



ACRC

Taking a Big Stride Forward on Transparency & Civil Rights



Protecting people's rights and interests &
Building a transparent and fair society



Anti-Corruption &
Civil Rights Commission



ACRC

Taking a Big Stride Forward on Transparency & Civil Rights

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Introduction

Establishment

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



With the consolidation of these three organizations, we can offer more convenient and efficient public service to the people, resolve people's grievances as swiftly as possible, and spread a culture of integrity throughout the society to create a more advanced country where civil rights are fully respected and the rule of law is abided by.

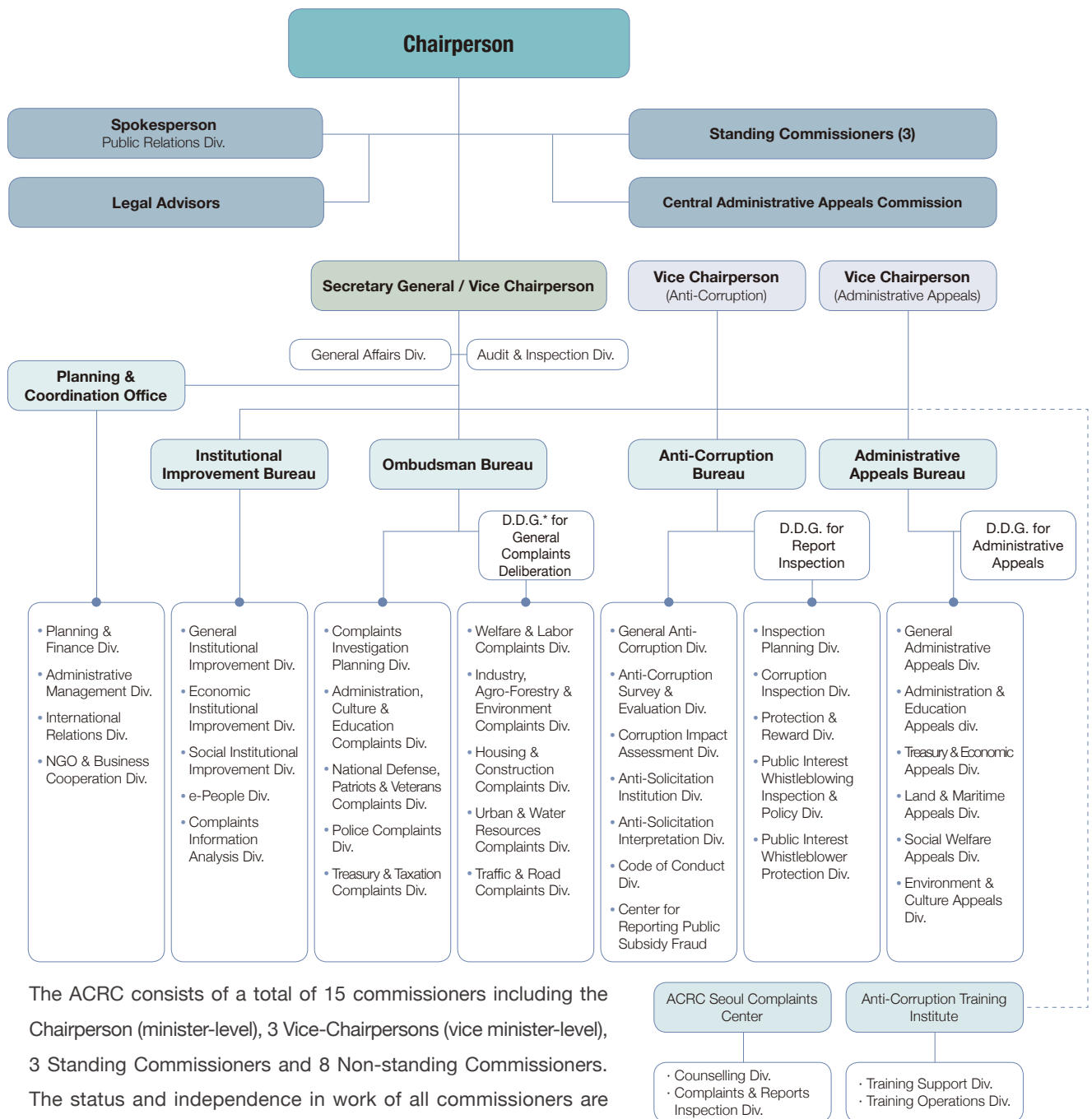
Main Functions

The Anti-Corruption & Civil Rights Commission (ACRC) performs the following 4 functions:

- Address civil complaints which cause inconvenience or burden to citizens
- Build a clean society by preventing and deterring corruption in the public sector
- Protect people's rights from illegal and unfair administrative practices through the administrative appeals system
- Make recommendations of improvement on unreasonable laws or system which may lead to civil complaints or corruption-prone environment

★ Legal ground for the foundation of the ACRC: 'Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission.(Act No. 8878)

Organizational Chart



* D.D.G. : Deputy Director General

Number of Employees

Total	Political service	Extraordinary civil service	Senior executive service	Senior executive service (term limit)	3-4	4	4-5	5	6 and under	Official with Special Experiences	Research service	Special service
506	4	1	10	6	13	31	40	182	210	5	1	3

Addressing Civil Complaints

01 Investigating & Handling Civil Complaints

Counseling & Application

Citizens may personally file complaints or designate a representative, via personal visit, mail, internet, or fax.

Subjects: Illegal and unfair practices of administrative agencies, infringement of rights and grievances of the people by the lack of appropriate systems and policies.

Investigation

Investigators of the ACRC may demand that the administrative agencies concerned (respondent) give explanation on the filed complaints and submit relevant materials and documents. They may also request attendance and testimony of complainants, stakeholders, reference persons and relevant staff members. And, they may conduct an on-site investigation of related premises or facility and seek advice from specialists.

Deliberation & Decision-Making

Upon the completion of investigation, the commission deliberates opinions and evidence submitted. Based on the deliberation results, it recommends corrective measures or issues official opinions on the complaints or the relevant laws, institutions, and policies.

Notification

The ACRC should immediately notify the parties concerned of its decision related to the complaints. And, the related administrative agencies should report how they have implemented the ACRC's recommendations or opinions no later than 30 days after receiving such notification from the ACRC. If there are viable reasons to prevent the administrative agency concerned from accepting and following the ACRC's decision, the agency can request re-deliberation.

Civil Complaints Cases

Year	Received	Handled	Accepted	Acceptance rate of civil complaints(%)*
2009	29,716	28,163	4,821	20.0
2010	32,584	34,510	4,033	14.9
2011	32,351	32,082	3,014	15.0
2012	34,347	33,242	3,620	17.9
2013	31,681	32,737	3,667	18.0
2014	30,038	28,744	3,495	21.4
2015	31,308	31,112	3,195	23.9
2016	30,252	30,625	3,031	27.0

* acceptance rate of civil complaints: the number of accepted cases in favour of complainants out of civil complaints where simple queries are omitted from all complaints received

"The ACRC investigates and handles complaints filed by citizens."

02 e-People (www.epeople.go.kr)

The administration process in these days is becoming more and more complex and diverse. For this reason, citizens, who intend to file complaints, face difficulties in finding the right agency to contact. e-People is the system handling civil complaints online at the pan-governmental level to provide people with easier access to public services.

E-People, an online government portal, connects all central administrative organizations, all local autonomous bodies, all offices of education, major public institutions, overseas diplomatic missions, and National Court Administration. Using e-People, citizens and foreigners living in Korea can submit grievances, proposals, and reports of budget waste and public interest violation.

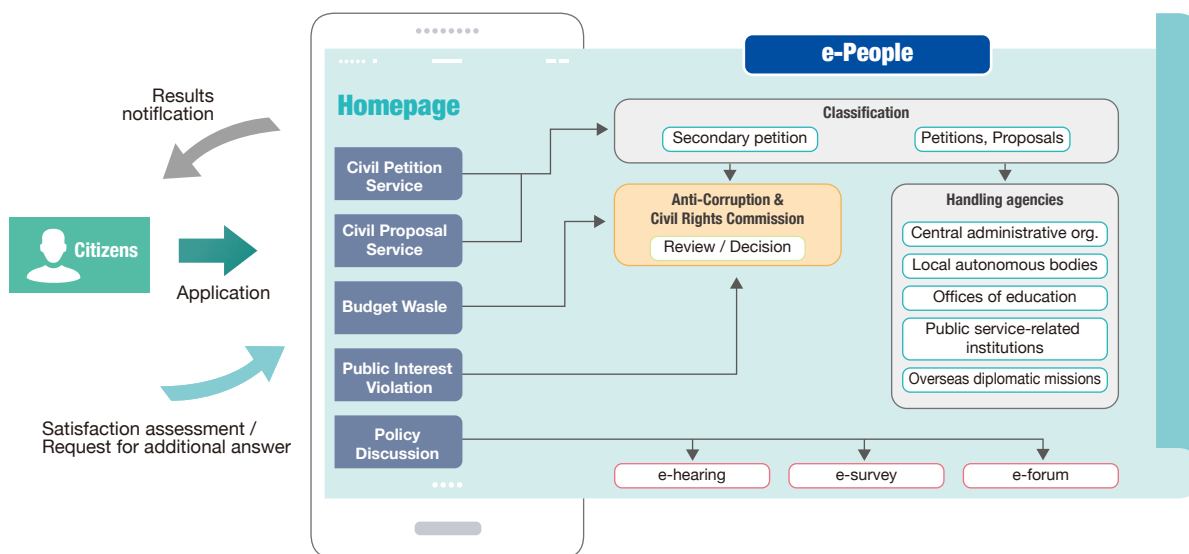
The received complaints are sent to the suitable agencies that can most effectively deal with these complaints. In the case where more thorough investigation is needed, the ACRC directly handles and processes those complaints.

