

ACRC Korea Transparency Newsletter (Oct. 2022)

- ▷ **ACRC, Making Presentation on Cases of Resolution of Collective Complaints at the AOA Conference**
 - *13 heads of ombudsman institutions participated, and the ACRC shared cases, including the acknowledgment of land ownership of settlers in Yanggu County, Gangwon Province, and the improvement of the living conditions of settlement for lepers*

- ▷ **ACRC Hosted Anti-Corruption Training for Costa Rica and Paraguay**
 - *Korea shared its preventive anti-corruption measures including Integrity Assessment and Corruption Risk Assessment*

- ▷ **ACRC, “Even a First-Time DUI Offense Can Get Public Institution Officials Fired from Their Job”**
 - *ACRC conducted CRA on 5,815 bylaws of 75 public institutions and offered recommendations for 557 corruption-causing factors therein*

- ▷ **Joint Government Runs ‘Food Safety’ Related Public Interest Infringement Intensive Reporting Period**
 - *People can file a report via Clean Portal or ACRC website for a month starting from Nov. 11*

ACRC, Making Presentation on Cases of Resolution of Collective Complaints at the AOA Conference

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(October 19 2022, ACRC)

Chairperson of the Anti-Corruption and Civil Rights Commission (ACRC) Jeon Hyun-Heui participated in the Asian Ombudsman Association (AOA) Conference held in Baku, the capital city of Azerbaijan, starting on October 19 for two days and gave a presentation on cases of resolution of collective complaints regarding the protection of human rights.

The AOA Conference in Baku is held for the first time in three years since the 2019 Istanbul Conference, which was organized to share and discuss the major trend in human rights in Asian countries and best practices of the resolution by the ombudsmen.

Human rights experts from national human rights institutions and international organizations and the heads of ombudsman institutions from 13 countries, including Korea, China, Japan, Pakistan, Indonesia, and Central Asia, participated in the conference as main speakers.

Chairperson Jeon Hyun-Heui participated in the conference through video and made a presentation on the significance of the resolution of collective complaints in terms of human rights protection by ombudsmen and major cases of complaints that the ACRC resolved.

The first case was about the protection of people's property rights which enabled the acknowledgment of the legal land ownership of settlers who moved to Haean-myeon, Yanggu County, Gangwon Province, a reclaimed region, and cultivated the land for a long period of time.

The second case was about the protection of the human rights of lepers by improving the settlements for lepers suffering from poor living conditions.

Chairperson Jeon Hyun-Heui said, "The ACRC actively works to resolve not only grievances of each and every one of the people but also collective complaints, the cause of social conflict."

She also said, "The ACRC will make the utmost effort to promote cooperation and solidarity among ombudsman institutes in Asia by sharing cases about the resolution of collective complaints in Korea with the international community."

ACRC Hosted Anti-Corruption Training for Costa Rica and Paraguay

- Korea shared its preventive anti-corruption measures including Integrity Assessment and Corruption Risk Assessment

(October 17 2022, ACRC)

The Anti-Corruption and Civil Rights Commission (ACRC) of the Republic of Korea organized a training course to help build national anti-corruption capacity of Costa Rica and Paraguay.

The training course took place on October 17 to 22 at the Anti-Corruption Training Institute (ACTI) of the ACRC in Cheongju by inviting ten public officials from the Public Ethics Office of Costa Rica and the Office of the Comptroller General of Paraguay.

The ACRC came up with a plan to host this course to follow up on the official request made by the governments of Costa Rica and Paraguay a couple of years ago. The anti-corruption training course was scheduled for 2022 when Korea marked the 60th anniversary of establishing diplomatic relations respectively with the two countries.

Conducted in the Spanish language, this tailored capacity-building program was the first of its kind that the ACRC had ever organized for countries in Central and South America.

The participants of the week-long training course included José Armando López Baltodano, Procurator Director of the Public Ethics Office of Costa Rica; and Augusto José Félix Paiva, Deputy Comptroller General of Paraguay.

