



A Brief Report on the Work of the Control Yuan

January-December, 2002

The Control Yuan, Taiwan, Republic of China



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Preface

During the past decades, our country has made significant progress in economic development and political democracy. However, we are also facing challenges in the vastly changed political, economic and social environment. With growing awareness of the rights and interests among the public, clean and competent administration has been expected ardently from all walks of life.

The Control Yuan is the nation's highest supervisory authority and is mandated by the Constitution with broad jurisdictions to oversee the government both at central and local levels. Taking office since February 1, 1999, Members of the third Control Yuan have faithfully exercised their powers independently and impartially. They receive and handle people's complaints, investigate the malfeasance and dereliction of government

agencies, propose corrective measures and impeach public servants who break the law, for the purpose of protecting the rights and interests of the people, making social justice prevail and promoting a clean and competent government.

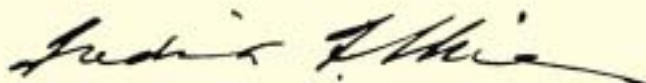
The brief report is an annual summary of the work of the Control Yuan in the year of 2002. An outline of the organization is introduced to help readers to get a general idea about the administrative structures of the Control Yuan. The second chapter reviews the performance of control powers of the year, including acceptance of people's petitions, investigation, impeachment, corrective measures, circuit supervision and inspection, invigilation, acceptance of public functionaries' assets disclosure, audit, human rights protection and international interactions. Statistics on the exercise of control powers is also tabulated for the readers' reference at the end of the report.

Looking back at the year of 2002, the Control Yuan has received 17,697 complaint cases, investigated 558 cases, proposed corrective measures to 157 cases, and impeached 49 officials involved in 15 cases. We also conducted in-depth researches and investigations to find out the crux of the problem so as to encourage genuine reforms in the executive agencies.

On this solid basis, the Control Yuan will exert its utmost to address people's complaints fast and cautiously, to strengthen professional knowledge and skills of investigation, and to raise the function of circuit supervision and inspections, making sure that the people's grievances are properly redressed. Moreover, to better the government service, we will also

keep up with the follow-up actions to the impeachment cases, and evaluate the executive agencies' reactions toward the corrective measures and investigation recommendations proposed by the Control Yuan.

It is our primary endeavor to protect the basic rights and interests of the public. By sharing the same value with our international counterparts, the Control Yuan will continuously promote communications, exchanges and cooperation between international ombudsman organizations. Thus, I believe, the ombudsman system will be further fulfilled through our joint efforts.

A handwritten signature in black ink, appearing to read "Fredrick F. Chien". The signature is fluid and cursive, with a long horizontal stroke at the end.

Fredrick F. Chien

President



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Contents

I. Outline of Organization	1
Chart of administrative system	2
II. Functions and Powers	3
A. Acceptance of people's petitions	4
B. Investigation	8
C. Impeachment	11
D. Censure	14
E. Corrective measures	15
F. Circuit supervision and inspection.....	17
G. Invigilation.....	21
H. Acceptance of public functionaries' assets disclosure.....	23
I. Audit	28
J. Human rights protection	30
III. International Interactions	34
IV. Conclusion	38
V. Tabulation of Exercise of Control Powers.....	39
1. From February 1993 to December 2002	39
2. From January to December 2002	40
VI. Appendix.....	41
Flow sheet of exercising Control Powers	41

List of Tables and Graphs

Classification of Petitions Received by the Control Yuan.....	5
Statistics on Handling People's Petitions.....	7
Statistics on Cases Investigated by the Control Yuan.....	10
Statistics on Cases of Impeachment.....	12
Statistics on Impeachment According to Positions of the Impeached...	13
Statistics on Cases of Corrective Measures.....	16
Statistics on Opinions Formulated during Central Government Inspections by Various Committees.....	20
Statistics on Examinations Invigilated by the Control Yuan.....	22
Statistics on Assets Disclosure of Public Functionaries Accepted and Reviewed by the Control Yuan.....	25
Statistics on Cases Reported by National Audit Office to the Control Yuan.....	29
Statistics on Cases Reviewed by the HRPC.....	32
Statistics on Serious Human Rights Infraction Cases Investigated by the HRPC.....	33
Conferences Attended in 2002.....	37
International Guests Received in 2002.....	37



