

ACRC KOREA

Ombudsman Annual Report 2008

Anti-Corruption and Civil Rights Commission
Republic of Korea

2008 ACRC KOREA ANNUAL REPORT

CHARIMAN'S REMARKS,



The Anti-Corruption and Civil Rights Commission (ACRC) was created by integrating the Ombudsman of Korea, the Korea Independent Commission Against Corruption and the Administrative Appeals Commission Under the Prime Minister on February 29, 2008.

In the first year, the ACRC poured its energy into building “a clean nation without unfairness,” in fulfillment of its role as an integrated organization responsible for protecting civil rights. Internally, the capabilities of the staff were pulled together to create a synergistic effect. Externally, it was committed to meeting the demands of a people with a heightened awareness of their civil rights.

Particularly, since the ACRC stands between the people and the administration, it was determined to expand channels of communication and to resolve public complaints more promptly and effectively as a “repair shop” for these complaints.

As a result of these efforts, while the number of complaints increased by 15% due to high expectations regarding the newly inaugurated government, Case-handling period was reduced by 8% thanks to efforts made by our dedicated staff and acceptance rate (complaint resolution rate) was increased by approximately 14% because ACRC officials actively involved in on-site case handling process. Some 4,000 complaints related to social conflict were rationally ironed out through mediation and agreement.

Also, the ACRC solicited ideas from people about ways to strengthen the livelihoods of the disabled and the self-employed who are the most vulnerable to an economic crisis. Furthermore, having concentrated on resolving complaints fundamentally, the ACRC has had about 100 unfair institutions and regulations improved.

The communications channel to the government, “e-People,” and the 110 government call center also have made outstanding achievements. The “e-People” system, which handles complaints online, was awarded the Best Demonstration Stand Award at the EU's e-Challenge 2008, beating



out information technology from other, more advanced countries. The 110 government call center has been providing counselling services for administrative agencies such as the Ministry of Public Administration and Security and the Korea National Statistical Office, saving four billion won in national budget. Overall, in 2008, the ACRC was highly acknowledged for its excellence at home and abroad.

Just as the government and the people are now committed to recovering from the current global economic crisis, we, at the ACRC, will focus our complaint-handling capacity on support for economic recovery. At the same time, we will more actively speak for the people who have difficulties and resolve them by coming to the people preemptively, listening more carefully to them, and handling their difficulties in a speedier manner.

This ACRC Annual Report covers the civic activities we performed in 2008 and reflects our determination and preparedness for the future. The people and administrative agencies at all levels! I ask your support for and interest in our commission. In accordance with Article 26 of the Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission, I hereby report to the President and the National Assembly and publicly declare the ACRC Korea Annual Report 2008 in the Ombudsman area.

July 2009

Yang, Kun

Chairman
Anti-Corruption and Civil Rights Commission

TABLE OF CONTENTS

Part 1. History of the ACRC and Overview of Complaint Handling / 7

Chapter 1 Establishment of the ACRC and its Implications / 8

Chapter 2 Overview of Complaint Resolved in 2008 / 10

- Section 1 Changes in Conditions for Resolving Grievances / 10
- Section 2 Functions and Authority regarding Complaint Resolution / 11
- Section 3 Policy Directions for Handling Complaints in 2008 / 15
- Section 4 Performance Assessment / 18
- Section 5 Future Tasks and Development Directions / 20

Part 2. Protection of Civil Rights through Complaint Resolution / 25

Chapter 1 Complaint Investigation and Handling / 26

- Section 1 Overview / 26
 - 1. Overview of complaint investigation and handling / 27
 - 2. Status of complaint investigation and handling / 28
 - 3. Status of corrective recommendation / 30
 - 4. Status of resolution by agreement / 33

Section 2 Specific Cases of Corrective Recommendation and Resolution by Agreement / 35

- 1. Corrective recommendation cases / 35
- 2. Resolution by agreement cases / 39

Chapter 2 Reasonable Mediation of Complaints for Social Conflicts / 41

- Section 1 Overview of Mediation / 41
 - Section 2 Resolution by Mediation Cases / 44
-

Part 3. Activities to Enhance Civil Rights Remedies / 47

Chapter 1 Strengthened Role as an Integrated Channel of Communication with People / 48

Section 1 "e-People" / 48

Section 2 110 Government Call Center / 53

Chapter 2 Improvement of Unfair Laws and Systems / 55

Section 1 Identifying of Laws and Systems in Need of Improvement / 56

Section 2 Difficulties of the Economically and Socially Vulnerable to be Heard Using Public Proposals / 55

Section 3 Systematically Managing Recommendations Regarding System Improvement / 56

Chapter 3 Strengthened Function of Providing a Civil Rights Remedy / 58

Section 1 Counselling Service Reaching out to Socially Vulnerable People / 58

Section 2 Systemic Investigation / 60

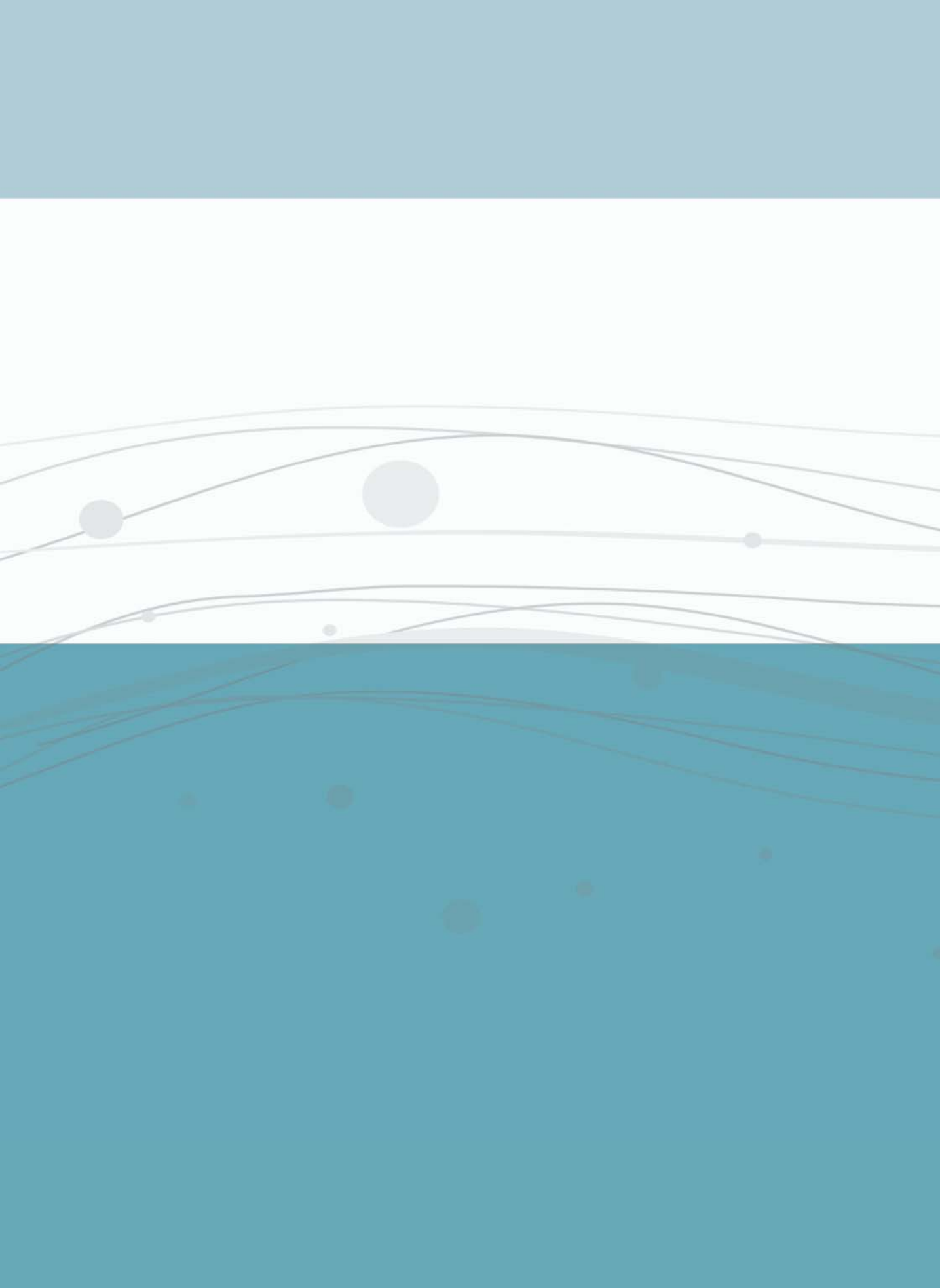
Chapter 4 Counselling and Guidance for Everyday Grievances / 63

Chapter 5 Ombudsman Cooperation Network / 64

Section 1 Cooperation between Private Organizations and Local Governments and Effective
Complaint Counselling / 66

Section 2 International Exchange and Cooperation Network / 68





Part 1

History of the ACRC and Overview of Complaint Handling

Chapter 1 Establishment of the ACRC and its Implications

Chapter 2 Overview of Complaints Resolved in 2008

Part 1 History of the ACRC and Overview of Complaint Handling

CHAPTER 1

ESTABLISHMENT OF THE ACRC AND ITS IMPLICATIONS

1. Background of the establishment of the ACRC

On January 16, 2008, the Presidential Transition Committee for new government of Korea decided to integrate channels designed to enhance the rights of the people in an effort to improve public service by enabling people to handle grievances and difficulties in one single place.

The Anti-Corruption & Civil Rights Commission (ACRC) was launched on February 29, 2008 by the integration of the Ombudsman of Korea, the Korea Independent Commission against Corruption and the Administrative Appeals Commission. With the consolidation of these three organizations, citizens can be provided with one-stop service of addressing public complaints, filing administrative appeals and fighting corruption by a single organization in a speedier and more convenient manner.

The Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption and Civil Rights Commission (hereinafter referred to as “the ACRC Act”) (Act No. 8878, February 29, 2008) was enacted to stipulate matters related to the organization and operation of the ACRC Korea.

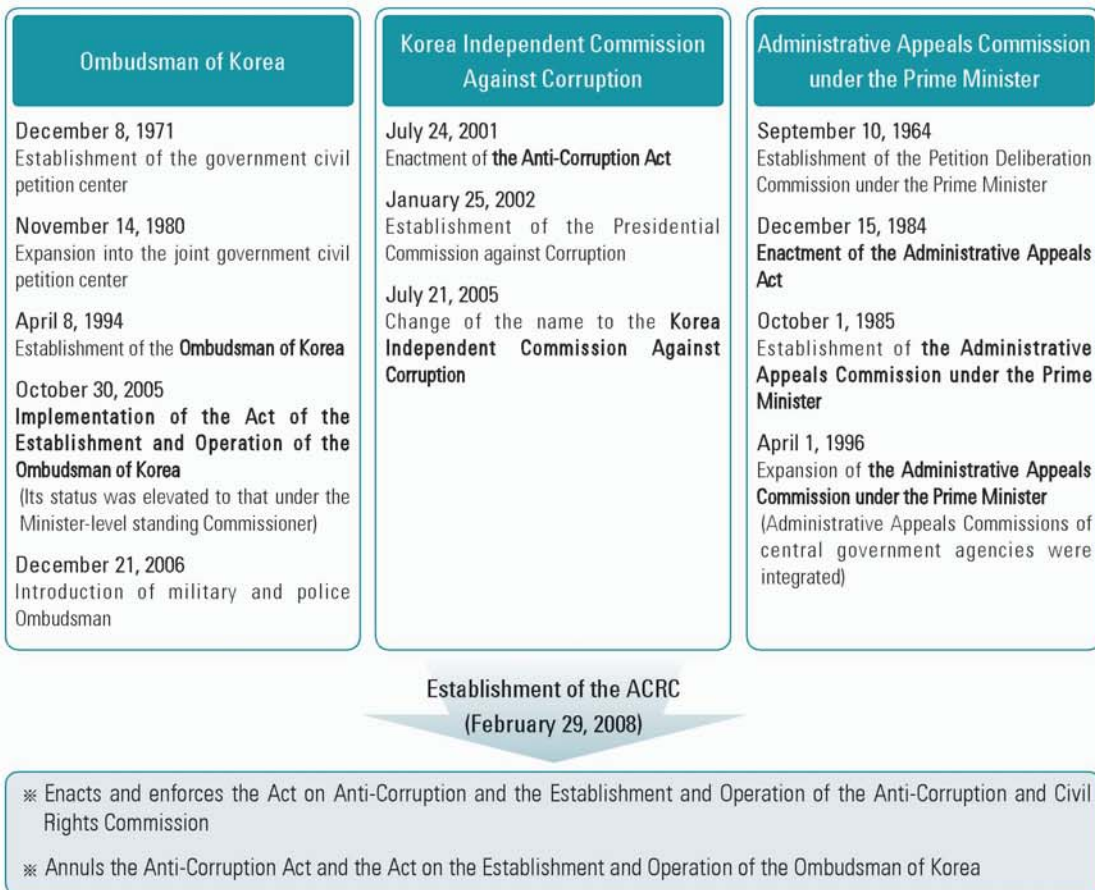
2. Implications of the establishment of the ACRC

Before the ACRC was established, there were three commissions providing multiple channels to file civil petitions. Still, many Koreans did not really understand the functions of each of the commissions due to the decentralized channels and the lack of recognizable authority. The lack of recognition concerning measures designed to enhance civil rights made it difficult to conveniently and promptly receive remedies for grievances. The system and policies of the three

commissions were not linked, resulting in a system which did not offer strong national civil rights protection. Yet, with the establishment of the ACRC, public voices could be heard, filed, and handled through one channel thanks to prompt and earnest one-stop services.

Also, the ACRC links and integrates all functions including administrative appeals, complaint handling, system improvements, handling corruption reports and institutional improvements that induce corruption to effectively promote civil rights through various measures. The ACRC utilizes knowledge and information accumulated under the three commissions to resolve and analyze the causes of people's inconveniences and discontent more fundamentally.

Figure1-1 History of the ACRC



CHAPTER 2

OVERVIEW OF COMPLAINTS RESOLVED IN 2008

Section 1 Changes in Conditions for Resolving Grievances

1. Before the establishment of the ACRC

As administration becomes more complex in quality and increases in quantity, the discretion wielded by, and the arbitration of, administrative bodies increases, infringing the public's civil rights. The existing civil rights remedial system mainly provides relief after the fact and the applicants are limited to those who have rights or interests protected by the law. The standard of determination was made mostly on legality. The rigidity or formality of the system limited the chances of the people who had complaints and filed petitions to receive remedies.