Plus, this online portal system enables people to make suggestions regarding administrative affairs and participate in policy decisions to ensure more creative administration.

Currently, the multilingual service of e-People is provided in 14 languages: English, Chinese, Japanese, Vietnamese, Mongolian, Indonesian, Thai, Uzbek, Bengali (language of Bangladesh), Cambodian, Sinhala (language of Sri Lanka), Nepali, Russian and Myanmar

“e-People” : People's online petition and discussion portal

Complaints, proposal, policy discussion and corruption reporting integrated into a Single Window



No voice left unheard

“e-People is the government portal that allows citizens to file complaints online.”

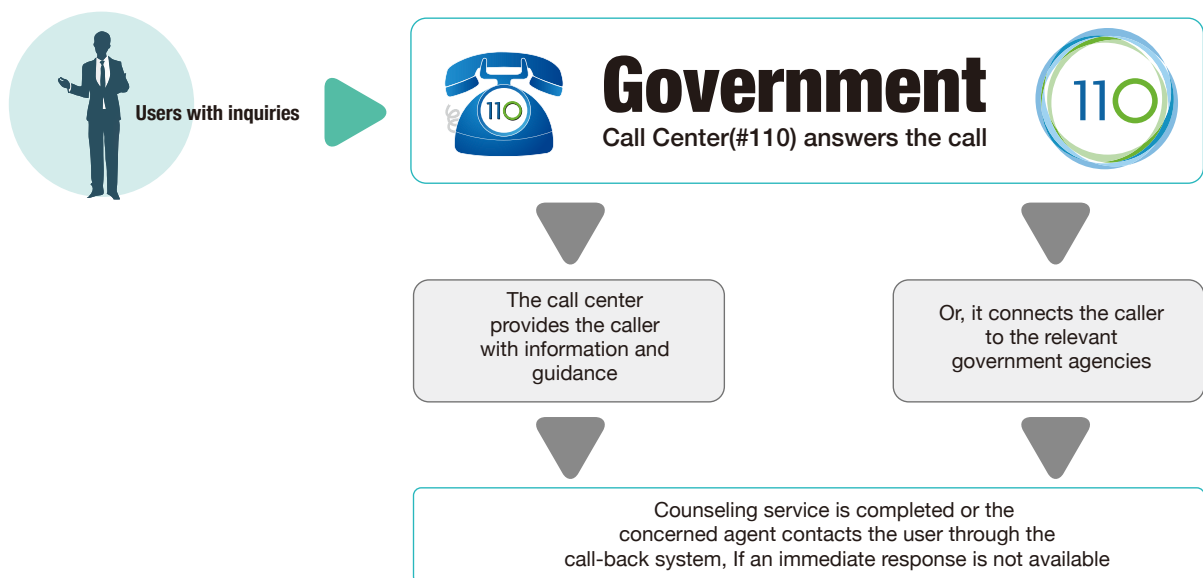
03 Integrated Government Call Center (#110)

Those who want to obtain information on civil services provided by any administrative agencies can call 110, the phone number of the Integrated Government Call Center, anywhere in Korea. With this service, the ACRC ensures maximum convenience for people who use public services and is opening a new chapter in offering customer-oriented administrative service.

The public organizations connected to this call center include all central administrative agencies, all local autonomous bodies, and all metropolitan & provincial offices of education, and main public institutions. This center provides counseling and guidance service to citizens about civil service with the single number of 110.

One of the strength of this call center is that counsellors, not an automatic response system (ARS), are available to respond to callers. Simple issues are processed by counsellors themselves while more sophisticated matters including taxation, labor and welfare are directed to specialized call centers or complaint handling systems of the agencies concerned.

