

ACRC Korea Transparency Newsletter (Sep. 2023)

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Indonesia Revisited Korea to Promote Anti-Corruption Cooperation

- Re-signing of the ACRC-KPK MOU on cooperation in combating corruption

(Sep. 25, 2023, ACRC)

The Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II) seeks to strengthen cooperation and support for anti-corruption by re-signing a Memorandum of Understanding (MOU) on cooperation in combating corruption with the Corruption Eradication Commission (KPK) of Indonesia.

ACRC Chairperson Kim Hong-II and KPK Chairman Firli Bahuri signed the “Korea-Indonesia MOU on cooperation in combating corruption” on 25th September at the Government Complex Sejong.

ACRC signed its initial MOU on cooperation in combating corruption with KPK of Indonesia in December 2006. Under the MOU, the two commissions actively engaged in anti-corruption cooperation until their exchanges were temporarily halted due to the outbreak of COVID-19.

The re-signing of the MOU was initiated at the request of Indonesia, acknowledging the necessity for ongoing anti-corruption exchanges and cooperation between the two countries. Under this MOU, over the next three years, both countries will share their policies and experiences regarding the prevention of and fight against corruption, while cooperating to enhance their capacity and provide technical assistance in anti-corruption institutions.

In particular, ACRC will continuously provide support to ensure that Korea’s anti-corruption policies are implemented and enhanced more effectively, such as “Integrity Assessment*” and “Corruption Risk Assessment**,” which have been introduced and implemented in Indonesia.

- * Integrity Assessment: a system designed to evaluate the level of integrity within public institutions and to encourage them to identify and improve corruption-prone factors
- ** Corruption Risk Assessment: a system designed to prevent corrupt behaviors in advance by identifying corruption-causing factors within laws and regulations, establishing improvement measures, and recommending them to competent agencies

ACRC Chairperson Kim Hong-Il said, “Korea and Indonesia have been enhancing our anti-corruption capacity through ongoing exchange and cooperation in anti-corruption practices. We believe these efforts can serve as global best practices of the implementation of the UNCAC. We anticipate that the signing of this MOU will further facilitate the cooperation between the two countries.”

ACRC Shared Korea's Major Anti-Corruption Policies with 8 Countries from Asia and Africa

(Sep. 4, 2023, ACRC)

The Anti-Corruption and Civil Rights Commission (ACRC) of the Republic of Korea organized a training course to share its experience in implementing anti-corruption policies with public officials from 8 countries in Asia and Africa.

The ACRC Training Course for International Anti-Corruption Practitioners took place for six days from September 4th at the Anti-Corruption Training Institute of the ACRC. It brought together 16 participants from eight countries: Bangladesh, Cambodia, Ghana, India, Pakistan, Philippines, Tanzania and Uganda.

The course covered Korea's major anti-corruption measures including Integrity Assessment, Corruption Risk Assessment and whistleblower protection and reward program, which have earned international recognition as best practices in the anti-corruption field.

The capacity building program will also deal with international anti-corruption instruments such as the United Nations Convention against Corruption and the OECD Anti-Bribery Convention, as well as Korea's domestic legislation including the Act on the Prevention of Conflicts of Interest of Public Officials and the Improper Solicitation and Graft Act.

The ACRC has run the multinational training course every year since 2013 for public officials from anti-corruption agencies around the world as part of its efforts to implement chapter VI of the United Nations Convention against Corruption, devoted to technical assistance and information exchange. To date, its training course was attended by a total of 338 participants from 71 countries.

In response to a steady increase in the need for its anti-corruption training, the ACRC developed a new training course conducted in the Russian language for countries in Eastern Europe and Central Asia in 2020 and another provided in French for countries in Africa this year in addition to its annual course in English. It also plans to launch a course offered in Spanish next year for countries in Central and South America.

Kim Se-shin, Executive Director of the Institute, said “the ACRC will continue to expand its support for other countries to enhance their anti-corruption capacities and improve their national integrity by sharing Korea’s experience in preventing and fighting corruption.”