To tackle these problems and respond to heightened expectations and demands being made by the public, the Ombudsman of Korea (hereinafter referred to as “the OK”) was set up in 1994. The OK is the organization which protects civil rights and interests by reflecting changing administrative environments, investigating and deliberating on civil rights using simplified and prompt procedures from the third person perspective, and corrective recommendation or institutional improvement when a complaint has been proven to be reasonable.

For the 14 years since its inception, the OK has stood between the government and the people, and requested corrections for illegal and unjust treatment by administrative bodies. The OK also has improved systems to fundamentally prevent the violation of rights stemming from legal, institutional and customary wrongs and built an advanced complaint counselling system. All of these activities have played a large role in protecting and promoting civil rights.

2. After the establishment of the ACRC

The OK has stood between the people and the administration to ensure that nobody has to endure

the injustices of the administration. Yet it is also true that the OK has its limits in accepting various requests for the promptness, efficiency, and effectiveness of civil rights remedies.

To meet the heightened civil rights standards of the people and their diverse requests, the ACRC was formed through the merging of previous civil rights organizations. From the perspective of the people, the distributed channels of civil rights remedies caused inconveniences but now people can enjoy prompt and earnest service.

The ACRC is advancing the civil petition handling system in terms of customer satisfaction, this being the core value of the OK. The ACRC is also addressing problems arising during its operation and focusing its combined capabilities to create a nation free from injustice.

Section 2 Functions and Authority regarding Complaint Resolution

1. Primary functions

In 2008, the ACRC performed various activities to meet the expectations of the people while performing the duties of resolving public complaints and protecting civil rights which it received from the OK. The following is a list of the details of the activities designed to resolve public complaints and protect civil rights.

❖ Article 12 of the ACRC Act

- Formulate and implement policies to protect civil rights and remedy civil rights infractions
- Investigate and handle complaints, issue corrective recommendations or express opinions
- Issue a recommendation or express an opinion if the ACRC considers it to be necessary in order to improve the administrative system or its operation that is causing the public complaints
- Examine and evaluate the outcome of complaints handled by the ACRC and practices after the administration has been improved upon

- Provide information and counselling for public complaints and confirm and guide complaint handling
- Operate the online “e-People” portal site and establish and operate the government call center
- Collaborate, support local ombudsman activities and provide training
- Mediate and arbitrate conflicts involving multiple parties and investigate and handle corporate complaints to ease difficulties experienced by the companies

A. Corrective recommendation and expression of opinion on illegal and unfair administrative measures

The ACRC settles civil petitions related to violated rights, grievances, burdens stemming from illegal and unfair administrative measures, passive administrative activities, and the unreasonableness of institutions. When the investigation of the ACRC reveals that an administrative agency’s measures were illegal or unjust, the Commission recommends corrections to the relevant administrative agency. When the ACRC determines that administrative measures were not illegal or illegitimate but that the complainant’s argument has its point, it expresses its opinions to the administrative agency.

B. Recommendations for Institutional Improvement and the expression of opinion on unreasonable laws and systems

If the ACRC concludes through the process of handling civil petitions that administrative system and its operations should be improved, it recommends or expresses opinions on the improvement of the unreasonable system. This prevents a recurrence of similar complaints.

C. Guidance and counseling on various public complaints

The ACRC not only settles civil petitions but also serves the public by providing guidance and counseling on inquiries about laws, institutions, procedures, administrative agencies regarding complaints filing and handling. The ACRC provides guidance or counseling by its own investigators and experts from relevant organizations including the Korea Legal Aid

Corporation, the Financial Supervisory Service and the Korea Consumer Agency.

D. Operation of “e-People” and the government call center

The ACRC operates “e-People” which integrates online petition filing and proposals from people into a single channel in June 2005. This addresses the difficulty of people not knowing with which agency they have to file complaints and enables them to participate in policy matters. In May 2007, with the launch of the representative telephone number 110, the government call center opened nationwide services, providing information and handling complaints over the phone. By doing so, the ACRC connects the administration with the public both online and offline.

E. Cooperation, support and training for local ombudsman

To facilitate the establishment of local ombudsman offices, the ACRC provides a variety of assistance, practical knowledge and information regarding public complaint handling. The ACRC helps local ombudsman offices play a central role in enhancing the civil rights in the districts of the ombudsman themselves.

2. Primary Points of Authority

To provide a fundamental solution for complaints, the ACRC has the authority to request documents, to request an audit, to make proclamations, and to report to the President and the National Assembly.

A. Authority to request documents

The ACRC can, in the course of investigating complaints, request explanations, relevant documents, and data from administrative agencies. It also can request the staffs of administrative agencies, complainants, interested parties and reference witnesses to attend and submit a statement of opinion.

❖ Article 2 of the ACRC Act

Administrative agencies, etc. refer to the central government, local governments, and government-invested institutions under the Framework Act on the Management of Government-Invested Institutions, or legal entities, organizations, agencies or individuals that have administrative authority or that have been delegated/entrusted with the authority under the law.

B. Authority to mediate complaints involving multiple parties

If the ACRC considers it necessary to justly and promptly settle complaints with far-reaching ripple effects on society or which involve multiple complainants, it can mediate at the request of a party or ex officio. When a mediation is constituted, it has the same effect as a compromise under the Civil Act.

C. Authority to request audit

The ACRC can entrust the Board of Audit and Inspection (the local ombudsman can entrust local governments) with audit and inspection if the ACRC finds, in the course of complaint investigation and handling, illegal and unfair treatment in official conduct of relevant administrative agencies, by gross negligence or intentionally.

D. Authority to proclaim

Unless such a proclamation is limited by law or it infringe on privacy, the ACRC can make a public announcement concerning its recommendation and expressed opinion, the results of relevant administrative agencies upon receiving such a recommendation and expression of opinion, or reasons why administrative agencies have not obeyed the recommendation.

E. Special authority to report to the president and the National Assembly

If in the course of complaint handling the ACRC deems a system unreasonable or finds areas

which need to be improved upon, the ACRC can submit such opinions to the president or the National Assembly.

F. Authority to submit opinions regarding system improvements

When the ACRC finds in the course of complaint handling that relevant laws or ordinances are significantly unreasonable, the ACRC can submit its opinion on the revision or annulment of such laws and ordinances to the National Assembly or local councils.

G. Authority to impose penalties

The ACRC can impose a penalty of up to five million won for the obstruction, refusal, avoidance, or intentional postponement of their duty in accordance with Article 31 of the ACRC Act.

Section 3 Policy Directions for Handling Complaints in 2008

The new administration, amid public support and with their expectations, pledged to make an advanced nation where a small but competent government serves its people; where law and principles are abided by; and where people can enjoy a vibrant economy.

In a drive to reflect policy changes and meet the higher expectations of the people, the ACRC has focused on practically strengthening civil rights by complementing and developing existing complaint handling policies.

1. Increasing satisfaction through prompt and fair complaint handling

First, the ACRC has maintained adequate number of complaints for those who deal with and has improved upon simple complaint handling procedures, cutting the period for complaint handling. Also, the Commission strengthened mediation and agreement, which are alternative dispute resolution methods, to resolve complaints promptly and bolster satisfaction.

Second, the ACRC has been determined to boost the effectiveness of complaint settlement through after-the-fact management, which is designed to increase the success rate for corrective recommendations to be accepted by administrative agencies.

2. Focusing on handling complaints involving multiple complainants and those related to the lives of ordinary citizens

First, the ACRC conducted a systemic investigation to identify issues which desperately needed governmental support or which made sacrifices for the nation, but which had been largely ignored by the policy making process and exempted from social consideration. The systemic investigation was designed to help people feel the effects of better complaint handling. Also, the Commission mediated multiple interests by responding aggressively to public conflict petitions arising in the course of public policy implementation and enhanced its role as a mediator of social conflicts.

Second, the ACRC was committed to hearing and resolving the grievances and difficulties of small shop owners and the self-employed who were often marginalized in regulatory reform and policy implementation. It also strived to support the lives of ordinary citizens by improving on unreasonable matters in the course of policy implementation, and correcting wrong practices.

3. Pursuing institutional improvement that can make a real change

First, the ACRC pushed for institutional improvement related to the issues involving many government agencies by forming a task force and making proposals to the National Assembly if a policy or enactment was necessary, thereby enhancing the quality of work and the effectiveness of institutional improvement.

Second, the ACRC endeavored to prevent potential complaints and increase policy reliability by systematically analyzing repetitive complaints and diversifying channels to identify areas to improve in the system. More specifically, the Commission analyzed the causes of frequently filed complaints through the e-People portal site and requested relevant government departments to improve the system by discovering related Acts and subordinate statutes.

4. Providing services tailored to socially and economically vulnerable people

First, to protect the civil rights of the socially vulnerable, including the disabled and elderly, the ACRC visited those people which as a result diversified problem solving channels. Also, complaint counseling services were extended for those with limited access to public petitions, including the members of multi-cultural families, Koreans living overseas, and foreign workers in Korea.

Second, a reservation program for visiting consultation service was created to build up an environment where an expert investigator is committed to a complainant and provides a one-stop consultation. To provide counseling in districts where local counseling centers have not been established, Jeolla, Kangwon and Jeju provinces set up expanded counseling centers. Also, the 110 government call center was granted an expanded role of serving as a hub of 23 call centers, through which counselling channels have been integrated and their management has become more efficient thanks to eliminating redundant investment.

5. Strengthening civil rights protection capabilities by integrating the system

First, the “e-People” integrate and manage information of three bureaus, the Ombudsman bureau, Anti-Corruption bureau, Administrative Appeals bureau, into a complaint database. By utilizing the database, areas to be improved and extraordinary complaints can be identified. In addition, the Supreme Court and four public organizations linked with “e-People” decided to build a two-way complaint transfer framework with the online complaint handling service.

Second, by playing the role of examining and evaluating the complaint handling practices of 40 central administrative organizations, the ACRC encouraged competition between administrative agencies to enhance complaint services and focused on making “e-People” a representative brand of Korea.

Section 4 Performance Assessment

1. Protecting civil rights through resolution of complaints in substance

The ACRC promptly and fairly investigated and addressed complaints caused by illegal and illegitimate administrative measures or passive administration, substantially protecting civil rights.

The Commission received 29,433 complaints (including those carried over from the year before) in 2008 and handled 27,509, out of which 5,725 cases or 20.8% were resolved in accordance with complainants' demand.

In particular, in 2008 the Commission minimized the ripple effects of complaints involving social conflicts, including those involving multiple complainants. In addition, mediation and agreement which are mutually beneficial and satisfactory to the complainant and the administrative agency were promoted. As a result, 3,948 cases or 14.3% of overall complaints were settled through mediation and agreement.

The ACRC issued corrective recommendation for 1,286 complaints for public grievances in 2008, which was a 10.1% increase compared to the prior year. To ensure the effectiveness of corrective recommendation, the ACRC visited 152 administrative agencies which showed high rates of unacceptance and did not take action for 1,355 cases, and encouraged them to be more acceptable towards recommendations. The Commission made public announcements on both the unacceptance of ACRC decisions and best practices. For unaccepted cases, the Commission gave all administrative agencies chances to express an objection and to make recommended corrections before making public unaccepted ACRC decisions, which enhanced the authority of announcements.

2. Improving performance index amid difficulties

In 2008, with the inauguration of a new administration and higher expectations following the establishment of the ACRC, the number of complaints soared. Still, various performance indexes were enhanced through work process improvement.

More specifically, first, “complaint turnaround reduction guidelines” were formulated to hasten the speed of complaint handling. Changes in the way of business could reduce the turnaround by 3.2 days. Second, on the strength of the aggressive investigation and resolution of public complaints and grievances, the acceptance rate (the complaint resolution rate) rose by 1.4 percentage points compared to the previous year. Third, despite a 24% increase in the number of complaints per investigator, satisfaction level has gone up because of the customer-oriented mindset and the active case handling of investigators. Finally, the rate of resolution by agreement went up 2% year-on-year thanks to diverse alternative dispute resolution measures including mediation and agreement conducted in cases of different interests and those involving social conflict.

3. Playing the role of counsellor and guardian for the socially vulnerable

The ACRC sincerely served as a counsellor for socially and economically vulnerable people. By expanding the duties of the government call center, specialized and diverse civil services were made available to the public. Apart from the complaint call center in Seoul and the complaint counselling centers for local governments have been established and are being established. These efforts were made to meet expectations regarding the handling of more complex and diverse complainants in local areas and provide high quality counselling services.

4. Strengthening the institutional improvement to fundamentally resolve complaints

In 2008, the ACRC made remarkable achievements in the area of system improvement. Although the period afforded to implement system improvement was reduced due to government organization restructure, the ACRC worked more actively and issued 95 recommendations. It extended the range of system improvement by diversifying the ways used to identify areas needing improvement, including an invitation of proposals and reading complaint trends. By analyzing complaints which arise repetitively, the ACRC improved administrative systems. Also, in the course of system improvement, the ACRC expanded the opportunities for the public to participate in the process, including holding regular public hearings and forums for discussion in an effort to hear public opinions and reflect them in the system. Finally, by systematically

managing unaccepted cases, the acceptance rate increased to 80% in 2008. The ACRC submitted a proposal to the National Assembly directly for an important revision of laws to make sure that its recommendations were not abandoned.

5. Proving the excellence of “e-People” and expanding the government call center

The dynamic duos of complaint handling, “e-People” and the government call center, performed great feats in the year 2008. From 2004, the ACRC has made focused efforts to make “e-People” a government-wide complaint settlement system, resulting in the connection of 43 central administrative organizations and 246 local autonomous governments, and 14 major public organizations. This marked the completion of a government-wide online complaint handling system that incorporates all public organizations in Korea. Above all, in October 2008, at the e-Challenge 2008 (European e-government and information technology conference), “e-People” was awarded the best prize for its work related to the communication with the public and dispute management and resolution, proving its excellence at home and abroad.

Meanwhile, from January 1 to December 31, 2008, the government call center received 1,523,754 cases by phone, among which it handled and offered counselling services in 1,325,545 cases. A counsellor filed 5,824 cases a day. As a result of aggressive promotional activities done over public TV, cable TV, newspapers (free newspapers), bus stickers, posters, and leaflets, public awareness rose from 18.1% in 2007 to 25.6% in 2008. As of the end of 2008, the government call center exceeded its target of 2.2 million calls to reach 2.5 million, maintaining a competitive edge over call centers at central and local governments, which reinforced its status as the hub call center of the government.

Section 5 Future Tasks and Development Directions

1. Creating new values for the Ombudsman

The ACRC is committed to expanding its role and developing various policies to inspire trust and satisfaction in the public. The goal is to strengthen its role of preventing grievances and

complaints from ever arising in the first place, and going a step beyond just relieving the frustrations of people.

The ACRC plans to establish and execute yearly execution plans, along with a mid- and long-term framework policy for civil rights protection which incorporates five-year mid-term framework policies on development vision and policy roles.

