

**Webinar on “Creative Response of the Anti-Corruption & Public Complaint Handling
Institution: Example of the Korean Anti-Corruption & Civil Rights Commission”**

(13 May 2020)

Question & Answer

Mr. Jungoh Son¹
(Anti-Corruption Policy Advisor)

Introductory note from the main presenter

To begin with, I want to share some perspectives on anti-corruption as a background information before answering all the very poignant questions. In terms of successful anti-corruption performance, I would like to first note that Republic of Korea (hereafter RoK) and Anti-Corruption & Civil Rights Commission (ACRC) still have many challenges to address despite all the progress made in the past decades. Now, time is ripe for ACRC’s staff members and other Korean officials to concentrate on investing rigorous efforts based on whole-of-government approach. As an important counterbalancing measures to all forms and consequences of corrupt practices is a combination of information access, transparency and protection of fundamental rights, I believe other countries could also consider adopting similar approach.

I feel that anti-corruption agency and anti-corruption work are often neglected within government affairs due to the lack of urgency and resources. However, anti-corruption is a cross-cutting issue because its success is a crucial pre-condition for the achievement of other Sustainable Development Goals (SDGs). Likewise, people’ dignity, well-being and economic development for abundance in people’s everyday life should be included as part of anti-corruption strategies at the national/local community level. For instance, anti-corruption activities could ensure the proper and legitimate process of deliver our limited resources to right places, thereby contributing to the enhanced well-being of the people.

In this perspective, an Anti-Corruption Agency (ACA) is not a special body, but a supporting member of the government. ACA should enjoy independence in investigating corruption, but this independence does not give unjustified powers or discretions in the name of tackling corruption. Their independence also cannot serve as an excuse to indifference or apathy from the nation’s top priority in the crisis like the COVID-19 pandemic. During a crisis, ACA, an independent body unaffected by the influence of political leaders, should ensure the government’s collective efforts demonstrate transparency and accountability. Along with this impartiality in handling corruption practices, ACA should strengthen its power, executive functions and commitment level in order to jointly solve urgent socio-economic problems posed by the crisis and accelerate its efforts in achieving sustainable development, not for the sake of ACRC and its staff members, but for the well-being of people and society as a whole.

**** Please note that the hyperlinks to the relevant resources are inserted in the text underlined in blue.***

¹ The views expressed in this document are those of the author and do not necessarily represent those of the Anti-Corruption & Civil Rights Commission of Republic of Korea, the UNDP Global anti-corruption team and the UNDP Seoul Policy Centre.

(A) Complaint Handling

1. *Did ACRC also receive specific corruption related complaints connected to COVID-19? If so, did they confirm the assumptions taken around corruption risk areas during COVID-19?*

- As rightly noted, it is widely assumed that corruption will escalate during crisis time because it requires and often justifies quick decision-making and financial interventions of big scale. It was confirmed with ACRC that the number of corruption related complaints has not skyrocketed, while it could be still too early to tell. Based on my experiences in ACRC, it takes time for officials or beneficiaries to identify corruption risks in the process of new measures. I think that it is time for many countries to introduce and strengthen anti-corruption interventions for ensuring the national and local responses against the crisis. In other words, it remains to be seen if corruption is actually more prevalent during the crisis like COVID-19. It will take one year or more to confirm the assumptions and worries about increased outbreak of corruption, but I hope it can be handled by anti-corruption efforts on a global and national level.

2. *Are there any online initiatives provided by ACRC to receive complaints from the citizens?*