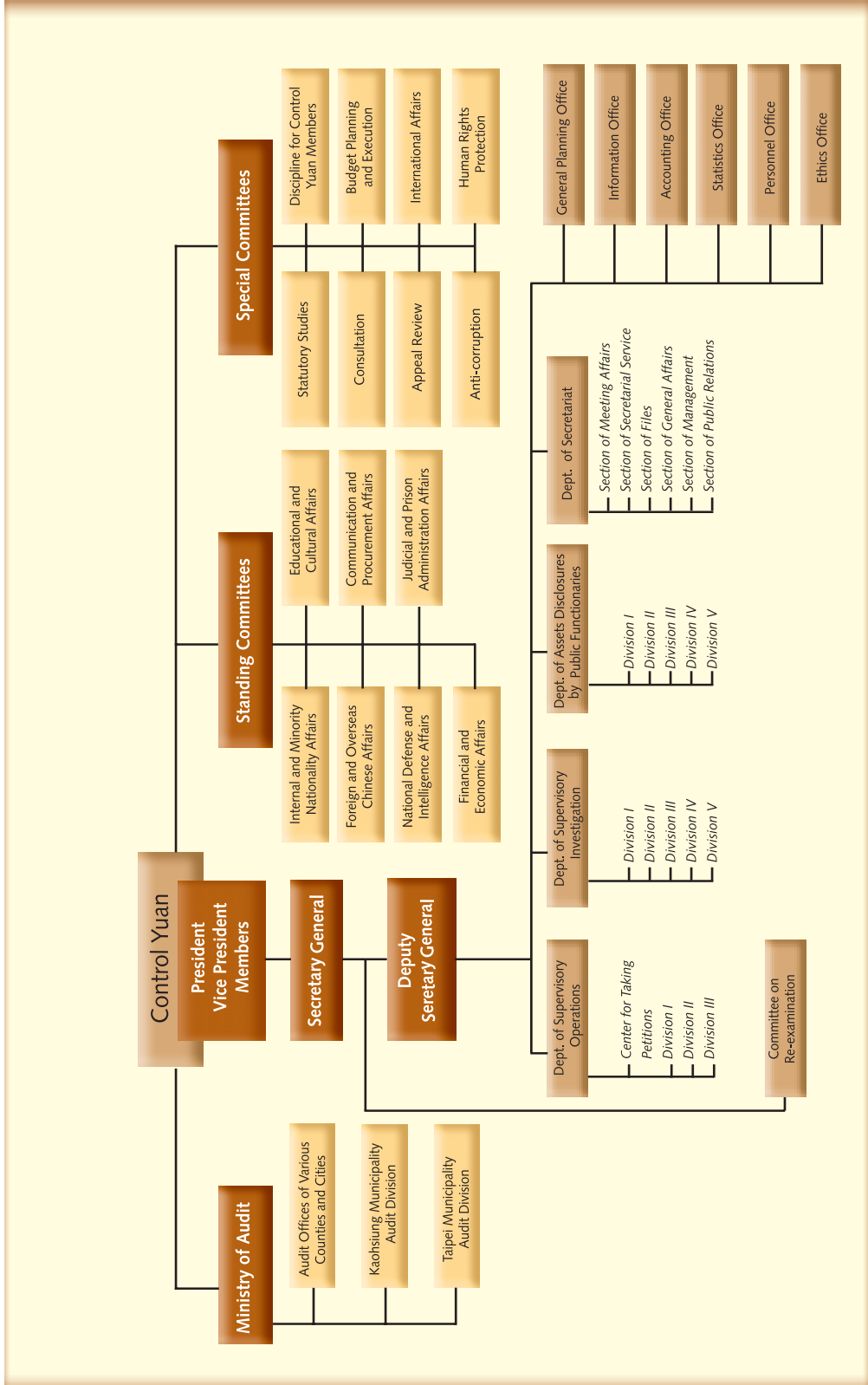
A Brief Report on the Work of the Control Yuan Republic of China January–December, 2002

I. Outline of Organization

According to the revised Organic Law of the Control Yuan and the Organic Law of the Committees of the Control Yuan, promulgated on January 7, 1998, the Control Yuan shall establish a department of supervisory operations, a department of supervisory investigation, a department of assets disclosures by public functionaries, a secretariat, a general planning office, an information office, an accounting office, a statistics office, a personnel office, an ethics office, and seven standing committees on internal and minority nationality affairs, foreign and Overseas Chinese affairs, national defense and intelligence affairs, financial and economic affairs, educational and cultural affairs, communication and procurement affairs and judicial and prison administration affairs. Besides, in keeping with related stipulations, the Control Yuan also sets up eight special committees on statutory studies, consultation, appeal review, human rights protection, anti-corruption, discipline for Control Yuan members, budget planning and execution, and international affairs.

According to the Organic Law of the Ministry of Audit and its general rules, the Control Yuan shall set up the Ministry of Audit (National Audit office) including various audit departments and offices as subordinate agencies.

Chart of administrative system





II. Functions and Powers

According to Article 7 of the Additional Articles of the Constitution, the Control Yuan shall have 29 members, including a president and a vice president, all of whom shall serve a term of six years. In accordance with this constitutional amendment, the members of the third Control Yuan, nominated and appointed by the President with the consent of the National Assembly, began to exercise their powers on February 1, 1999.

The provisions of Articles 95, 96, and 97 of the Constitution of the Republic of China, and Article 7 of the Additional Articles of the Constitution of the Republic of China provide the Control Yuan with the powers of impeachment, censure, investigation, audit and proposing corrective measures. According to the Control Law, the Control Yuan and its members may accept petitions from the people, and its members may also make circuit supervision and inspection in different areas. The Invigilation Law stipulates that when the government is to conduct an examination, except the ones which are held for determining the qualifications of the examinees, the Examination Yuan or the organization in charge of the examination shall invite the Control Yuan to dispatch officials for invigilation. Articles 2 and 4 of the Public Functionary Asset Disclosure Law prescribe that the following officials shall disclose their assets to the Control Yuan: President and Vice-President of the ROC; presidents and vice-presidents of the five Yuans; political appointees; paid presidential advisors, national policy advisors and war strategy advisors of the Office of the President; elected administrative officers on and above the level of township chief, and elected representatives on and above the county/city level.

The following is a brief account on the exercise of the present Control Yuan's functions and powers:

A. Acceptance of people's petitions

Article 4 of the Control Law provides that the Control Yuan and its members are entitled to accept petitions from the people. As petitions are the main sources for the exercise of control functions and powers, anyone who



The Control Yuan Member-on-duty receives people's complaints in person.

has detected the violation of law, or a misconduct by government officials either at the central or at the local level, or the violation of law or irregularities in government work, or measures is entitled to petition to or accuse before the Control Yuan or its members by submitting a detailed account of facts and related data.

In 2002, the Control Yuan received a total of 17,697 petitions from the people, including 32.97% in the category of internal affairs (covering land administration, construction administration, urban planning, public works, police administration, and so on), 22.65% in the judicial category, 8.84% about economic affairs, and 8.03% regarding education. In the category of internal affairs, the mainstay of the petitions was about construction administration, accounting for 7.88% of the total. Following is the



classification of petitions received by the Control Yuan from February 1999 to December 2002.

