

12th AOA Conference

***Efforts and Achievements of the ACRC
Korea in Protecting Vulnerable Classes of
the Society***

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**Anti-Corruption &
Civil Rights Commission**

Contents

I . Introduction	1
1. Launch of the ACRC	1
2. Organization and functions	2
II . Major Programs to protect vulnerable classes	3
1. Ombudsman Outreach Program	3
2. On-site Mediation	5
3. Bilateral MOUs to protect the rights of nationals abroad	6
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4. Systemic Investigation for vulnerable classes	7
III . Future directions to protect vulnerable classes	9
1. Prompt & faithful complaint solutions	9
2. Stressing on-site complaint solutions	10
3. Enhancing preventive measures	11
VI. Conclusion	12

I . Introduction

1. Launch of the ACRC

About 600 years ago, the Ancient Joseon Dynasty had a system for ordinary people to file their complaints by beating a big drum, called "Shin-mun-go" located in front of the palace so that their king could listen to the sound, and help solve their problems. This system is the origin of the Korean government's system to address people's problem.

Before 2008, the functions to protect people's rights had been divided into several agencies, making people feel confusions and inconvenience to use the services. In this regard, to provide "one-stop service" for people who suffer from "unfair and painful problems," three different agencies, "Ombudsman of Korea," "Korea Independent Commission against Corruption," and "Administrative Appeals Commission" were integrated into one single agency, based on the "Act on Anti-Corruption and the Establishment and the Operation of the Anti-Corruption & Civil Rights Commission" which was enacted in February 29, 2008.

During the process of integration, some people insisted that it was impossible to combine them into one agency as the natures of the three agencies were totally different. After three years have passed, however, we do not see any side effects of the integration that concerned them at that time. Even if the workload has significantly increased, the ACRC has handled more works, making the organization more effective.

<The number of cases before (2007) and after (2010) the integration:

Civil petitions and administrative appeals>

	Civil Petitions (rate of increase)	Administrative Appeals (rate of increase)
2007 (before)	22,412	23,178
2010 (after)	27,043(20.7%)	30,478(31.5%)

2. Organization and functions

The ACRC consists of 15 commissioners including Chairperson. The ACRC has three Vice Chairmen and standing commissioners respectively, and 8 non-standing commissioners. It also has a Secretariat to deal with office work of the ACRC, and the Secretary General is appointed by Chairperson among Vice Chairmen.

The ACRC has established its one-stop service system, combining three functions: ombudsman, anti-corruption, and administrative appeals. The main functions of the ACRC are 1) to protect people's rights by addressing civil complaints and improving institutions and securing legitimacy of administration, 2) to establish a clean public-service society by preventing and controlling corruption, and 3) helping people whose rights or interests are violated by illegal or undue administrative measures.

II . Major Programs to protect vulnerable classes

1. Ombudsman Outreach Program

To actively communicate with people, the ACRC is carrying out "Ombudsman Outreach Program" to visit those who live in isolated rural areas and listen to their problems and opinions, reflecting them into policies, since it is difficult for them to visit the ACRC even if they have difficulties and problems.

With the "Ombudsman Outreach Program," the ACRC visits the people who suffer from undue administrative measures taken by central government agencies or other public agencies, receives their complaints and investigates the cases. If there is any undue measure

or false institution that caused the problems, the ACRC recommends the concerned agency to correct the measures or to revise the institution. By doing so, the ACRC actively engages in mediation to deal with the civil complaint in a neutral position.

From October 2003 to 2011, the “Ombudsman Outreach Program” has received 6,178 civil complaints in 181 regions. Among them, 1,219 cases were received as civil complaints and addressed, while 861 cases reached a settlement on the spot. Particularly in 2010, total of 290 cases reached a settlement between petitioners and concerned agencies on the spot.

<Ombudsman Outreach Program by Year >

(Unit: number of cases)

		Total	2003	2004	2005	2006	2007	2008	2009	2010	2011.11
Number of region		181	4	8	8	17	18	20	28	33	45
Ombudsman Outreach Program	Received as civil complaint	1,219	12	57	75	255	142	86	272	199	121
	Settlement	861	-	-	-	-	-	96	244	290	231
	Counseling	4,098	65	98	112	385	342	381	1,004	1,000	711
	total	6,178	77	155	187	640	484	563	1,520	1,489	1,063

Also, if a collective petition is received, which has a significant influence on society, the Chairperson firsthand counsels petitioners with the concerned agency in attendance, and solves the problem,

providing one-stop service. In this way, 29 collective petitions have been resolved, for example, installing soundproofing walls near railroads or highways that the residents have desired for a long time.

2. On-site mediation

The ACRC actively utilizes its mediation system to promptly and impartially solve civil petitions or complaints that have a significant influence on many people or are involved in multiple interests.

The mediation system is the most appropriate tool for the ACRC, working as an ombudsman that values impartiality, independence, and professionalism. According to the Article 45 of the Anti-Corruption Act, mediation is presided by the Chairperson and the commissioners, and once the mediation is completed, it has the same effect as a settlement under the Civil Act.

The ACRC always puts its priority on the “on-site oriented” policies dealing with civil complaints. It means that the ACRC makes its efforts to firsthand visit the site of a complaint, and listen to the voices of stakeholders enough, to find out the solutions from the point of view of the complaint.

Particularly, the ACRC has visited the sites of complaints and found out solutions through persuasion and mediation when solving a protracted complaint. Especially, to solve protracted collective complaints, the ACRC considers the possibility of mediation even when receiving the complaints, and the professional investigators and senior officials visit the sites firsthand to undertake closer investigations so that they can find out the ways to solve problems. As a result of such efforts, 18 long-term protracted collective complaints have been resolved through on-site mediation in 2010.