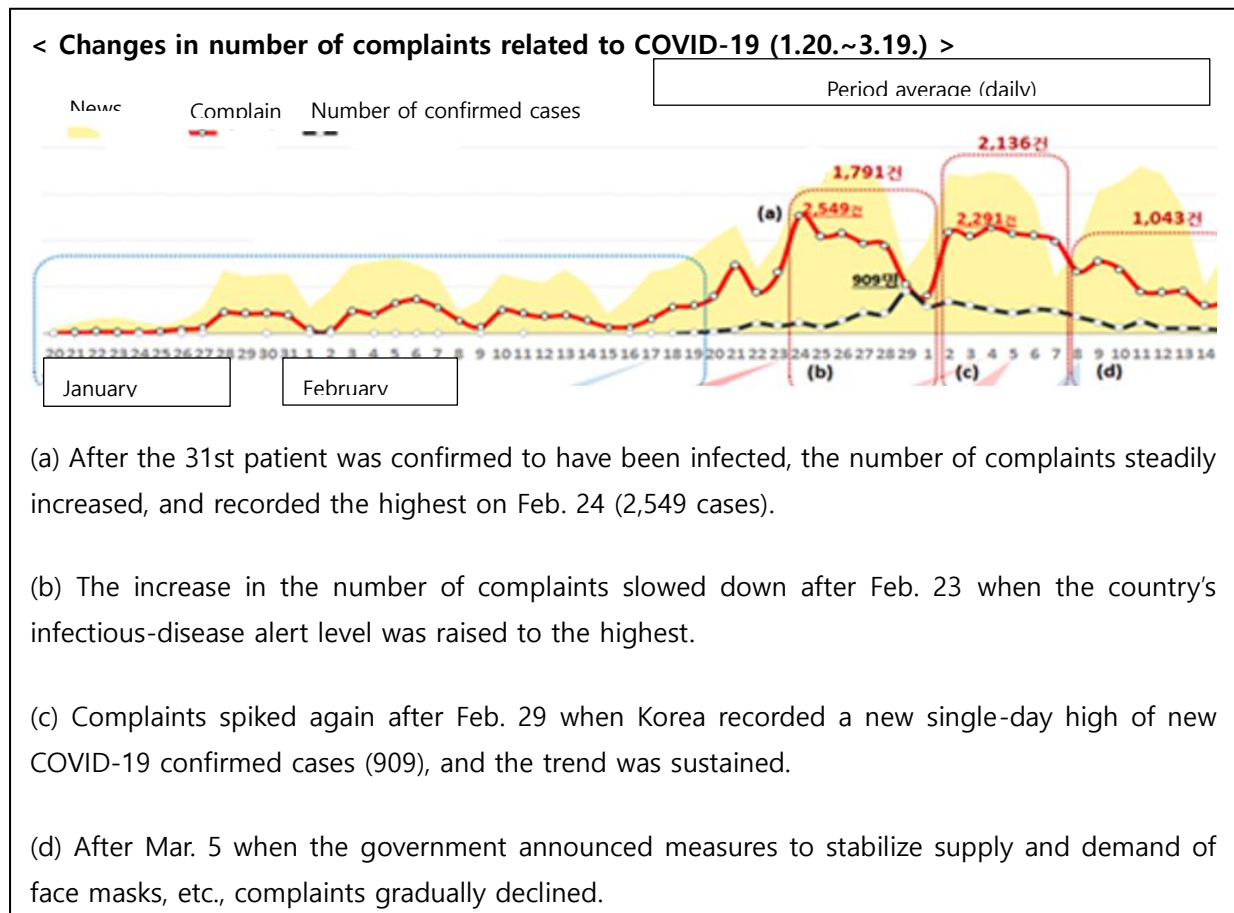
- ACRC has been operating the E-People System to receive and handle public complaints, policy recommendations, and corruption reports from the citizens including foreigners residing in Korea. Also, ACRC has utilized the Clean Portal System to receive and handle corruption reports and violation of the public interest. When people files corruption reports to the e-people system, the case is automatically transferred to the Clean Portal System. You can find more information about the systems via the links provided (E-People System is available in 15 languages).

3. *How did they manage to resolve / respond to the increased number of complaints so fast?*

- According to Article 14 of the Enforcement Decree of the Civil Petitions Treatment, which is the law on handling public complaints, in principle, government agency and officials in charge should resolve them within 14 working days from receiving the complaints. Of course, if the cases are difficult to handle within that timeframe, officials can ask for the extension under director's approval. Due to the high volume of work, in many cases, officials in charge have to work overtime in order to respond to the public complaints in a quick manner. If the complaint is too complex to be managed even with the extra hours, government agencies in RoK usually organize a special Task Force (TF) team and team members would be assigned from each relevant division or seconded from other organizations, so they can be exempted from their original assignments and focus on this special task. In this regard, it is important for high-ranking officials to swiftly determine how to handle unprecedented workload likely to occur during a crisis like COVID-19 (whether TF is needed or not) at the initial stage.