When complainants are connected to the agencies concerned, the complaint details are transferred electronically, thereby eliminating the need for them to repeat their complaints. In addition, the 'Call back' system is introduced to give answers to complainants later when issues are not urgent or immediate reply is not possible.



"For any inquiries about government service, just call 110 anywhere in Korea."

Fighting Corruption

01 Enhancing Integrity in the Public Sector

Coordinating National Anti-Corruption Initiatives

The ACRC formulates national anti-corruption policies to be implemented at every level of the government. And, it discusses and coordinates government-wide measures designed to prevent corruption in the long term.

Assessing Integrity of Public Organizations

The ACRC assesses the levels of integrity of public sector organizations each year by surveying citizens who have had firsthand experience with public services. The commission also evaluates the anti-corruption initiatives taken by public organizations on a regular basis. The fundamental objective of these assessments is to encourage public organizations to make voluntary efforts to tackle corruption.

Integrity Assessment Results

Year	General integrity level (perfect score: 10)	Rate of providing bribery (%)
2009	8.51	0.3
2010	8.44	0.4
2011	8.43	0.3
2012	7.86	0.3
2013	7.86	0.3
2014	7.78	0.7
2015	7.89	0.7
2016	7.89	0.7

Closing Legal & Regulatory Loopholes

The ACRC makes recommendations to help government agencies to amend ambiguous and corruption-prone laws and institutions, and monitors the implementation of the ACRC's recommendations.

Conducting Corruption Impact Assessment

The Corruption Impact Assessment is an analytical mechanism designed to identify and remove corruption-causing factors in advance in laws and regulations. Under this system, every proposed enactment and amendment as well as existing legislation is examined for any factor that could contribute to the occurrence of corrupt practices.

Enforcing the Code of Conduct for Public Officials

To enhance ethics in public service, the ACRC enacted the Code of Conduct for Public Officials in February 2003 as an ethical guidance for public officials. Based on this model code, public sector agencies have introduced their own codes of conduct. The ACRC monitors compliance with and investigates violations of these codes by public sector employees.

"The ACRC formulates and implements anti-corruption policies at the national level."

02 Encouraging Voluntary Partnerships

Raising Public Awareness on Corruption Issues

The ACRC carries out a variety of public awareness programs to encourage citizen's cooperation and participation in enhancing national integrity. To raise awareness of the risks of corruption and establish a sustainable system of national integrity, the ACRC focuses on anti-corruption education for public servants and students.

Promoting Public-Private Partnership to Fight Corruption

The ACRC communicates and cooperates through the establishment of networks with public institutions and civic organizations to promote public-private partnerships against corruption. We provide financial support on civil groups' selected initiatives to spread integrity culture. The ACRC also runs various educational programs for compliance officers and delivers recent trends and best practices on ethical management inside and outside Korea to encourage corporate ethical management.

03 Monitoring and Detecting an Act of Corruption, etc.

Reporting Corruption

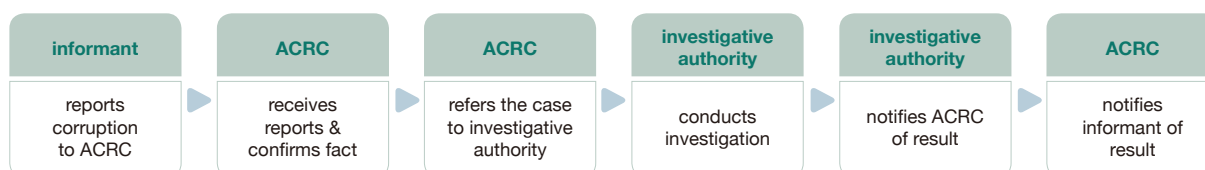
Any person may report the following act of corruption to the ACRC.

- (a) The act of any public official's abusing the position or authority or violating laws in connection with duties to seek gains for oneself or any third party
- (b) The act of inflicting damages on the property of public institutions in violation of laws, in the process of executing the budget of public institutions, acquiring, managing, or disposing of the property of public institutions, or entering into and executing a contract to which a public institution is a party
- (c) The act of coercing, urging, proposing and inducing the act above or act of covering it up

Corruption Report Cases

Year	Received	Handled	Referred	Notified as violations of the code of conduct
2009	2,693	2,695	106	47
2010	3,099	3,066	81	73
2011	2,529	2,546	73	80
2012	2,527	2,529	74	79
2013	3,735	3,670	139	43
2014	4,510	4,481	236	53
2015	3,885	3,904	296	75
2016	3,758	3,735	324	67

How Corruption Reports are Processed



"The ACRC support voluntary partnerships and monitors act of corruption."

