-depth background check of criminal, academic and employment records of the candidates and a confidential channel for the receipt of allegations of misconduct. The due diligence process for candidates for elected officials is intended only to assess whether such candidates possess “high moral character” as required by the Rome Statute.	<p>At the heart of the process is assessing whether candidates have a ‘high moral character’, yet this terminology takes on a variety of meanings. A definition should be developed, to provide clarity and certainty for all stakeholders, as recommended at paras 90-91 of the Report by the facilitators on the third election of the Prosecutor of the ICC – Lessons learnt.</p> <p>Recommend that further consultations with experts and states are conducted on the definition of high moral character, which is needed in the final terms of reference for the permanent vetting process.</p>
Background checks & data protection	An in-depth background check of criminal, academic and employment records of candidates to be included in the list provided by the Prosecutor to the	The IOM shall conduct an in-depth background check of criminal, academic, and employment records of the shortlisted candidates with the	The IOM shall conduct an in-depth background check of criminal, academic, and employment records of the nominated candidates with the assistance of	The IOM shall conduct an in-depth background check of criminal, academic, and employment records of the candidates with the assistance of relevant	<p>Data protection issues arise here and must be reviewed closely. In the Canadian federal judicial election process, candidates must sign an Authorization and Release Form for the Province in which you are a member of the bar including full information respecting complaints against their professional conduct. Candidates also must sign a Background Check Consent Form which includes the statement, ‘I understand that the information the</p>

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	<p>Assembly of States Parties, in accordance with article 42, paragraph 4, of the Statute.</p>	<p>assistance of relevant sections of the Registry of the International Criminal Court as appropriate.</p>	<p>relevant sections of the Registry of the International Criminal Court as appropriate.</p>	<p>sections of the Registry, as appropriate.</p>	<p>Department of Justice receives will be held in confidence and used in accordance with the law'. The Moldovan Pre-Vetting Commission has very wide and exceptional access to candidates' personal data, which is kept strictly confidential, and '[t]he candidate's right to access these data shall be ensured by the Secretariat of the Evaluation Commission' (Article 10(5), No 26 of 10.03.2022).</p> <p> Recommend adding terms on applicable data protection laws and that candidates will be given access to all data collected about them, in compliance with Article 12, GDPR: 'Transparent information, communication and modalities for the exercise of the rights of the data subject' and Article 14, GDPR, 'Information to be provided where personal data have not been obtained from the data subject.'</p>
<p>Reputational interviews</p>	<p>Not included.</p>	<p>The check may include a review and analysis of open-source information and contacts with former employers and employees.</p>	<p>The check shall include a review and analysis of open-source information and contacts with former employers and, where feasible, staff who may have worked with the nominated candidates.</p>	<p>The check shall include a review and analysis of open-source information and contacts with former employers and, where feasible, employees who may have worked with the candidates.</p>	<p> In the Canadian federal judicial selection process, '[e]xtensive consultations in both the legal and non-legal community are undertaken by the committee in respect of each applicant. [...] Persons outside the list of names (references and others) provided by the candidate must be consulted; Persons from both inside and outside the legal community must be consulted; The scope and type of consultations must be sufficiently broad to ensure a good reading of the candidate's personal, as well as professional qualities.' These are the sources from whom the most honest information is received because they are not friends of the applicants or people that they've chosen to put</p>




