

ACRC Korea Transparency Newsletter (July 2021)

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 - The commission will deduct points for sexual misconduct of high-ranking officials in relation to their duty

- ▷ **ACRC Prohibits Special Promotion of Those Who Were Punished for Accepting Bribe, Sexual Violence, and Recruitment Irregularities**
 - The commission conducted a corruption risk assessment on 1,224 bylaws of 13 public organizations in the educational and cultural sectors and made 82 recommendations

- ▷ **ACRC Says “Request for Active Administration Service, And Report Passive Administration Service!”**
 - The ACRC introduces the Active Administration Service Requesting System for Citizens, enabling citizens to request for reprocessing the outcomes of their reports for passive administration service

- ▷ **ACRC Said “Investigative Agencies Should Inform the Fact That Employees of Public Offices Are Under Investigation for Sexual Offenses And Driving Under the Influence to the Relevant Offices”**

ACRC Calls for Highly Intensive Measures to Address Indiscipline in Public Offices and Abolish Corruptive Practices

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on 13th and 14th of July, respectively. -*



Chairperson Jeon Hyun-Heui is announcing measures
to strengthen principles in public offices

(14th July 2021, ACRC)

The Anti-Corruption & Civil Rights Commission (Chairperson: Jeon Hyun-Heui, ACRC) held a series of Meetings of Central and Local Auditors to Prevent Corruption in Public Offices presided by Chairperson Jeon Hyun-Heui with 44 central administrative organizations on 13th and 17 upper-level local governments on 14th of July.

On a series of recent incidents, such as alcohol driven violence by public officials, sexual misconduct in military, LH real-estate speculation

scandal and so on, caused by indiscipline in public offices, Chairperson Jeon Hyun-Heui of the ACRC urged central and local government auditors to regain the trust of people by re-establishing code of conduct that can meet the expectation of people and preventing chronic corruptive practice rampant in each region.

In this meetings, the ACRC and organizations of various levels discussed ways to reform systems and practices causing corruption and to change behavior and perception of public officials, while recognizing the seriousness of recent indiscipline in public offices.

To this end, the ACRC established a Comprehensive Measure to Prevent Corruption in Public Offices, including 1) field inspection of areas vulnerable to corruption, such as Improper Solicitation and Graft Act, and Code of Conduct for Public Officials; 2) fact-finding investigation for corruption in recruitment of public offices; 3) strengthening assessment of integrity and reforming assessment systems; and 4) preventing passive administration service and facilitating provision of active administration service.

First, the commission tightens discipline in public offices by initiating rapid field inspection on the areas in the public offices vulnerable to corruption. Specifically, it plans to set a special reporting period for the violations of Improper Solicitation and Graft Act during the summer vacation season and *Chuseok* (full-moon festival). For the violations of laws, such as accepting duty-related bribe, or improper solicitation, serious measures, including request for investigation, request for

disciplinary actions, etc., will be taken with a zero-tolerance principle.

Also, the ACRC will strengthen the inspection on frequently violated code of conduct to establish the system for prevention of conflict of interest in the field in a stable manner. In particular, the commission will inspect whether organizations are implementing current system for prevention of conflict of interest which requires officials to report themselves if they have a stake in public affairs, and restricts organizations from hiring someone or concluding private agreements with someone who is a family member of public officials.

Furthermore, the anti-corruption agency will review false and/or fraudulent claim of grants and subsidies from public funds, including local governments' subsidies for local sports councils; and grants for national and public universities, such as student counselling allowance. Besides, it will make an improvement plan for special adjustment grants which are illegally or unfairly executed in some local governments to cover the cost of workshops and overseas business trips with the actual intention of leisure.

In addition, the commission will conduct another round of inspection on recruitment misconduct in the second half of this year, which has been carried out annually since 2017 for 1,281 public organizations. Particularly, special attention will be given in the inspection to accepting bribe for recruitment and avoiding conflict of interest in recruitment process. For those people found to be involved in corruption, the ACRC will request for investigation as well as disciplinary measures, while helping victims by offering additional

opportunities for employment.

Along with this, the ACRC will set a special period for reporting misconducts of public officials and inspect the operation of reporter protection system in organizations of different levels. The commission had operated a special reporting period from May to July for corruptive behaviors of public officials, or for their pursuit of unfair personal interest. Notably, when any high-level officials abuse their power, or accept bribe through good offices, the agency will transfer such cases to the investigative authorities, such as Corruption Investigation Office for High-ranking Officials.