The training program covered Korea's major anti-corruption measures including Integrity Assessment, Corruption Risk Assessment, whistleblower protection and reward program, and the anti-corruption web portal (www.clean.go.kr).

It focused on Integrity Assessment, which was designed to measure the levels of integrity in individual public organizations, and identify and remove corruption risks in each organization.

Integrity Assessment has gained international recognition as best practices in the anti-corruption field as the first place winner of 2012 UN Public Service Awards in the category of "preventing and combating corruption". The assessment program has been introduced to five countries including Indonesia, Mongolia and Thailand.

Jeon Hyun-heui, Chairperson of the ACRC, said at the welcome event on Monday "the ACRC will spare no efforts to help Costa Rica and Paraguay adopt Korea's anti-corruption systems such as Integrity Assessment and Corruption Risk Assessment."

The Chairperson added "the ACRC will continue to expand technical assistance to Central and South America, Africa and Middle East beyond Asia in line with chapter VI of the United Nations Convention against Corruption, devoted to technical assistance and information exchange".

ACRC, “Even a First-Time DUI Offense Can Get Public Institution Officials Fired from Their Job”

- *ACRC conducted CRA on 5,815 bylaws of 75 public institutions and offered recommendations for 557 corruption-causing factors therein*

(October 18 2022, ACRC)

Disciplinary measures have been toughened for public institution officials caught drunk driving with a blood alcohol level above 0.2 percent to allow for their removal, even if they are first-time offenders.

Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Jeon Hyun-Hui) conducted the Corruption Risk Assessment on bylaws of 75 public institutions in agricultural, maritime, industrial, economic, land, and safety areas, and sent 538 CRA recommendations to each institution.

The CRA conducted this time found that criteria to take disciplinary measures upon DUI offenders in 68 public institutions were neither specific nor strict. Officials who were charged with DUI for the first time or refused to take a sobriety test were merely suspended from their duties, and second DUI offenders/those who drove under the influence with suspended or revoked driver’s license were simply suspended or released from their posts.

ACRC considered that these measures not only go against the trend of imposing severer punishment for drunk driving, but also fall short of the

public expectations. Hence, ACRC recommended that public institutions should strengthen their disciplinary measure imposition criteria to be up to the level applicable to public officials for DUI offenders to be relieved or dismissed from their duties in accordance with their blood alcohol concentration (BAC).

< Criteria for the Imposition of Disciplinary Measure (Example) >

↻	Type of DUI↻	Disposition Criteria↻	
		Current↻	Recommended↻
First-time DUI↻	BAC of 0.08 or above↻	Suspension – Payment reduction↻	Demotion - Suspension↻
	BAC of 0.2 or above↻	<Newly created>↻	Release – Suspension↻
	Breath test refusal↻	Suspension – Payment reduction↻	Release – Suspension↻
Second-time DUI↻		Release – Suspension↻	Removal - Demotion↻
Third or more DUI↻		Release↻	Removal – Release↻
DUI with suspended or revoked driver’s license↻		Release – suspension↻	Removal - Demotion↻

In addition, ACRC also established a tool to prevent unjust influence-peddling in the course of selecting private fund management companies for the FAFF fund of funds* for which competition is intense. Currently, participation of “public institution officials of Grade II (head manager/general manager level) or higher who worked in divisions related to the aforementioned investment businesses within a year prior to his/her retirement” is prohibited from engaging in duties related thereto. ACRC further expanded the scope of official subject to the prohibition to include “officials of Grade III (director level) or higher who have served in fund management services (OOinsurance & finance service).”

* FAFF is a fund of funds in which the Ministry of Agriculture, Food and Rural Affairs invests jointly with private fund management companies for the purpose of investing in FAFF (Food, Agriculture, Forestry, and Fishery) businesses. Private fund management companies select best-performing FAFF business operators.