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					<p>forward as a reference.</p> <p> Reputational interviews with non-referees (individuals not provided as references by the candidates) are often the only avenue to receive honest views from individuals who have worked with a candidate. It would be unfair if the IOM interviews non-referees of some, but not all candidates.</p> <p> Recommend the IOM conducts at least one mandatory reputational interview for all candidates with a non-referee.</p>
Final stage of process	The IOM report shall also include an assessment as to whether the allegation is supported by sufficient evidence to raise concerns about the candidate’s high moral character.	The IOM shall submit to the Presidency of the Court and the Presidency of the Assembly a report regarding any concerns it may have identified with respect to the high moral character of any of the shortlisted candidates.	The IOM shall submit to the Presidency of the Assembly a report regarding any concerns it may have identified with respect to the high moral character of any of the nominated candidates.	If the IOM report on allegations contains any matters of concern regarding the high moral character of any of the candidates, the Presidency of the Assembly shall transmit to the Bureau the written observations on such matters of the authority in charge of the election process, as appropriate, and shall recommend a	<p> The final stage in the process is vague and a gap in the proposed terms of reference. Will the decision-making body decide whether to disqualify the candidate based on the IOM’s report, and if yes what will be the modalities? By consensus, vote, or other? In the alternative, will there be an investigation? The Moldovan pre-vetting process specifies: ‘The decision on failing the integrity evaluation constitutes a legal basis not to allow the candidate to the elections or competition. The decision shall be submitted to the legally competent bodies to investigate into the detected violations, however the decision findings do not have probative value for any subsequent procedures or proceedings’ (Article 13(6), No 26 of 10.03.2022). In the Canadian assessment of federal judicial candidates, the Judicial Advisory Committee recommends individuals to the Minister of Justice, or not, based on their evaluation of the candidate.</p>






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				<p>course of action to be adopted by the Bureau.</p>	<p> Recommend that the terms of reference indicate that the IOM does not make findings (this is not clear to all stakeholders), and rather presents preliminary findings of potential concerns that a candidate’s high moral character is in doubt.</p> <p> Recommend inclusion of precisely what occurs after negative preliminary findings are reported to the relevant decision-making body, if the candidate does not withdraw themselves.</p> <p> Recommend (akin to ICC harassment AI) referrals to national authorities for criminal allegations when appropriate. Where a review of a complaint ‘reveals that criminal conduct may have been committed, such a matter may, upon consultation with competent legal offices within the Court, be referred by the responsible official to the relevant national authorities for possible criminal accountability. Suspected criminal conduct may also be reported directly to the relevant national authorities by an affected individual.’</p>
4. Confidential reporting channel					
Reporting channel visibility	‘Confidential channel’ and the linked PDF is a short para with no	‘Confidential channel regarding due diligence’ directly on	‘! new Confidential channel regarding due diligence’ directly on	n/a.	<p> The visibility of the reporting channel needs to be prioritised.</p>

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	title and limited details.	main election page with 3 paras explaining process.	the main election page with 6 paras explaining the process.		<p>💡 Recommend that the confidential channel is visible on a designated ASP vetting webpage with clear step-by-step guidance, and all relevant details from the terms of reference for the permanent process for potential complainants.</p>
Duration channel open to public	Anyone may submit written allegations of misconduct confidentially to the IOM within 14 days of the public announcement of the list of candidates provided by the Prosecutor to the Assembly.	The confidential channel shall remain open for a minimum of forty- five calendar (45) days .	Nearly three months (from 4 April 2023 press release to 30 June 2023 cut-off).	The confidential channel for the receipt of allegations shall remain open for a time determined by the IOM for each election, which shall in no case be less than forty-five (45) days .	<p>📄 A complainant submitted her complaint after the 45-day cut-off during the Registrar election because it took her that long to decide whether to come forward. Fortunately, the IOM accepted her complaint and interviewed her. Sufficient time is needed to distribute information about the channel internationally, and for potential complainants to gain the courage to come forward.</p> <p>💡 Recommend that the confidential reporting channel is open for at least 60 calendar days.</p>
Dissemination of confidential channel	The Secretariat of the Assembly shall provide all necessary information to that effect concurrently with the public announcement of the list of candidates provided by the Prosecutor.	The opening of the confidential channel shall be communicated to all States Parties.	The opening of the confidential channel shall be communicated to all States Parties by the Secretariat of the Assembly of States Parties and its dissemination shall be conducted through	The opening of the confidential channel shall be communicated to all States Parties by the Secretariat of the Assembly of States Parties and shall be disseminated through the Court’s website	<p>📄 The opening of the confidential channel is a significant juncture in each vetting process and requires further concerted attention. Otherwise, potential complainants will not learn of it.</p> <p>💡 Recommend the terms of reference for the permanent process include a distribution/communications strategy in coordination with the ICC Public Affairs Unit, with details on implementation, to ensure the announcement is effectively distributed in states where candidates are nominated/apply</p>