Also, the Commission will examine the civil rights status of victims of state affairs through an investigation on national identity and livelihoods and present ways to address civil rights violations suffered by the socially and economically marginalized. By analyzing complaints filing and handling, it will provide complaint consulting tailored to each administrative agency to prevent complaints from ever taking place and will strengthen settlement capabilities at those agencies.

2. Bolstering the role of communications channel

The ACRC will enhance its role of standing between the people and administrative agencies and forwarding the voices of the public to government policies. Its government call center 110 will contribute to livelihood stability and the overcoming economic difficulties by offering specialized counseling services to the public on social safety net issues.

Analysis results of complaints and related consultation received through “e-People” and the 110 call center will be reported to the relevant Ministers every week to make the voices of the people heard in the policy making process. Counselling services designed for socially vulnerable people, and which provide a social safety net for them, will be utilized as a vehicle to identify repetitive problems. Also, such services will be used to develop items for improving the system and may be transferred to policy-making organizations for improvement.

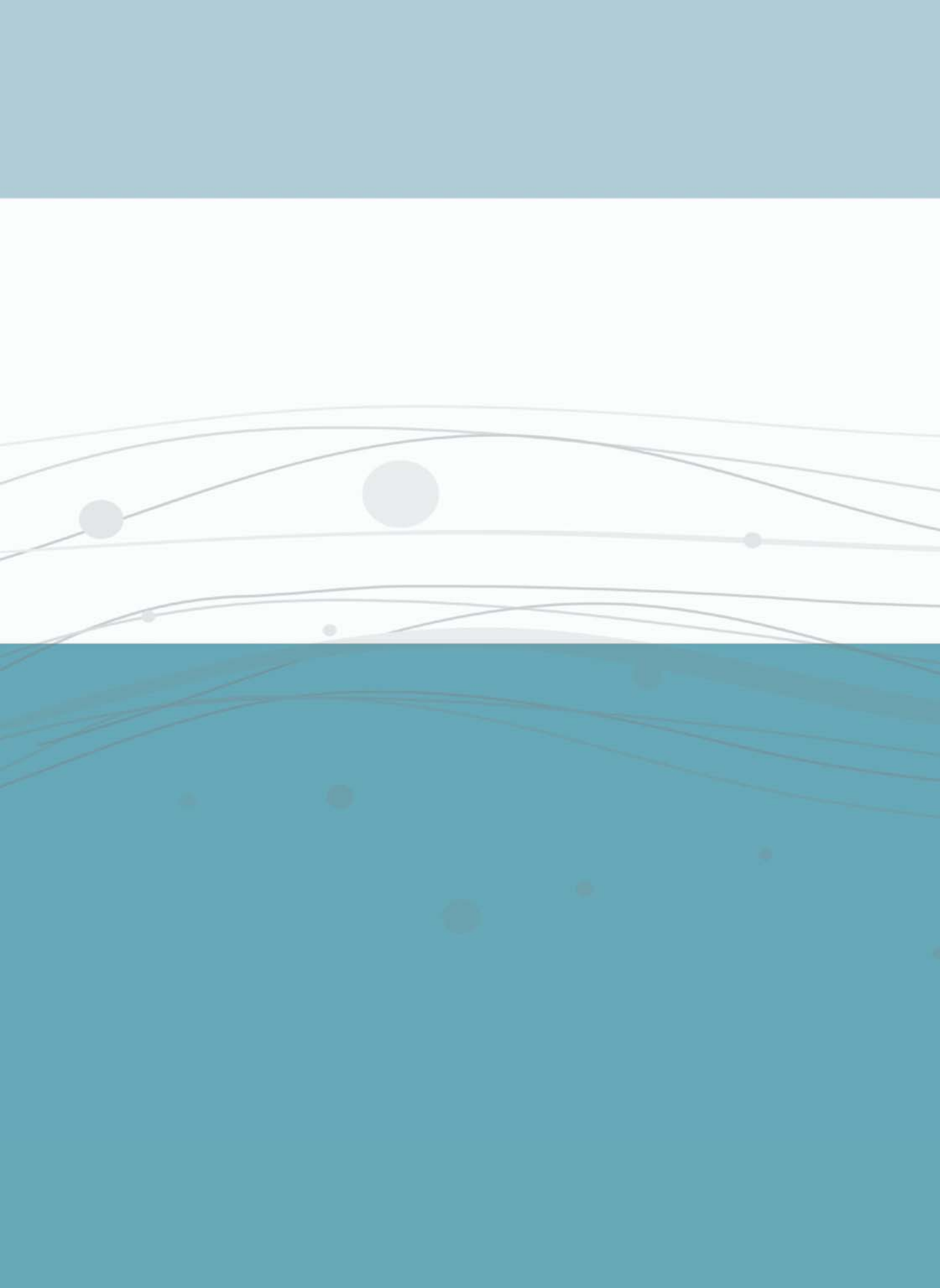
3. Maintaining economic vitality and protecting the livelihoods of people

To help overcome the nationwide economic crisis, the ACRC will reinforce ombudsman assistance policies and services for small and medium sized enterprises, the self-employed, foreign companies in Korea, and Korean companies going overseas. It will also give priority to

relieving the grievances of the socially vulnerable to stabilize the livelihoods of people, which have been weakened because of the economic recession.

Corporate complaint handling will be expanded to resolve corporate difficulties. Corporate ombudsman in charge of categorizing, handling and managing corporate complaints after-the-fact will be established to tackle regulations and difficulties that undermine the freedom of corporate activities or engender grievances, and to provide fundamental solutions to eliminate the sources of chronic corporate complaints.

The ACRC will also handle with greater care the difficulties ordinary citizens face including emergency relief, making a living when in the low-income bracket, and recovery from credit defaults. It will adopt on-site investigation as a principle to be used in handling complaints related to the livelihoods of people, review the cases with the goal of resolving them as best as they can, and manage the progress of case settlement quarterly. In their extended role of providing relief for difficulties experienced by the socially and economically vulnerable, the ACRC will improve systems in areas directly related to the livelihoods of people, such as housing, education and medicine.



Part 2

Protection of Civil Rights through Complaint Resolution

Chapter1 Complaint Investigation and Handling

Chapter2 Reasonable Mediation of Complaints for Social Conflicts

Part 2 Protection of Civil Rights through Complaint Resolution

CHAPTER 1

COMPLAINT INVESTIGATION AND HANDLING

Section 1 Overview

The investigation and handling of complaints is a core function of the Anti-Corruption and Civil Rights Commission (ACRC). A “complaint” refers to grievances about civil rights violations committed illegally, unfairly or indirectly as a result of actions taken by administrative agencies (including a de facto action and omission) and unreasonable administrative systems, or grievances related to matters causing inconvenience or burden to the people (including complaints related to undue acts of the police and infringed rights soldiers on active service).

To be more specific, the first reason for filing complaints is to make a request for the resolution of civil rights violations caused by illegal, unfair or passive measures of administrative agencies (including a de facto action) and omission, or matters causing inconvenience or burden. The second reason therefore is requesting the removal of inconveniences or burden caused by passive administrative actions or omission including the lack of transparency in complaint handling standards and procedures, and a delay in the handling of complaints by public officials in charge. Third, complaints can be filed with the goal of requesting correction of the violation of rights and interests, or inconvenience and burden resulting from an unreasonable administrative system, or unreasonable laws and measures. Last among these is the request for redressing the violation of rights and interests or unfair treatment regarding other administrative matters.

In 2008, with the inauguration of a new administration and higher expectations following the establishment of the ACRC, the number of complaints soared, but complaint handling period was shortened through work process improvement.



1. Overview of complaint investigation and handling

The ACRC received 29,433 complaints (including those carried over from the year before) and processed 27,509 in 2008.

To show the status of the receipt and handling of complaints, the 29,433 cases received in 2008 were comprised of 2,061 cases carried over from 2007 to 2008 and 27,372 cases newly received in 2008. The number of settled cases stood at 27,509 or 93% of the cases received, and 1,924 or 7% are in the process of handling.

The number of complaints received in 2008 (including carryovers from 2007) rose 15.7% from the previous year and the number of cases handled also went up 17.7%. The increase was in large part attributable to higher expectation of the public following the inauguration of the new government and the integration of the ACRC in 2008, PR efforts, an invitation of proposals from small and micro businesses.

Figure 2-1

Cases received in and carried over to 2008

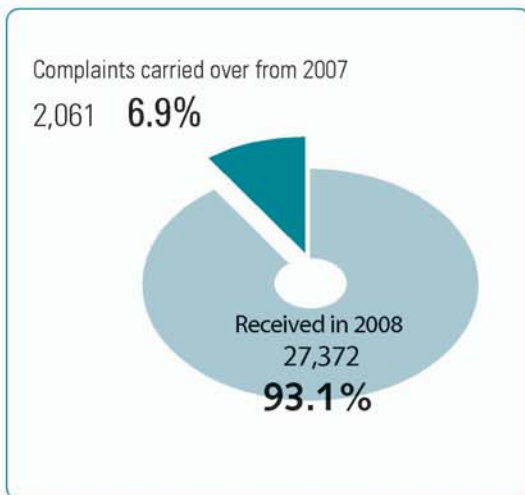


Figure 2-2

Cases handled in 2008

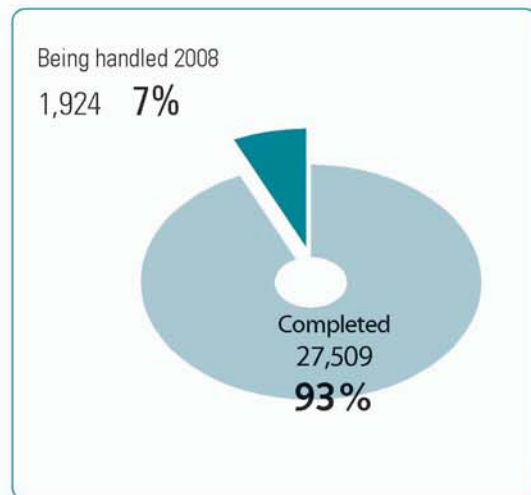
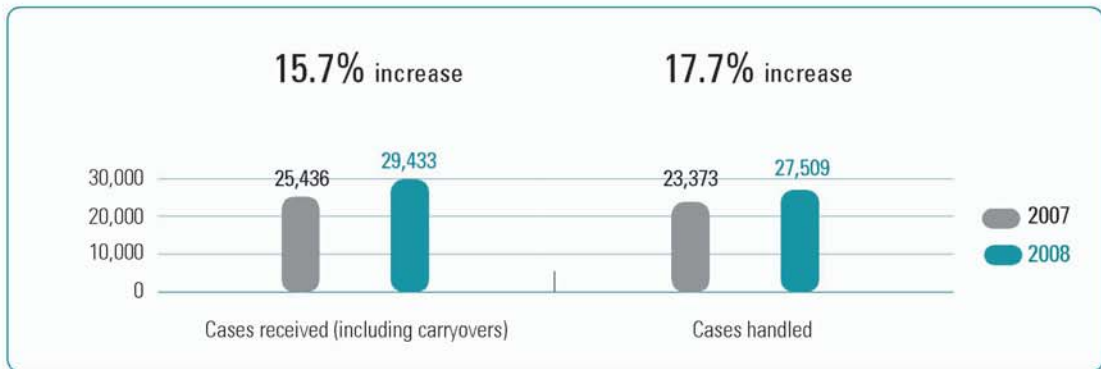


Figure 2-3 Complaints received • handled



2. Status of complaint investigation and handling

A. Handling status and analysis by type

The 27,509 cases handled in 2008 can be divided into 1,286 corrective recommendations, 454 expressions of opinion, 3,985 cases settled by mediation and agreement, 863 dismissals, 4,890 guidances, and 16,031 transfers. Corrective recommendation, expressions of opinion, and settlement by mediation and agreement are cases which were solved in a manner responsive to the request of the complainants, and the number of these amounted to 5,725 or 20.8% of the total, up 1.4% from the year before of 19.4%.

What should be noted is that the number of cases handled increased by 17.7% compared to 2007 and the acceptance rate rose by 1.4 percentage points. The mediation and agreement rate also went up by 2% from 12.5% to 14.5%, an increase that was possible because the ACRC focused on the real and effective resolution of complaints.

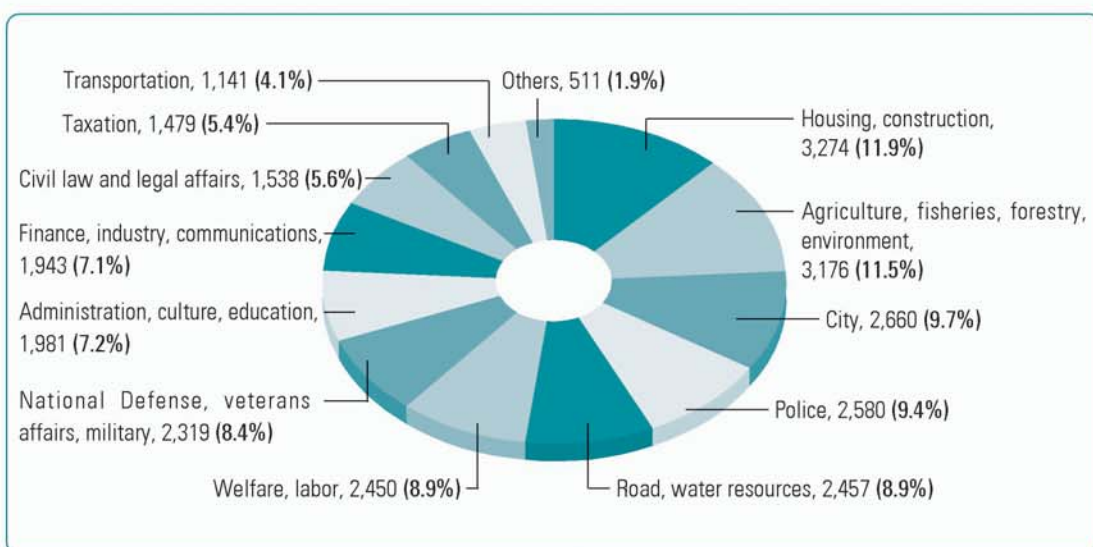
Figure 2-4 Complaints handled

	Total	Correction recommendation	Expression of opinion	Mediation agreement	Dismissal	Guidance	Transfer
2008	27,509	1,286	454	3,985	863	4,890	16,031
2007	23,373	1,167	437	2,929	1,256	11,509	6,075
Difference	4,136 (17.7%)	119 (10.2%)	17 (3.9%)	1,056 (36.1%)	△393 (△31.3%)	△6,619 (△57.5%)	9,956 (163.9%)

