1. What anti-corruption mechanisms exist for the public sector in your country?

a) Legislation proscribing corrupt activities and establishing sanctions

The Criminal Code prescribes as crimes abandonment of duties, abuse of authority and divulgence of official secrets committed by all public officials in central and local levels of governments. This code also can be applied to people directly or indirectly working for governments, e.g. civilian members of various kinds of committees within governments, as well as to employees in quasi public organisations.

The Act for Extra Penalties on Specific Crimes prohibits public officials from taking a bribe, causing loss of the treasury, peddling influence, and disclosing official secrets. Based on this law, extra penalties over those proscribed by the Criminal Code, can be imposed on corrupt government officials. This law aims to maintain a clean and sound order within society by rooting out corruption practised by civil servants in all levels of governments.

The Special Act for Confiscation of Graft, enacted in 1995, has provisions to seize illegal profits which public officials gain through bribe-taking and other corrupt activities. The Act covers all government officials.

The National Civil Service Act prescribes general duties and prohibitions of all public officials. The duties are:

- fidelity, kindness and impartiality, integrity, keeping secret, obedience and maintaining dignity

The prohibitions are:

- deserting from office, engaging in lucrative business and holding concurrent jobs while in office, and political campaigning.

The National Civil Service Act also has direct provisions against corruption on the part of public officials. The law prevents public officials from receiving or giving directly or indirectly any reward, donation, or entertainment in connection with their duties. Under the law, no public official shall give any donation to his or her superior officer, or receive any donation from his or her subordinates, regardless of any connection with his or her duties. Without permission of the President, public officials also are prohibited from receiving any honour or donation from a foreign government.
The Act is applied to all national public officials working at each government agency. For government officials working on local levels of government, the Local Civil Service Act describes the same prohibition.

Under the National Civil Service Act, public officials except those prescribed by the Presidential Decree, for example, the President, the Prime Minister, and the Ministers etc., are prohibited from participating in an organisation of or joining in, any political party or other political organisation and are not permitted to do the following acts;

- soliciting any person to cast or not cast a vote,
- attempting, superintending, or soliciting signature-collecting campaign
- promising other officials any advantage as a reward or threatening a disadvantage as a retaliation for a political act.

The criminal code and the National Civil Service Act in Korea also proscribe the divulgence of confidential secrets committed by all public officials.

b) Other anti-corruption regulations or orders

Report and Disclosure of Public Officials’ Property

The Act on Ethics in Public Service targets to secure the fairness in public service by preventing public officials from accumulating unlawful property. The Act institutionalises the property registration and disclosure of the reported property of both public officials and candidates for elected public officers. The Act covers the high level officers in public service-related organisations as well as all public officials in the executive agencies, the legislature and the judicial bodies. Under the Law, national and local public officials higher than Grade 4 (director or equivalent level in the central government) as well as office holders of selected positions in public service-related organisations have to report their property to the registration agency and renew it annually. The registered property of public officials higher than Grade 1 (deputy minister or equivalent level in the central government) shall be made public through the official Gazette or public bulletins.

Restriction on Employment of Retired Public Officials

The Act on Ethics in Public Service also provides regulation restricting reemployment of any retired public official within two years after retirement. According to the Law, no public official and officer or employee of a public service-related organisation may be employed in a profit-making private enterprise connected closely with affairs which he or she took charge of within two years before he or she was retired.

Pension Reduction on Corrupt Public Officials

The Public Service Pension Law reduces the pension by half of public officials who received penalty, impeachment or disciplinary dismissal on the ground of corruption.
c) **Oversight by the legislature or parliament (directly or through scrutiny committees)**

Under the Act on the Inspection and Investigation of the State Administration by the National Assembly, the National Assembly can oversee the state administration through both the inspection and investigation. The investigation can be carried out on specific matters if over a third of members of the National Assembly call for it.

d) **Investigation systems or bodies with powers to investigate corrupt activity**

**Investigation Systems and Bodies**

- **President**
  (Presidential Secretary for Corruption Inspection)

