



INDEPENDENT SPECIAL COMMISSION

END OF YEAR UPDATE

9 January 2023

INTRODUCTION

The Independent Special Commission (ISC) was appointed by the International Senate (IS) of SOS Children's Villages (SOS CV) in October 2021. [Justice Willy M. Mutunga¹](#) is serving as the ISC Chairperson along with the remaining fellow Commissioner [Justice Gita Mittal²](#).

The ISC's primary mandate is to investigate the allegations contained in the Wiersholm Report and the [Independent Child Safeguarding Review \(ICSR\) Global Report](#). The three pillars of the ISC's mandate are: (1) to evaluate the SOS CV policies and procedures for compliance with international standards and best practices; (2) to assess, map and prioritize allegations and concerns; to initiate further investigations as deemed necessary; to confirm whether or not misconduct has occurred, and report on its findings and conclusions; and (3) to recommend appropriate measures to the International Senate.

On 30 June 2022, the ISC submitted its Interim Report to the Leadership of SOS CV. With its Interim Report, containing *inter alia* nine interim recommendations³, the ISC addressed and essentially fulfilled two of the three pillars of its Mandate, namely; **pillar 1**: to evaluate the SOS CV policies and procedures for compliance with international standards and best practices; and **pillar 3**: to recommend appropriate measures to the International Senate. However, the ISC will review its interim recommendations and evaluations to include an update which takes into account SOS CV's actions in responses to those recommendations and evaluations, including the requests of the ISC to participate in and assist SOS CV in its implementation process of the ISC recommendations, and the ISC's investigations carried out since June.

A substantial part of the last **pillar 2** – to assess, map and prioritize allegations and concerns, to initiate further investigations as deemed necessary, to confirm whether or not misconduct has occurred, and to report on its findings and conclusions – has been carried out. It remains to conclude the currently mandated work of the ISC by confirming whether or not misconduct has occurred and thus to report its findings and conclusions to the International Senate.

¹ The former Chief Justice of the Republic of Kenya.

² Former Acting Chief Justice of the Delhi High Court and Chief Justice for the State of Jammu and Kashmir.

³ The ISC Interim Report nine interim recommendations are: 1. Promoting an Organisational culture of accountability; 2. Strengthening the individual accountability framework; 3. Upholding the dignity and worth of housemothers and other house parents; 4. Expediting the appointment of the Global Ombudsperson and enshrining its independence within the Federation; 5. Building an internal investigative and audit capacity; 6. Centralising and strengthening the incident management and other databases; 7. Establishing a Federation wide uniform human resources system; 8. Strengthening the SOS CV Child Safeguarding systems; 9. Strengthening the SOS CV Asset Safeguarding systems.



In accordance with its [Terms of Reference](#), the ISC has advanced its work considerably since concluding its Interim Report on 30 June 2022. As the year concludes, the ISC, along with its Support Team, and Team of Investigators, has accepted all requests made of it to provide further assistance to SOS CV – in addition to its primary investigative function – having participated in numerous consultation meetings regarding its interim recommendations, briefings of the International Senate, Senior and Executive Leadership, and several National Member Associations (NMAs) including each of the Promoting and Sponsoring Associations (PSAs). The ISC has further assisted various departments within SOS CV with providing reviews and feedbacks on the ongoing development and revising of the Organisation’s policies and guidelines.

In furtherance of its primary investigative capacity, the ISC has concluded investigative field visits to multiple villages in several NMAs as well as the three Regional Offices, the International Office in Vienna and participated in briefings with NMAs from a fourth Region. The ISC Team has undertaken an extensive amount of in person and virtual meetings with individuals and representative groups related to its investigations. Furthermore, the ISC has set up its own Reporting and Whistleblowing web page, for the purpose of providing an independent and secure platform for whistleblowers to securely and confidently advance and report their concerns to the ISC for further investigation, where such reports fall within its Mandate. This is part of the ISC’s ongoing commitment to operate independently and with strict adherence to confidentiality in order to protect and ensure the safety of whistleblowers and others with information relevant to its work.