B. Handling status and analysis by area

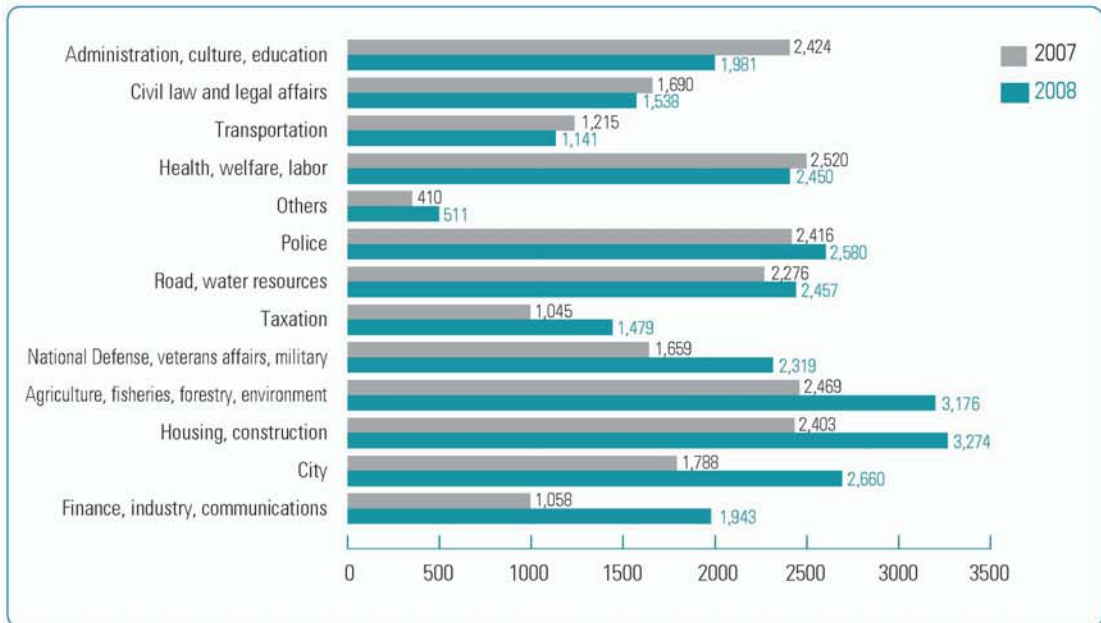
The 27,509 cases handled by the ACRC in 2008 can be divided into the following areas: housing and construction (11.9%); agriculture, forestry, fishery and the environment (11.5%); city (9.7%); police (9.4%); road and water resources (8.9%); health, welfare and labor (8.9%); national defense, veterans affairs, military (8.4%); administration, culture and education (7.2%); finance, industry and telecommunications (7.1%); civil and legal affairs (5.6%); taxation (5.4%); and transportation (4.1%).

Figure 2-4 Cases handled in 2008 by area



Compared to 2007, the number of cases handled in 2008 increased by 885 in the area of finance, industry, telecommunications; by 872 in ‘city’; by 871 in housing, construction; by 707 in agriculture, forestry, fishery and the environment; by 434 in taxation; by 660 in national defense, veterans affairs, and the military; by 181 in road and water resources; and by 164 in ‘police’. The number decreased by 443 in administration, culture and education; by 152 in civil and legal affairs; by 74 in transportation; and by 70 in health, welfare, labor. The event that solicited proposals for small and micro businesses on the Commission web site from March to May markedly increased the number of complaints in finance, industry, telecommunications.

Figure 2-6 Increase/decrease in complaints



3. Status of corrective recommendation

A. Increase/decrease of corrective recommendation

The ACRC issues corrective recommendations if it finds after investigating complaints that administrative measures are illegitimate, unfair or wrong. In 2008, out of 27,509 complaints handled, 1,286 or 4.7% resulted in corrective recommendations on administrative agencies, which was up 10.1% (or 119 cases) from the 1,167 of 2007.

This increase in corrective recommendation is the result of the rise in complaints received (3,999).

Figure 2-7 Increase/decrease of complaints handled and corrective recommendation in 2008



B. Corrective recommendation by organization

Complaints can also be classified by the administrative agency against which it was filed: 376 cases (29.3%) were against central administrative agencies, 381 (or 29.6%) were against local governments, and 529 (or 41.1%) were against government-invested organizations.

Out of 376 corrective recommendations issued to central administrative agencies, 157 (or 41.7%) were for the National Tax Service, and 89 (or 23.6%) were for the Ministry of Land, Transport and Maritime Affairs. The two organizations accounted for 65.4% of the total corrective recommendations against central administrative agencies.

Among local governments, 136 corrective recommendations (or 35.7%) were issued for Seoul (including local public corporations), 88 (or 23.1%) were for Gyeonggi Province, and 31 (or 8.1%) were for the city of Busan (including local public corporations). Local governments in the Seoul metropolitan area took up 62.2% (237 cases) of the total number of corrective recommendations.

Among government-invested organizations, the Korea Land Corporation received the largest number of corrective recommendations (372 cases or 70.0%), followed by the Korea Express Corporation (45 cases or 8.5%), the Korea National Housing Corporation (32 cases or 6.0%), and the Korea Water Resources Corporation (30 cases or 5.6%).

Figure 2-8 Corrective recommendation by administrative agencies (2008)

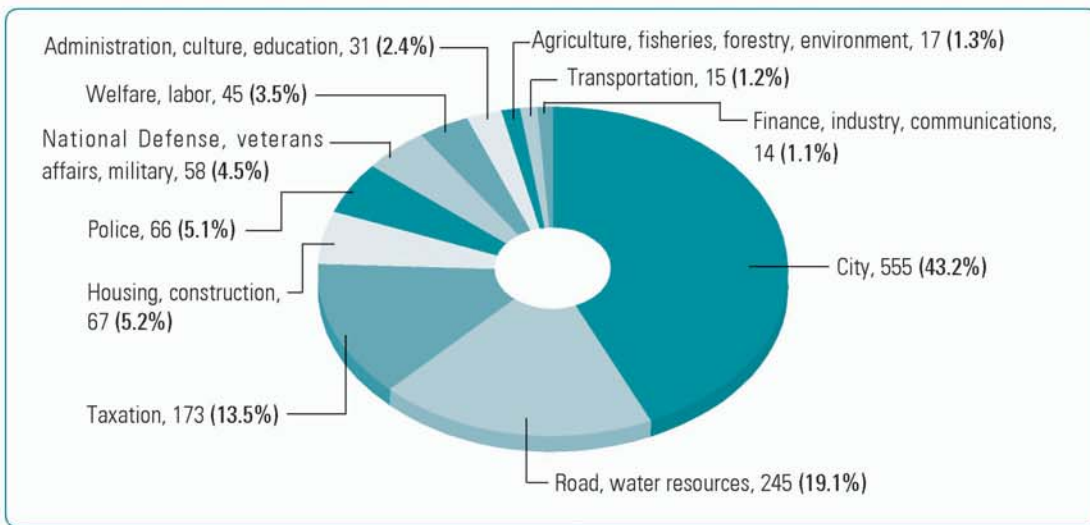
	Total	Central government						Local governments					Government-invested organizations					
		Total	National Tax Service	Ministry of Land Transport and Maritime Affairs	National Police Agency	Ministry of Defense	Others	Total	Seoul	Gyeonggi	Busan	Others	Total	Korea Land Corporation	Korea Express Corporation	Korea National Housing Corporation	Korea Water Resources Corporation	Others
Corrective recommendation (number)	1,286	376	157	89	63	35	32	381	136	88	31	126	529	372	45	32	30	50
Rate (%)	100	29.2	12.2	6.9	4.9	2.7	2.5	29.6	10.6	6.8	2.4	9.8	41.1	28.9	3.5	2.5	2.3	3.9

C. Corrective recommendation by area

By area, 'city' was most frequently involved in corrective recommendation with 555 cases (43.2%), followed by 'road, water resources' with 245 (19.1%) and 'taxation' with 173 (13.5%). The three areas accounted for 75.7% of all corrective recommendations.

More specifically, 555 cases (43.1%) fell in the 'city' category which was related to compensation for public projects, 245 cases (19.0%) were in the category of 'road and water resources' which is related to damages from road construction, and 173 cases (13.5%) were in the 'taxation' area which is related to the national tax.

Figure 2-9 Corrective recommendations by area (2008)



4. Status of resolution by agreement

A. Overview of resolution by agreement

The ACRC is pouring all its capabilities into the effective resolution of complaints and grievances so that complainants will be satisfied with the result. However, in cases where administrative agencies do not accept corrective recommendations or opinions issued in accordance with the law, complaints cannot be settled and complainants remain discontent. In these cases, complaints are just handled but not resolved. To overcome this limitation, the ACRC encourages resolution by agreement, which can effectively resolve complaints and discontent of people. The satisfaction level of resolution by agreement is higher compared to other methods and the complaints and administrative agencies can be mutually satisfied. This is especially effective in resolving public conflicts or complaints involving multiple people.

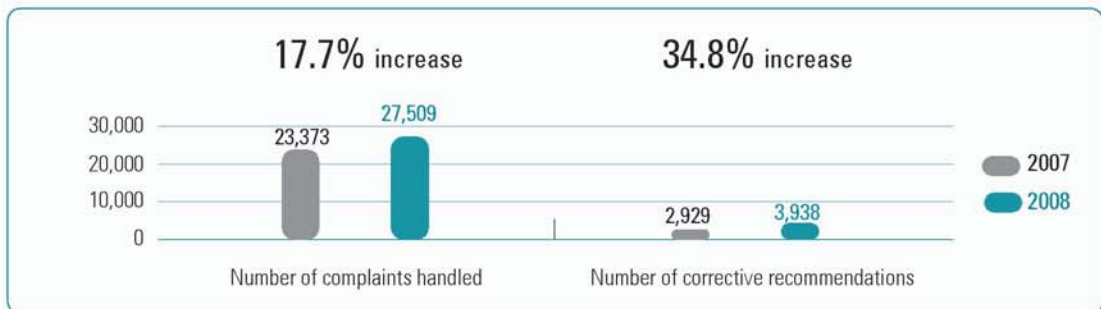
B. Increase/decrease in resolution by agreement

Out of the 27,509 complaints handled by the ACRC in 2008, 3,948 or 14.3% were settled by

agreement, which is a 1.8% increase from the previous year of 12.5% (2,929 out of 23,373 cases in 2007).

This is attributable to the efforts made to take advantage of alternative dispute resolution by mediation and agreement reflecting more complicated and diverse nature of complaints.

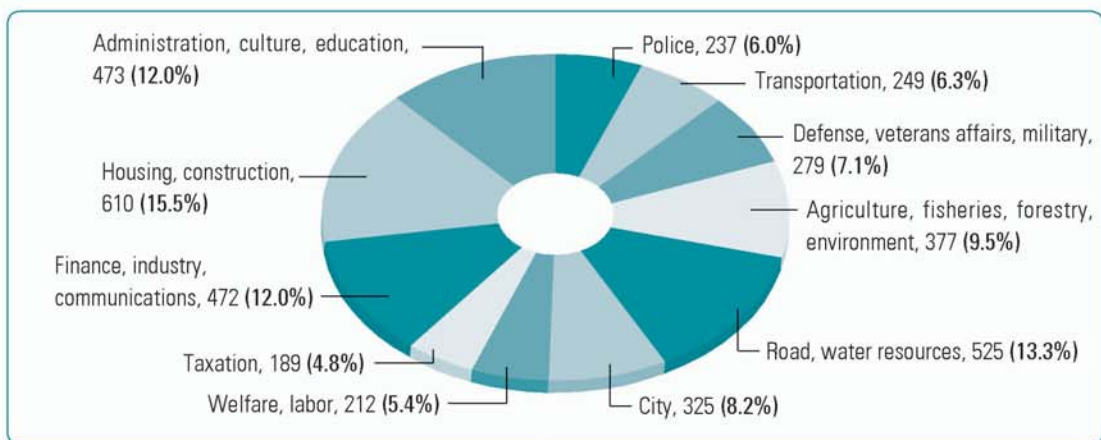
Figure 2-10 Increase/decrease in resolution of complaints by agreement



C. Resolution by agreement in each area

The number of complaints resolved through agreement was 610 (15.5%) in housing and construction; 525 (13.3%) in road and water resources; 473 (12.0%) in administration, culture and education; 472 (11.9%) in finance and industry; and 377 (9.5%) in agriculture, forestry, fisheries and the environment.

Figure 2-11 Corrective recommendations by area (2008)



Section 2 Specific Cases of Corrective Recommendation and Resolution by Agreement

1. Corrective recommendation cases

Revocation of refusal disposition on registration of new campus glasses shop

(1) Summary

The complainant won a competitive bidding for an eyeglass shop located on a college campus and applied for the establishment and registration to the competent public health center. The health center refused the application saying the eyeglass shop was a neighborhood living facility and therefore may not be located in the students' hall. The complainant filed a civil petition requesting a revocation of the unfair refusal.

(2) Disputed issue

The disputed issue is whether permission for establishing an eyeglass shop, which is a neighborhood living facility, can be given for a students' hall on a college campus, which is an education and research facility.

(3) Procedure

The ACRC reviewed the complaint by conducting an investigation on the establishment of eyeglass shops on college campus throughout the nation, studying relevant Acts and subordinate statutes and seeking consultation.

(4) Outcome

The investigation results showed that eyeglass shops were in fact established on college campuses nationwide in 2007. The eyeglass shop can be looked upon as a welfare facility for students located on campus. Welfare facilities are permitted to be open in urban planning facilities (schools) and the size of the shop (44.74 m²), which is small, enhances student welfare and convenience, rather than undermining them. Therefore, the ACRC concluded that the refusal of the establishment and registration of the eyeglass shop had resulted from an erroneous interpretation of the relevant laws and was unfair, and so issued a corrective recommendation.

(5) Implication and acceptance

Through a nationwide investigation of similar facilities and consultation, passive interpretation of relevant law by the administrative agency was corrected. The city accepted the registration application of the eyeglass shop as per the ACRC's recommendation.

< Corrective recommendation case >

**Revocation of undue benefit disposition
from average wage calculation**
(1) Summary

When an administrative agency provided compensation for business suspension and a lump-sum compensation for disability to the complainant, it determined the average wage based on the complainant's labor costs and calculated the amount of compensation using that number. Afterwards, the agency said the calculation of the average wage was flawed and decided that the complainant received undue benefits, and requested the return of the money paid out. The complainant filed a complaint of unfair handling.

(2) Disputed issue

The disputed issue is whether the average wage of a daily-employed worker should be calculated based on the daily payment for eight hours of labor if he has an industrial accident at a construction site on the first day of employment.

