

## **Section 4. Operation of Code of Conduct for Public Officials**

### **1. History and overview**

#### ***Code of Conduct for Public Officials***

The Code of Conduct for Public Officials is applicable to national and local government officials and was enacted on February 18, 2003 as a presidential decree and entered into force on May 19, 2003. Based on the code of conduct, all central government agencies and local governments also created their own code of conduct and put them into effect on May 19, 2003. In September of 2003, all judicial offices including the court, the National Election Committee, and the Constitutional Court with an exception of the National Assembly adopted their own versions of a code of conduct.

#### ***Code of Conduct for Employees of State-owned Enterprises and Organizations***

Under the recommendations of the ACRC, 404 state-owned enterprises and corporations nationwide had created and implemented their own code of conduct since September 2004. With the amendment of Article 8 of the Anti-Corruption Act in July 2005, the code of conduct for public officials expanded to public organization employees. Following the demands of the ACRC in April 2006, all (a total of 704 as of Dec. 31, 2011) state-owned enterprises and organizations including state-funded agencies established and have implemented the Code of Conduct for Public Organization Employees as a form of official policy with approval from their board of directors or from the head of organization as of June 1, 2006. To support organizations in the effort to successfully impose the code of conduct as well as secure legitimacy, Guidelines of the Code of Conduct for Public Officials that include the standards of the code of conduct for public organization employees was created and have been implemented.

#### ***Code of Conduct for Local Council Members***

Following extensive study and discussions, the ACRC developed a proposed Code of Conduct for Local Council Members and collected feedback from 556 agencies including central government ministries and local assemblies for the 4 months from January to April 2010. Results were incorporated into the proposal in collaboration with major agencies including the Ministry of Public Administration and Security and the Ministry of Government Legislation. After undergoing review, a notice of legislation, approval by an all committee member meeting, review by the Ministry of Government Legislation, review in a vice ministers meeting, and approval in a Cabinet Meeting, the Code of Conduct for Local Council Members was proclaimed as a presidential decree on November 2, 2010 and entered into force on February 3, 2011. The Code of Conduct for Local Council Members prescribes 15 ethical standards that local parliament members must abide by along with detailed descriptions of the system for implementing the code of conduct.

### **2. Operation of the Code of Conduct**

#### ***Promotion of best practices***

By identifying exemplary practices in implementing the code of conduct at each agency and sharing the cases, the ACRC has endeavored to motivate agencies to voluntarily uphold the code of conduct and to enhance efficiency by benchmarking their expertise. Out of 286 practices received from 109 agencies, after being reviewed by compliance officers and anti-corruption experts, the Commission selected 5 best practices and recommended public agencies to adopt these practices.

The best practices (including the 23 best practices of 2010) were also published and distributed as the “2011 Best Practices of Code of Conduct for Public Officials,” and further efforts were made

such as incorporating the results of the adoption of the best practices into an Anti-Corruption Initiative Assessment and utilizing them as educational material.

#### ***Review of proposals for creating or amending the code of conduct***

In order to provide effective assistance to public agencies in creating and amending their code of conduct, the ACRC reviews the proposals *for creating or amending codes of conduct* submitted by each agency and recommends changes when necessary.

To facilitate effectiveness of the review process, the ACRC hosted a seminar on May 19, 2010 for officials in charge of the code of conduct from 34 newly established state-owned enterprises and organizations and collected their latest code of conduct. The codes of conduct of 31 out of 34 agencies were carefully reviewed by studying how effectively they adopted the Code of Conduct for Public Organization Employees and the Guidelines of the Code of Conduct for Public Officials and their detailed lists of standards and individual codes in terms of conflicting matters.

#### ***Providing advice and information on the implementation of the code of conduct***

The ACRC supports public agencies as they implement their code of conducts by providing assistance and by interpreting various questions about the Code of Conduct for Public Organization Employees and the Guidelines of the Code of Conduct for Public Officials. An average of 200 questions a month or 2,500 a year are received via telephone or official documents, and the eCLEAN System developed as a part of the Public Interest Administrative Information System received almost 300 questions per year. Since the enactment of the Code of Conduct for Public Officials in 2003, the number of questions being handled has been steadily increasing from 37 in 2004 to 40 in 2005, 125 in 2006, 129 in 2007, 192 in 2008, 203 in 2009, 209 in 2010 and 289 in 2011.

#### ***Providing education on the code of conduct***

The ACRC is also committed to providing education and training about the code of conduct to government officials. To facilitate voluntary implementation of the Code and further its understanding by public officials, the Commission provides video education materials for every course of the integrity education curriculum of the ACRC. It also hosted seminars for officials in charge of the code of conduct in cases where information such as best practices and challenges were shared with them. At the request of the agencies, a total of 62 training sessions were provided on site in 2011.

#### ***Producing and distributing training materials on the code of conduct***

Various materials were produced and distributed to be used for training sessions and to raise awareness. Those codes that seemed complicated were presented in an easy-to-understand format using examples and illustrations in a booklet titled “Understanding the Code of Conduct for Public Officials”, and 3000 copies thereof were distributed in on-site integrity training sessions or external training sessions. Best practices submitted by agencies were collected and published in a booklet entitled “Code of Conduct for Public Officials in Practice” which was distributed to 965 agencies.

#### ***Seminar for officials in charge of the code of conduct***

To facilitate implementation of the code of conduct, a seminar was held on June 28, 2011 for officials in charge of the code of conduct for 34 newly-designated state-owned enterprises and organizations. Participants were able to reaffirm the meaning and purpose of the code of conduct thanks to the policies being interpreted in detail. They were also informed of key information necessary to implement and prescribe code of conduct for their agencies. The seminar focused on helping the newly-designated agencies successfully implement the code of

conduct with necessary tools and tips.

### **3. Investigation and monitoring of the code of conduct**

Any violation of the code of conduct by government officials can be reported to the ACRC or the official in charge of the code of conduct of the concerned agency. When a charge is substantiated by investigation in accordance with Article 10 of the Anti-Corruption Act, the result must be reported to the head of the violator's agency or the head of relevant supervisory organization, and the follow-up actions should be reported back to the ACRC.

In accordance with Article 9 of the Anti-Corruption Act (the Enactment and Implementation of Code of Conduct), the ACRC also investigates and monitors the implementation of the code of conduct by public organizations.

### **4. Evaluation and future plans**

The Code of Conduct for Public Officials has come to represent the standard of ethics and integrity in the public-service sector. To satisfy the ever-increasing demand of the public that government officials abide by ethical standards, the ACRC is working hard to ensure that the code of conduct is effectively and successfully instilled in every government official and public office. Such efforts include establishing and implementing the Code of Conduct for Local Council Members and carrying out follow-up tasks; enhancing training and promotion; expanding on-site consultations; identifying best practices; publishing and supplying training materials such as a case book of violations; reviewing individual codes of conduct and recommending corrective measures; and, inspecting and monitoring implementations of codes of conduct.

In 2012, the ACRC will support local councils to successfully implement the codes of conduct. In the meantime, it will revise the Guidelines for the Code of Conduct for Public Officials to make it more effective, such as by revising the standard of disciplinary actions against receiving money or other valuables. The Commission will also support public offices in implementing their code of conduct, with more practical help, including education and training sessions, consulting, and evaluations. On-site support with training, promotion, investigations, and review will continue as well. The ACRC is committed to do its best to make sure that the code of conduct takes deeper root in the community of government officials in 2012. The implementation of the Code of Conduct will be a foot step to raise national competitiveness by creating a clean society.