Classification of Petitions Received by the Control Yuan

Unit:case

Item	Total	1999 Feb.-Dec.	2000	2001	2002
Total	66,102	15,858	15,877	16,670	17,697
Land Administration	6,059	1,725	1,577	1,436	1,321
Construction Administration	6,090	1,669	1,617	1,410	1,394
Urban Planning	1,236	416	331	245	244
Public Works	1,131	280	295	283	273
Police Administration	3,273	767	875	843	788
Other Internal Affairs	5,891	1,058	1,238	1,781	1,814
Foreign Affairs	186	59	27	45	55
National Defense	3,896	1,041	986	968	901
Finance	3,630	844	836	961	989
Economics	5,725	1,354	1,366	1,441	1,564
Education	4,855	1,005	1,144	1,285	1,421
Transportation	2,726	720	695	731	580
Judicial Affairs	14,693	3,467	3,506	3,712	4,008
Others	6,711	1,453	1,384	1,529	2,345

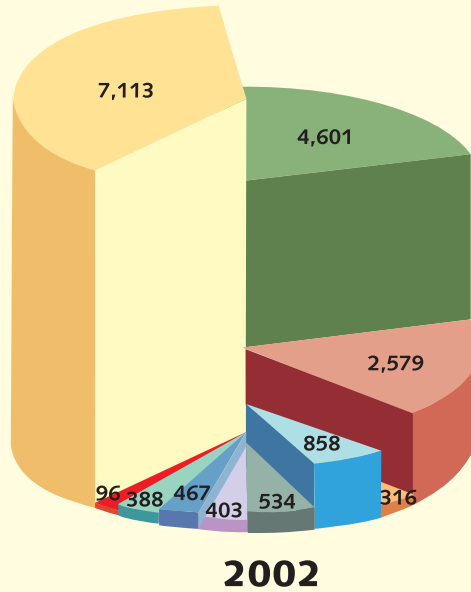
When a petition is received by the Control Yuan, it is first read by a member on duty. The Control Yuan will assign, by rotation, its member(s) to investigate the case if it warrants or commissions a related organization or its higher-up to look into the matter. It may also send the case to the counselors' office, or request the views of the original investigating member(s), or refer it to a related committee for disposal, or take other actions. The petition will be rejected if it is not within the jurisdiction of the Control Yuan. After processing, the Department of Supervisory Operation of the Control Yuan will invariably make a reply to the petitioner unless the petition is anonymous, lacks substance, or is a petition that has been rejected and raised again without the support of new evidence. The cases not replied will be kept on file for reference.

In 2002, the Control Yuan handled 17,373 petitions. Of these processed cases, 534, or 3.07%, were investigated; 403 or 2.32% were complemented related data by the investigated organization; 96, or 0.55%, were detected without infraction or misconduct; 4,601, or 26.48%, were referred to administrative organizations for reference; 2,597, or 14.95%, were concerned with legal or administrative redress procedure; 388, or 2.23% were out of jurisdiction; 858 or 4.94% were requested for further reference; 316, or 1.82% were lack of substantial evidence to process; 7,113, or 40.94%, were merged with other cases; and the remaining 467, or 2.69%, were processed in other ways. The cases handled in 2002 are formulated below.

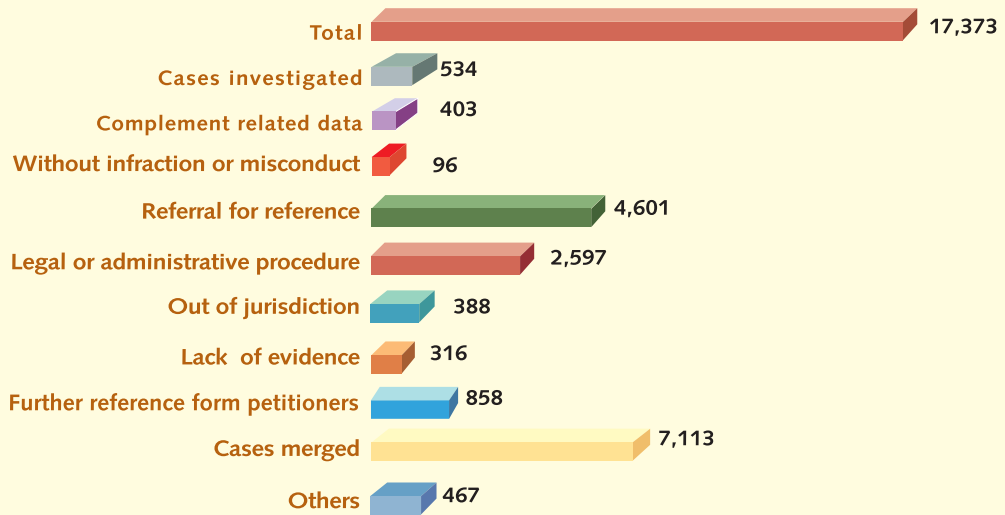


Statistics on Handling People's Petitions

Unit:case



Cases handled (Jan. to Dec. 2002)



B. Investigation

Articles 95 and 96 of the Constitution provide the Control Yuan with the power of investigation, which is the linchpin of the powers of control.



The inspection of the fourth nuclear power plant is made by the Control Yuan Members for further investigation.

By investigation, the Control Yuan can grasp the facts and the evidence of violations of the law or the misconduct by public functionaries and governmental organizations. The results of investigation will form the basis of impeachment, censure and corrective measures. The Control Yuan exercises its power of investigation in one of the following three ways: assigning a member or members to make the investigation, letting its



The Control Yuan Members inspect a fishing harbor in the northern Taiwan for the investigation of issues pertaining to the ocean and Taiwan.

members to investigate on their own initiative, or commissioning an organization to do it. If a violation of the law or misconduct is established, the original



investigating member or other members shall initiate a proposal for impeachment or censure. If the case is not too serious, a committee may decide to let the related organization punish the violator directly. If the Control Yuan finds the Executive Yuan or one of its subordinate organizations has done something wrong or any of its measures runs counter to the law, it may propose corrective measures to urge the related organization to correct itself. Following is a tabulation of the cases investigated by the Control Yuan between February 1999 and December 2002.



The Control Yuan Members inspect a fishing harbor in the northern Taiwan for the investigation of issues pertaining to the ocean and Taiwan.