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			the Court’s website and social media accounts, [...].	and social media accounts, [...].	from and in their official languages.
Cooperation from States in disseminating the confidential channel	Not included.	[...] as well as through efforts by States Parties and Civil Society to provide information thereon to relevant agencies and professional associations. Such dissemination shall include details as to the process outlined below regarding how allegations received will be treated by the IOM.	[...] In particular, States Parties who have nominated candidates shall ensure that the process for submitting information to the channel, including how allegations received will be treated, is provided to the organizations where the candidate has previously worked or is currently working, noting that they are being considered as judicial candidates at the International Criminal Court.	[...] In particular, States Parties that have nominated candidates for judges shall ensure that the process for submitting information to the channel, including how allegations received will be treated, is provided to the organizations where the candidate has previously worked or is currently working, noting that they are being considered as judicial candidates at the Court.	<p>📄 States Parties are required to communicate the confidential channel, and they must also be required to report back on the dissemination, since otherwise there is no way to assess whether and how effectively this information was disseminated.</p> <p>💡 Recommend PASP/SASP coordinate with States Parties (especially those with candidates), civil society, ICC, ICCBA, etc. regarding dissemination - to streamline this activity to avoid duplication and unnecessary work, to ensure the messages are correct and consistent, and that the information reaches all the necessary organisations, offices, and individuals. This can be done quite simply via email, with a division of tasks.</p> <p>💡 Recommend that the judicial nomination process has a built-in requirement for States to disseminate confidential reporting channels and provide names or previous/current workplaces and colleagues for reputational interviews. This will guarantee State cooperation for judicial elections.</p>

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5. Elements					
Misconduct definition	“Misconduct” for the purpose of this due diligence process refers to human rights violations, incidents of sexual harassment, bullying in the workplace, and other ethical or legal breaches of a serious nature such as fraud or corruption.	“Misconduct” refers to human rights violations, incidents of harassment, including sexual harassment, abuse of authority, discrimination and bullying in the workplace, as well as other ethical or legal breaches of a serious nature such as fraud or corruption.	“Misconduct” refers to human rights violations, incidents of harassment, including sexual harassment, abuse of authority, discrimination and bullying in the workplace , as well as other ethical or legal breaches of a serious nature such as fraud or corruption.	“Misconduct” refers to human rights violations, incidents of harassment, including sexual harassment, abuse of authority, discrimination and bullying in the workplace , as well as other ethical or legal breaches of a serious nature such as fraud or corruption.	💡 Recommend adding additional aspects from the ICC’s harassment AI, including that allegations may include misconduct that occurred at or away from the workplace, and during or outside working hours . The current inclusion of ‘in the workplace’ excludes many instances of misconduct. For instance, several complaints about candidates in recent elections occurred in work-related events (e.g., at a dinner) but not in the workplace per se.
Confidentiality	The allegation and the review of it conducted by the IOM shall be and remain confidential. Objections by the complainant to disclose their identity to the candidate, when it is required for the legitimate	The allegation and its review by the IOM shall be confidential and remain so at all times. Under no circumstances, the identity of the complainant shall be disclosed without his or her prior consent.	The allegation and its review by the IOM shall be confidential and remain so at all times. Under no circumstances shall the identity of the complainant be disclosed without his or her prior consent.	The allegation and its review by the IOM shall be confidential and always remain so. Under no circumstances shall the identity of the complainant be disclosed without his or her prior consent.	📄 Bureau mtg 19 May 2022 , re. Registrar election: ‘A view was expressed that the allegation should be dismissed if it was not substantiated, but the mere fact of a complainant’s failure to disclose his/her name should not be sufficient for the IOM to dismiss the complaint. It was stated, on the other hand, that if there was a real complaint, the complainant should have the courage to disclose his/her name. ’ This comment of a State Party is alarming and shows a complete lack of understanding of workplace misconduct and its potential impact on individuals, particularly those with less power or who are marginalised. There are myriad