(3) Procedure

After the ACRC received relevant documents from the administrative agency and the complainant, it solicited opinions from ○ ○ department about the provisions of the Industrial Accident Compensation Act and related guidances. Thereafter, the Commission concluded the calculation of the administrative agency was illegitimate and issued a correction recommendation.

(4) Outcome

The complainant was injured on the first day of work and was working for a certain wage. His average wage should be calculated as "an amount obtained by the multiplication of the normal labor quantity at such a daily wage" in accordance with Article 25-3 (2) of the Enforcement Decree of the Industrial Accident Compensation Insurance Act. Yet, the administrative agency decided that a set daily wage included the overtime for one hour and separately decided an eight-hour wage, without using the contracted daily wage. The ACRC concluded the agency's disposition of undue benefits from the calculation of average wage was illegal and the Commission issued a corrective recommendation.

(5) Implication and acceptance

When calculating the average wage of a daily worker, the wage calculated by actual hours worked shall be applied under the relevant law. The administrative agency failed to comply with the law and the ACRC recommended its correction, which the agency accepted, and it then revoked the disposition made by the administrative agency.

< Corrective recommendation case >

**Belated arrival of the police at the crime scene
and request for investigation****(1) Summary**

The complainant's son reported a burglary using the 112 phone number on January 31, 2008 but the police showed up late and failed to arrest the burglar. Follow-up handling of the case by the police was not satisfactory. The complainant requested an investigation on the overall work practices of the police.

(2) Disputed issue

The disputed issue is whether the police appropriately responded to the case after receiving the 112 call and the instruction to go to the crime site, and whether the burglary investigation conducted by the police was carried out according to a proper procedure.

(3) Procedure

The police arrived at the crime scene 20 minutes after they received an order for moving, but the person who gave the order posted into the system that the police arrived after three minutes without verifying that as a fact. Under the rule, the police officer moved out to the scene should make arrival report but an officer at the district police box did. The burglar ran into the victim but only one and a half hours later did the police issue a search instruction. A criminal investigator made a fraudulent record on the crime scene report and wrote down the names of police officers who were not at the scene. For burglary cases, the police are obligated to visit the victim to explain the case three times but false records were made which said that the victim had been visited when in fact he had not been. Upon receiving the complaint, the police said the officer in question received education but he did not. The ACRC issued a corrective recommendation for all of these.

(4) Outcome

Nine police officers who went to the crime scene, ordered, and investigated after the burglary report received disciplinary action.

(5) Implication

As the time taken to go to the crime scene was reflected in the performance evaluation, police officers made fraudulent reports. After consultation with the National Police Agency, the time taken to arrive at the crime scene was excluded from evaluation.

< Corrective recommendation case >

**Resolution of damages of 27 years
caused by noise in military firing range**
(1) Summary

The residence and arable land of the complainant is in the immediate vicinity of the boot camp firing range and tank firing range of the ○○ Army Division. The complainant was banned from entering the arable land within 250m from the firing range so had made a request for land purchase and compensation. Also, households near the range suffered from shooting and tank noise that made life difficult. So the complainant requested the establishment of soundproof facilities.

(2) Disputed issue

The disputed issue is the purchase and compensation of the complainant's arable land and the acceptable level of firing noise.

(3) Procedure

The ACRC onsite investigation found that the Division used the firing range 326 days a year and prohibited the entry into nearby land, which included the arable land of the complainant. There were concerns about damaging crops and residents and continuous limits on the complainant's rights to the property. The ACRC issued a corrective recommendation that the Army Division purchase the arable land and take proper measures to reduce shooting noise.

(4) Outcome

As the ACRC recommended, the Army Division decided to purchase the arable land of the complainant in accordance with guidelines for purchasing personal property designated for military use and to use silencers.

(5) Implication and acceptance

The case is significant in that grievances related to damage and pain due to shooting noise and a prohibition of entry that had continued for 27 years were resolved. It demonstrated that an investigators' commitment to resolution, rigorous fact-finding investigation, and research are essential to the settlement of complaints.

2. Resolution by agreement cases

Preventing traffic accident

(1) Summary

The complainant discovered a direction light was broken down on a national highway and requested by phone that the Road Department of △△ City Hall repair it to prevent an accident on December 2007. The department did not repair the facility until 10 days later. The complainant requested again and the department told him it would transfer the complaint to the local police station. When the complainant did not receive any notice regarding the facility improvement until January 29, 2008, he filed a complaint.

(2) Disputed issue

The disputed issue was the identification of the agency in charge of managing direction lights and prompt repair and maintenance of broken direction lights.

(3) Procedure

The ACRC request the △△ Mayor to submit documents for responding to issues raised regarding facilities. △△ Mayor recognized the significance of the issue since a broken direction light might cause a traffic accident and replaced the direction light after visiting the site.

(4) Outcome

The complainant failed to identify which agency was in charge of facility management and his request for improvement was made to an administrative agency which was not responsible. As the request for repair was not accepted, the complainant began to mistrust the administration, but after he filed a complaint, the issue was resolved promptly, enhancing the satisfaction level and trust in administrative agencies.

(5) Implication

Since complainants sometimes do not know which department of what administrative agency deals with complaints, an accurate identification of a department in charge is of the utmost importance. After that, a speedy, one-stop response is required.

< Resolution by agreement case >

Request for visa issuance

(1) Summary

The complainant was married to a Mongolian woman. When she was pregnant, he wanted to come to Korea before giving birth to the baby but couldn't because she did not have a visa. He filed a complaint requesting the issuance of the visa allowing her to come into Korea before giving birth.

(2) Disputed issue

The disputed issue is whether the entry into the country of the pregnant wife of the complainant should be permitted.

(3) Outcome

The complainant was advised to apply for a visa with the required documents which included a certificate of pregnancy diagnosis and a marriage visa (F2). The administrative agency, taking into account that the wife of the complainant was pregnant, agreed to issue a marriage visa when the Ministry of Justice permits a temporary lift of the entry ban.

(4) Implication

The complainant's wife had been designated as one of those who are the target of visa issuance ban on the grounds of having stayed illegally in Korea in the past. Only six months after reporting the marriage will a marriage visa be issued. Yet, considering the complainant's desire to give birth to the baby in Korea, the administrative agency made a positive decision in line with the complainant's wishes.

CHAPTER 2

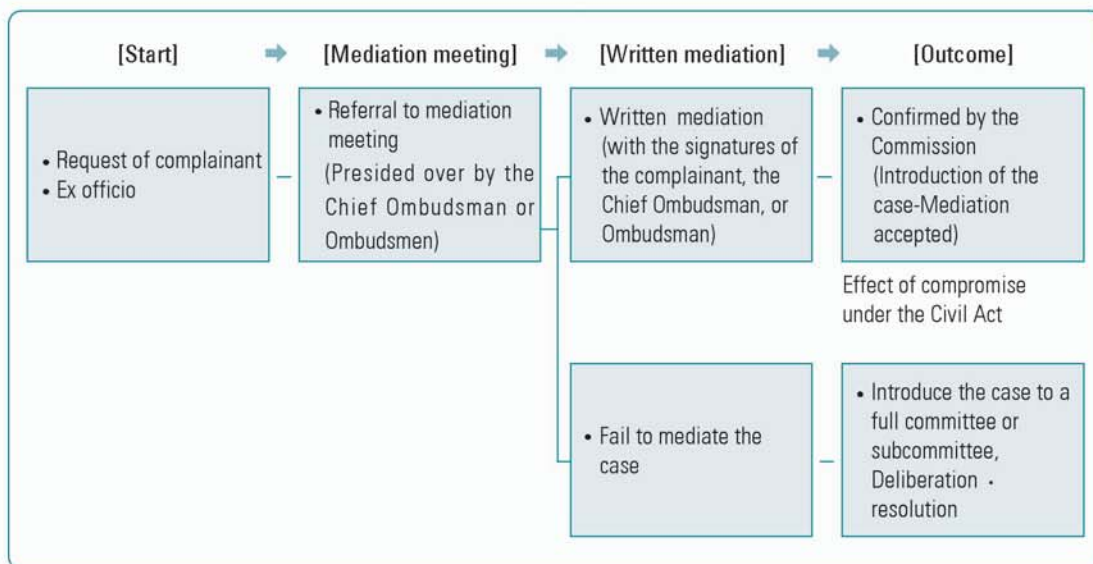
REASONABLE MEDIATION OF COMPLAINTS FOR SOCIAL CONFLICTS

Section 1 Overview of Mediation

1. Overview

The ACRC protects the civil rights of people through mediation and arbitration, in a prompt and fair manner, in complaints and conflicts involving multiple complainants which have considerable impact on society. Article 45 of the ACRC Act provides that upon the request of complainants or ex officio, the ACRC shall mediate complaints involving multiple people or having widespread ripple effects on society and resolve them promptly and fairly. The mediation is presided over by the Chief Ombudsman or Ombudsmen, and if a mediation is accepted, the decision has the legal effect of compromise under the Civil Act. Mediation is an advanced form of complaint resolution which generates a mutually beneficial outcome through talking and compromise in cases of conflict between the complainant and an administrative agency.

Figure 2-12 Mediation procedure



2. Mediation results

The ACRC is pushing for mediation and agreement in all phases of complaint handling with the goal of stimulating resolution by mediation in mind. Particularly, for those complaints involving multiple complainants which have far-reaching impacts on society, the Chief Ombudsman or other Ombudsmen hold on-site mediation meetings where they visit the place where conflicts take place, hear the voices of people, and propose alternative solutions.

In 2008, 33 rounds of mediation meetings were convened, which resulted in 32 cases settled by mediation.

Table 2-1 Mediation meetings in 2008

	Meetings	Complaints	Acceptance or agreement
Chief Ombudsman	4 (4)	4	4
Ombudsmen	29 (14)	29	28

※ (): On-site mediation meetings

Table 2-2 Mediation meetings presided over by the Chief Ombudsman in 2008

No.	Complaint	Outcome	Area
1	Noise along the road connected to the Incheon Bridge	Accepted	Road
2	Conflicts involving the establishment of Daejeon Expo Elementary School	Accepted	Education
3	Milyang River flood and noise from railroads	Accepted	Transportation
4	Conflicts related to relocation for the Seomjin River dam construction	Accepted	Water resources

Table 2-3 Mediation meetings presided over by the Ombudsman in 2008

No.	Complaint	Outcome	Area
1	Approval for using a building	Accepted	Construction
2	Road improvement and traffic safety	Accepted	Transportation
3	Establishment of a walkway in front of an apartment complex	Accepted	Housing
4	Revocation of composite income tax imposition	Accepted	Taxation
5	Reduction of interest from an inter payment	Accepted	Housing
6	Relief from intermediate payment arrears	Accepted	Housing
7	Completion of apartment buildings one by one	Accepted	Housing
8	Legalization of charnel house monuments	Accepted	Welfare
9	Relocation	Accepted	City
10	City planning of a road	Accepted	City
11	Supply of apartments for sale	Accepted	City
12	Construction of additional gate to apartment complex	Accepted	Housing
13	Change of implementation conditions for a housing development plan approval	Accepted	Housing
14	Permit of left-turn	Accepted	Police
15	Registration of the transfer of ownership	Accepted	City
16	Compensation for housing purchase, etc.	Accepted	Agriculture forestry
17	Improvement of an inadequate traffic system	Accepted	Police
18	Designation of land for religion within redevelopment district	Accepted	Housing
19	Revocation of approval for the Hannae Agricultural Industrial Complex development plan	Not accepted	Water resources
20	Payment of relocation costs	Accepted	Housing
21	Removal of military iron railings along the Okgye beach	Accepted	Defense
22	Correction of the transfer income tax	Accepted	Taxation
23	Imposition of road occupation and use fees	Accepted	Road
24	Relocation of the overpass in front of Ju-gong Apartments	Accepted	Housing
25	Exemption from liability for undue benefits	Accepted	road
26	Construction alteration	Accepted	Construction
27	Improvement of waterways structure	Accepted	Road
28	Protection of pine trees and utilization of an abandoned school	Accepted	Education
29	Improvement of an elevated construction obstacle	Accepted	Defense

Section 2 Resolution by Mediation Cases

Mediation of complaints regarding railroad noise and flood prevention

(1) Summary

A town in ○○ City near the ○○ River requested to relocate the town itself because of railroad noise and vibration and floods (2002, 2003, 2006) caused by unusual weather patterns and torrential rains.

(2) Disputed issue

The administrative agency did not intend to relocate the town citing that the complainants' town is out of the river range and that railroad noise was not a valid reason. The position of the administrative agency and the complainants' request to relocate the town had to be mediated reasonably.

(3) Procedure

The mayor said that measures against railroad noise should be dealt with by ○○ Corporation, and town relocation should be done by ○○ Agency. The head of ○○ Agency said relocation was not possible and neither was compensation since the town was outside of the water column and river range. The ACRC conducted a joint on-site investigation with the complainant and the administrative agency. It produced a mediation and held the on-site mediation meeting presided over by the Chief Ombudsman on October 10, 2008.

(4) Outcome (On-site mediation by the Chief Ombudsman)

The Head of ○○ Agency designated the complainants' town as being within the range of ○○ River and carried out the relocation of the town and compensation in accordance with the deliberation result of the River Management Committee. ○○ Mayor promised to work on flood prevention measures including designating the town as an area prone to natural disasters. ○○ Corporation decided to establish soundproofing facilities to minimize damage from noise, vibration, and to build an emergency exit pathway.

(5) Implication and acceptance

A reasonable alternative solution was proposed for complaints caused by conflicts over the responsibility of public organizations. Through mediation and arbitration, the conflict was resolved in a mutually beneficial way. The case presented a direction for similar dispute resolutions to be made in the future.

< Mediation of conflicts surrounding relocation for the Seomjin River Dam >

(1) Summary

The area affected by the Seomjin River dam normalization project, constructed by ○○ Minister and ○○ Corporation and compensated for by ○○ Governor and ○○ County (Gun) Mayor, included a residential area and farming land of the complainants. They requested compensation for farming loss, cultivation expense, and relocation expense.

(2) Disputed issue

The disputed issue was whether relocation under a government policy and farming could be interpreted as cultivation and farming the public land without permission.