Statistics on Cases Investigated by the Control Yuan

Unit: case

Item	Total	1999 Feb.-Dec.	2000	2001	2002
Number of cases	2,478	732	674	514	558
Mode of investigation (cases)					
Assigned by Yuan	1,018	329	239	215	235
Assigned by Committee	326	92	84	78	72
Initiated by member(s)	1,134	311	351	221	251
By commissioning other agencies	-	-	-	-	-
Targets of investigation (cases)					
Central Government agencies	1,761	337	321	①504	599
Taiwan Provincial Government	47	31	10	1	5
Taipei City Government	180	38	51	46	45
Kaohsiung City Government	51	13	13	12	13
County/city governments	668	191	185	154	138
Courts at all levels	314	122	94	①59	39
Others	19	-	-	13	6
Frequency of members' making investigations	4,544	1,291	1,210	962	1,081

Statistics on targets of investigation in 2001 and 2002 were cases completed, while figures in 1999 and 2000 were those initiated.
 ①: revised



C. Impeachment

Impeachment is a vital power of the Control Yuan for ensuring an honest government and rectifying government ethics.



The meeting of reviewing impeachment cases is held in the Control Yuan.

Both the Additional Articles of the

Constitution and the Control Law empower the Control Yuan to impeach central and local government officials involved in dereliction of duty or other violations of the law. A case of impeachment can be forwarded to the penalty organization only after it is proposed by at least two members, reviewed by more than nine other members and approved by at least one second of them. If the case involves criminal law or military law, it shall be referred to the competent judicial or military organization for action according to the law. In 2002, the Control Yuan has passed 15 cases of impeachment against 49 persons, and all of them are still pending in the Committee on the Discipline of Public Functionaries.

The following is a tabulation of the cases of impeachment for the period between February 1999 and December 2002.

Statistics on Cases of Impeachment

Unit: case

Item	Total	1999 Feb.-Dec.	2000	2001	2002
Cases	79	12	32	18	17
Result of review:					
Established and announced	72	12	31	15	14
Established but not announced	1	0	0	0	1
Rejected	6	0	1	3	2
Cases established:					
Classification of cases:					
Violation of law	0	0	0	0	0
Dereliction of duty	0	0	0	0	0
Both	73	12	31	15	15
Result of action:					
Referral for Punishment	72	12	31	14	15
Referral for Punishment and to judicial or military organizations	1	0	0	1	0



The following is a tabulation on impeachment according to positions of the impeached between February 1999 and December 2002.

Statistics on Impeachment
According to Positions of the Impeached

Unit: case

Item	Total	1999 Feb.-Dec.	2000	2001	2002
Persons	174	25	76	24	49
Official ranks:					
Elected	5	0	2	2	1
Specially appointed	2	0	2	0	0
Selected	64	13	25	11	15
Recommended	48	3	26	6	13
Delegated	4	0	2	1	1
Generals	19	3	9	1	6
Colonels and majors	27	6	8	3	10
Captains & lieutenants	5	0	2	0	3
Position classification:					
General administration	16	1	6	3	6
Land administration	0	0	0	0	0
Financial administration	3	2	0	0	1
Economic development	29	4	8	4	13
Police administration	13	0	12	1	0
Culture & education	6	1	4	1	0
Transportation	10	2	3	5	0
Health	2	0	0	2	0
Environmental protection	7	0	5	2	0
Information	0	0	0	0	0
Foreign affairs	1	0	0	0	1
Overseas Chinese affairs	3	0	3	0	0
Judicial affairs	33	6	16	2	9
National defense	51	9	19	4	19
Agriculture and forest	0	0	0	0	0
Audit	0	0	0	0	0
Budget, accounting and statistics	0	0	0	0	0
Personnel affairs	0	0	0	0	0
Technical personnel	0	0	0	0	0
Others	0	0	0	0	0

D. Censure

The power of censure is used when the Control Yuan deems that a law-breaking or derelict public functionary needs to be suspended of duty or be dealt with other immediate measures. The Control Law provides that a case of censure shall be reviewed by three or more members of the Control Yuan other than the initiating member(s) and approved by at least one second of them, and that the case shall be referred to the censured official's boss or superior for action. If the case involves violation of the criminal code or military law, it shall be sent directly to the competent court or military court for action. If his or her official in charge or superior fails to act, or if two or more Control Yuan members deem the action taken is improper, a case of impeachment may be initiated. If the censured official is impeached, his or her higher-up in charge or superior shall be held responsible for the neglect of duty.



E. Corrective measures

Article 24 of the Control Law provides that the Control Yuan, after investigating the work and measures of the Executive Yuan and its subordinate organs, may propose corrective measures to the Executive Yuan or its subordinate organs for improvement if the proposed measure is examined and approved by related committees. Article 25 of the same law and Article 20 of its rules of enforcement set out that after receiving the demand for correction, the Executive Yuan or its related organs shall immediately make appropriate improvement or take actions and shall reply to the Control Yuan within two months. If it fails to reply to the Control Yuan in time about its improvement and action, the Control Yuan may, through a resolution by its related committees, question in writing or notify the responsible officials of the Executive Yuan or related organs to come to the Control Yuan for questioning. If the Control Yuan deems the reply of the Executive Yuan or related organs calls for further investigation, it may call upon related organs for explanation or ask the members in charge of the original investigation or investigators to check out on the spot. If an executive organ is found procrastinating with pretenses and refuse to take appropriate action for improvement, it may initiate a proposal of impeachment against the head of the organ if the case is established by its investigation.

In 2002, the Control Yuan established a total of 157 cases of corrective measures, and all of them were sent to the Executive Yuan for action. Among them, 36 have been closed and 121 are still pending. The following is a tabulation of the cases of corrective measures between February 1999 and December 2002.