ACRC, Participating in Meetings of AOA Board of Directors and General Assembly

- Vice Chairperson Kim Tae-Gyu was elected as the member of the AOA Board of Directors

(Sep.11, 2023, ACRC)

On September 11, Kim Tae-Gyu, Vice Chairperson of the Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II), participated in the meetings of the Asian Ombudsman Association (AOA) Board of Directors and the General Assembly held in Kazan, Republic of Tatarstan, to discuss major agenda items.

◇ Asian Ombudsman Association (AOA)

AOA is an Asian ombudsman fraternity established in 1996 with the aim of spreading the concept of ombudsman in the Asian region and facilitating alternative dispute resolution through the sharing of policies and experiences of each country. AOA has 44 members from 25 countries, and the Republic of Korea is one of the founding members, playing its role as a member of the AOA Board of Directors with full membership.

* General Assembly: Held every other year (in the odd years), Board of Directors meeting: Held annually

※ Ombudsman: The term refers to a mediator, arbitrator, and observer in Swedish, originating from the establishment of the Ombudsman in Sweden in 1809, which oversees legal compliance by the Judiciary and public officials from the Executive branch as representatives of the Parliament.

Ombudsmen representing 44 institutions from 25 Asian countries participated in the meetings of the Board of Directors and General Assembly.

Major agenda items include Reports on the Activities of the Association 2019-2021 and 2022/23, followed by ▲Approval of the Audited Statement of

AOA Accounts for the Years 2019-2022, ▲Expanding Membership of AOA, ▲Consideration of Applicants for Membership of AOA, and ▲Conduct of AOA Elections 2023.

At the General Assembly meeting, elections were held to select members of the Board of Directors who will serve a four-year term and play a role as key decision-makers. Vice Chairperson Kim Tae-Gyu was elected for the position of the member of the Board of Directors, representing the Republic of Korea. ACRC is expected to continue its important role as a leading ombudsman within the Asian region.

During the AOA Conference scheduled for September 12 following the two aforementioned meetings, attendees discussed cooperation measures for the protection of the rights and interests of citizens under the theme of addressing current issues and solutions regarding the protection of social human rights, as well as the roles of public institutions in promoting effective and widespread human rights activities.

ACRC Vice Chairperson Kim Tae-Gyu said, “We will be committed to promoting the advancement of AOA and mutual cooperation by sharing various best practices of ACRC resolving the grievances of the people with members of the AOA.”

Anheung Castle Returning to the Arms of the People After 50 Years of Being Surrounded by a Wire Fence

- Access available from 2026 after discovery, restoration, and repair

(Sep. 21, 2023, ACRC)

Anheung Castle in Taean-gun will be opened to the public after 50 years of being surrounded by a protective wire fence since 1976 by the Anheung Center of the Agency for Defense Development.

On September 21, the Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II) mediated a collective grievance complaint of requesting for the lifting of the military facility protection area at Anheung Castle to repair and open it to the public, raised by 19,544 residents of Taean-gun during the meeting presided by Chairperson Kim Hong-II at the Geunheung-myeon office, Taean-gun, Chungcheongnam-do.

Thanks to the mediation, any visitors will be allowed to access Anheung Castle starting in 2026, following the discovery and restoration of the castle.

Anheung Castle, a stone castle standing at a height of 3.5 meters height with a perimeter of 1,717 meters, that was constructed in the 16th year (1583) of King Seonjo's reign, was a strategic point that protected the west coast. The castle holds significant value in terms of cultural assets as it has been designated as national historic site No. 560 in November 2020.

The Anheung Center of the Agency for Defense Development, a weapon testing center, was established in January 1976 and installed a protective wire fence around Anheung Castle, blocking access to areas of 777 meters, accounting for 45.3% of the castle.

The castle was designated as a protected area in December 1989 and an important national facility in August 2022. As a result, there has been no restoration and repair even in cases where the castle walls were caved in or on the verge of collapse.

In response, 19,544 people, constituting a third of Taean-gun's residents, filed a collective grievance complaint with the ACRC, requesting the "removal of the protected area so that the castle could be opened to the public following its discovery and restoration."

* The population of Taean-gun, Chungnam (as of July 2023): 61,023

Upon receiving the grievance complaint, ACRC implemented final mediation measures by conducting various on-site investigations, including a site visit by the Vice Chairperson, gathering residents' opinions, and consulting with relevant agencies.