Moreover, the commission inspects 1,589 public organizations to see how they are handling reports and if they are managing reporter-related information appropriately, to prevent information leakage of reporters.

Additionally, the ACRC plans to enhance effectiveness of integrity assessment and corruption risk assessment by reflecting higher expectations of the general public.

First, the commission will reform the current integrity assessment system focused on accepting bribery, providing good office, and asking favors, by adding criteria on new types of corruption, such as conflict of interest of public officials and pursuit of unfair personal interest. In addition, it will strengthen its response to current corruption issues in public offices by including sexual misconduct of public officials in the assessment and deducting points.

Besides, the ACRC will conduct corruption risk assessment for the bylaws of major public organizations in the national land, agriculture and industrial areas to identify unfair or unreasonable internal management rules, such as conflict of interest in human resource management or conclusion of contracts, and to come up with improvement plans.

Last but not least, to raise integrity awareness in public offices, the commission will strengthen cooperation with relevant organizations and integrity education for high-ranking officials, while preventing passive administration service that causes inconvenience among citizens and facilitating the provision of active administration service.

From April, the ACRC signed MoUs with 17 upper-level local governments, and created a basis to establish major anti-corruption policies in local administration by introducing systems to prevent conflict of interest in local governments, facilitating integrity education, and strengthening protection of reporters. In the future, the ACRC will also sign MoUs with the councils of upper-level local governments and public service-related organizations.

In addition, from this year, for high-level public officials, including ministers and deputy ministers, a complete face-to-face integrity education will be implemented, while expanding professional curriculum customized to high-ranking officials. The ACRC will educate two million public officials before the implementation of the Act on the Prevention of Conflict of Interest in Public Office.

Also, the commission will fundamentally improve passive administration practices caused by unreasonable laws and regulations by using Active Administration Service Requesting System for Citizens, while making efforts to establish active administration culture that can be resonated by citizens.

Chairperson Jeon Hyun-Heui said, “in order to regain national trust tarnished by a series of irregularities in public offices, excruciating reform and highly intensive efforts are required to tighten discipline in public offices.” She added, “to achieve our goal of becoming one of top 20 advanced countries in integrity, the ACRC will actively work together with agencies in different levels, and come up with all policy measures to eradicate corruptive practices which are still rampant in many corners of our society.”

ACRC Adds Criteria for Conflict of Interest to the Integrity Assessment of Public Organizations This Year

- *The commission will deduct points for sexual misconduct of high-ranking officials in relation to their duty -*

(27th July 2021, ACRC)

In this year's integrity assessment of public offices, the ACRC will add various items related to the conflict of interest of public officials, including the pursuit of personal interest by taking advantage of internal information, and it will deduct points in the assessment for sexual misconduct of high-ranking officials in relation to their duty.

This is intended to strengthen integrity assessment to eradicate recent moral hazard in public organizations as part of the efforts for the Ten Anti-Corruption and Integrity Innovation Initiatives established in April.

The Anti-Corruption & Civil Rights Commission (Chairperson: Jeon Hyun-Heui, ACRC) announced the 'Plan for 2021 Public Agency Integrity Assessment' and will implement a large-scale survey of 200,000 people, including public officials and citizens who experienced services from public agencies, from next month to November.

Considering recent events, such as LH real-estate speculation scandal and enactment of Act on the Prevention of Conflict of Interest in Public Office, the commission conducts assessment with various new criteria related to conflict of interest of public officials, namely pursuing

personal interest of public officials using confidential or undisclosed information obtained in performing their duty, exerting unjustifiable influence of retired public officials, and effectiveness of the systems preventing conflict of interest in each organization.

Also, items will be added to assess corruption caused by abuse of power of public officials that citizens experienced. Together with this, from this year the commission will deem sexual misconduct of high-ranking officials, including heads of organizations, as a corruptive behavior and deduct points in the integrity assessment.

The ACRC will expand the scope and items for deducting points. For instance, for those organizations that had corruption cases causing social criticism as high-ranking officials are involved or multiple members in such organizations are systematically involved; or those organizations that had insufficient internal audit and many corruption cases were found by external organizations, the commission will deduct additional points through the qualitative assessment.