Statistics on Cases of Corrective Measures

Unit: case

Item	Total	1999 <small>Feb.-Dec.</small>	2000	2001	2002
Cases	663	157	195	154	157
Committees:					
Internal and Minority Nationality Affairs	203	52	59	46	46
Foreign and Overseas Chinese Affairs	11	0	3	1	7
National Defense and Intelligence Affairs	91	30	27	25	9
Financial and Economic Affairs	172	38	40	42	52
Educational and Cultural Affairs	66	15	19	15	17
Communication and Procurement Affairs	81	15	31	20	15
Judicial and Prison Administration Affairs	39	7	16	5	11
Organs sent to:					
Executive Yuan	473	①114	135	101	123
Others	190	①43	60	53	34

①: revised



F. Circuit supervision and inspection

Article 3 of the Control Law says that members of the Control Yuan may conduct circuit supervision in different areas. The supervisory tour covers both central and local government agencies. On the central level, the organizations include the Executive Yuan, the Judicial Yuan and the Examination Yuan and their subordinate organizations. On the local level, the organizations to be supervised and inspected are the provincial government, the city governments under the direct jurisdiction of the Executive Yuan, the various county and city governments and their



The Control Yuan Members make a supervisory inspection of the Overseas Chinese Affairs Commission.



Members of the Control Yuan make a circuit supervision and inspection of the Yu Cheng Pumping Station of Taipei City Government.



To assure proper administration, the Control Yuan Members inspect the public housing of Kaohsiung City Government.

subordinate organs. The supervisory tours of the central government are conducted by Control Yuan members assigned by related committees in accordance with their necessities. The supervision and inspection of the Executive Yuan is conducted jointly by the conveners of the various committees with the Committee on Internal and Minority Nationality Affairs as the organizer. The supervisory tours of the local governments are divided into twelve zones of responsibility according to the administrative division. Members for the supervisory teams are decided at the plenary meeting held on every



The Control Yuan Members inspect the *Oncorhynchus masou formosanus* (Formosan Landlocked Salmon) protection center in Wuling Farm.



The Control Yuan Members make a supervisory inspection of the Navy.



Leaving for the middle of Taiwan, Members of the Control Yuan make a supervisory inspection of the post-earthquake reconstruction.



The Control Yuan Members inspect a new building in an airport of Matzu island.



The Control Yuan Member inspects the Shi-San-Hang Museum of Archaeology in Taipei County.



The Control Yuan Members receive the public's complaint while making a circuit inspection.

December on a rotational basis.

Article 2 of the regulations governing circuit supervision and inspection stipulates the tasks of the supervisory tours as to see: (1) the execution of an organization's administrative programs and budget; (2) the promotion of various major policies; (3) the performance of public functionaries; (4) the implementation of the cases of corrective measures; (5) the conditions of society and people's livelihood; (6) the handling of people's petitions and complaints and other matters.

In 2002, the various committees of the Control Yuan made 65 inspection tours of the central



The Control Yuan Members inspect the aquatic products farming in Penhu County to further understand its development.

government agencies, proposed 1,431 supervision opinions; conducted 54 district tours, and received 896 petitions from the people.

Statistics on Opinions Formulated during Central Government Inspections by Various Committees

Unit: case

Year	No. of tours	No. of supervision opinions formulated by various committees							
		Total	Internal and Minority Nationality Affairs	Foreign and Overseas Chinese Affairs	National Defense and Intelligence Affairs	Financial and Economic Affairs	Educational and Cultural Affairs	Communication and Procurement Affairs	Judicial and Prison Administration Affairs
1999 Feb.-Dec.	67	1,743	289	129	260	411	366	201	87
2000	57	1,239	181	92	206	145	370	109	136
2001	74	1,821	322	122	166	604	313	204	90
2002	65	1,431	256	175	202	205	247	273	73
Total	263	6,234	1,048	518	834	1,365	1,296	787	386



G. Invigilation

The Invigilation Law provides that when the Examination Yuan or other organs hold examinations, except the qualification ones, it shall invite the Control Yuan or its field organs to dispatch invigilators. If the examination is conducted by organizing an examination committee, the Control Yuan shall

be asked to send its members to serve as invigilators. If the examination is conducted by officials of the Examination Yuan or by a related organization it entrusts, the



The Control Yuan Member invigilates a national examination.

invigilation may be conducted by persons dispatched by the supervisory organ of the locality. If irregularities, such as oiling the wheels or exchanging test papers, are detected, the invigilators shall report the case to the Control Yuan for action according to the law. After the examination is over, the invigilators shall file a report to the supervisory organization. Following is a tabulation of invigilation by Control Yuan dispatched personnel.

Statistics on Examinations Invigilated by the Control Yuan

Unit:case

Year	No. of Invigilators dispatched	Categories					
		Total	Senior exams	Junior exams	Elementary exams	Special exams	Others
1999 Feb.-Dec.	49	26	2	2	1	19	2
2000	50	26	2	2	0	15	7
2001	60	28	5	2	1	18	2
2002	85	37	6	4	1	23	3
Total	244	117	15	10	3	75	14



H. Acceptance of public functionaries' assets disclosures

The Public Functionary Assets Disclosure Law was promulgated by the President on July 2, 1993, and put into effect on September 1 of the same year.



A briefing on public functionaries' property disclosure by the Control Yuan to the requested officials

Accordingly, on August 1, 1993, the Control Yuan set up a departmental task force to handle public functionaries' assets disclosures. On January 7, 1998, the President of the Republic of China promulgated a revised version of the Organic Law of the Control Yuan, under which the department of assets disclosures was formally established to handle assets disclosures filed by public functionaries. According to regulations governing various departments of the Control Yuan, the department of assets reports is divided into five divisions, in charge of acceptance, review, inquiry, punishment and publication of public functionaries' assets disclosures respectively. Following is a brief account on its operations:

1. Assets disclosure

According to Articles 3, 5 and 7 of the Public Functionary Assets Disclosure Law and Articles 10, 21 and 21-3 of its rules of enforcement, a public functionary covered in the law shall disclose his or her assets under the following conditions: (1) taking office—a disclosure shall be made within three months; (2) regular disclosure—which shall be made once a year

between November 1 and December 31; (3) property transaction disclosure—a disclosure of real estate transaction, exchange, or donation and stock trading exceeding 10 million NT dollars shall be made within the given time (two months); (4) property correction disclosure—a disclosure automatically made by a functionary to correct his or her former one, in which some information is at fault; (5) supplementary property disclosure—a disclosure requested by a disclosure-receiving agency if it considers a functionary discloses his or her property with dishonesty. The case will be disposed according to Article 11. If not on purpose, the functionary will be informed to file supplementary reference before the deadline. Otherwise, the case will also be disposed according to the same Article. In 2002, the Control Yuan received assets disclosures as follows:

- (1) All the 773 officials who took office filing their assets disclosures in time.
- (2) There were 1,033 officials requested by the law to disclose their annual regular assets to the Control Yuan.