- **Meeting of Ministers**
  related to Anti-corruption

- **Board of Audit and Inspection**
  - Formulating basic policy on anti-corruption
  - Auditing and inspecting government agencies and their employees

- **Prime Minister**
  (Administration Co-ordinator for Anti-corruption)
  Planning, co-ordinating and evaluating anti-corruption activities within the Cabinet

- **Ministry of Government Administration and Home Affairs**
  * Central Personnel Management Agency
  Establishing disciplines of public officials

- **Inspector of each Government Agency**
  Inspecting corruption within its agency

- **Public Prosecutions Administration National Police Agency**
  Law Enforcement

**e) Supreme financial audit authority**

The Board of Audit and Inspection founded on the Constitution has the right to audit the settlement of accounts of revenues and expenditures of the State and constantly audit any other accounts prescribed in both the Board of Audit and Inspection Act and other laws in order to ensure their correctness. Accordingly, the Board can cover accounts of central and local governments, the central bank, and the government-funded organisations. If the Board has found an illegal fact or a corrupt public official in the process of its inspection, it can request the pertinent Minister or the head of the organisations concerned to
correct it or take disciplinary actions against him or her. Although the Board is established under the President, its independence from the President in regard to its duties is fully guaranteed by the Constitution.

f) Ombudsman

The Public Grievances Commission, the Korean version of Ombudsman, investigates complaints raised by citizens and endeavours to settle all conflicts between citizens and government agencies in a fast and fair way. The Commission also plays an important role to promote legal and administrative reforms by recommending government agencies to improve their laws, systems and policies. All complaints against illegal or improper administrative dispositions filed by citizens fall within the sphere of the Commission. The decision of the Commission does not directly bind the administrative agencies. But they have to make reports to the Commission upon its recommendations. Although the Commission is established under the Prime Minister, its independence in regard to its duties is fully guaranteed by the law.

g) Bodies to enforce sanctions and prosecute corrupt activity, e.g. specialised prosecutors, investigators, courts, tribunals, etc.

The Public Prosecutions Administration, a central government agency, is given the authority to enforce sanctions prescribed in the laws and prosecute corrupt activity. When it comes to enforcement of sanctions and prosecution, no other bodies, such as specialised prosecutors, exist.

h) Human resources management procedures intended to prevent corruption

Restriction on Reemployment of Corrupt Public Officials

Under the National Civil Service Act, person who was dismissed from his office by a disciplinary action on account of corrupt activities is excluded from reemployment for three to five years.

Restriction on Employment of Retired Public Officials

Under the Act on Ethics in Public Service, as mentioned above, no public official and officer or employee of a public service-related organisation can be employed in a profit-making private enterprise connected closely with affairs which he or she took charge of within two years before he or she was retired.

Ban on Engaging in Lucrative Business or holding profit-making jobs

Under the National Civil Service Act, no public official shall be engaged in any business aiming at profit-making other than public service, and hold concurrently other profit-making jobs. Furthermore, the public official is prohibited from investing money in an enterprise connected closely with affairs which he/she takes charge of while in office.
i) Financial management controls intended to prevent or deter corrupt practices

When it comes to financial management controls, the Korean government has the Accounting Responsibility Act, which proscribes the responsibility of a public official who takes charge of accounting. In accordance with the provisions of the Law, any accounting official doing damage to the state is liable for compensation.

By the Special Act for Confiscation of Graft, as stated above, public officials' illegal profits through bribe-taking and other corrupt activities is prescribed to be seized.

The "Real Name Financial Transaction System", introduced in 1993, indirectly helps reduce possibilities of corruption in the public sector. This system requires that Korean citizens hold financial accounts under their true names. The past practice of holding under false names had been said to be a main cause of "underground economy" lying at the root of corrupt activities in the public sector. The Act on Ethics in Public Service enables the Public Official Ethics Committee to investigate bank accounts of public officials in connection with their property registrations, and with disciplinary actions.

j) Organisational management policies, systems and controls intended to minimise opportunities for corrupt activities

In an effort to fundamentally minimise possibilities of being involved in corrupt activities while a public official is processing administrative dispositions, such as issuing a permit, each government agency endeavours to cut down administrative procedures and to eliminate unreasonable administrative requirements.