4. What is the number of complaints received during the COVID situation?

- As I mentioned in my presentation, over 52,000 of the public complaints received from 20 January from 19 March were related with the COVID-19. Overall, according to the ACRC's statistics on public complaints, 1,389,592 cases had been filed through the e-people system during the first quarter (Jan.-Mar.) of 2020. Although the exact number of complaints during the COVID period (including after March) is not yet identified, in the opinion of ACRC staff members, the number of complaints regarding central and local government's measures to COVID-19 expects to be large.



(B) Anti-Corruption Response

1. *Would you be able to share any anti-corruption measures against corrupted practices in distributing the economic stimulus package?*

2. *Could you please share some of the results of these measures?*

- When the economic stimulus package is distributed, it is necessary to introduce oversight mechanisms on both executing public officials and beneficiaries. To handle corrupt practices (e.g. bribery) of public officials who engage in decision-making and service delivery, [ACRC has implemented the Integrity Assessment](#). By conducting an annual survey on the existence of corrupt behaviors among service users and internal staff members, it made public officials refrain from committing corruption as they felt that they are constantly monitored. Second, to combat subsidy fraud, [ACRC has established “The Government Welfare Fraud Report Centre”](#) and received reports about the illegal receipt of subsidies. Also, [ACRC has focused on promotion of this center and raising public awareness to prevent abovementioned types of corruption](#). I believe that the fact that such mechanisms are operated by ACA or relevant agencies can address corruption to a considerable extent. Lastly, [Anti-Corruption Initiative Assessment](#), which assesses anti-corruption efforts of the public institutions, is also conducted annually resulting in the establishment of a guiding framework for the relevant institutions on corruption prevention and promotion of anti-corruption work by incentivizing the high-performers with media attention, awards and overseas anti-corruption training opportunities. For further information, please refer to [ACRC’s publications](#) and [USPC’s think piece Series No. 2](#) on Anti-Corruption Policies and Institutions in Korea and Singapore.

3. *Is there any example of action against corrupt practices?*

- ACRC, as an anti-corruption policy control tower in RoK, has been fighting against corruption with whole-of government and whole-of society approach. In terms of anti-corruption policies in RoK in general, [you can get more information from ACRC’s webpage](#). It has been doing [public awareness raising on the issues of corruption](#), [protecting and rewarding whistleblowers](#), and [promoting public-private partnership for transparent society](#). It also has an Anti-Corruption Training Institute as an affiliated organization to provide relevant trainings for the public officials and beyond. About the anti-corruption policies on a global level, I recommend UNDP document on [<Manual on Integrity Planning and Integrity Management>](#).

(C) Human Rights Protection

1. *How does this anti-corruption strategy seek to protect people's rights, and who are the main actors involved during COVID-19?*

- The anti-corruption strategy, for example, should guarantee the delivery of emergency fund and medical supplies to target populations and groups. It should be also ensured whether the financial aid designed to support small and medium enterprises (SME) are provided and facial masks are distributed to citizens affected by the COVID-19 pandemic. Anti-corruption efforts in this crisis will not only prevent misallocation of funds, but also promote the safety and well-being of people in needs. In terms of this, it is necessary to bear in mind that the Covid-19 is not just a health crisis, but also a governance and development crisis that can undermine human rights, economy and society. All stakeholders including government, public officials, health sector workers, business sector, civil society organizations, international society and citizens have significant responsibility to tackle the issue and protect human dignity.

2. *What else would you include to better mainstream gender and human rights issues in this anti-corruption strategy?*

- As an additional measure for gender and human rights protection, I would like to recommend introducing a gender and human rights officer into the National Task Force team or Anti-corruption Task Force team against the Covid-19 to ensure gender and human rights lenses. Rather than general officials who may be less sensitive to human rights issues, a professional human rights officer can handle this issue more professionally. I think that following conditions will be necessary for the qualification.
 - Current staff member of the National Human Rights Commission;
 - Over 10 years of experiences in civil society organizations regarding human rights;
 - Over 10 years of experiences in international organizations such as UN, UNDP, UNHCR, etc.;
 - Obtaining a Ph.D. on human rights and gender related issue.