2. Review of assets disclosure

Article 6 of the Public Functionary Assets Disclosure Law provides that a disclosure-receiving agency shall review the disclosure files and put them into volumes for public examination and reference within 45 days after they have been received. According to Article 5 of the regulations governing the reviewing and reference of assets disclosures filed by public functionaries, the receiving agency shall make item-by-item checks based on the descriptions of the disclosures.

3. Assets disclosure inquiry

According to stipulations of the review and inquiry about functionary



assets disclosure, if a functionary is on suspicion of disclosing his or her property untruthfully, the case, on the base of the Public Functionary Assets Disclosure Law, will be reviewed item by item. To ensure the genuine disclosure, the Control Yuan has made regulations of addressing petitions and inquiry about public functionary assets disclosure. In 2002, the Control Yuan has inquired about 806 cases and found 352 among them are disclosed untruthfully.

Statistics on Assets Disclosures of Public Functionaries
Accepted and Reviewed by the Control Yuan
January – December, 2002

Item	Number of functionaris			Case reviewed
	Requested to file	Disclosing in time	Delayed in disclosing	
Taking office	773	773	0	773
Regular disclosure	1,033	1,030	3	1,781
Transaction disclosure	16	16	0	16
Correction disclosure made automatically	17	17	0	17
Correction disclosure by request	76	76	0	76
Total	1,915	1,912	3	2,663

4. Penalty for dishonest disclosure

To punish those public functionaries who fail to disclose their assets in time or truthfully, the Control Yuan shall impose fines and publish their names in accordance with the Public Functionary Assets Disclosure Law. In 2002, there were 25 cases fined about 2 million and 630 thousand NT dollars .

5. Publishing the disclosures in the gazette as open files to the public

According to the provisions of Articles 6 and 8 of the Public Functionary Assets Disclosure Law and Article 22 of its rules of enforcement, the assets disclosures of the President and Vice-President of ROC, presidents and vice-presidents of the five Yuans, politically appointed officials, legislators, Control Yuan members, Taipei and Kaohsiung city councilors, magistrates and mayors shall be published regularly in government gazettes. These laws also require legislators, Taipei and Kaohsiung city councilors to make public and send to the Control Yuan for publication in the gazette the detailed statements of their financial resources used for retaining assistants, renting offices and keeping cars within three months of making their assets disclosures.

According to Item 1 of Article 6 of the Public Functionary Assets Disclosure Law, the approved disclosures of each person shall be put in book form, numbered, and well kept for public examination and reference. In 2002, the Control Yuan published 10 issues of special gazettes containing 782 disclosures made by public functionaries.

6. Return and transfer of assets disclosures

Article 14 of the Public Functionary Assets Disclosure Law and Article 27 of its enforcement rules provide that if the disclosures-requested official leaves his or her position and need not to disclose assets any more, the disclosure file shall be returned after a year through the organization where he or she has worked. If the official is dead, the file shall be returned to his or her spouse or according to descent order.

According to Article 28 of the rules of enforcement for the assets



disclosure law, if the competent agency that receives the assets disclosures has changed due to the officials' change of position, the original receiving agency shall transfer the original disclosures to the new receiving agency. In 2002, the Control Yuan:

- (1) Returned 62 assets disclosures to those public functionaries who left their positions.
- (2) Returned 4 assets disclosures for the reason of death.

7. Conflict of interest prevention cases

In order to promote clean and capable politics, government ethics, and to avoid corruption and unjust profits gaining, the President of the ROC has promulgated the Public Functionaries' Conflict of Interests Prevention Law in July 2000. In accordance with this law, the Executive Yuan, the Examination Yuan and the Control Yuan jointly issued the rules of its enforcement to put them into effect in March 2002.

To comply with the law and rules, the Control Yuan has carried on receiving, reviewing, investigating and punishing affairs in officials and their associates informing on their initiate to avoid the conflict of interest, and those complaint cases pertaining to conflict of interest. Also, the Control Yuan will set up operation standards to address these cases.

I. Audit

According to Article 7 of the Additional Articles of the Constitution, the power of audit shall be part of the powers of control. Article 104 of the Constitution sets forth that the Control Yuan shall have an auditor-general, who shall be nominated and appointed by the President of the ROC, with the consent of the Legislative Yuan. Article 1 of the Control Law, Article 4 of the Organic Law of the Control Yuan and Article 3 of the Law of Audit provide that the Control Yuan shall set up a Ministry of Audit (National Audit Office) under it to exercise the power of audit over the financial activities of government agencies. Article 10 of the Law of Audit provides that the power of audit shall be exercised by auditors independently, free from any interference. Article 60 of the Constitution, Article 28 of the Law of Final Statement, and Article 34 of the Law of Audit stipulate that the Control Yuan shall directly scrutinize the annual financial statement of the government, request the president to promulgate the finally audited government's annual financial report, and investigate and handle the dishonest financial cases reported by the National Audit Office. Following is a tabulation on dishonest financial cases reported by the National Audit Office to the Control Yuan:



Statistics on Cases Reported by
National Audit Office to the Control Yuan

Unit:case

Year	Total	Methods of Disposition					
		Investigated	Forward to other organs to investigate	Merged	For reference	Put on file	Others
1999	102	19	5	0	76	0	2
2000	94	16	1	1	71	1	4
2001	122	15	4	4	88	3	8
2002	176	16	9	2	135	1	13
Total	494	66	19	7	370	5	27

J. Human rights protection

The protection of human rights is gaining growing attention worldwide. It is an important barometer of the standard of a nation's democracy and legal system, and it has



The Human Rights Protection Committee of the Control Yuan inspects a prison.

become a focal issue in the international community. The Human Rights Protection Committee (HRPC) of the Control Yuan was set up in May 2000 to work for the protection of human rights in the Republic of China. The HRPC supports human rights and handles human rights cases without outside interference. The committee also collects information on human rights issues from domestic and international sources.