BRIEFINGS ADDRESSING IMPLEMENTATION OF ISC INTERIM RECOMMENDATIONS

Since the ISC concluded and submitted its Interim Report to the International Senate, it has conducted several meetings with SOS CV, for the purpose of aiding the organization in its process of setting up frameworks and working groups to implement the nine recommendations within the Interim Report.

As part of this process the following virtual meetings and briefings were held:

- On 16 August 2022, with a working group from SOS CVI to discuss recommendations five and six of the ISC Interim Report;
- On 29 August 2022, with the SOS Ombudsperson Working Group to discuss the ongoing Ombudsperson’s project, as it is also recommendation four of the ISC Interim Report;
- On 1 September 2022, with the Task Force from International Office (IO) and International Office Region (IOR), set up by SOS CV to review the ISC Recommendations in the Interim Report;
- On 14 September 2022, with the International Senate of SOS CVI to discuss the ISC Interim Report; and
- On 24 October 2022, with the SOS EUNA NMA / PSAs Managing Directors to discuss the ISC Interim Report and its ongoing progress.



REVIEW OF SOS CV'S NEW POLICIES AND GUIDELINES

Part of the ongoing process of the ISC under its pillar 1, has been to not only evaluate existing policies of SOS CV, but also to assist various departments within SOS CV in reviewing and providing feedbacks on new policies and guidelines being developed to ensure they are in line and compliant with existing international standards and best practices. The ISC, has been best placed to assist in this process, as it has already extensively evaluated and assessed existing policies and guidelines, and has identified existing gaps and shortcomings.

The following draft policies and guidelines have been reviewed and extensive feedback and comments were provided to SOS CVI:

- Revised Code of Conduct;
- Draft policy on Human Resources Manual;
- Draft policy on Child Protection Policy and Related SOS Children's Villages Documentation;
- Draft policy on Asset Safeguarding Policies and Procedures;
- Misconduct Incident Management Regulation and Misconduct Investigation Regulation;
- GSC Draft Risk Register;
- Human Resources & Organisation Development requested further clarification and elaboration regarding six areas arising from recommendations one, three, seven and nine in Part 3 of the ISC Interim Report;
- Draft SOS Cybersecurity Regulation.

INTERVIEWS AND MEETINGS CONDUCTED

The ISC investigations progressed considerably on all fronts, however this progress resulted in subsequent lines of inquiry presenting themselves and requiring further dedicated investigation. This progress relates not only to investigating the specific circumstances of alleged child and assets safeguarding failures, but also includes looking into accountability and governance failures at all levels of management. Investigations of this nature are reliant on the parallel priority country specific investigations to produce evidence correlating to those individuals of concern at management level. To ensure this progress, the ISC has invested considerable time and effort to establish contact and build trust with whistleblowers and those in SOS CV taking the proactive responsibility of meaningfully cooperating with the ISC through provision of information and documentation.

As the ISC entered its substantive investigative phase, under the leadership of the Chief of Investigations, the Team of Investigators have been conducting several interviews and meetings with individuals who have knowledge and information relevant to the work of the ISC. The ISC has so far successfully managed to conduct over 160 meetings and interviews with current and past SOS CV staff members, whistleblowers, witnesses, and victims and has received a good number of documents relevant to its ongoing investigation.



The ISC has been able to advance considerably with regards to investigating the different child safeguarding and asset safeguarding allegations, identifying trends and patterns of operations, governance failures and wrong doings. This process, has been fraught with various challenges, including difficulties in obtaining some relevant documentation, delay in responding to emails and requests for provision of information, delay in people's availability for meetings or interviews with the ISC team, hesitation to volunteer information, doubts as to the outcome of these investigations as several other investigations were carried out in the past and "nothing had come out of them", fear of reprisal, and breakdown in communication between the IO and some NMAs which impacts the work of ISC. As a consequence, the investigative team had to take a longer period of time to build trust and confidence through several email exchanges, conducting more than one interview or meeting with the same individual(s) and assuring them of the independence of the Commission and confidentiality of persons and information provided.