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	<p>needs of the review and assessment of the allegation may be grounds for the IOM to set aside the allegation and discontinue its review.</p>				<p>reasons why complainants cannot disclose their names, and it has nothing to do with the complaint being valid or the person being courageous - especially if disclosing their name means the potential of risking their entire career.</p> <p> Recommend further consultations/presentations with States Parties on why individuals often do not report misconduct, and why confidentiality is required until the complainant agrees to disclose their name.</p>
<p>Anonymity</p>	<p>Anonymous complaints shall not be accepted.</p>	<p>Anonymous complaints shall not be accepted.</p>	<p>Anonymous complaints shall not be accepted.</p>	<p>Anonymous complaints shall not be accepted.</p>	<p> The ICC’s new harassment AI allows anonymous complaints: ‘Formal reports of suspected prohibited conduct may be made anonymously. However, the anonymity of reports of suspected prohibited conduct and the passage of time may render the initiation or completion of an investigation or disciplinary proceedings more difficult. Consequently, those reporting such information are encouraged to identify themselves, knowing that their names will be kept confidential and that there are measures in place to protect them against retaliation.’</p> <p> Due to the close-knit international justice community, and since there may be available corroborative evidence, anonymous complaints should be permitted in the permanent vetting process with a similar disclaimer. Complainants can then be given the chance to provide their identity if this is necessary for the assessment of their complaints.</p>

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Retaliation	Not mentioned.	Not mentioned.	Any allegation found to be credible and material by the IOM shall be put to the candidate, to allow them a full and fair opportunity to respond to the allegation, either in writing or through an interview. Any nominated candidate contacted by the IOM in this context shall be warned not to retaliate against any complainant.	Any allegation found to be credible and material by the IOM shall be put to the candidate, to allow them a full and fair opportunity to respond to the allegation, either in writing or through an interview. Any candidate contacted by the IOM in this context shall be warned not to retaliate against any complainant.	<p> One of the key reasons individuals do not report misconduct is their fear of retaliation, because it occurs regularly in the international justice field.</p> <p> In addition to a warning not to retaliate, the terms of reference for the permanent process should include consequences for retaliation, such as potential disqualification as a candidate if retaliation is proven.</p>
Due process	The IOM shall seek the consent of the complainant prior to any disclosure of his or her identity, including to the candidate concerned for due process purposes.	Only when the allegation cannot be reviewed and assessed on the basis of available corroborative evidence, and disclosure is necessary to ensure due process may the	Only when the allegation cannot be reviewed and assessed on the basis of available corroborative evidence, and disclosure is necessary to ensure due process , may the IOM seek the	Only when the allegation cannot be reviewed and assessed based on available corroborative evidence, and disclosure is necessary to ensure due process , may the IOM seek the consent of the	<p> Due process and disclosure are criminal law terms. Do these apply during vetting processes when the candidates are not being investigated for crimes, nor do they have a legal right to be elected/employed? While fairness to candidates is fundamental, whether ‘due process rights’ is the appropriate terminology is disputed among experts (e.g., no due process rights are granted to candidates in the Canadian judicial appointment process, but they are in the Moldovan pre-vetting process). If candidates are owed due process rights, other potential rights should be included</p>