Reporting Public Subsidy Frauds

The ACRC has received public subsidy fraud reports through the Center for Reporting Public Subsidy Fraud established in 2013. Examples of subsidy frauds are as follows.

- Fraudulent or illicit payment related to social security benefits (National Pension, National Health Insurance, Industrial Accident Compensation Insurance, Employment Insurance)
- Fraudulent or illicit payment of public assistance
- Fraudulent or illicit payment of subsidy for welfare facilities
- Fraudulent or illicit payment made in violation of Subsidy Management Act

Public Subsidy Fraud Report Cases

Year	Received	Handled	Referred
2013	145	101	1
2014	802	766	103
2015	896	901	197
2016	1,032	1,020	192

Reporting Violation of the Public Interest

Anyone discovers that a violation occurred or is occurring, he/she may report to the ACRC, employer of a company where a violation occurred, supervisory institution, investigative authority, National Assembly member, etc.

“Violation of the public interest” means an act that infringes on the health and safety of the public, the environment, consumer interests and fair competition, and is subject to 1) any penal provisions defined in the Acts listed in an attached table of ‘the Act on the Protection of Public Interest whistleblowers’, or 2) an administrative action such as the cancellation or suspension of a permit or license.

★ ‘Agricultural Products Quality Control Act’, ‘Special Act on the Safety Control of Public Structures’, ‘Food Sanitation Act’, ‘Natural Environment Conservation Act’, and other Acts (279 in total)

Public Interest Violation Report Cases

Year	Received	Handled	Referred
2011	292	227	8
2012	1,153	1,113	104
2013	2,887	2,509	73
2014	9,130	8,239	168
2015	5,771	7,089	90
2016	2,611	2,560	79

★ The number of reports dropped after the Act was amended in July 2015, which limits those subject to receiving rewards to internal whistleblowers.

04 Protecting Whistleblowers

The ACRC will serve to the stability of people's livelihoods and to a more transparent and ethical social climate by protecting and supporting people who report corruption or public interest violations.

Protecting Whistleblowers

Personal Confidentiality : It is banned under 「 the Act on the Protection of Public Interest Whistleblowers」 to disclose to or publicize to any third party personal information concerning the public interest whistleblower, etc. or other facts that infer the identity of the whistleblower.

Protection of Personal Safety : The ACRC may request the police to take protective measures for a public interest whistleblower (and his/her relatives) when they have faced or are likely to face serious danger to their lives.

Prohibition of Disadvantageous Measures : A public interest whistleblower may request the ACRC to take necessary measures to recover his/her original status when the whistleblower was dismissed, lost his/her position, or was disadvantaged in some other way because of whistleblowing.

Rewarding Whistleblowers

Rewards, Awards, and Relief Money : When a whistleblowing directly results in the recovery of or increase in revenue such as penalty surcharges for the central or local governments, the ACRC provides the whistleblower with a reward of up to KRW 3 billion (up to KRW 2 billion for public interest violation). The reporter whose whistleblowing does not result in the recovery of or increase in revenue but serves the public interest, will be awarded up to KRW 200 million through the Commission's review. Also, when the public interest violation whistleblowing causes damages or expenses related to medical treatment, residential relocation, litigation, wage loss or other reasons, the ACRC provides relief funds.

Reward Payment

Year	Corruption Reporter			Public Interest Violation Reporter		
	Cases	Benefits Incurred*	Rewards	Cases	Benefits Incurred*	Rewards
2008	18	2,149,407	328,175	-	-	-
2009	20	5,811,771	642,146	-	-	-
2010	23	4,505,568	603,641	-	-	-
2011	12	18,834,014	1,499,401	-	-	-
2012	40	11,131,730	1,400,444	32	147,860	28,475
2013	37	8,393,380	951,210	319	1,230,929	227,708
2014	30	6,878,647	619,347	657	2,239,585	397,340
2015	29	28,770,531	1,426,658	511	1,988,446	379,997
2016	90	23,997,537	2,275,033	2,476	8,344,742	1,603,578

★ Benefits Incurred: The value of the recovered or increased revenues of the State or local governments

“The ACRC protects and rewards whistleblowers who disclose wrongdoing or illegal acts.”

05 Implementation of the Improper Solicitation and Graft Act

Since 2011, the ACRC had pushed forward with legislation of the Improper Solicitation and Graft Act to break the chain of vicious circle of practices of improper solicitation or business entertainment and corruption. The bill was passed by the National Assembly in March 2015, and took effect on September 28, 2016.