Moreover, the Control Yuan is empowered to press the government to correct deficiencies in its handling of human rights cases.

According to Article 4 of the Rules Governing the Establishment of Human Rights Protection Committee, the HRPC is composed of nine to eleven members of the Control Yuan, all of whom shall serve a term of one year headed by a convener appointed by the President of the Control Yuan. The functions and missions of the HRPC are listed as follows:

1. Discovering human rights violation cases and proposing to investigate;
2. Reviewing and studying human rights cases and offering suggestions;



3. Providing suggestions on human rights bills;
4. Communicating with domestic and international human rights institutions and collecting relevant information;
5. Researching the extension of human rights education;
6. Handling other matters related to human rights protection.

The HRPC often consults with domestic human rights organizations to better understand the human rights situation. It also maintains relations with international organizations. The HRPC visited the Human Rights Commission of Malaysia and the National Human Rights Commission of Thailand in 2002 to exchange experience and ideas with them, and improve human rights protection work at the Control Yuan.

Statistics on Cases Reviewed by the HRPC

Unit:case

Category	Total	2001	2002
Politics	10	10	0
Judiciary	70	31	39
Military	34	21	13
Disadvantaged	0	0	0
Labor	2	1	1
Women	6	1	5
Aboriginal	2	0	2
Environment	1	1	0
Community	3	0	3
Culture & Education	13	2	11
Economic	14	0	14
Others	22	0	22
Total	177	67	110



Statistics on Serious Human Rights Infraction Cases Investigated by the HRPC

Unit:case

Category	Total	2001	2002
Politics	0	0	0
Judiciary	42	18	24
Military	5	4	1
Disadvantaged	0	0	0
Labor	2	1	1
Women	1	1	0
Aboriginal	1	0	1
Environment	1	1	0
Community	2	0	2
Culture & Education	2	0	2
Economic	11	0	11
Others	0	0	0
Total	67	25	42

III. International Interactions

The International Ombudsman Institute (IOI), established in 1978, is a worldwide organization of ombudsman offices. It is incorporated as a non-profit organization and its Secretariat lies in Edmonton, Canada. The



Secretary Mr. Clare Lewis (left, now as the elected President) of the I.O.I. receives the Control Yuan Medal, granted by the Control Yuan President Fredrick F. Chien.

purpose of the IOI is to promote the concepts of ombudsman and human rights protection, and to encourage their development throughout the world. Now, there have been 115 countries or regions participating in the IOI as its members.

The Control Yuan's successful accession to the International Ombudsman Institute made it a Voting Member (now called Institutional Member) of the IOI in August 1994. In December of the same year, in order to facilitate all international business effectively, the Control Yuan reached a resolution at the 24th Plenary Meeting of the second Control Yuan to prepare the establishment of an International Affairs Committee (IAC). "The Provisions for Establishment of International Affairs Committee" was approved at the 26th Meeting of Members of the second Control Yuan in January 1995.

The purpose is to strengthen exchanges and cooperation with international ombudsman organizations, to actively participate in



international activities and to raise our image in the international community.

According to Article 3 of the Provisions for Establishment of International Affairs Committee, the IAC is composed of five members of the Control Yuan and the Secretary General, all of whom shall serve a term of one year and shall be appointed by the President of the Control Yuan. The functions and missions of the IAC are listed as follows:

1. To propagate the ideas and achievements of ombudsman institution or the Control Yuan;
2. to support and participate in the study of worldwide ombudsman;
3. to participate in international training programs for the ombudsman or its staff members;
4. to search and collect relevant information and resources about



Delegation of the NFAA of Japan attends the Control Yuan Plenary Meeting.

- international ombudsman organizations;
5. to exchange ombudsman experience and information in the international community; and
 6. to support and participate in international conferences.

It has been eight years since the establishment of the IAC. Each year members of the IAC participate actively in international and regional ombudsman conferences. Moreover, the IAC regularly invites distinguished guests from different countries that have made great contributions in this field to visit Taiwan so as to enhance the bilateral communication with each other.

Up to now, the IAC has totally taken part in 16 international conferences and accomplished several circuit supervisions. Particularly the "International Symposium of the Ombudsman Concept" hosted by the Control Yuan in 1994 in Taipei. Three goals have been achieved through this symposium: Firstly, to promote better understandings of functions and operations of the ombudsman mandates among all participants. Secondly, to reconfirm the responsibilities of the members of the Control Yuan in the international ombudsman community. At last, to build close friendships with one another and make our international friends know that Taiwan boasts not only its outstanding economic fruit but also its democratic achievements.

In addition, the Control Yuan has successfully invited 11 honorable guests from different countries since 1999. International activities participated by members of the International Affairs Committee during the year 2002 are tabled below.



Conferences Attended in 2002

Conference	Place	Date
Conference on Evolution of Ombudsman Worldwide	Washington DC (U.S.A.)	14-22 Oct. 2002
20th Australasian and Pacific Ombudsman Regional Conference (APOR)	Sydney (Australia)	3-14 Nov. 2002
7th Annual Congress of the Ibero-american Federation of Ombudsman (FIO)	Lisbon (Portugal)	17-29 Nov. 2002

International Guests Received in 2002

Distinguished Guest	Country	Date
Prof. Masajiro Kamada & 19 delegates of the National Federation of Administrative Counselor's Association of Japan (NFAA)	Japan	11-14 Mar. 2002
Mr. Clare Lewis, Q.C. Secretary (now as newly elected President) of the I.O.I.	Canada	9-13 Sep. 2002
Dr. & Mrs. Peter Kostelka Volksanwalt of Austria	Austria	1-8 Dec. 2002

IV. Conclusion

After the reconstruction of the Control Yuan in February 1993, members of the Control Yuan were granted the preliminary authority in asserting the powers of control. However, more efforts need to be made to fully develop the control powers. The tasks from now on are, internally, to continue the administrative renovations and enhance the administrative efficiency. Besides, more efforts should be made to vigorously exercise the power of investigation, to strengthen the operations of the various committees and to carry out the functions of circuit supervision and inspection. Externally, the Control Yuan should coordinate its activities with the organizations of prosecution, investigation and government ethics. In addition, it needs to lay emphasis on its work in supervising the administration, impeaching or censuring officials, maintaining laws and ordinances for protecting human rights, redressing violations of law, participating actively in international ombudsman activities and other problem resolution. The Control Yuan will make every effort to ensure quality services of our government.