(3) Procedure

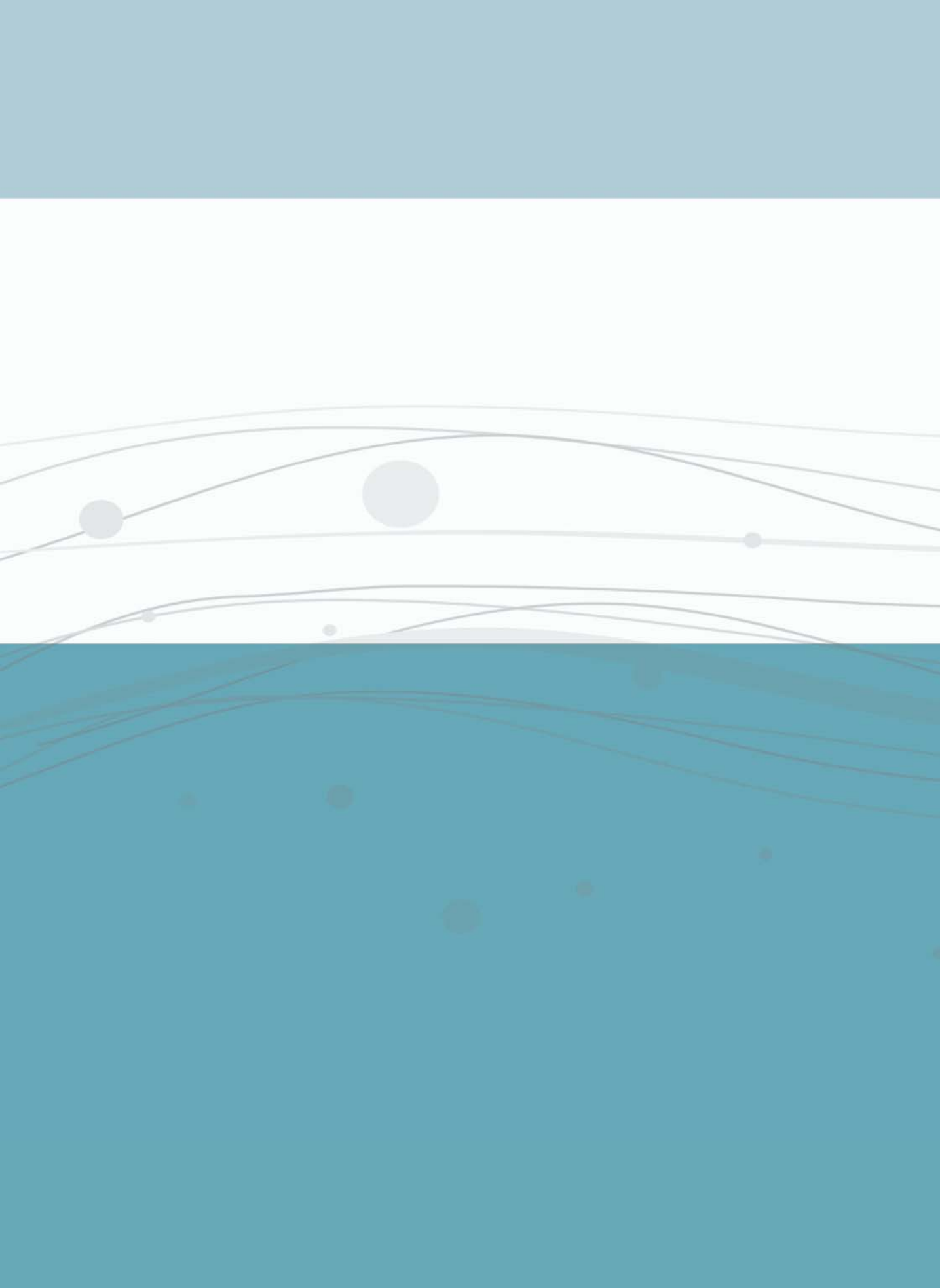
The complaining residents filed a petition with the Blue House, the National Assembly and the Ministry of Land, Transport and Maritime Affairs, but the problem was never solved. They submitted complaints to the ACRC. Having heard the opinions of ○○ Province, ○○ Gun, and the complainants, the Commission convened a mediation meeting on December 11, 2008 with a firm commitment to resolve the complaints, and actually settled it.

(4) Outcome (On-site mediation by the Ombudsman)

○○ Governor and ○○ Gun Mayor decided to compensate residents who would relocate (259 households, 757 people) for cultivation expense, agricultural loss, and loss from selling farming machines, and concede public land required for relocation for free. Compensations for land, expropriated buildings and relocation were excluded from the housing complex construction cost, which reduced the price of the housing for relocation.

(5) Implication

Residents and their children whose homes were submerged when the Seomjin River Dam was constructed in 1965 were relocated and lived in their current residences for more than 40 years. As the Seomjin River Dam redevelopment project was being decided upon, their residences and farming land were on the brink of being submerged. The administrative agency stuck to its position, which led to a long-lasting conflict. By conducting a thorough fact-finding investigation and coordinating the positions of the complainant and the administrative agency, complainants' opinions were heard out and accepted, and the complaint was resolved.



Part 3

Activities to Enhance Civil Rights Remedies

Chapter1 Strengthened Role as an Integrated Channel of Communication with People

Chapter2 Improvement of Unfair Laws and Systems

Chapter3 Strengthened Function of Providing a Civil Rights Remedy

Chapter4 Counselling and Guidance for Everyday Grievances

Chapter5 Ombudsman Cooperation Network

Part 3 Activities to Enhance Civil Rights Remedies

CHAPTER 1

STRENGTHENED ROLE AS AN INTEGRATED CHANNEL OF COMMUNICATION WITH PEOPLE

Section 1 "e-People"

1. The Revival of Sinmungo 600 years later



In the early Joseon Period, King Taejong created a petitioner's drum Sinmungo (1401 AD) to remedy the unfair treatment suffered by people and stabilize their livelihood. Korea had long been communicating with the people by establishing a variety of systems to let people, the roots of nation, without unfairness.

Learning from the wisdom of our ancestors, the Anti-Corruption and Civil Rights Commission (ACRC) created a participatory portal site called "e-People" with the goal of "No voice left unheard." "e-People" was designed to integrate all channels of communication with administrative agencies including civil petition, proposal, policy discussion, and to promote communication between the government and the public.

2. "e-People": a one-stop complaint handling service

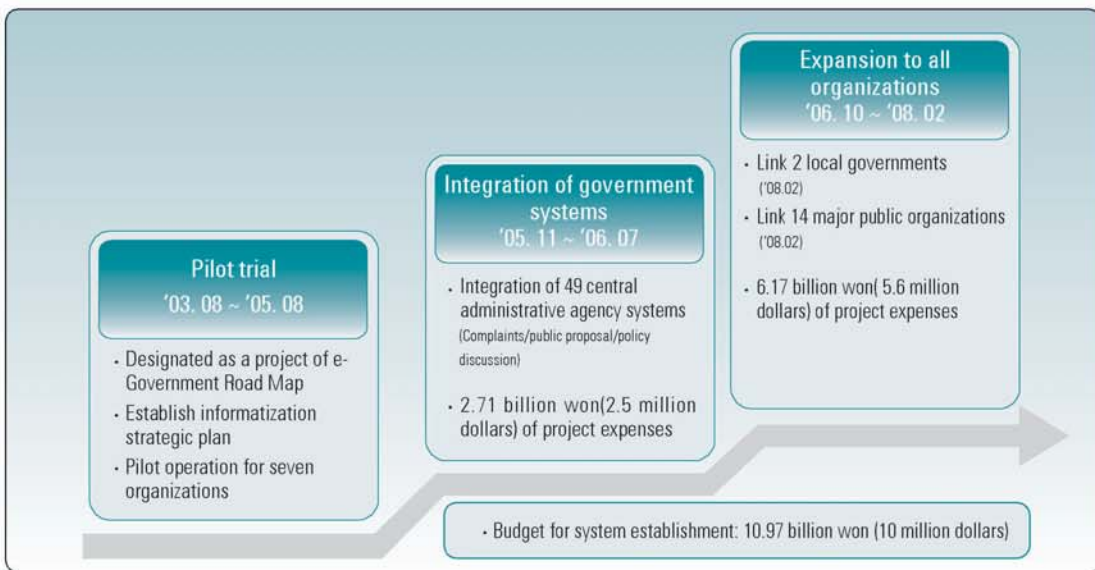
The ACRC began establishing the "e-People" system in June 2004 and integrated the central administrative agencies' complaint, proposal and public participation functions in July 2006. The Commission linked the complaint handling systems of 17 local governments and three public organizations in Busan on a trial basis in April 2007.

Through a continuous expansion of the system, a government-wide complaint handling system "e-People" was completed in February 2008, and this integrated and linked all of the



administrative complaint handling systems of 43 central administrative agencies, 246 local governments and 14 major public organizations. As such, “e-People” became the world’s best one-stop complaint handling service.

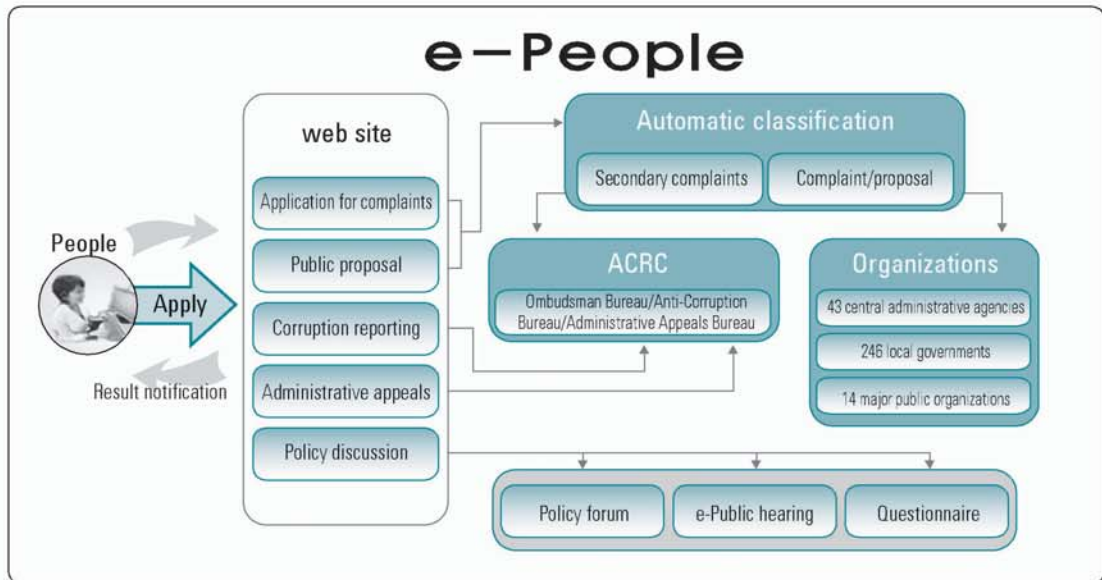
Figure 3-1 Increase/decrease in resolution of complaints by agreement



3. Innovation in complaint handling

With the establishment of “e-People,” people no longer had to bear the inconvenience of visiting all relevant organizations to file complaints. When citizens post petitions or proposals on “e-People,” an automatic classification system sends the petitions or proposals to an organization which out of all the public agencies in Korea is the one most highly qualified to handle it. In the process, when the automatic classification system identifies a case as a second complaint, which unaccepted complaint filed to the ACRC again, it is classified as the ACRC's case which is then subject to in-depth investigation and handling.

Figure 3-2 <Conceptual map of "e-People" system>



Through the integrated system, complaints are no longer redundantly filed with multiple organizations and are sent to the most appropriate organization, expediting complaint filing and handling. The time needed for handling such complex complaints filed with multiple organizations was 36.1 days in 2005 on average but it was reduced to 9.2 days in 2008 after “e-People” was introduced. General complaints required 12 days on average in 2005 but 6.9 days in 2008.

“e-People” allows complainants to see the whole complaint handling process and receive information through e-mails and text messages in realtime, which increased public trust in complaint administration. These innovative complaint handling services improved satisfaction level dramatically from 30% in 2005 to 51.2% in 2008.

Realtime online transfer of complaints and proposals on “e-People” cut labor costs and administrative costs such as those for mailing. Unnecessary administrative procedures of sorting out repetitive and redundant complaints which were copied and sent to different organizations can be eliminated. Responses to the same complaints became consistent, enhancing public confidence in administration.

Figure 3-3 < Major improvement in complaints handling through "e-people">

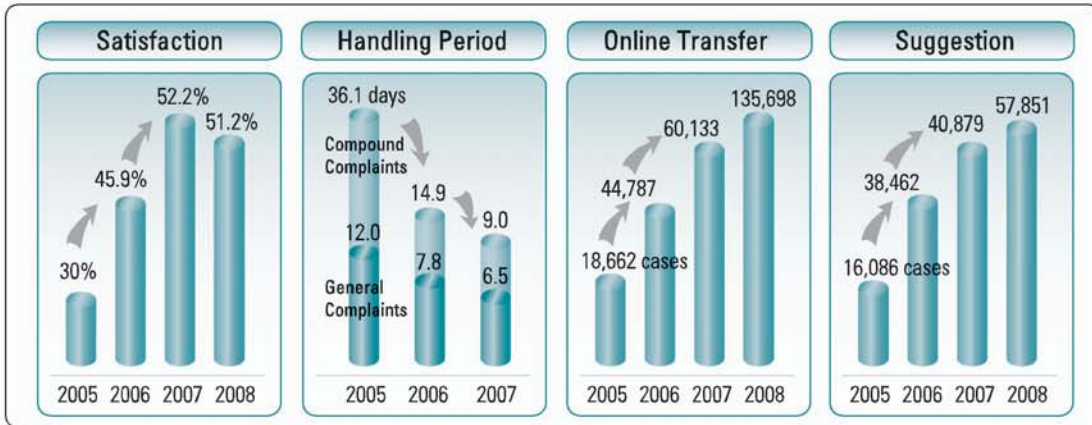


Figure 3-4 < Complaint service innovation through "e-People">

Category	In the past	e-People
Categorization	Confusion	Complaints filed without knowing competent agencies
Repetitive complaints	Copied to agencies	Automatic identification → handled as a single complaint
Transfer of cases	Mail	Real time online transfer
Monitoring	Impossible to check handling process	Real time email/SMS notification
Frequent complaints	Difficult to identify	Automatic record search for complaints received
Complaints relating multi-agencies	paper-based cooperation	Online cooperation
Follow-up service	Impossible	Additional answer request is possible if unsatisfactory
Assessment of satisfaction	Impossible	Direct evaluation of results by complaints
Evaluation	Impossible	Automatic evaluation through system
Finding similar case	Impossible to search	Research function → reduced complaints received

4. Excellence of the "e-People" system

Access to "e-People" has been extended to those who usually have limited access to information including the blind and the elderly since the web site was made easier and more convenient to use. The portal site became the first ever public organization web site which complies with web standards which exist to provide service regardless of PC operating conditions such as the operating system or type of web browser. In June 2008, English, Chinese and Japanese complaint services were adopted to accommodate the voices of overseas Koreans and foreign nationals living in Korea.

As a result, “e-People” was selected as France’s e-Gov Top 10 in October 2006. In October 2008, “e-People” was awarded the Best Demonstration Stand Award in e-Challenge 2008, organized by the European Commission, thereby receiving acknowledgment as the best example of settling conflicts and encouraging public participation.