After completing the survey and assessment of corruptive cases to measure integrity of public offices from next month to November, the ACRC will announce the outcome with the level of integrity for individual agencies in December.

Integrity Assessment of Public Offices diagnoses the level of integrity in public offices by combining the outcome of the survey of public officials and citizens who experienced public service with the corruption cases took place in the organizations. The ACRC has measured and disclosed the

levels of integrity of individual public agencies since 2002.

This year, the subjects of the integrity assessment are in total 708 public agencies, including central and local administrative agencies, offices of education, public service-related organizations, local councils, national and public universities, and public medical institutions.

In particular, this year the ACRC is implementing a reform to create a comprehensive assessment system for the level of integrity by combining the anti-corruption policy evaluation which examines anti-corruption efforts of organizations with integrity assessment that the commission has been implementing for the last 20 years.

Director-General Sam-seok Han of Anti-Corruption Bureau of the ACRC said, “this year, there were incidents that tarnished national trust towards public offices. Therefore, it is all the more important to tighten discipline in public offices.” He added, “agencies in various levels will strengthen anti-corruption policies further more to prevent and eradicate indiscipline and corruption. To this end, the commission will improve integrity assessment system.”

☐ **Basis for Assessment and Subject Organizations**

- **(Basis for Assessment)** 「Act on the Prevention of Corruption and the Establishment and Management of the Anti-Corruption and Civil Rights Commission」 (hereinafter, the ACRC Act) Article 12 (Functions), Article 27-2 (Investigation and Evaluation of Corruption of Public Institutions) and Article 27-3 (Publication of Results of Investigation and Evaluation)
- **(Target Organizations)** The ACRC selected 708 public organizations* among the public institutions specified in the Article 2 of the Act on the Prevention and the Establishment and Management of the Anti-Corruption and Civil Rights Commission by comprehensively considering their relations with corruption, their statuses of corruption, their sizes, possibility of investigation, etc.

* 47 central administrative agencies, 243 upper- and lower-level agencies, 90 offices of education, 217 public service-related organizations, 82 local councils, 16 national and public universities, 13 public medical institutions

☐ **Measuring Model-Process and Utilization of Outcome**

- **(Measuring Model)** Comprehensive integrity level of each organization is calculated by adding the outcome of survey on **internal integrity and external integrity** and subtracting **minus point** (on the scale of one to ten)

※ Local councils, national and public universities, and public medical institutions are measured with a separate model.