3. *How does the ACRC handle and protect members of the public (outside the system) and whistleblowers who give information on corruption? Is there a mechanism for protection?*

4. *How ACRC maintains confidentiality of individual who lodge corruption complaints and how safety and security is ensured of that person?*

- ACRC also provides a counselling service to anyone who wants to get information regarding government affairs and legal responses to public complaint. To offer a high quality of services, ACRC operates the Integrated Government Call Centre (110) and off-line service center supported by voluntary professionals including lawyers, tax accountants and labor attorneys. The call centre that handling public petitions provide services through various channels including text message and katalak messenger (Korean version of Whatsapp) and keep the caller's information confidential and anonymous.

ACRC has introduced various measures to protect whistleblowers by strengthening laws and policy promotions, because brave citizens and officials can think of reporting

corruption allegations that undermine public services and distort social orders when there is strong protection system in place. Through [Whistleblowing Protection Act](#), ACRC has introduced various protection measures to encourage whistleblowers to come forward without fear of retaliation. First, we keep the whistleblower's identity confidential and provides physical security measures. Public officials who expose the identity will be subject to criminal punishment. In some cases, whistleblowers suffer from disadvantages in their workplace such as dismissal, demotion, or transfer. In such cases, ACRC requests the concerned organization to withdraw such disadvantage. Moreover, in order to reduce mental and financial burden of whistleblowers and encourage whistleblowing, we provide whistleblowers as much as 3 billion won (3 million US dollars) in reward when the revenues or financial loss has been recovered as a result of whistleblowing. Recently, we amended the Act and introduced punitive damage provisions under which retaliators must pay compensations up to 3 times of the damage inflicted on whistleblowers. ACRC designated the 9th of December as a Whistleblowers Day in 2018. The aim of this is to offer gratitude to whistleblowers and maintain strong will for protecting corruption reporters. Based on my experience as a director of Protection Division in ACRC, it is critical to promote a significance of whistleblowing protection and ACA should lead this effort from all government agencies. In doing so, I believe we can change the social atmosphere to the corruption reporters and enhance the culture of integrity.

(D) Institutional Cooperation

1. *Did ACRC published guidelines or recommendations to public institutions on AC measures during COVID? Did it act proactively towards the government?*

- ACRC did not publish the guidelines in the context of the Covid-19, but the idea of making such guidelines existed even back in the 2017 when the unfair recruitment recruitment process became public issue (The author joined the team organized to establish the Interagency Task Force team against corruption of personnel affairs and recruitment). To promote awareness on recruitment-related corruption problem, ACRC summarized relevant corruption cases of the recent 5 years and shared them with 1,500 public organizations. At that time, many integrity officers commented that the materials could easily guide their anti-corruption surveillance activities. Based on that experience, I and USPC have come up with an idea of making a new checklist for COVID-like situation including effective and quick response measures as presented during the webinar. I think the COVID-19 pandemic can serve as a good opportunity for ACA to collaborate and interconnect its works with other government functions and hope that anti-corruption effort, by ACA or another authority, will underpin government measures regarding both health sector and economy recovery by utilizing this checklist, as a nudge.

2. *Has ACRC developed a taxonomy of risks for all other institutions on risks to monitor?*

- Yes, ACRC developed a taxonomy of risks (elaborated in the Improper Solicitation & Graft Act in the Annex), which is identified based on the data accumulated by our Integrity Assessment. ACRC conducts [the Integrity Assessment](#) for approximately 700 public institutions including ministries, local governments, provincial education offices, public enterprises, public health institutions, public universities and local councils. The Integrity Assessment evaluates level and causes of corruption at each institution identifying corruption-prone sectors with potential risks. Over 2,300 projects were surveyed in 2019, which means 3 or 4 tasks per institution were identified as vulnerable to corruption. The surveys were mainly targeted at service users and internal staff members. ACRC could analyze the level of integrity of the whole institution, identify corruption risks and set anti-corruption policy direction based on the result of the assessment. The relevant data which has been built up by conducting Integrity Assessment has been eventually culminated into the examples of corruption risks (that the citizens should refrain from) detailed in the Improper Solicitation & Graft Act, which greatly contributed to reducing customary practices such as acceptance of money, gifts, improper solicitations and entertainment in the public sector.