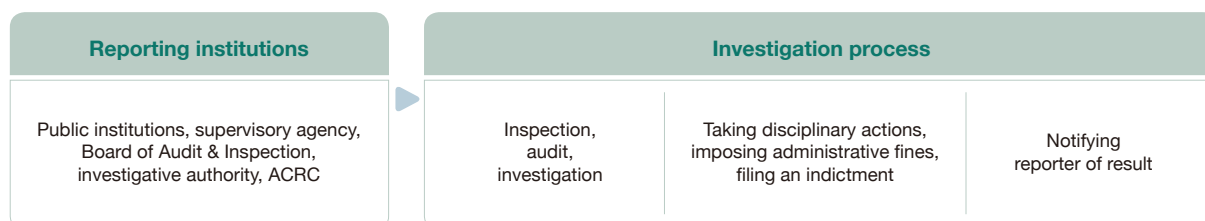
Scope of Application

- Civil servants of the State and local governments, and heads and employees of public service-related organizations
- Heads and employees of schools of various levels and school foundations
- Heads and employees of media companies
- Private persons performing public duties
- General public who makes improper solicitation or offers unacceptable financial or other advantages to a public official

Content of the Law

- No one shall solicit any public official, etc. performing his or her duties, directly or through a third party, to do the 14 types of improper acts including granting an illegal permit, licensing.
- No one shall offer, promise to offer, or express any intention to offer, any unacceptable financial or other advantage to any public official, etc. or to his or her spouse.
 - Definition of unacceptable financial or other advantages
 - Advantages given to a public official, etc., exceeding KRW 1 million at a time (or KRW 3 million in a year), regardless of duty-relatedness
 - Advantages given to a public official, etc., not exceeding KRW 1 million in connection with the receiver's duty
 - Exceptions of unacceptable financial or other advantages
 - Advantages provided by close relatives, advantages provided by a long-time friend to the public official in need of help due to disease or disaster, souvenirs or promotional goods distributed to many and unspecified persons, etc.
- Public officials, etc. shall not receive an honorarium for an outside lecture exceeding the specified limits.

How Violation Reports of the Act are Processed



“The Improper Solicitation and Graft Act brings a new wave of transparency to Korean society.”

Handling Administrative Appeals

01 Administrative Appeals System

Outline

Administrative Appeal is predicated upon the Constitution of the Republic of Korea and Administrative Appeals Act. It has two objectives of civil right remedy and administrative control. In other words, its purpose is to ensure legitimacy and rationality of administrative actions by protecting people's rights and interests, and providing opportunities for administrative agencies to rectify their own wrongs.

Its rulings on administrative appeals are legally binding on administrative agencies, thereby resulting in strong effect as a civil right remedy. It is free, quick and simple comparing to administrative lawsuits.

History

Administrative appeals have their root in the Petition Act which was enacted on August, 1951. Its function and role were limited at the time, but the Administrative Appeals Act, which was enacted and enforced in 1985, applied judicial proceedings as required by the Constitution and went through multiple revisions to enhance independence and fairness.

Subject Matters and Categories

Subject matters of administrative appeals are disposition or omission rendered by an administrative agency, or any other exercise of public power or the refusal of such exercise. Administrative agency includes the State, local governments, and public organizations or individuals delegated to administrative authority. Administrative appeals are classified as follows:

- Appeals for revocation: Appeals for revocation or modification of an illegal or unjust disposition rendered by an administrative agency
- Appeals for affirmation of nullity, etc.: Appeals for affirmation of the effectiveness or ineffectiveness of a disposition, or the existence or non-existence of such disposition
- Appeals for performance of obligation: Appeals for a specified disposition against an illegal or unjust disposition of refusal or omission

"Administrative appeals system ensures legitimacy and rationality of administrative actions."

02 Procedure

1) Application Submission

An appellant can file administrative appeals to the disposition agency or the ACRC via personal visit, mail, or internet (www.simpan.go.kr).

2) Answer Submission

The disposition agency writes an answer regarding the appellant's appeals within ten days after receiving his/her application, and presents it to the ACRC. Then, the Central Administrative Appeals Commission within the ACRC sends the answer to the appellants to enable them to understand the opinion of the disposition agency concerned.

3) Deliberation & Adjudication

The ACRC thoroughly examines statements of both sides, and sets the date for deliberation. After deliberating and adjudicating whether the appealed case is illegal or unfair, it notifies the results to the disposition agency and the appellant with a written document.

