



AOA Fact Sheet *Ombudsman of KOREA*

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INSTITUTIONAL OVERVIEW NUMBER 1

Legal Framework

The Purpose of the Korean ombudsman is to redress or resolve complaints and grievances of the people caused by illegal or unfair administrative measures. It is organized as an independent committee that operates under the sponsorship of the prime minister. The ombudsman of Korea carries out independently functions without any intervention or instruction from the prime minister.

HISTORY

The ombudsman of Korea was established in April 1994, following the passage of the basic law governing administrative regulations and civil petition affairs in December 1993.

COMPOSITION

The ombudsman of Korea is an independent administrative institution in which members have a vote in the decision making processes. Members include a chief ombudsman and three standing ombudsmen and seven non standing ombudsmen, all of whom are appointed by the president, while the office of secretary general, who is in charge of the affairs of the secretariat, is served by one of the permanent ombudsmen. An attorney with previous experience as a judge or a public prosecutor is chosen for the post of chief ombudsmen.

Jurisdiction

Through the major function of the ombudsmen of Korea is to prevent government agencies from infringing on the rights and interests of citizens, it can not deal with all citizens complaints.

The ombudsmen has no jurisdiction over matter that

- 1) Require high level political decisions or involve secret material
- 2) Relate to the national assembly, the courts, the constitutional courts, the central election committee, the board of audit and inspection (BAI) and local councils.
- 3) Relate to the privacy of individuals
- 4) Relate to a prosecutorial jurisdiction, execution of a sentence, or other matters under inspection by the BAI.
- 5) Are on appeal for administrative judgment and lawsuit, constitutional judgement, and appeal by the constitutional court, and request for review by the BAI, and other related laws.
- 6) Have settlement procedures in progress among the parties by way of arbitration, compromise, reconciliation, mediation, or which have been settled through the procedures of arbitration, compromise, decision or judgment.

<p><i>Legal Powers</i></p> <p><i>Implementation Arrangements</i></p>	<ul style="list-style-type: none">7) Relate to the personal administrative acts of government officials or civil employees8) Relate to the operation of the ombudsmen of Korea<ul style="list-style-type: none">o The ombudsmen of Korea considers inappropriate to handle as complaints. <p>Consulting, investigation and settlement of civil petitions for grievances</p> <ul style="list-style-type: none">a) Recommendation for corrective measures when investigation reveal unlawful or unreasonable administrative proceduresb) Stating opinions or making recommendations for improvement of administrative systems and their operationsc) Requiring relevant administrative agencies to provide notification of settlements that are conducted as a result of recommendations or opinions conveyed as stated above in provisions 2) and 3).
<p><i>Research & Analysis Wing</i></p>	

*Investigative
Techniques*

*Code of
Conducts and
Standards*

FOI Standards

*Use of
Technology*

<i>Public Awareness & Outreach</i>	
<i>Linkages with Civil Society</i>	

