

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY THE REPUBLIC OF KOREA**

ARTICLE 8, PARAGRAPH 4 UNCAC

REPORTING ON ACTS OF CORRUPTION

REPUBLIC OF KOREA (THIRD SESSION)

Policies and measures that allow and encourage members of the civil service to report acts or suspected acts of corruption.

Enacting and implementing Act on Anti-Corruption and the Establishment and Operation of the Anti-Corruption & Civil Rights Commission⁴

Republic of Korea has a system for “corruption report and protection of corruption whistleblowers” based on the Anti-Corruption Act which was enacted in 2001. In addition, in order to strengthen corruption report by public officials themselves, they are required to report any corruption act they get to know or are forced/ asked to do, while carrying out their duties.

The ACRC, a representative anti-corruption agency in Korea, has made its various efforts to successfully establish the system, since the “Anti-Corruption Act” was enacted. In 2002 when the act was first implemented, the ACRC requested all public organizations to post “the system of corruption report and protection & reward of whistleblowers” on their bulletin boards and websites to promote the system. Also the Commission asked the organizations to set up a link on their websites to the KICAC (→ACRC) online reporting center so that the corruption report and protection of corruption whistleblower system could be established in all public organizations successfully.

Furthermore, in the beginning of every year, the Commission recommends all public organizations to take measures to promote corruption reports and protection/reward of whistleblowers in its “Guidelines for Anti-corruption & Integrity Policies,” as well as holds meetings with compliance officers of central government agencies, local governments, offices of education, and public service related organizations, in order to share basic directions of the government’s anti-corruption & integrity policies and jointly implement major policies with other public agencies. In addition, by conducting “Anti-corruption Initiative Assessment,” the ACRC evaluates public agencies whether they are implementing the guidelines or not and supports the agencies to implement the concerned measures and guidelines in a practical way.

In the meantime, the Commission has maintained its institutional efforts to encourage public officials to report corruption by continuously revising and supplementing provisions of Anti-Corruption Act regarding corruption report and protection & reward of whistleblowers. For example, it expanded the definition of a corrupt act up to even

indirect behaviors such as an act of forcing, recommending, or encouraging someone to engage in or concealing the acts (§2). Also the law stipulates that if a person suffers disadvantages or discrimination for his/her report of corruption or if there are reasonable grounds to assume that the reporter may experience such disadvantages or discrimination, from Articles of the “Protecting Those Who Report Specific Crimes Act” shall apply *mutatis mutandis* to the investigation and the criminal procedures in connection with the reported act of corruption (§ 64) so that the identity of the reporter cannot be revealed. In addition, to encourage corruption reports, the ACRC is making efforts to improve and enhance the Anti-Corruption Act, for example, by adding provisions regarding awards and raising the amount of rewards (§ 71 of the president decree)

B. Operating Corruption Report Center

The ACRC is running “Corruption Report Center (off-line)” to protect identity and confidentiality of whistleblowers (corruption reporters) as much as possible. The center provides various forms of counseling for corruption report, through a visit, call, internet, or outcall. To provide better counseling, retired public officials and counselors with abundant experience are designated in the center. Particularly, to facilitate corruption reports, the center opens a hot-line for corruption report counseling twenty-four seven.