V. Tabulation of Exercise of Control Powers

1. From February 1993 to December 2002

Unit:case

Year \ Item	Petitions received	Cases investigated	Corrective measures proposed	Impeachment cases initiated	Censure cases initiated
1993 Feb.-Dec.	12,335	①569	41	8	0
1994	12,944	①499	55	22	0
1995	14,823	①622	111	40	0
1996	15,235	①449	93	28	1
1997	①17,912	①561	143	32	1
1998	17,744	①611	213	54	1
1999	17,073	758	185	14	2
2000	15,877	674	195	31	3
2001	16,670	514	154	15	1
2002	17,697	558	157	15	0
Total	158,310	5,815	1,347	259	9

①: revised

2. From January to December 2002

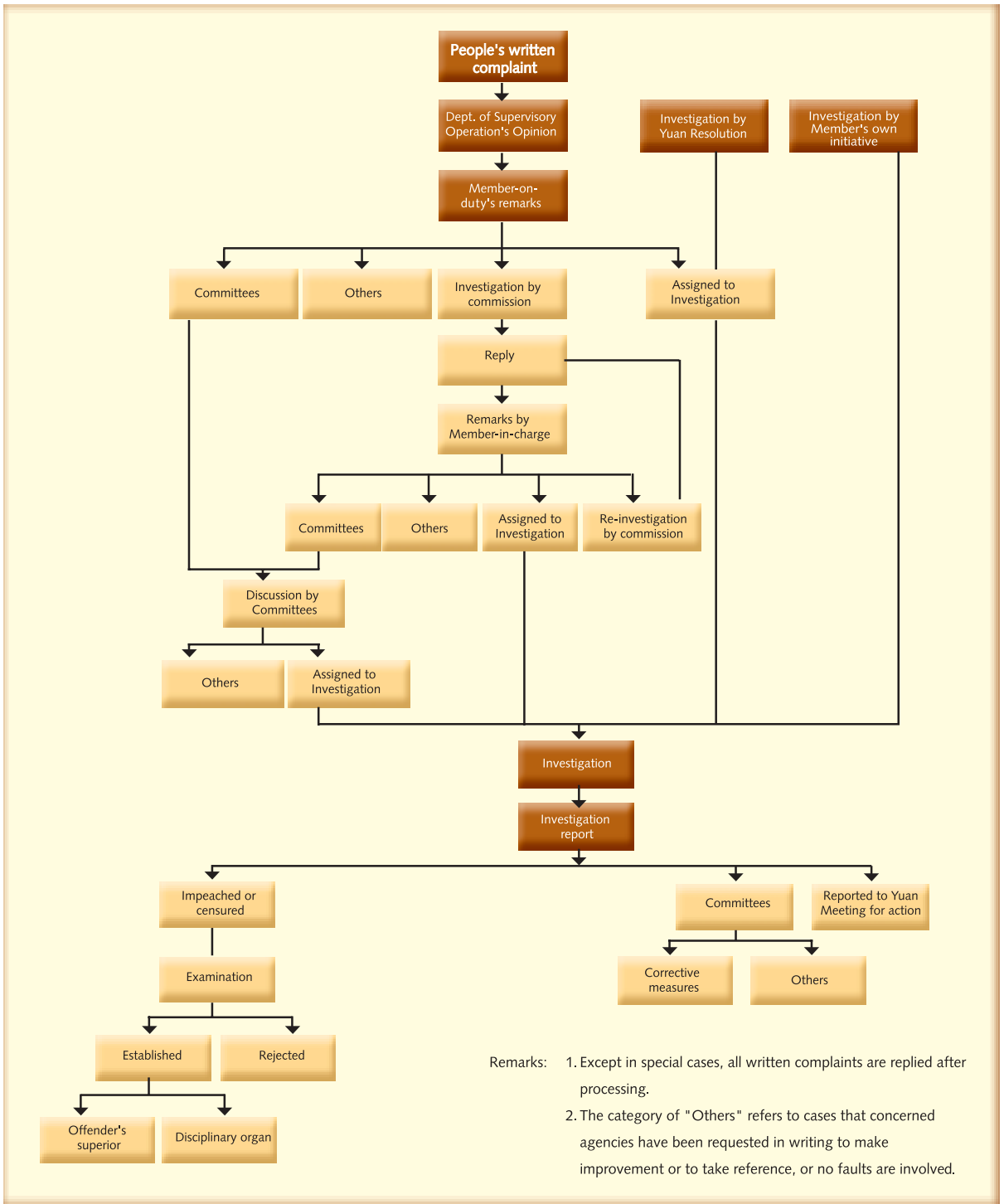
Unit:case

Item Month	Petitions received	Cases investigated	Corrective measures proposed	Impeachment cases initiated	Censure cases initiated
JAN.	1,458	59	18	0	0
FEB.	826	33	5	2	0
MAR.	1,681	50	8	1	0
APR.	1,621	39	11	1	0
MAY	1,753	54	18	0	0
JUN.	1,308	31	9	0	0
JUL.	1,392	50	7	0	0
AUG.	1,556	28	16	1	0
SEP.	1,446	59	9	0	0
OCT.	1,525	54	15	2	0
NOV.	1,592	50	20	4	0
DEC.	1,539	51	21	4	0
Total	17,697	558	157	15	0



VI. Appendix

Flow Sheet of Exercising Control Powers



Remarks: 1. Except in special cases, all written complaints are replied after processing.
 2. The category of "Others" refers to cases that concerned agencies have been requested in writing to make improvement or to take reference, or no faults are involved.



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