(E) Country Application

1. *How can we apply Republic of Korea's experience in high risks environments where institutions are weak and the state itself does not enable the best/good anti-corruption strategies and CSOs as well as media are being deliberately harassed and persecuted?*
2. *Could you mention which of the measures to your view might be the most urgent and efficient in a reality when the country's prevention committee is not fully functional yet?*

- I strongly agree with the opinion that standardized one-size-fits-all anti-corruption approach has proven largely ineffective. Its sustainability demands appropriate ownership of the process assumed by key stakeholders in anti-corruption itself. Effective anti-corruption strategies have to be tailored to the specific environment in which corruption occurs. Considering the lessons learned from the implementation in many countries so far, the first step may be prioritizing certain prevention measures. Of course, it is easier said than done and would be far more difficult for ACA or government to walk the talk (as it could inevitably entail introducing checks-and-balances against themselves). It could be also challenging to agree upon what to prioritize and how to actually implement those measures. Regardless of the different challenges in each political context, the rule of thumb is to start with intervention measures that can be feasible and achievable with the existing capacity including time and resources and that can be attractive to the country's top leaders and existing organizations. The followings are my suggested tools to refer to that could be instantly and efficiently adopted: [UNDP's Guide to Corruption-Free Local Government](#) and [Manual on Integrity Planning](#) and [ACRC's Anti-corruption Initiative Assessment](#). Please also refer to below *key integrity management components* worth considering.

< Key integrity management components >

- » Integrity policy and **Code of Conduct**: define **what is permitted and what is prohibited**
- » **National structure**: strong political will, Anti-Corruption Agency
- » **Respective organizational structure**: strong anti-corruption leadership, integrity division/officer
- » **Training programmes and awareness raising**
- » Communication with internal and external stakeholders: interagency policy council, advisory group
- » **Integrity risk assessment**/ Integrity Plan/ Integrity survey
- » Integrity controls and procedures for all key processes
- » **Integrity audits**
- » Monitoring and investigation of corruption related cases
- » Reporting as regards integrity performance

(F) Other

1. *How does ACRC handle corruption risks in emergency procurements? How to balance between urgency and adequate integrity of procurement processes?*

- Since ACRC was established in 2002, whole-of-government approach has been implemented in improving the institutions involved in procurement and contracts as they have been considered as one of the most corruption-prone areas in the government. Republic of Korea has strengthened procurement regulations such as [Act on Contracts \(to which the State is a party\)](#), [Act on Contracts \(to which the local government is a party\)](#) and its enforcement decree and related administrative rules. For procurement in the Covid-19, the government can make a contract by a direct award considering the urgency of procurement. Of course, information regarding the contracts should be open to the public and integrity pact with vendors should be applied just as it is done normally. If the pact is breached, whole contracts could be canceled considering the degree of the violation. This mechanism has been significantly supported by e-procurement system that allows the public to easily access and monitor related public information and thereby preventing corruption in this area.

Along with this sound watchdog mechanism, ACRC has been conducting the Integrity Assessment for procurement and contract on around 700 public organizations every year, so that those officials are de facto monitored all the time. The fact that anyone's behaviors are observed and can be later reflected in the assessment by ACRC substantially disincentivizes organizations to practice corrupt act. ACRC conducts surveys on vendors, bidders and related officials, and if there was an illicit behavior such as bribe, kickback or payment, the officials can even be dismissed at the worst case.

In RoK, such measures have been in place even before the outbreak of the Covid-19 and while ACRC is not directly engaged in the process of enforcing integrity measures, ACRC can still verify whether the report is reliable or not when corruption allegation is reported to ACRC. Given the urgent nature of the crisis, it would be quite difficult for ACA to directly intervene in addressing corruption risks during the emergency as the health and finance authorities have primary responsibility for handling them. This is why it could be effective to rather focus on activities I have provided in the Checklist during the presentation as a short-term response. While the checklist provides more immediate measures, ACA should keep in mind that short-term responses, like analyzing corruption reports and public complaints, can certainly develop into or be incorporated into mid or long-term project.