According to the mediation by ACRC, Taean-gun in Chungnam and the Agency for Defense Development will discover and restore the castle by identifying the areas to be opened to the public by 2025 and repair the remaining areas in accordance with the comprehensive maintenance plan for Anheung Castle.

The Cultural Heritage Administration will cooperate and provide support to ensure that Taean-gun discovers and restores Anheung Castle and opens it to the public in a timely manner.

In addition, Taean-gun and the Agency for Defense Development will provide support for weapon testing and evaluation to enhance national defense capabilities, and work closely to ensure the timely public opening of the castle by successfully repairing it.

ACRC Chairperson Kim Hong-Il said, “Anheung Castle symbolizes national defense capabilities of the past and Korea’s defense industry of the present. We anticipate that promptly restoring and opening Anheung Castle will not only boost tourism but also strengthen our national defense capabilities.”

The Government Manages the Increasing Number of Foreign Seafarers

- *ACRC implements measures for employment management and protection of the rights and interests of foreign seafarers and recommends them to the Ministry of Oceans and Fisheries*

(Sep. 19, 2023, ACRC)

The employment management system for foreign seafarers is expected to be reformed, which has been carried out through labor-management agreements lacking clear legal grounds.

The Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Kim Hong-II) has recommended institutional improvements to the Ministry of Oceans and Fisheries (MOF) by implementing “measures for optimizing foreign seafarers' employment management,” to ensure the employment management and the protection of the rights and interests of foreign seafarers in the era of low birth rates and an aging population.

The marine and fishery industry is currently one of the industries that people tend to avoid, where the number of seafarers is continuously decreasing due to a sharp decline in birth rates and an aging population, leaving it with no choice but to depend on foreign seafarers.

According to the Korea Seafarer's Statistical Yearbook, as of late 2021, the number of seafarers employed in Korea reached 59,843, among which 27,333 were foreign seafarers, accounting for nearly half the total.

However, relevant shipowner groups* and seafarers' unions in Korea** have to reach an agreement before the government makes decisions regarding the scale of foreign seafarers' employment within the context of the unclear legal grounds for the overall system for foreign seafarers.

* National Federation of Fisheries Cooperatives, Korea Shipowners' Association, Korea Shipping Association, Korea Overseas Fisheries Association, etc.

** Federation of Korean Seafarers' Unions (FKSU)

As a result, there have been possibilities of mutual conflicts in the course of labor-management consultations and employment reporting. In addition, systematic management was difficult to achieve since relevant shipowner groups conducted foreign seafarers' management following their internal regulations exclusively, without clear legal grounds for outsourcing.

Furthermore, some issues have been raised, including welfare funds for seafarers in Korea required because of foreign seafarers, the payment of management costs required by relevant shipowner groups following their internal regulations, and the unclear execution of these respective payments. Additionally, management issues, such as the departure of foreign seafarers without authorization, have also been brought to attention.

Accordingly, ACRC has recommended establishing legal grounds for the overall matters, such as introducing, employing, and managing foreign seafarers. Additionally, it was recommended to carry out annual fact-finding investigations and utilize the findings in policy decision-making, while jointly making decisions with relevant agencies on major policies, including the scale of foreign seafarers' employment and the employment standard.

It was recommended to clarify the reasons for outsourcing the management of foreign seafarers and to improve the process of reporting their employment while establishing a principle of "employing seafarers of Korean nationality with priority" before employing foreign seafarers.

ACRC also recommended clearly establishing the grounds for and the usage of the management cost and welfare fund, and publicly sharing the details of its execution with foreign seafarers and shipowner.

Moreover, the Commission recommended carrying out regular investigations and joint inspections with relevant agencies to prevent the departure of foreign seafarers without authorization and implementing welfare measures, such as establishing grounds for imposing sanctions in cases where the rights and interests of foreign seafarers are infringed.

In accordance with the recommendations from ACRC, the MOF will overhaul systems by December 2025 by implementing effective measures in consultation with relevant agencies and organizations.

ACRC Vice Chairperson Kim Tae-Gyu said, “We have implemented measures to address the labor force supply and demand of foreign seafarers and to protect the rights and interests in order to ensure the continuous development of the marine and fishery industry during the economic crisis. We will remain committed to discovering and improving conventional and unreasonable systems.”