03 Examples of Administrative Appeals

- Dispositions of various types of authorization, permission, license, or qualification
- Administrative dispositions of driving licenses under the Road Traffic Act
- Dispositions of imposing business suspension, penalty surcharge, or charge
- Dispositions of rejecting welfare nomination as patriots and veterans
- Dispositions of imposing & collecting social insurance contributions
- Dispositions of disqualification for a national examination
- Dispositions of refusing to disclose administrative information
- Dispositions relating to immigration and visit period

Cases of Administrative Appeals

Year	Submitted	Handled	Deliberated in favor of appellants	Rates in favor of appellants(%)
2009	29,572	27,461	4,162	15.2
2010	31,019	30,472	4,990	16.4
2011	28,058	28,923	4,840	16.7
2012	25,317	24,987	3,983	15.9
2013	25,570	24,405	4,227	17.3
2014	25,301	25,270	4,131	16.3
2015	24,425	24,947	3,933	17.4
2016	26,730	26,080	3,901	16.8

04 Central Administrative Appeals Commission

The Central Administrative Appeals Commission manages administrative appeals system of Korea and was established and has operated under the Anti-Corruption & Civil Rights Commission. The Central Administrative Appeals Commission consists of not more than 70 members including vice-ministerial Chairman, standing commissioners, non-standing commissioners. It reviews and makes a ruling on appeals against those dispositions rendered by central administrative agencies and its affiliated institutions, mayors of a Special Metropolitan City or a Metropolitan City, and Provincial Governors.

The Central Administrative Appeals Commission surveys and counsels other administrative appeals agencies, provides training and publicity regarding administrative appeals system, and makes recommendations on unreasonable statutes which may induce illegal and unfair administrative actions.

05 Online Administrative Appeals System

People who want to file an administrative appeal can use Online Administrative Appeals (www.simpan.go.kr) regardless of time and place to file an application, check the status and result of resolution through computers or smart phones.

If you select the administrative agencies which rendered disposition you are appealing against, your appeal is transferred to the relevant administrative appeals agencies automatically. If you input a couple of relevant information, the system provides similar appeal cases and its resolution to assist you to refer the most relevant cases.

Administrative appeals agencies and disposition agencies linked with the online system can handle administrative appeal related works including the receipt of applications, forwarding, and drafting documents.