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		IOM seek the consent of the complainant to any such disclosure.	consent of the complainant to any such disclosure.	complainant to any such disclosure.	<p>such as the right to counsel and the right to appeal.</p> <p>💡 Recommend further consultations on whether candidates have ‘due process’ rights per se, and then clarify the fairness requirements with further precision - access to all allegations, right to respond and mitigate doubts about their high moral character, and possibly other rights such as the right to counsel, and the right to appeal.</p>
Review period	The IOM shall submit, within 45 days of the receipt of any allegations, a report to the Prosecutor and the President of the Assembly, including details in terms of the overall number of allegations received that lacked sufficient credibility to put to the candidates, or that otherwise were not reviewed by the IOM.	No later than 30 November 2022, the IOM shall submit to the Presidency of the Court and the Presidency of the Assembly a report regarding any concerns it may have identified with respect to the high moral character of any of the shortlisted candidates.	No later than 31 October 2023 and before the planned roundtables for judicial candidates, the IOM shall submit to the Presidency of the Assembly a report regarding any concerns it may have identified with respect to the high moral character of any of the nominated candidates.	At the conclusion of the review process and within the time period to be established for each election process, the IOM shall submit to the Presidency of the Assembly a report regarding any concerns it may have identified with respect to the high moral character of any of the nominated candidates or any of the candidates included in a list submitted to the Assembly.	<p>📄 The Moldovan Pre-Vetting Commission aims to complete their review of candidates within one month, but they agreed not to have any hard rules on this since each assessment is different, and sometimes they take a decision before one month and sometimes it takes longer.</p> <p>📄 The draft terms of reference for the permanent process provides too much discretion regarding time periods, which may result in insufficient time for proper assessments.</p> <p>💡 Recommend that the approach taken in the judicial vetting process is adopted in the permanent process, and that the terms of reference indicate that time periods for the IOM’s review are extended as long as possible, to accommodate the various number and types of potential complaints that the IOM may need to review for each candidate.</p>

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Standard of review	Not mentioned.	Not mentioned.	Not mentioned.	Not mentioned.	<p> The Moldovan pre-vetting process applies a ‘Serious doubt’ standard: ‘A candidate shall be deemed not to meet the integrity criteria if serious doubts have been found as to the candidate’s compliance with the requirements [...] which have not been mitigated by the evaluated person’ (Article 13(5), No 26 of 10.03.2022). The Canadian federal judicial appointment process does not apply a specific standard of review in the assessment of candidates.</p> <p> Recommend further consultations with experts on whether a standard of review should be specified, including consideration of the Moldovan and Canadian approaches.</p>
6. Communication					
ICC/ASP press release	No press release.	<p>ICC Registrar Election: Assembly of States Parties establishes confidential channel regarding due diligence process 20 July 2022.</p> <p> Press release headline mentions confidential channel; list of Registrar</p>	<p>Election of six judges of the Court: Assembly of States Parties establishes due diligence process 4 April 2023.</p> <p> Press release headline doesn't mention confidential channel; list of judicial candidates not listed in the Press release.</p>	n/a.	<p> Recommend clear language is used in ICC/ASP public information that the public understand since ‘due diligence’ is not sufficiently clear.</p> <p> Recommend specifically mentioning the confidential reporting channel in the press release headline, and listing the candidates and nominating States (when applicable) in the press release.</p>

Item	Deputy Prosecutors election (2021)	Registrar election (2022)	Judicial election (2023)	Permanent process (2023)	📄 Comments & 💡 Recommendations
		candidates included in the Press release.			
Social media - ICC & PASP	No tweets.	<p>One ICC Tweet: 'Election of #ICC Registrar: Assembly of States Parties publishes information on confidential channel regarding due diligence process for short-listed candidates 1 @PASPfernandez'.</p>	<p>One ICC Tweet: 'Election of six judges of the Court: Assembly of States Parties establishes due diligence process 1'.</p> <p>📄 No mention of confidential reporting channel in the tweet.</p> <p>PASP tweet (in 4 languages) 'Election of #ICC Judges: Assembly of States Parties publishes information on confidential channel regarding due diligence process for the election of six judges in 2023:'</p>	n/a.	<p>📄 Is there a communications strategy for the vetting aspect of elections and who is coordinating this?</p> <p>💡 Recommend further details are published/distributed and with more frequency in order for the process and confidential reporting channel to be made known.</p> <p>💡 Recommend ICC tweets clearly refer to the confidential reporting channel and provide IOM vetting email address.</p>