< Model for Measuring Integrity of Public Agencies (2021) >

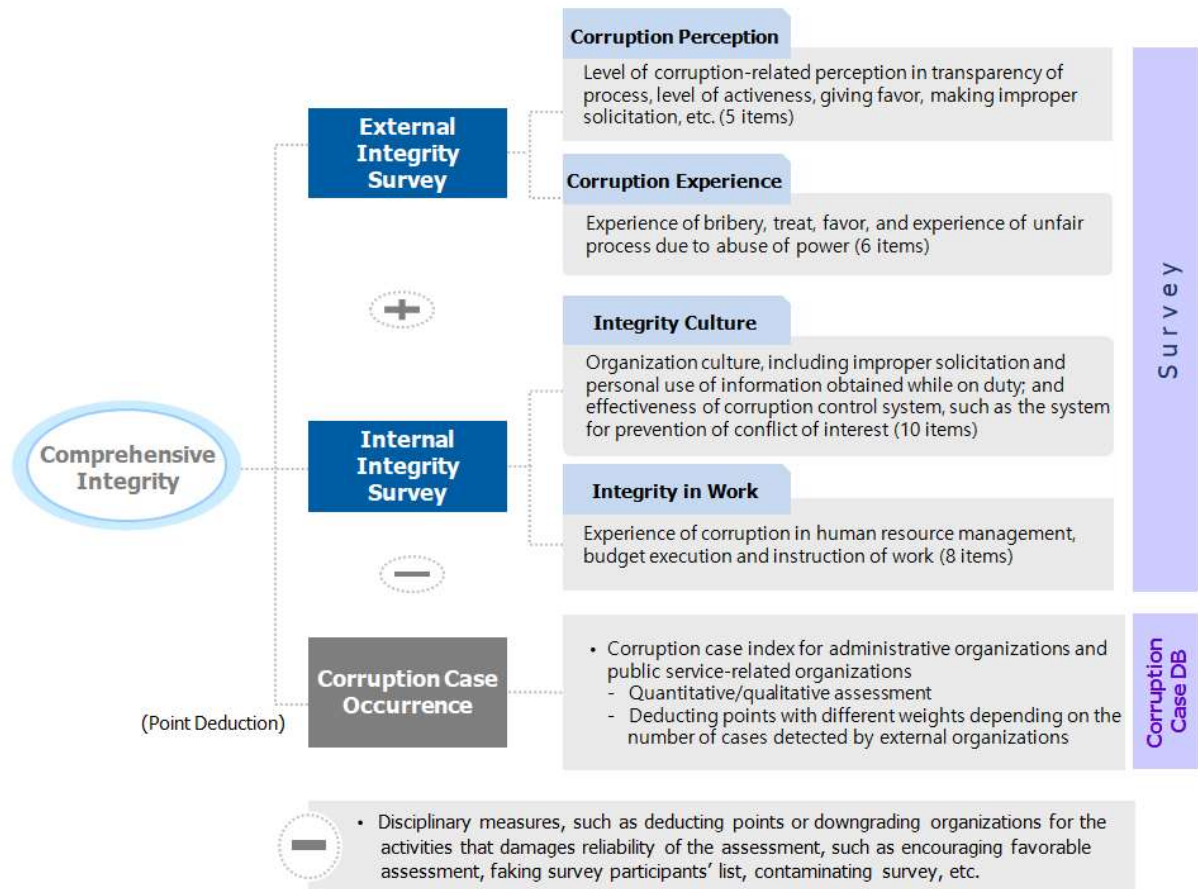
| Measuring Areas | Subject of Assessment | Assessment Items | Measuring Methods |
|----------------------------|--|---|------------------------------|
| External Integrity | Citizens who experienced public service | 11 items related to corruption awareness and experience | Phone call and online survey |
| Internal Integrity | Public officials of public organizations | 18 items related to integrity culture and integrity in work | Online survey |
| Deduction of Points | Number of corruptive officials, number of corruptive cases | | Utilization of Data |

- **(Announcement of Outcome)** Grade organizations in level 1~5 by the type of organization

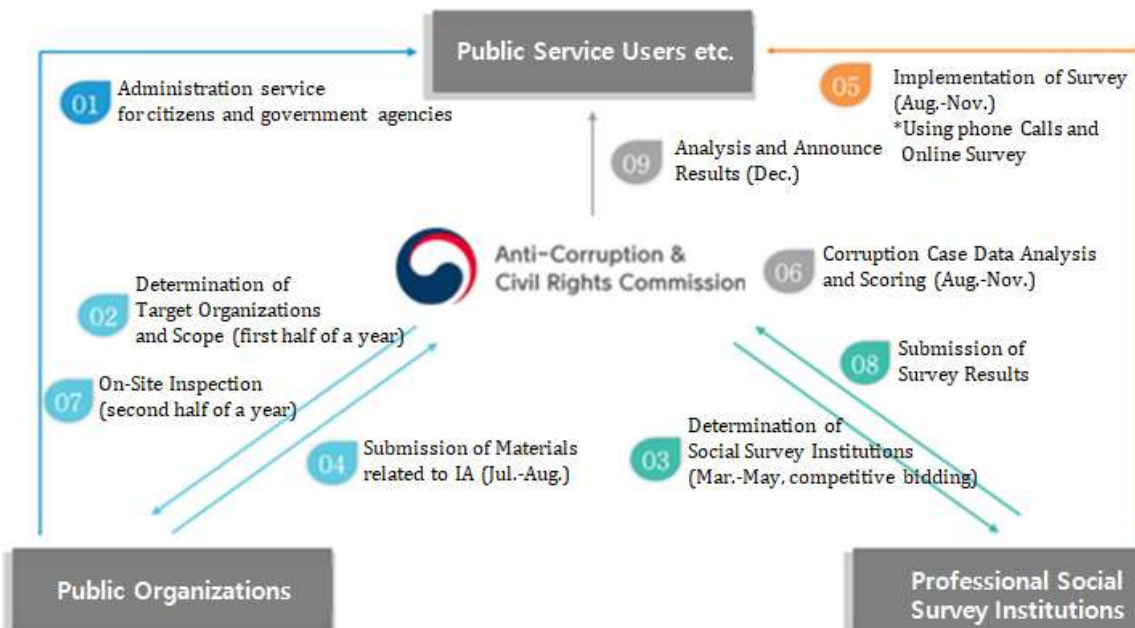
< Reference: Categorization of Organizations >