3. Bilateral MOUs to protect the rights of nationals abroad

The ACRC and the Indonesian Ombudsman concluded an MOU to solve difficulties and problems of people (including businesses) who reside in the partner countries in February 2010. This is the first attempt to protect the people's rights and promote the business activities in the partner countries through cooperation between ombudsmen.

Under the MOU, both agencies have visited the partner countries to visit the sites of complaints and help to solve the difficulties of their compatriots. The activity results are shared in January and July every year.

In accordance with the MOU, the ACRC officials visited the Ansan Migrant Community Service Center in November, 2010 and August, 2011, as the largest Indonesian populations live in the Ansan city in Korea. The ACRC officials have counseled 82 cases in total, and received 16 complaints. The major complaints of Indonesians living in Korea were related with the delay of severance pay, and inconvenience of receiving national pension. As of 2011, 60% of the complaints have been resolved and 40% are now in progress.

The ACRC expanded the bilateral cooperation activities and concluded an MOU with Kyrgyzstan Ombudsman in October 2011. It is also expected to sign MOUs with the Thailand Ombudsman and the Uzbekistan Ombudsmen.

4. Systemic investigation to enhance rights of vulnerable classes

The ACRC carries out systemic investigations to enhance preventive functions not to make people feel unfair and injustice, taking a step forward from solving individual complaints.

The systemic investigation of the ACRC is a new model to expand the people's rights by approaching social and national issues in a more fundamental and in-depth way, moving from the existing way that just focused on addressing individual complaints. Also, it is a proactive research activity to find out comprehensive and

fundamental solutions such as improving institutions, suggesting alternative policies, as well as addressing civil complaints of the year. The systemic investigations focus on the vulnerable areas in protecting people's rights, the areas that need special care of the nation, and the issues that require in-depth researches and consideration of experts.

Particularly, the systemic investigation is used as a useful tool to support the vulnerable classes that relatively cannot respond to the financial crisis, focusing on addressing the difficulties of socially and financially vulnerable people in a timely way.

For example, the ACRC has recognized that financial support for the low-income bracket is needed as the fuel prices have gone up, due to financial crises and increasing price of the crude oil. Accordingly, the ACRC carried out the systemic investigation through conducting studies on documents, monitoring media, and collecting various opinions of experts and concerned agencies. In addition, it conducted researches on actual conditions of urban and rural areas and interviewed energy suppliers and concerned civil groups so that it could recommend the concerned agencies to reduce utility fees such as city gas costs or electricity costs.

Also, based on the results of the systemic investigation, the ACRC extended the tax due dates and expanded the range of applicants for working scholarships for the disabled and those who are entitled to the government's livelihood subsidy.

III. Future directions to protect vulnerable classes

1. Prompt & faithful complaint solutions

To solve difficulties and problems of vulnerable classes, we need to share the best techniques to address civil complaints and build a research capacity, by making standards, developing IT technology, and providing continuous education and trainings. Based on such efforts, we can deal with civil complaints in a prompt and faithful way through our policies that can satisfy and touch our people.

The ACRC introduced an internal review system to prevent trial and errors and increase the possibility to solve problems by analyzing the characteristics and reasons of the civil complaints filed by vulnerable classes so that it can easily find out the solutions. Also, the ACRC has accumulated related materials and information to make it easier to review the latest laws and judicial precedents by sector when addressing civil complaints. It also has established

cooperative systems with the other public agencies in order to inform the concerned agencies of the examples of civil complaints so that they can revise and supplement their laws and regulations.

2. Stressing on-site complaint solutions

We need to stress “on-site investigation and mediation” from the people’s point of view to address the issues involving the multiple interests at stake.

The ACRC considers regional situations such as frequency of civil complaints and operates “Ombudsman outreach program” by region across the nation. The ACRC is planning to introduce customized Ombudsman outreach programs for minority social groups that need special care, including migrant workers, multicultural families, and those who live in vulnerable residential situations and industrial complexes.

Particularly, in order to solve the complaints that can have significant influence on multiple stakeholders or protracted collective complaints for long time, the ACRC will carry out its duties in an independent and impartial way so that it can reach an optimal agreement to satisfy all the concerned parties.

3. Enhancing preventive measures

The ACRC is planning to transfer its experience and techniques dealing with civil complaints to the administrative agencies that often cause civil complaints, supporting them to prevent civil complaints in advance, to build their capacity to address civil complaints, and to strengthen a cooperative system.

Furthermore, to vitalize local ombudsmen, the ACRC will create and distribute a standard ordinance to expand local ombudsmen. Also, it will support them to build their capacity by establishing "Local Ombudsman Councils," holding workshops and trainings, providing consulting services, and carrying out joint researches.

VI. Conclusion

There are still many people who don't know what kinds of rights they have or who to speak when their rights are violated. Also, there are people who just endure their difficulties because they believe that it is hard to talk to the government. Therefore, the ombudsmen should do their utmost to enhance the accessibility of vulnerable classes and listen to their voice carefully.

The ACRC is making its efforts to visit people firsthand to solve their difficulties and problems by operating on-site counseling and mediation services and conducting systemic investigations. Despite such efforts, however, there are still many people who cannot enjoy such benefits. Therefore, we need to provide vulnerable classes with more and various ways to reach the ACRC

The ACRC will also make its efforts to solve difficulties of foreign residents who live in Korea but also Korean compatriots who live in other countries by expanding bilateral Ombudsman MOUs with the concerned countries. To this end, active supports and cooperation are needed among the ombudsmen who gather together here at this occasion. Thank you very much.