Chart 1. Corruption Report Handling Process

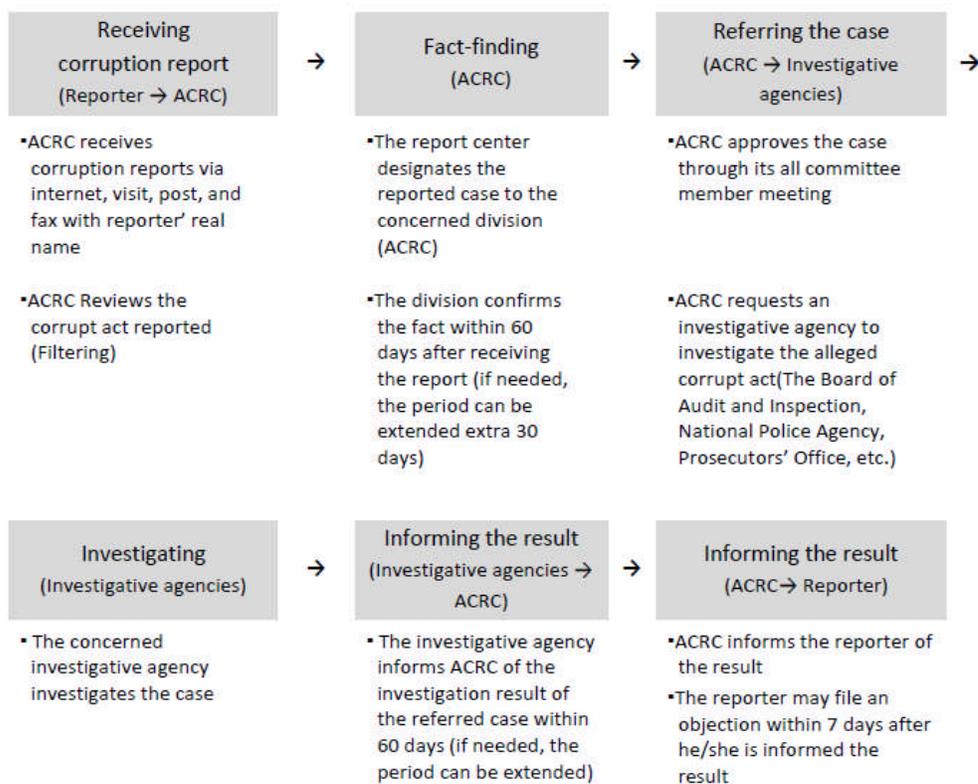


Table 3. Status of Whistleblowing by Public Officials among Corruption Report

year	total	Refer to Investigative Agencies			Corruption Detection Rate(②/①)	
		Sub-total①	Informing Result Corruption Detection ②	acquittal		Under Investigation
2007	36	36	27	9	-	75.0
2008	26	26	18	8	-	69.2
2009	43	43	33	10	-	76.7
2010	52	46	33	13	6	71.7
2011	49	15	12	3	34	80.0
Total	206	166	123	43	40	74.1

(Unit: case, %)

Cases of the reporting by a public official of an act of corruption through mechanisms established in accordance with the provisions of the Convention

Case 1: Mr. B, a contract worker of a state-owned company A, reported a manipulation of the company in a customer satisfaction survey in 2008. The company A mobilized its employees to disguise themselves as ordinary customers and to participate in the survey. As a result, the company was selected as the best company in management performance, receiving 500% incentives and 200% incentive for employees and the CEO of the company, respectively. Thanks to this whistleblowing, 3.98 billion KRW(3.5 million USD) was returned to the national budget, and Mr. B was provided 345 million KRW(305,000 USD) as a reward from the ACRC.

Case 2: Mr. B, a public official of a public organization A, received an illegal order from his immediate superior to make a private contract with a specific company, in the process of purchasing goods for its bachelors' dormitory. But he refused to follow the order and reported the fact to the ACRC that over 1 billion KRW (884,000 USD) had been wasted by such practices of the organization. As a retaliation against his whistleblowing, the A organization took an unfair personnel shift of Mr. B, and the ACRC requested the organization to delete unfair rating about Mr. B and cancel its measure to suspend salary increase for 6 months. This whistleblowing case was reported in the media, raising public awareness in Korean society on the need to protect whistleblowers. Also, Mr. B was provided 30 million KRW (27,000 USD) as an award from the ACRC, taking credit for his contribution to corruption prevention.

Case 3: Mr. A, a serviceman, suspected one of his colleagues, Mr. B of embezzling military goods. So, Mr. A marked military goods with a specific symbol and found out that those marked goods were supplied back to the military. Mr. A reported this fact to the ACRC with evidence. Later, he resigned due to severe mental pain as his whistleblowing was revealed. But six months later, he requested to cancel his resignation, and the ACRC required the Minister of Defense to restore him to his position, as protection of a whistleblower.