- **Central administrative agencies: Type- I** (more than 2,000 people), **Type-II** (less than 2,000 people)
- **Local governments: Upper-level and lower level** (*Si* (city), *Gun* and *Gu* (district))
- **Offices of education**
- **Public service-related organizations: Type- I** (more than 3,000 people), **Type-II** (more than 1,000, less than 3,000 people), **Type-III** (more than 500, less than 1,000 people), **Type-IV** (less than 500 people), **research institutes, regional public corporations**

Plan for Measuring Model



Operation System and Procedure



ACRC Prohibits Special Promotion of Those Who Were Punished for Accepting Bribe, Sexual Violence, and Recruitment Irregularities

- The commission conducted a corruption risk assessment on 1,224 bylaws of 13 public organizations in the educational and cultural sectors and made 82 recommendations -

(7th July 2021, ACRC)

In the future, employees of public organizations will be excluded from special promotion if they have been punished for accepting bribe, sexual violence and recruitment irregularities. Also, managers in department head position or higher will not be able to enjoy the mitigation of disciplinary measures even if they have award(acknowledgement) given by the head of the public office.

The Anti-Corruption and Civil Rights Commission (Chairperson: Jeon Hyun-Heui, ACRC) carried out corruption risk assessment of 1,224 corporate bylaws of public agencies in the educational and cultural sectors, including Korea Tourism Organization, Korean Institute for Healthy Family, and recommended 82 areas for improvement and 29 tasks in 3 categories.

According to major findings, some organizations had bylaws allowing special promotion of those who greatly contributed to the development of the organizations even after disciplinary measures were taken for accepting bribe, embezzlement of public funds, sexual violence, recruitment irregularities, and so on.

Some organizations also had unclear and vague rules. For instance, there were organizations that 1) did not specify that ‘managerial positions from heads of departments or above’ are excluded from mitigation of disciplinary measures considering previous awards (accomplishment) granted by the head of such organization; 2) did not specify that ‘wrongfully using authority vested in a public office (so-called *gapjil*)’ is a misconduct for which mitigation of discipline is not applicable; or 3) allowed private agreements ‘when it is inevitable and the CEO acknowledges that they are needed.’

The ACRC recommended to improve the rules, so that those who have been punished for accepting bribe, sexual violence, or recruitment irregularities shall be excluded from special promotion.

It also recommended organizations to exclude ‘managerial positions from heads of departments or above’ from mitigation of discipline considering previous awards (accomplishment) granted by the head of organization, and to specify that ‘wrongful use of authority vested in a public office’ is a misconduct for which mitigation of discipline is not applicable.

Moreover, it requested organizations to make the reasons for private agreement clear and specific to prevent responsible people from abusing their discretionary power through arbitrary interpretation in agreement closing processes.

Aside from this, for those organizations that did not specify the duration of employment notice in their bylaws, the commission recommended them

to set a minimum duration of employment notice to ensure fair and open competition in the recruitment process and to provide equal employment opportunity.

The ACRC also recommended organizations to ban private contracts for two years with the companies which hired former employees of such organizations in executive positions in order to prevent preferential treatment.

The ACRC has conducted a full investigation of corporate bylaws of 495 public agencies since last year. Last year, the commission reviewed bylaws of 187 agencies in seven areas, including the energy, airport and port sectors, and made 1,793 recommendations. This year, it looks into bylaws of 99 quasi-government agencies in seven sectors by beginning with bylaw review of 20 public organizations in the labor and welfare sectors.

Chairperson Jeon Hyun-Heui of the ACRC said, “the commission will make fair and transparent society by actively identifying and improving elements in the bylaws of public agencies that can cause corruption, such as conflict of interest, or excessive use of discretionary power.

☐ Overview

- A preventive corruption control tool that analyzes **corruption risk factors** in a systematic manner from the **drafting stage of statutes and systems** and **eliminate and improve them in advance**.

* (Legal basis) ACRC Law Article 28, Enforcement Decree of the law Article 30-32

☐ Assessment subjects

- Legislation, administrative rules, local statutes, internal rules of public institutions (bylaws, etc.)

* With the revision of the ACRC Act in Oct. 2019, the ACRC can assess internal regulations of public offices with its own authority.