2. *Has the use of IT been a significant factor in ACRC's success?*

- Of course, I cannot deny the benefits that e-government systems can provide an opportunity for wide public participation, reduced administrative costs of report processing and provision of malfunction reports. The presence of E-People portal and well-functioning e-government system have been certainly useful in receiving and analyzing public petitions. Hence, ACA should maintain good relationships, for example, with the relevant Ministries such as Ministry of Finance and Ministry of Technology and Innovations to introduce and scale-up e-government system for anti-corruption. As mentioned during my presentation, however, I also don't want to discourage those

countries without the e-government system and be it an excuse for delaying anti-corruption work until such system is developed as it is not a prerequisite to implement citizen participatory anti-corruption policy. For example, I would like to point to the fact that Singapore's CPIB and Hong Kong's ICAC have been doing an excellent job in anti-corruption for 20 or 30 years even when without such online system.

Annex. Article 5 of Improper Solicitation and Graft Act (Examples of corruption risks)

Some examples of corruption-prone works with potential risks can be referred from below Article 5 (Prohibition of Improper Solicitation) of the [Improper Solicitation and Graft Act of ROK](#).

1. Soliciting to process, in violation of statutes, such tasks as authorization, permission, license, patent, approval, inspection, qualification, test, certification, or verification, for which statutes (including Ordinances and Rules; hereinafter the same shall apply) prescribe requirements and which should be processed upon application by a duty-related party;
2. Soliciting to mitigate or remit administrative dispositions or punishments such as cancellation of authorization or permission, and imposition of taxes, charges, administrative fines, penalty surcharges, charges for compelling compliance, penalties, or disciplinary actions, in violation of statutes;
3. Soliciting to intervene or exert influence in the appointment, promotion, assignment or reassignment, or any other personnel matter with respect to any public servant, etc., in violation of statutes;
4. Soliciting to select or reject a person, in violation of statutes, for a position which intervenes in the decision-making of a public institution, such as a member of various deliberation, decision-making, and arbitration committees, and a member of a committee for a test or screening administered by a public institution;
5. Soliciting to select or reject a specific individual, organization, or juridical person, in violation of statutes, in any award, prize, or selection of outstanding institutions or persons, administered by a public institution;
6. Soliciting to disclose, in violation of statutes, duty-related confidential information on tender, auction, development, examination, patent, military affairs, taxation, etc.;
7. Soliciting to select or reject a specific individual, organization, or juridical person as a party to a contract, in violation of statutes governing contracts;
8. Soliciting to intervene or exert influence so that subsidies, incentives, contributions, investments, grants, funds, etc., are assigned to, provided to, invested in, deposited in, lent to, contributed to, or financed to a specific individual, organization, or juridical person, in violation of statutes;
9. Soliciting to allow a specific individual, organization, or juridical person to buy, exchange, use, benefit from, or possess goods and services that are produced, supplied, or managed by public institutions, at prices different from what is prescribed by statutes, or against normal transaction practices;
10. Soliciting to process or manipulate affairs of schools of each level, such as admission, grades, or performance tests, in violation of statutes;
11. Soliciting to process affairs related to military service, such as physical examination for military service, assignment to a military unit, or appointment to a position, in violation of statutes;
12. Soliciting to conduct various assessments or judgements implemented by public institutions, or manipulate the results thereof, in violation of statutes;
13. Soliciting to make a specific individual, organization, or juridical person subject to or exempt from administrative guidance, enforcement activities, audit, or investigation; to manipulate the outcome thereof; or to ignore any illegality, in violation of statutes;
14. Soliciting to process investigation of a case, trial, adjudication, decision, mediation, arbitration, reconciliation, or other equivalent affairs, in violation of statutes;
15. Soliciting a public servant, etc. to act beyond the limits of his/her position and authority granted by statutes, or to take any action for which he/she lacks legitimate authority, regarding any and all affairs that may be the subject-matter of improper solicitation as prescribed by subparagraphs 1 through 14.