FIELD MISSIONS

Following visits in April 2022 to the IO offices in Innsbruck and Vienna, several subsequent on-the-ground field missions were carried out from September right up through the final week of December 2022. During this period, the ISC has conducted several investigative field missions focusing on NMAs and Regional offices related to the its Tier 1 prioritization of allegations, and further to its Mandate relating to, and stemming out of the Wiersholm Report.

These visits were carefully planned taking into consideration the limited time available to the ISC, careful examination of the allegations and information available, prioritizing based on the gravity of allegations and degree of significance to SOS CV, the lack of essential documents pertaining to previous investigations - and lack of access to previous whistleblowers - which could have aided in fast-moving and facilitating the work of the ISC. Nonetheless, from September 2022 to 31 December 2022, ISC Teams have been engaged in field missions.

As of 31 December 2022, members of the ISC have conducted field visits including:

- The International Offices in Vienna and Innsbruck over two visits in April and September;
- A combined missions to the Regional Offices of ESAF in Addis Ababa, Ethiopia and the NMA in Kenya, over a period of 10 days;
- To the Regional Offices of ASIA in Faridabad, and a visit to a Village in India, over a period of 10 days;
- To the National Office and four SOS Villages across Nepal for a period of over two weeks;
- To Panama over two visits and eight days; and
- To the Regional Offices of WCNA and an SOS Village in Dakar, Senegal.

The substantive aspects of each of the visits were conducted entirely independent of SOS CV and with the ISC making its own on the ground logistical and support arrangements, seeking the assistance of Federation resources for the limited purposes of travel bookings and travel insurance.



This work, especially the operational arrangements, was time consuming, logistically challenging, and significantly reliant on the cooperation of those with whom the ISC was meeting. However, the field missions were vital to the ISC's prioritized investigations and the legitimacy of the ISC itself.

REPORTING LINES

Although predominant part of the priority investigative and consultative work mandated of the ISC is concluded, and we are now entering the last phase of report writing, the ISC has decided to continue receiving reports from whistleblowers. This was decided in view of several factors, including: there are still several people within the Federation unaware of the work of the ISC and the availability of the ISC's reporting line, and therefore the ISC wishes to afford people more time to come forward; the reporting line was launched only in September and realistically several months are required to give it visibility, traction, and build trust, for individuals to feel comfortable to report. Moreover, any reports that come through the platform can be hopefully taken over by either a permanent investigative body (Recommendation 5 of the Interim Report) or by the Ombudsperson system currently being developed (Recommendation 4 of the Interim Report), once the ISC concludes its currently mandated final reporting.

ISC NEXT STEPS

The ISC dedicated its efforts, resources, and staff on advancing its investigations to the fullest extent possible by 31 December 2022. The ISC started drawing its work on the substantive part of its mandate work - including its proactive investigations – to a conclusion by 31 December 2022. Going forward, the ISC's resources and remaining personnel will be dedicated to preparing the reporting of the ISC's investigative work, concluded as of the end of December 2022. However, the ISC will keep under consideration and continued advisement the need to tie-off lines of inquiry, conduct further investigative field missions, and possibly more visits focused on meetings with individuals, even though its primary focus has shifted to preparing its final reporting.

At present, the ISC anticipates concluding the final reporting of its currently mandated work by the end of March 2023. Thereafter, its records will be prepared and archived in accordance with its own strictly confidential basis, and will wrap up its infrastructure and functions thereafter, unless its personnel and resources are otherwise re-mandated to bridge between this period and the creation of a permanent investigative and audit capacity within SOS CV.

9 January 2023

Chairperson Mutunga, Commissioner Mittal, and the ISC Team