☐ Assessment criteria

- Assess with 12 criteria in four assessment areas – compliance, execution, administrative process, corruption control

| Assessment areas | | Assessment criteria |
|------------------------|---|---|
| Compliance | Assess possibility of corruption-causing factors to be working from the perspective of users of administration service | ① Reasonability of compliance burden |
| | | ② Appropriateness of regulatory rules |
| | | ③ Possibility of special treatment |
| Execution | Assess the possibility of having corruption-causing factors from the perspective of suppliers of administration service | ④ Specificity and objectivity of discretionary regulations |
| | | ⑤ Transparency and responsibility of consignment and delegation |
| | | ⑥ Possibility of financial leakage |
| Administrative Process | Assess probability of corruption caused by administrative procedures, not from the perspectives of users and suppliers | ⑦ Easy accessibility |
| | | ⑧ Openness |
| | | ⑨ Predictability |

| | | |
|---------------------------|---|---|
| Corruption Control | Assess whether there are risk of personal interest, passive administration, and corruption-control tools across the entire administration process | ⑩ Possibility of conflict of interest |
| | | ⑪ Systemic characteristics of corruption-prevention tools |
| | | ⑫ Possibility of passive administration service |

☐ Current status of assessment

- (Enactment and revision of laws) When administrative organizations enact and revise laws, the ACRC assesses corruption-causing factors in the laws **before the review of Ministry of Government Legislation** and recommends improvement to the relevant organizations

* In 2020, the ACRC reviewed 1,999 laws enacted or revised, and made 347 recommendations for 169 laws.

- (Current laws, etc.) The ACRC selects **current social issues** including corruption cases as main agenda, assesses corruption-causing factors in laws, regulations and systems, and makes recommendations for improvement.

ACRC Says “Request for Active Administration Service, And Report Passive Administration Service!”

- The ACRC introduces the Active Administration Service Requesting System for Citizens, enabling citizens to request for reprocessing the outcomes of their reports for passive administration service -



Chairperson Jeon Hyun-Heui is giving a briefing on the introduction of the Active Administration Service Requesting Systems for Citizens

(21st July 2021, ACRC)

Any citizens can request for active administration service on the e-People platform to improve unfair regulations and ensure active administrative service of public officials. If the outcome of passive administration service report is not satisfactory, citizens also can request for reexamination.

The Anti-Corruption and Civil Rights Commission (Chairperson: Jeon Hyun-Heui, ACRC) established an institutional basis to prevent occurrence and recurrence of passive administration service, and to introduce the Active

Administration Service Requesting System for Citizens which allows citizens to participate in active administration service.

- * Revised 「Active Administration Operating Regulations」, and revised 「Active Administration Operating Regulations for Local Officials」 were passed at the Cabinet meeting (July 20th)

The government has promoted relevant policies, such as exempting liabilities for the public officials who provided active administration service, and giving awards for excellent public officials, to facilitate active administration service. To further promote this, the ACRC introduced ‘Active Administration Service Requesting System for Citizens’ on the e-People to enable citizens to actively participate in active administration process and provide ideas.

When laws and regulations are lacking or not clear, citizens can make a request for active administration service for public interest through Active Administration Service Requesting System for Citizens. Then, the ACRC reviews the case from the perspective of citizens and encourages active administration by suggesting opinions to the concerned organizations or recommending improvement of systems.

For the last three years(2017-2019), as many as 260,000 policy proposals have been submitted from citizens to the e-People. But, only 4.6% (11,884 proposals) have been actually accepted for actual policies.

Down the road, the ACRC will review cases once citizens submit complaints for public interest through Active Administration Service Requesting System for Citizens to see whether they are in line with public interest. The commission will suggest appropriate directions and

guidelines to the concerned organizations and take follow-up measures even if laws and regulations are lacking or unclear.

- * Suggestions for directions (examples): efforts are required to address the requests through the support for active administration, such as pre-consulting and active administration committee.

As an organization spearheading the efforts to prevent passive administration service, the ACRC is operating a portal for reporting passive administration service. While the portal receives over 40,000 cases every year, only about 2% were accepted by each organization as actual passive administration service and handled accordingly.

As such, the ACRC improved the system to allow citizens to request for reconsideration of their cases to the commission when they have objection to the outcome of their report or inconvenience is not resolved even after reporting passive administration service.