< Awards at home and abroad >

- Won the Best Demonstration Stand Award in the e-Challenge 2008 (October 2008)
- Selected as an exemplary case in the e-Government five year performance, awarded the Prime Minister Prize (September 2007)
- Received the Internationally Acknowledged Brand Award at the Government Innovative Brand Conference (November 2006)
- Selected as Asia's best example by the International Ombudsman Institute (October 2006)
- Selected as France's e-Gov Top 10 (October 2006)

5. Future challenges

The ACRC is committed to constantly enhancing the government complaint handling service and improving the convenience of the system through the “e-People” system.

The Commission plans to reinforce the system by providing a frequently asked question section for questions regarding Acts and subordinate statutes and procedures so that people can find similar cases without needing to perform a particular search process when filing a petition.

Furthermore, if a complainant evaluates the complaint handling service as unsatisfactory, the official in charge is obliged to provide additional responses. The response is again subject to satisfaction evaluation to make sure users do not harbour grievances against administrative services.

Section 2 110 Government Call Center

The people had long suffered difficulties when they wanted to ask questions or file a complaint by phone with an administrative agency because they did not know what organization was in charge, and what their telephone number was.

Even when they found out the phone number, they were faced with responses like “that is not our responsibility” or “that is not our duty,” and were transferred to other departments. Sometimes people had to wait until the person in charge came back to the office. They had to explain the whole story and the questions repeatedly whenever they were transferred to different government employees.

To reduce such inconveniences, the ACRC started operating the single government number of 110 in May 2007. Around 2.9 million people have used the service from its inception. As of April 2009, about 6,000 counselling cases are being provided every day.

With local phone charges, dialing 110 will quickly connect people to counsellors, not to an automatic reply system. In particular, a nationwide connection of administrative agencies allows a tripartite connection adding relevant administrative agencies to the conversation if the counsellor finds it difficult to answer. If the government employee in charge is out of reach, the complaint is transferred to the administrative agency who will make a phone call later to the complainant.

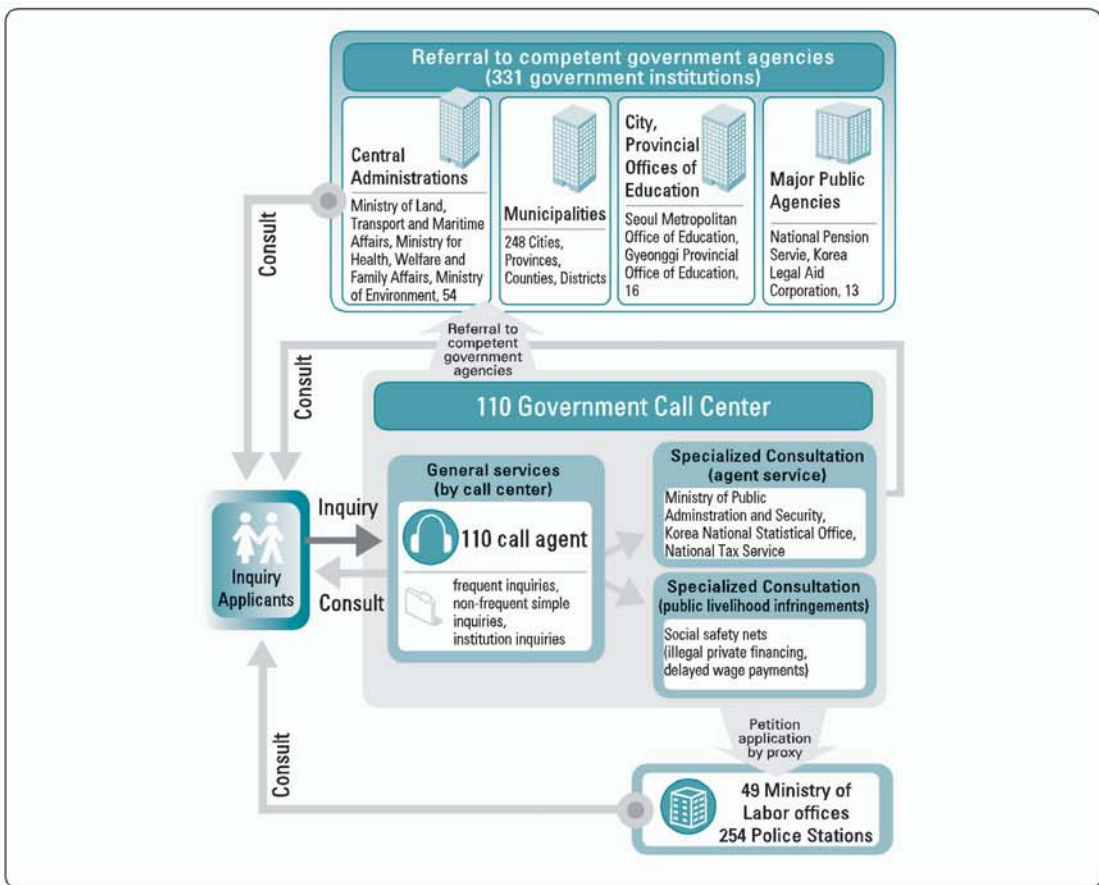
The 110 call center provides counselling on all issues governed by administrative agencies whether minor or major and checks the handling of the matters which have been transferred to other relevant administrative agencies. The call center also informs on the social safety net support measures of each organization to help more people benefit from the support. With the cooperation of local governments, more people become eligible for basic livelihood protection.

The ACRC analyzes proposals for system improvement and frequently raised complaints filed with the 110 service and “e-People” and then publishes Weekly Reports which are distributed to relevant Ministers.

The Commission also established and is operating a “Complaint Alert System” to prevent complaints in advance. Noticing that many people are recently falling victims to voice phishing scams, the ACRC analyzed types of voice phishing scams filed with the 110 service. The Commission formulated prevention guidelines and raised awareness through various media to make sure people do not any more become victimized by the scam.

The operating hours are from 8 a.m. to 9 p.m. on Monday through Friday and from 9 a.m. to 1 p.m. on Saturday. On Sundays and holidays, calls are reserved until the next business day. To provide better service to the people, experts from administrative agencies are invited to provide work and manner training in each area.

Figure 3-5



Picture: Conceptual diagram of counselling

IMPROVEMENT OF UNFAIR LAWS AND SYSTEMS

In 2008, 95 recommendations on institutional improvements were issued, and mediation meetings were held for the cases which were not accepted. Recommendations on legal revisions were proposed to the National Assembly. Also, written and on-site examinations for accepted cases were conducted to encourage recommendations on institutional improvements to be implemented.

Section 1 Identifying of Laws and Systems in Need of Improvement

The ACRC has diversified the ways of identifying areas in the system which are to be subject to institutional improvement recommendations. The Commission took advantage of complaints received through “e-People,” the 110 call center, and counselling call centers. For the same purpose, it also utilized matters subject to institutional improvement identified during administrative appeals of the Administrative Appeals Commission under the Prime Minister, and public proposals and solicitation of suggestions via the “e-People” system.

Also, the Commission recognized a number of areas in need of improvement through repetitive complaints analysis, which had been done for a long time, and the expansion of research on institutional improvements.

As a result, the Commission recommended institutional improvements based on eight public proposals (including invitations of proposal), 13 cases through analysis of repetitive complaints, 13 through institutional improvement research, and two identified were from administrative appeals.

Section 2 Difficulties of the Economically and Socially Vulnerable to be Heard Using Public Proposals

To meet the policies of the new government - strengthening the economy and implementing measures to protect socially vulnerable people - the ACRC heard the grievances and proposals of

average people through “e-People,” proposed policies and pushed for institutional improvements. This was done to protect the civil rights of the economically and socially marginalized people.

Specifically, after selecting areas to improve for purposes of “reviving the economy and protecting the socially vulnerable people” by looking at grievances and complaints, the ACRC recommends improvement to the administrative agencies. Soliciting proposals for “resolving the pains of small business owners and the self-employed (March to June 2008)” and “protecting the civil rights of the disabled and multi-cultural families (July to August 2008)” received 1,410 cases, among which 60 were resolved by agreement, five resulted in corrective recommendation, 68 resulted in policy proposals, and 35 were selected as areas for institutional improvements.

Section 3 Systematically Managing Recommendations Regarding Institutional Improvement

To make sure institutional improvement recommendations do not end up being of little help and do contribute to enhancing civil rights of people, the ACRC investigated the implementation practices of accepted and unaccepted cases and held after-the-fact mediation meetings to boost effectiveness of the recommendations.

First of all, the confirmation on implementation practices of accepted cases focuses on prompt reflection of the matter into relevant Acts and subordinate statutes. In 2008, two rounds of written examination and one on-site inspection were conducted to check whether recommendations on institutional improvement had been reflected in Acts and subordinate statutes or systems. The compliance rate of recommendations issued increased from 41% to 66%.

For those cases which were not accepted, after-the-fact mediation meetings were held to persuade relevant administrative agencies to review and accept the recommendation. In 2008, mediation meetings were held for nine cases which had not been accepted, of which three cases were accepted. For nine major legal revision cases among non-accepted system improvement recommendations, the ACRC submitted opinions on system improvement to the National Assembly to be reflected in legislation.

Major System Improvements in 2008

Health insurance coverage for professional caregiving service at nursing homes and medical institutions (Ministry for Health, Welfare and Family Affairs)

- Under the current health insurance scheme, costs of care-giving service for hospitalized patients are not covered, imposing a big economic burden on families and increasing social problems.
- As no legal ground exists for professional care-giving services in medical institutions, a part of nurses' duties (taking body temperature, taking the pulse and counting the breathing) are carried out by caregivers, creating the risk of medical accidents.
- ⇒ Widen the health insurance coverage to professional caregiving services in nursing homes and medical institutions
- ⇒ Introduce a professional nursing caregiver system for nursing homes and medical institutions

Improved identification for foreign family members of multi-cultural families (Ministry of Justice)

- Foreign spouses identify themselves using their alien registration number and the certificate of their Korean family relations. Yet the personal information and names on the two certificates differ because the certificate of family relations has their names in Korean, and the alien registration is in English. Also, their alien registration numbers do not show on the certificate of family relations.
- There is not an adequate type of domestic certificate for foreigners who make a family with Korean nationals through international marriage or adoption until they obtain Korean nationality.
- As a result, minor children and spouses find it difficult to prove their family relation status and members of multicultural families spend too much time and money on dealing with financial and administrative agencies.
- ⇒ Grounds have been made for the certificate of family relations to show the alien registration number of a family member of foreign nationality, and for the alien registration statement to show the Korean names that appear on the certificate of family relations.

CHAPTER 3

STRENGTHENED FUNCTION OF PROVIDING A CIVIL RIGHTS REMEDY

Section 1 Counselling Service Reaching out to Socially Vulnerable People

The ACRC is reaching out to islands and remote areas where people have little access to the services of protecting and enhancing the rights of a socially marginalized class and provides on-site counselling services. To protect the civil rights of foreigners and enhance the image of the nation, the Commission has put a high priority on counselling of grievances that foreign nationals suffer from 2004 in cooperation with relevant government organizations.

1. Onsite local counselling for residents

The onsite local counselling of grievances is designed to disseminate information about the role and function of the ACRC and to provide better administrative services to local residents. The Commission is resolving grievances and protecting the rights of people by, through counselling, identifying and settling the complaints of those marginalized in society. A counselling Unit for Civil Rights, comprising the Commission's investigators and lawyers, visited North and South Jeolla Provinces, North and South Gyeongsang Provinces, North and South Chungcheong Provinces, and Gangwon Province. In 2008, the counselling Unit settled 96 cases by agreement through on-site mediation meetings. The counselling Unit also visited the multi-cultural families and those who were not physically active including the solitary elderly to hear out their difficulties and settle grievances, which was received with positive responses.

Table 3-1 < Yearly local counselling services >

	Total	2003	2004	2005	2006	2007	2008
Total	2,288	77	155	187	745	484	735
Received complaints	640	12	57	75	255	142	99
counselling	1,552	65	98	112	385	342	550
On-site agreement	96	-	-	-	-	-	96

Table 3-2 19-5 <Complaint counselling by area>

Total	Administration Culture	Environment Industry	Agriculture Maritime	Housing Construction	City	Road Water resources	Finance Taxation	Military Police	Civil and criminal cases	Others
415	23	54	43	31	26	73	41	-	78	46

※ Excluding visits for counselling to the solitary elderly, disabled, multicultural families.

2. Onsite local counselling for foreign nationals

The onsite local counselling for foreign nationals has been designed to hear the complaints of foreign nationals who cannot fully defend their own civil rights when they are violated, because they are not aware of Korean laws and institutions. The Commission started to run onsite local counselling for foreign nationals in 2004 to cope with raising issues about foreign workers, a newly recognized socially vulnerable class.

The ACRC analyzed major complaints of foreigners based on pre-established statistics, sent expert investigators to receive 182 counselling cases and complaints in total on overall legal issues including delays of payment, industrial accidents, immigration, and physical or verbal violence. Through the counselling of complaints, inferior labor conditions of foreign workers have been improved, resulting in enhancing the image of international labor and confidence in Korea. This has proven that foreign workers can be protected from falling between the cracks of civil rights enforcement, which redressed negative image of the country. The Commission will continue to conduct local counselling for foreigners to bolster their status and civil rights.

The Commission also collected counselling results and produced a counselling manual for foreigners, which is used as training material by investigators and was distributed to relevant organizations and local governments.

Table 3-3 <Yearly local counselling for foreign nationals>

	Total	2004	2005	2006	2007	2008
Total	590	52	37	105	214	182
Complaints received	113	7	11	25	57	13
counselling	477	45	26	80	157	169

Table 3-4 < Local counselling for foreigners by area in 2008>

Total	Labor	Immigration	Nationality	Civil and criminal cases	Welfare
182	71	41	35	22	13

Table 3-5 < Local counselling for foreigners by nationality in 2008>

Nationality	China	Philippines	Vietnam	Thailand	Sri Lanka	Indonesia	Mongolia	Others
Number	71	28	21	9	7	7	4	22

Section 2 Systemic Investigation

1. Overview

The ACRC conducted systemic investigations to more aggressively counteract pending issues including enhancing civil rights of the socially and economically vulnerable. The systemic investigation focused on issues involving the civil rights of many people, which requires in-depth examination and expert review. The systemic investigation aims to not only settle complaints but find fundamental and comprehensive solutions such as institutional improvement and policy proposals.

The systemic investigation was conducted with separate teams where internal experts were engaged for each issue. The systemic investigation outcome was introduced to the Commission to issue recommendation to relevant organizations or offer policy alternatives.