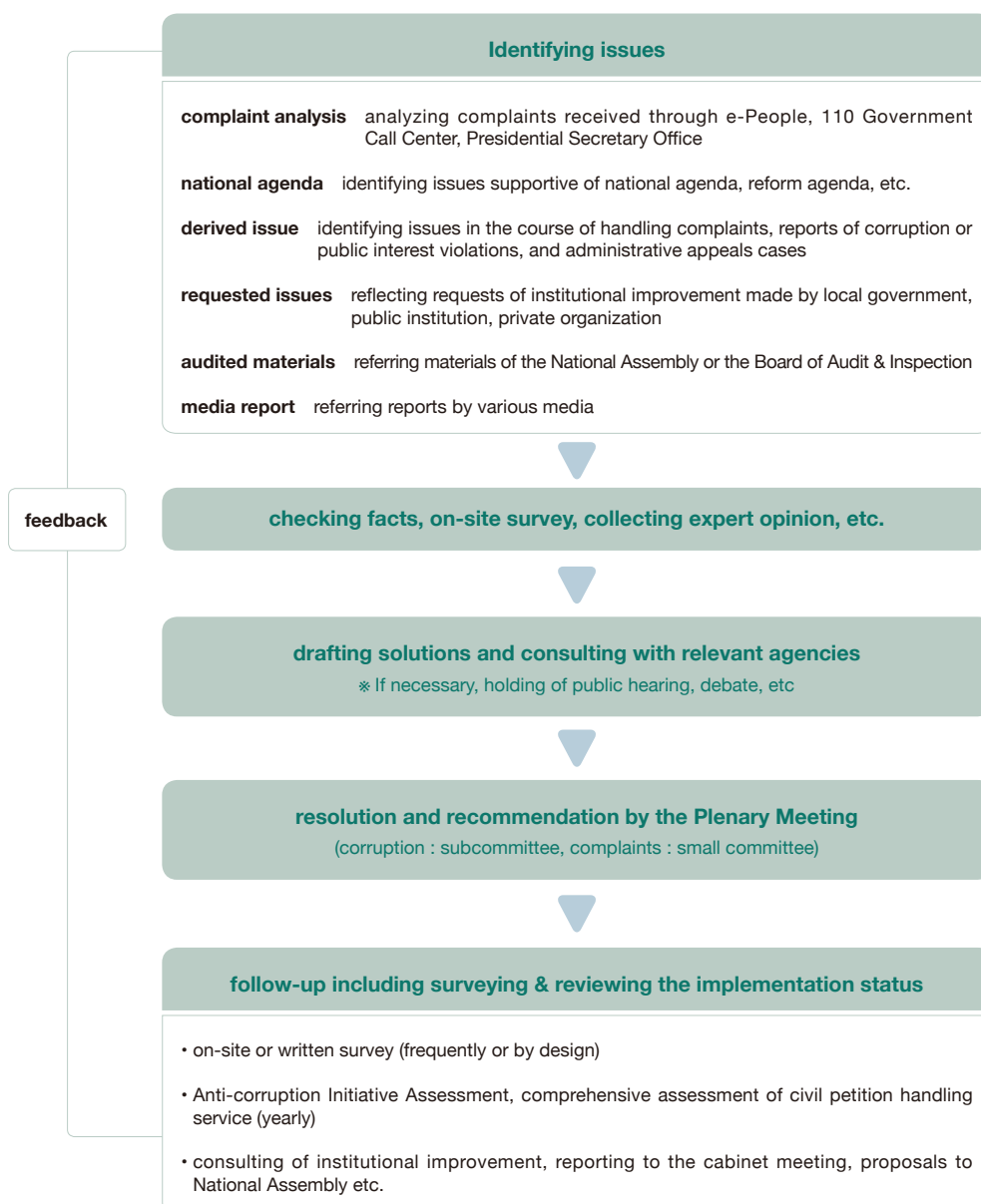
Institutional Improvement

Recommending Institutional Improvement

The ACRC makes a reasonable recommendation or expresses opinion to the head of public institutions, if deemed necessary for improving statutes, systems or policies which were found in the course of handling complaints to cause grievance or inconvenience. It also recommends institutional improvement to prevent corruption by analyzing the occurrence of corrupt acts.

The ACRC manages its effective implementation of the recommendations by checking and reviewing the current status submitted by the public institutions on the result of implementing the recommendation.

Institutional Improvement System Chart



“The ACRC is dedicated to identifying and improving ineffective administrative systems.”

Institutional Improvement Recommended Cases

Year	Civil complaint area	Anti-corruption area	Total
2009	99	18	117
2010	69	22	91
2011	48	33	81
2012	44	22	66
2013	50	16	66
2014	45	18	63
2015	43	14	57
2016	42	10	52

International Cooperation

Cooperating with the International Community

The Korean government has been committed to global initiatives to combat corruption and resolve grievances of the people.

For example, Korea has been actively participating in G20 Anti-Corruption Working Group and APEC Anti-Corruption & Transparency (ACT) Working Group. The ACRC also played a leading role in establishing the ACA (Anti-Corruption Agency) Forum where the heads of the anti-corruption bodies discuss anti-corruption issues in the Asian-Pacific region, and serves as the Secretariat of the ACA Forum.

In addition, the ACRC has faithfully tried to implement international anti-corruption conventions such as the OECD Anti-Bribery Convention and the UN Convention Against Corruption (UNCAC). At the same time, the ACRC signed anti-corruption MOUs with Indonesia, Vietnam and Mongolia to help building their anti-corruption capacity by offering technical assistance like ‘the Integrity Assessment.’

On the Ombudsman side, the ACRC has been playing an important role to promote exchange and cooperation through various initiatives as a member of the International Ombudsman Institute (IOI) and the Asian Ombudsman Association (AOA). Furthermore, the ACRC signed Ombudsman MOUs with Indonesia, Thailand, Vietnam and Australia to protect expatriate citizens and enterprises in each other’s territory by resolving their civil complaints and strengthening bilateral cooperation. The ACRC will contribute to improving Ombudsman capacity by sharing best-practices and experiences.

The ACRC, through its Ombudsman and anti-corruption functions, will continue to cooperate with the international communities more closely and constructively.

“We will strengthen our cooperation with the international community”

A new Korea starts by dismantling outmoded ways of thinking.

Our priority today should be on putting people's rights
ahead of administrative convenience.
Let's be a nation that applies principles fairly and transparently.

The ACRC is committed to making the Republic of Korea
such a country, one all Koreans can take pride in at all times.

Let us not forget that our conduct today
shapes the Korea of tomorrow.



Addressing Civil Complaints
Provide counseling and application
services to nationals, foreigners,
and expatriates



Preventing Corruption
Implement various policies to deter the
corruption of public officials, leading to
the nurturing of a clean society



Resolving Appeals
Protect people's rights from illegal
and unfair administrative practices
through the appeals system

ACRC

Taking a Big Stride Forward on Transparency & Civil Rights



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