There are different causes of passive administration service, including behavioral issue of the responsible official, lack of legal basis, unfair practices, or difficulty in coordinating interest.

Thus, the ACRC plans to identify the causes of passive administration service and come up with a comprehensive measures to prevent and resolve them fundamentally.

In addition, the commission will support education and consulting to enable public officials to abandon their passive attitude and provide active administration service, while reviewing and evaluating the handling of reported passive administration service cases.

Chairperson Jeon Hyun-Heui of the ACRC said, “as systemic measures were established to allow citizens to participate in active administration service and prevent passive administration service of public officials, it is expected that citizens will experience active administration service more.”

< A case that a farmer who is recognized as a self-employed entrepreneur >

Citizen A works at an SME and her husband is a farmer growing grapes. The couple applied for preferential provision of child care to a local child care center for their second child. But, the application was rejected because they were not able to prove that the husband is a self-employed person.

(When complaint is handled in the ordinary manner) The responsible public official rejected the preferential provision of child care by requesting business license, certificate of income amount, certificate of standard mount of the imposition of VAT, and so on. This rejection is not unreasonable because it is based on the current regulations.

(When Active Administration Service Requesting System for Citizens is used) Citizen A requested for active administration service to be recognized as a self-employed entrepreneur based on farmland register and shipment certificate for agricultural products.

- ⇒ The ACRC deemed that the application of citizen A is reasonable, and it provided an opinion to consider to provide active administration service.
- ⇒ The office concerned accepted the application of the Citizen A and determined that active administration service is applicable for this case. Couple A and other couples in similar situations are now able to be recognized as double-income family.

< A case related to the application for building a warehouse in an industrial complex >

Citizen B runs an exporting company in an industrial complex. He raised a complaint to the local industrial complex corporation to extend his warehouse due to the increase of overseas supply. The responsible official replied that extension is not allowed as public land is situated in the middle of the lot for the warehouse.

(When complaint is handled in the ordinary manner) It is not unreasonable to reject the request of Citizen B based on the regulations that public land shall not be used by a company for its warehouse.

(When Active Administration Service Requesting System for Citizens is used) Citizen B requested active administration service with the intention that “extension of warehouse is possible without interfering the use of public property.”

- ⇒ The ACRC deems that the opinion of Citizen B is reasonable, and it recommends the relevant agency to consider active administration service.
- ⇒ The relevant agency confirms that the request from Citizen B is subject of active administration service, and he/she can extend his warehouse in the industrial complex including public land.

◇ After the introduction of the system for requesting re-examination of the outcome of passive administration service, the ACRC suggests its opinion to correct passive administration service when organizations do not handle the cases like the ones down below appropriately and provide only passive administration service.

- **(Poor administration service for convenience)** Object B is a component of Object A. When designing and making the Object B, actual measurement in advance is required to make sure their dimensions are fitting. However, Object B was manufactured without the measuring process. Ultimately, as the final products were not fitting with each other, additional work was required with extra cost.

- **(Negligent administration service)** Public Official A was responsible for coordinating the work related to land reclamation of Company B. Laws and regulations stipulate that the coordination shall be completed within a month. However, the Official A has neglected this for the reason that he/she is busy with other tasks. Eventually, the reclamation schedule has been delayed, and the Company B had several million KRW of loss. The Company B filed a claim for damage, and the Official A visited the Company B to make it to withdraw the claim.

- **(Negligent administration service)** Public Official A received an application for the reimbursement of eco-friendly agricultural product certification fee. But, he/she replied in an irresponsible manner, saying that the reimbursement of last year was processed December, so it will be the same this year. As a result, the citizen complained for the delay of reimbursement.

- **(Administration service blindly following old ways)** When signing a repair service agreement with Company A, the responsible official should have updated the labor cost of the service company based on the revised laws and regulations. However, he/she did not apply the revised laws and regulations, and rather used the same template drafted by his/her predecessor based on the previous laws and regulations. As a result, it caused civil complaints and protest from the company.

- **(Government-centered administration)** On a road in front of a main gate for a privately-owned land, County A installed a gazebo to promote tourism without notifying the land owner. The owner tried to build a house in the land, but the land was not accessible by cars due to the gazebo. So, the owner requested for the demolition of the gazebo. The responsible official said there is a budgetary issue, and promised the demolition of the gazebo earlier this year. But, due to the opposition of the head of the organization and neighboring citizens, demolition was delayed, causing inconvenience.