ACRC also offered CRS recommendations for improvements in minor or major corruption-causing factors in public institutions such as: prohibition of concluding an optional contract with retired officers, juridical persons by which retired officers are hired as executive officers and entities of retirees; establishment of basis for transparent and corruption-free contract including prohibition of receiving money or entertainment upon bidding/contracting; exclusion of officers holding a managerial or higher position from the scope of those subject to mitigation of disciplinary action thanks to commendation from the head of the institution; and inclusion of acts of hiring irregularities and abuse of authority into the scope of acts excluded from mitigation of disciplinary action.

ACRC Anti-Corruption Bureau Director General Han Sam-Seok said, “we have completed the Corruption Risk Assessment on bylaws of 506 public institutions which we had started since 2020. I hope these efforts to remove corruption-causing factors in bylaws of public institutions will lead to reduction in repetitive/customary corrupt acts or irrational regulations inconveniencing the general public.”

Joint Government Runs ‘Food Safety’ Related Public Interest Infringement Intensive Reporting Period

- People can file a report via Clean Portal or ACRC website for a month starting from Nov. 11 -

(October 18 2022, Joint Government)

Anti-Corruption and Civil Rights Commission (ACRC, Chairperson Jeon Hyun-Heui), Ministry of Agriculture, Food and Rural Affairs, Ministry of Food and Drug Safety, and Ministry of Maritime Affairs and Fisheries run food safety related public interest infringement reporting period for a month from Nov. 1st to 30th.

The term “act detrimental to the public interest” means any acts detrimental to health and safety of the people, the environment, the interests of consumers, fair competition and public interest equivalent thereto, which are subject to the penalty provisions of the relevant Acts governing infringement of public interest or administrative measures prescribed by Presidential Decree.

Under the circumstances where the demand for delivery food and home meal replacement has greatly increased due to the prolonged COVID-19 pandemic, ACRC decided to run the intensive reporting period related to violations of the food safety-related laws subject to public interest reporting in order to secure food safety for the general public.

Major examples of acts detrimental to the public interest related to food include: <violations of the Food Sanitation Act> ▲ sales of food whose

expiration date has passed ▲ manufacturing, processing, cooking and selling, etc. of food without business license, registration, and reporting; <violations of the Special Act on Imported Food Safety Control> ▲ distribution and sales of non-reported imported food ▲ sales of imported food whose expiration date has passed; <violations of the Act on Origin Labeling of Agricultural and Fishery Products> ▲ false labeling of the country of origin or labeling that may cause confusion as to the country of origin ▲ cooking, selling and providing agricultural and fishery products under the country of origin disguised ▲ storing or displaying agricultural and fishery products after destroying or changing country of origin labels for the purpose of disguising the country of origin ▲ cooking, selling or providing country of origin labeled agricultural and fishery products or the processed products thereof mixed with the same agricultural and fishery products or the processed products thereof under a different country of origin.

Anyone can file a public interest report under the law and the confidentiality of a reporting person is thoroughly protected. Public interest whistleblowers can be provided with protective measures including measures of reinstatement and personal protection, etc. from the ACRC with regard to any disadvantageous measures or harm to his or her life or body that may be caused by a whistleblowing disclosure.

In addition, a whistleblower may use the system of non-real name report by proxy which allows the whistleblower to have his or her attorney-at-law file a whistleblowing disclosure without disclosing his or her personal information.

* www.clean.go.kr → Clean Portal → Reporting → Non-Real Name Proxy Reports

A whistleblowing disclosure can be filed online at www.clean.go.kr or by visiting or mailing to ACRC, and people can receive counseling on corruption and public interest reports for free using ☎1398 call service or ☎110 public call service at anywhere.

- * **(Sejong)** Comprehensive Civil Complaints Counseling Center, 1st floor of the ACRC, 20 Doum 5-ro, Sejong
- (Seoul)** Joint Government Civil Complaints Center, 1st floor of Annex Hall of the Government Complex-Seoul, 60 Sajikro 8-gil, Jongno, Seoul

ACRC, Ministry of Agriculture, Food and Rural Affairs, Ministry of Food and Drug Safety, and Ministry of Maritime Affairs and Fisheries, etc. will make concerted efforts to eradicate acts detrimental to the public interest that threaten the safety of dietary life of the general public through active cooperation during the intensive reporting period.