In addition to this, the Korean government recently made strong efforts to reduce the scope of intervention of the government through overall deregulation and to enhance the creativity of the private sector. In this regard, the activities of the Presidential Committee for Administrative Reform, established in 1993, have been fruitful.

k) Transparency mechanisms e.g., independent or public scrutiny, systems for declaring or reporting potential conflicting interests or corrupt activity

Activities of the Commission for the Prevention of Corruption

In an effort to listen to voices from the public about anti-corruption activities of the government, the Commission for the Prevention of Corruption, an advisory commission, was established under the Board of Audit and Inspection in 1995. The members of the Commission are mainly from prominent scholars and civil activists. The major responsibility of the Commission is to identify structural problems of corruption in the public sector and to suggest the head of the Board reformative measures against it.

The Act on Public Procurement prescribes rules and procedures of public procurement in aiming to increase the transparency and efficiency in public procurement.
In an effort to strengthen the openness and fairness in the recruitment of public officials, the public officials can be appointed principally through an open competitive examination by the National Civil Service Act.

The Government Information Disclosure Act, enacted in December 1996, guarantees people's freedom of access to administrative information on public documents, films, tapes, drawings, etc., held by the government at local or central level as well as state owned business and facilities.

The Act on Political Funding requires political parties to disclose the state of incomes and expenditures of their political funds.

1) Guidance and training for public officials or politicians (e.g., codes of conduct, ethics awareness training)

As duties of public officials, The National Civil Service Act prescribes duty of fidelity and integrity, duty to maintain dignity, prohibition of lucrative business and political campaign while in office. These duties are concretised in the Public Service Ethics Charter, one of codes of conduct.

Each government agency continuously makes efforts to keep its public officials aware of these codes of conducts through various training programs.

m) Other measures intended to control, detect or deter corruption

Among Korean citizens, Phone number 188 is well known. By dialling 188, any citizen can report corrupt actions of public officials to the Board of Audit and Inspection.

2. Which anti-corruption mechanisms are regarded as most effective (in terms of implementation and impact)?

Although many anti-corruption mechanisms as above-mentioned are used in Korean government, administrative and preventive actions against corruption are blamed not to have an expected effect. Traditional methods against corruption, e.g., punishment through prosecution or law enforcement are said to be still most effective in Korea. Also, activities of the Board of Audit and Inspection appear to have a significant impact on preventing corrupt activities.

3. Is the effectiveness of these mechanisms formally evaluated? If so, what evaluation methods are used?

Although there is no formal method of evaluation on effectiveness of anti-corruption mechanisms within the Korean Government, both the Board of Audit and Inspection and the Prime Minister's Office periodically analyse and evaluate the problems of the anti-corruption mechanisms as one of their ordinary functions.

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4. What if any new actions against corruption in the public sector is your country currently considering?

Enactment of the *Anti-corruption Act* is currently under active discussion within the government and the National Assembly as one of the enhanced efforts to root out corruption in the public service. In addition to this, proposals for the revision of the *Act on Ethics in Public Service*, which aims to strengthen the authority of reviewing the registered property of public officials, are being drafted.

The Korean government recently has taken drastic steps toward deregulation. The Framework *Act on Administrative Regulation* was enacted last August to establish the constant regulatory reform structure within government. The Act aims to cut down anti-competitive administrative regulations, thereby anticipating fundamentally to minimise possibilities of public officials’ being involved in corrupt activities.

5. Is there an official awareness or a policy position on the part of your government about which areas are of most concern in terms of corrupt or questionable activities involving the public sector?

With the 21st century one and a half year away, Korean government regards anti-corruption as one of the most important tasks that the government has to resolve for the successful administrative reform and national development in the coming 21st century.