ACRC Said “Investigative Agencies Should Inform the Fact That Employees of Public Offices Are Under Investigation for Sexual Offenses And Driving Under the Influence to the Relevant Offices”

- The commission recommended ways to improve the effectiveness of disciplinary measures for sexual offenses and driving under the influence in public offices -

(14th July 2021, ACRC)

The ACRC made investigative agencies to inform the fact that they are investigating employees of public organizations, local public corporations, local government-invested and -funded authorities (hereinafter, public institutions, etc.) for sexual offenses and driving under the influence to the relevant organizations. By doing so, there will not be any more cases that the employees of public institutions, etc. who committed sexual offenses or driving under the influence avoid disciplinary measures.

The Anti-Corruption and Civil Rights Commission (Chairperson: Jeon Hyun-Heui, ACRC) announced on 14th that it established Measures to Improve Effectiveness of Disciplinary Measures for Sexual Offenses and Driving Under the Influence in Public Offices, and made recommendations for the Ministry of Economy and Finance, Ministry of the Interior and Safety, Ministry of Justice, and National Police Agency.

Usually public institutions have their own disciplinary criteria for sexual offenses and driving under the influence. However, even if the employees of public institutions are under investigations for sexual

offenses or driving under the influence, the fact is not be informed to the public institutions and some of the offenders avoided disciplinary measures as the public institutions are not aware of the fact.

Currently, investigative authorities notify the fact that they are doing investigation to the relevant public institutions only when the offenses are related to duty. But, the authorities do not inform the investigation for sexual offenses and driving under the influence as these are not related to the duty of public officials.

As a result, appropriate disciplinary measures have not been taken for irregularities, allowing ineligible people to be promoted to higher positions. Also, organizations failed to take disciplinary measures as they learn such irregularities after the lapse of disciplinary period of limitation, or retirement of such employees.

♦ **(Promotion after avoiding disciplinary measures)** In 2018, Employee A drove a car under the influence. So, **If he/she has received disciplinary measures, he/she was not eligible for promotion.** However, in the following 2019, after six months from the DUI, he/she was promoted from grade-III to grade-II position in the office. (The result of audit in Oct. 2020 conducted by the Board of Audit and Inspection of Korea)

♦ **(Lapse of disciplinary period of limitation and retirement)** Twenty four employees of public institutions received administrative measures, such as suspension or cancellation of licenses due to driving under the influence. However, the concerned organizations **failed to take disciplinary actions as they did not report such measures voluntarily** by November 2019. As of November 2019, **five of them retired from the organizations or their disciplinary period of limitation lapsed, so that the organizations are not able to take disciplinary measures any more.** (The result of audit in Jun. 2020 conducted by the Board of Audit and Inspection of Korea)

Also, investigative authorities, including the Prosecution and Police, handle investigation according to their internal guidelines*. In the guidelines, 「Local Public Enterprises Act」, and 「Act on the Operation of Local Government-Invested or -Funded Institutions」 were not included among the laws which mandate investigative authorities to notify the investigation of public officials to their affiliated organizations. Therefore, it was possible that investigations on the employees in these organizations are not informed.

* 「Prosecution Case Administrative Rules」 (the Prosecution), 「Criminal Investigation Rules」 (Police)

In order to address these problems, the ACRC recommended the Ministry of Economy and Finance and Ministry of the Interior and Safety to revise the laws* to include sexual offense and driving under the influence in the irregularities that shall be informed to the concerned organizations if any employees in such organization are under investigation.

* 「Act on the Management of Public Institutions」 Article 53-2, 「Local Public Enterprises Act」 Article 80-2, 「Act on the Operation of Local Government-Invested or -Funded Institutions」 Article 34-2

Moreover, the commission recommended the Ministry of Justice and National Police Agency to specify all the laws that stipulate the requirement of notifying investigation in the internal guidelines of investigative authorities, so that investigative organizations do not fail to notify the fact that they are investigating employees.

Director-General Jong-sam Yang of Institutional Improvement Bureau, the ACRC said, “this improvement of the system will enhance the

effectiveness of disciplinary measures for sexual offenses and driving under the influence committed by employees of public institutions. Therefore, it is expected that this improvement can contribute to regaining trust in public offices.”