The systemic investigation was implemented in earnest from 2008, focusing on the establishment of a national identity and the protection of the socially weak, issues which had been neglected despite their importance. The subjects of the investigation have been expanded from the current status and treatment of boy and girl soldiers who had fought in the Korean War to civil rights of the multicultural families, provision of financial support for childbirth, and improvement of an autopsy performance system.

2. Major activities

Systemic investigation on the status and treatment of boy and girl soldiers who volunteered to fight in the Korean War

In June 2008, a civil petition was filed under the name of the Korean War boy soldiers that requested a legislation of a special Act for the recovery of reputation and compensation for young boys and girls who voluntarily sacrificed their lives for the country during the Korean War. Considering that honorable treatment for the people of merits is important from the view of social unity and patriotism, the ACRC began a systemic investigation with a team of experts in relevant areas. The result of the investigation of related organizations, academia and survivors revealed that there were as many as 2,464 boys and girls who died while fighting in the war, but only 20 were registered as those who had rendered distinguished services to the country. Also, only 879 memorial tablets are enshrined in the National Cemetery.

They were young and therefore had no children when they volunteered to fight for the nation and died, and their parents are now old or dead. Most boy and girl soldiers turned out not to receive the treatment and compensation they deserve. The lack of a military register denied recognition for some of the soldiers as having fought in the Korean War. Also, some of survivors were conscripted into the army again after the war based on the military law then applicable. When they tried to claim national compensations, the court dismissed their claims based on extinctive prescription even though it acknowledged the nation's illegal acts.

On June 24, 2008, one day before the 58th Anniversary of the Korean War, the Commission expressed the opinion to the Minister of Defense that the Ministry should examine the accurate status of the boy and girl soldiers and make a record about them on the military register and military history. The Commission expressed its opinion to the Minister of Patriots and Veterans Affairs that the memorial tablets of the soldiers should be inscribed in the National Cemetery and the monuments of patriotism be erected to exalt their honor.

On the expressions of opinion, the Ministry of Defense redressed the military register after confirming the soldiers' having fought in the war. The Ministry decided to collect relevant documents and incorporate them into the history of the Korean War through the Institute for

Military History Compilation. The Ministry of Patriots and Veterans Affairs decided to inscribe missing memorial tablets for young soldiers who voluntarily fought for the nation during the war and erect the monuments of patriotism.

3. Evaluation and future plan

The systemic investigation conducted in 2008 was a breakaway from practices that mainly addressed complaints. The systemic investigation presented a new, fundamental way of solving social and national issues. Through that investigation, the ACRC not only resolved complaints but also improved institutions and presented policy directions from the perspective of people, expanding its capability of settling complaints for grievances. Heightened media interest concerning the systemic investigation raised awareness about the role and function of the Commission. A major media broadcasted the systemic investigation on the treatment and status of boy and girl soldiers who volunteered to fight during the Korean War from the initial stages, and played a significant role of raising awareness of the issue.

The Commission will build on its experience and the achievements of 2008 to expand its systemic investigation designed to establish national identity and ease difficulties of the socially and economically marginalized. Regarding national identity, the Commission will determine the subject and range of a systemic investigation based on a preliminary investigation to identify meaningful cases to be examined and will accommodate the opinions of relevant organizations at the preliminary investigation stage. Particular care will be given to socially and economically marginalized people who are more vulnerable to economic crisis. And to this end, the systemic investigation will focus on supporting the recovery from the economic crisis.

COUNSELLING AND GUIDANCE FOR EVERYDAY GRIEVANCES

Section 1 Counselling and Guidance

The Commission lends its ears to conflicts and difficulties of everyday life and provides counselling services to inform of proper relief measures which are available. Its counselling can be classified as three categories: first, counselling centers in Seoul and other areas are in operation to provide quality professional counselling services to visiting complainants or those who call; second, local counselling for residents and for foreign nationals are being operated for people and foreigners who live in rural areas, islands and those areas which have little access to information; third, through the counselling corner on the ACRC web site, the Commission investigators post counselling when an individual raises a complaint on the board without visiting the Commission office. This cyber counselling system increases the convenience of complainants.

1. Counselling and guidance by the Commission investigators

Individuals who are suffering from illegal and unfair treatment of administrative agencies and unreasonable institutions, or who are ignorant of administrative procedures, can call and visit the Commission or go to its web site to make an appeal for their grievances or ask questions. They can receive kind counselling and guidance services from the investigators working for the Commission.

To state the counselling and guidance process, the investigators give information on the process and procedure for cases regarding administrative procedures. The cases about appealing for grievances or requesting relief are filed with the Commission as complaints for grievances, which are subject to investigation and settlement. In many cases, in the course of counselling, complaints are settled.

Table 3-6 <Complaint counselling by counselling channel>

(Unit: number of cases)

Year	Total	Phone	Visit	Internet
2008	9,125	-	7,634	1,491
2007	8,814	-	7,743	1,071
2006	90,889	81,007	6,801	3,081
2005	90,860	81,414	4,596	4,850

※ Counselling cases by phone are excluded from the statistics after the government call center opened (May 2007)

Table 3-7 <Counselling and guidance of investigators by area>

(Unit: number of cases)

Year	Total	Finance Taxation	Administration Self- governance	Construction City	Information Transportation	Industry Resources	Agriculture Maritime	Labor Wage	Welfare Environment	Education Culture	Defense Veterans affairs	Civil Criminal
2008	9,125	1,060	423	1,934	653	244	379	424	443	254	683	2,628
2007	8,814	1,043	579	1,655	782	103	359	453	497	194	692	2,457
2006	90,889	13,042	5,592	15,502	10,005	1,728	2,960	6,066	11,484	3,125	3,980	17,405
2005	90,860	13,232	5,989	14,969	9,625	1,873	3,357	5,933	10,231	3,099	3,654	18,898

2. Counselling by professional counsellors

To more proactively respond to diversifying and specialized complaints and provide quality complaint handling services, onsite counselling and guidance are rendered by professional counsellors. Lawyers, certified judicial scriveners, certified public appraisers and certified labor consultants are entrusted with a professional counsellor. Employees of the organizations relevant to complaints such as the Korea Legal Aid Corporation, the prosecution and the police are sent to the Commission. Retired government officers with abundant knowledge and experience in administration are appointed as honorary counsellors to provide complaint counselling and guidance services.

In an effort to effectively respond to a rapidly changing administrative environment and the

demand for complaint counselling, an expert in psychological counselling was hired in June 2005. counselling centers are open and in operation in Seoul, Daejeon, Daegu, Busan, Gwangju, Chuncheon and Jeju.

Table 3-8 <Counselling by professional counsellors>

(Unit: number of cases)

	2008	2007	2006	2005
Total	5,056	3,110	9,186	8,213
Legal	4,282	2,838	8,362	7,439
Publically announced land price	224	9	42	26
Labor service	550	263	782	748

※ The 2008 cases by professional counsellors exclude counselling cases by phone

CHAPTER 5

OMBUDSMAN COOPERATION NETWORK

Section 1 Cooperation between Private Organizations and Local Governments and Effective Complaint Counselling

1. Overview

To address diversified and specialized complaints in a prompt and fair way and to meet the demand of the public, the Commission needs to build a collaborative relationship and channels of consultation and cooperation with a variety of professional, private organizations and local governments.

2. Major achievements

(1) System improvement and complaint settlement through cooperation with private organizations

One function of the ACRC is to provide a gathering place for private organizations that represent the socially vulnerable, including the disabled, the elderly, children, adolescents, foreigners living in Korea, to hear difficulties and proposals, with the aim of enhancing their access to the complaint system and improving an unreasonable system.

In 2008, five recommendations were made to promote the civil rights of the socially marginalized, including the case where an argument was made for allowing the hearing impaired to obtain a type 1 driver's license (commercial and personal cars) was made to ensure the right to mobility of those with a hearing impairment.

(2) Support and cooperation with local governments in establishing local ombudsman

Complaints related local governments account for 29~34% of the total number complaints

received in 2008. Therefore, the Commission provided assistance and cooperation to Mokpo, Iksan, and Wonju cities which are operating or preparing to establish local ombudsman at the local government level.

(3) Promoting civil rights through the MOU with functional organizations

If professional medical knowledge is required in the course of handling complaints, a Commission investigator needs an outside expert's consultation. To that end, the Commission signed a Memorandum of Understanding (MOU) with the Korean Medical Association.



< Signed MOU with the Korean Medical Association >

The MOU makes it possible to ask advice not from individual doctors but from the organization, enhancing the authority of the consultation and confidence in complaint settlement.

The complaints the Commission cannot handle have to be subject to unacceptance or simple guidance. Yet, if the Commission decides that it is necessary for the relief of violated rights, legal aid can be rendered upon the consent of the complainant. This is possible thanks to an MOU with the Korean Bar Association, which established a legal aid system for the socially vulnerable.

3. Evaluation and future challenges

The Commission has been supporting the establishment of local ombudsman to satisfy local policies and local needs for relief of residents' rights. Now, the Commission is considering an

autonomous establishment and operation of local ombudsman by local governments to reflect local characteristics and meet the heightened status of an integrated Commission. The ACRC will continue to diversify its communication channels and consult with relevant organizations to ease inconveniences in the economic and daily lives of the socially and economically marginalized.

Section 2 International Exchange and Cooperation Network

1. Visit of the Indian Deputy Minister for Personnel, Public Grievances and Pension

On April 3, 2008, Deputy Minister of Personnel, Public Grievances and Pension, D.V. Singh, visited the Anti-Corruption and Civil Rights Commission for the first time since its inception. The visit was part of an information exchange and cooperation project between the Korean and Indian governments. This followed the visit of the Indian delegation of public officials to the Ministry of Public Administration and Security in October 2007, in order to benchmark Korea's e-government and their participation in international administrative development training courses provided by the Central Officials Training Institute.

The ACRC welcomes significant changes of bilateral relations including exchange of visits between national leaders and an increase in trade and investment amid a rapidly growing Korea-India relationship. The Commission expressed its hope to further expand exchanges in the complaint handling area.

When introducing the Commission's major duties, the Commission clearly said that it inherited the function and organizational structure of the Ombudsman of Korea and continued to play the role of ombudsman, redressing violated civil rights of the people. More specifically, the Commission said through complaint investigation, handling and counselling that it had issued corrective recommendation and opinions against illegal and unfair administrative dispositions. The Commission also added that it mediated and arbitrated conflicts involving multiple parties and that it recommended administrative system improvement or expressed opinions against unreasonable administrative institutions.

The Ministry confirmed a shared interest in complaint handling and said the visit gave the opportunity to strengthen exchange and cooperation between Korea and India.

2. Asian Ombudsman Association Board Meeting

The ACRC participated in the Board of Directors Meeting of the Asian Ombudsman Association held in Teheran, Iran, hosted by the General Inspection Organization of Iran from April 19 to 25, 2008. The meeting was prepared to establish relations and to exchange information among member countries. Ombudsmans from the Federal Ombudsman of Pakistan (President of the AOA), Philippines (Vice President of the AOA), Hong Kong (Secretary of the AOA), Korea (Treasurer of the AOA), and eight members including China, Iran, Japan and Thailand took part in the meeting and discussed and dealt with issues on the agenda for strengthening ombudsman capabilities.

The ACRC, presented opinions about the 2007 AOA audit report and the budget for the following year. In particular, to increase the budget for building the AOA Printing Library, he suggested a review of the purpose and procedure of operating the Library. The participants discussed ways to efficiently use the Library such as via the parallel operation of an online web site and member organizations' provision of materials in English and their own languages.

In an effort to advance the culture and system of the ombudsman, the Boards of Directors Meeting of 2006 agreed to have a session to share a comparison study on the ombudsman of each organization. In this session, the ACRC had its presentation made about achieving conflict resolution through alternative dispute resolution. The alternative dispute resolution came out after the ACRC's internal experts analyzed its complaint settlement experiences to identify policy implications.

Furthermore, the Board of Directors discussed the creation of the AOA Knowledge Management Resource Center (KMRC), being implemented with the financial support for administrative and judicial reform from the Asia Development Bank with the aim of strengthening the knowledge management of individual organizations. The KMRC will be in charge of research planning for the ombudsman's role and functions thereof, exchange of experience through exchanging investigators, and the merger and management of ombudsman-related documents. Thailand

proposed a Key Performance Indicator to manage the performance of the KMRC. Hong Kong emphasized the cooperation of the Philippines, where the headquarters of the ADB is located, and the necessity of eliminating redundant training programs provided by the KMRC and other organizations. The President of the AOA will submit an official proposal to the ADB after consulting with the Vice President of the Philippines.



<Visit to and meeting at the General Inspection Organization of Iran April 23, 2008 >

3. International Ombudsman Institute Board meeting

Dr. Yang Kun, the chairman of the ACRC Korea visited the International Ombudsman Institute (IOI) Board Meeting as the Director and Regional Vice President, held in Hong Kong from November 4 to 7, 2008. He participated in the evaluation of the IOI activities and discussion on the future direction of the IOI. In particular, he expressed gratitude to the Asian members for supporting his continued occupancy of the position of Director and Regional Vice Presidents despite the fact that the Commission was launched anew. As the Regional Vice President of Asia (membership of which includes 11 institutional members, one associate member, and four individual members), he reported on the developments of the regional members. In Asia, member countries are engaged in a variety of activities including information exchange and forums. To encourage these activities, Dr. Yang proposed to utilize IOI subsidies allotted to each region to have workshops to boost practical working capabilities.

In the Executive Committee report, Secretary Alice Tai expressed her opinion that she respects the decision of former directors which gave qualification as a new member to existing members when discussing the Commission's succession of its Director and Regional Vice President position. The Secretary said a membership position would be continuously maintained if the duties and laws of an organization remain the same. She also pointed out that IOI regulations have little provisions about membership succession and emphasized the need to take steps to address this.

Regarding the relocation of the IOI Secretariat currently in the Faculty of Law, University of Alberta, Canada, to a third country, the two candidate locations of Vienna in Austria and Catalonia in Spain were raised. The IOI members reviewed and compared language skills, research and publication capabilities, and financial competency necessary for the management of the Secretariat. After considering all necessary qualifications, the members unanimously voted Vienna which has wide government support, an abundant source of experience of hosting international organizations, and a concrete model for establishing legal entities as its strength. Accordingly, Peter Kostelka, the Ombudsman of Austria, will took the responsibility of IOI Secretary when the office in Vienna kick off. To move the Secretariat, the Board of Directors decided to create a Transition Committee consisting of the IOI President, Secretary, Austria Ombudsman, Treasurer, and Legal Advisor. The participants also discussed matters related to preparing for the 9th IOI General Assembly and the 2009 Board Meeting to be held in Sweden, marking the 200th anniversary of the creation of ombudsman.



<IOI Board of Directors November 5, 2008>

