



# A Brief Report on the Work of the Control Yuan

January-December

# 2010

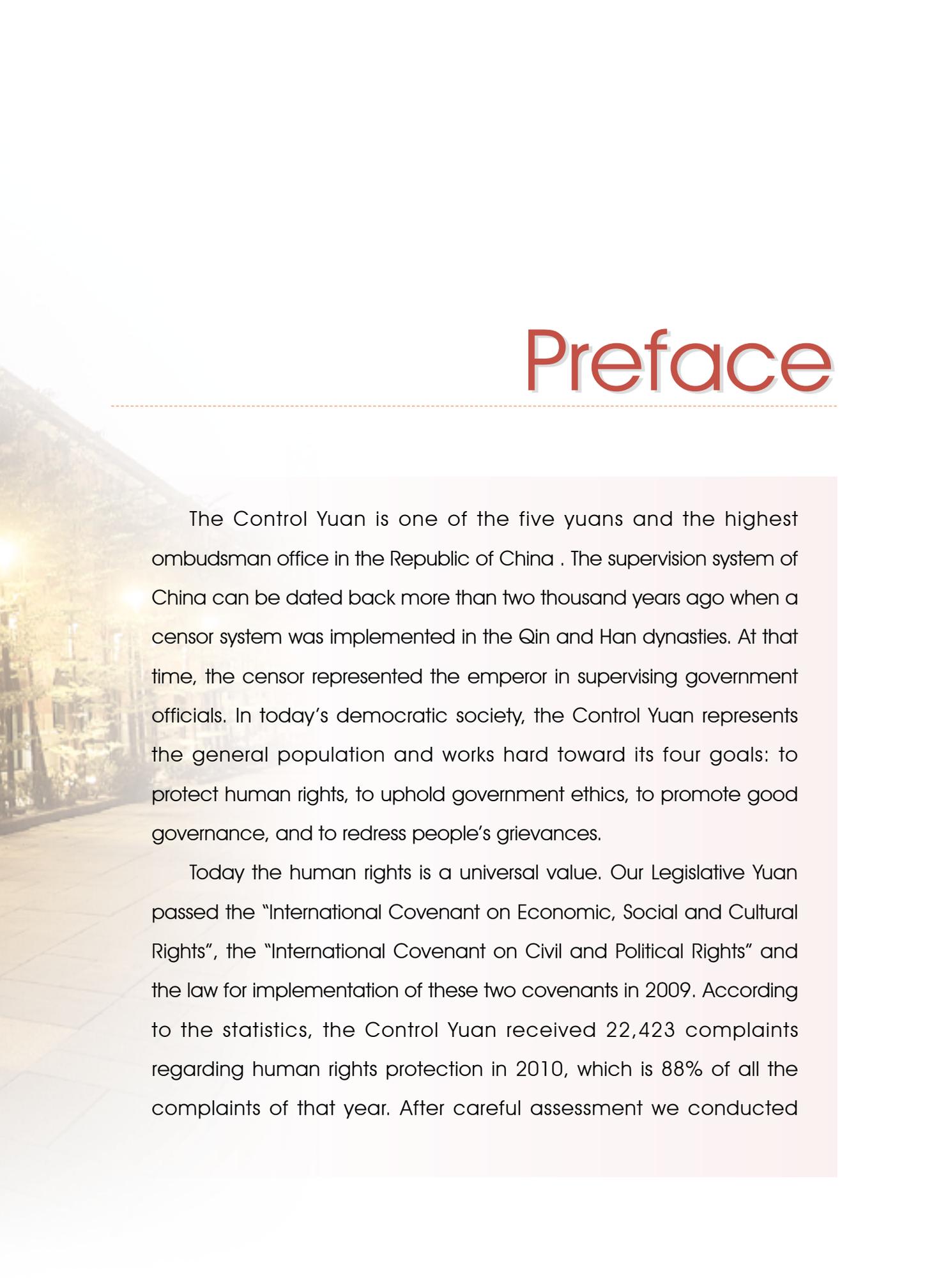


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# Preface

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The Control Yuan is one of the five yuans and the highest ombudsman office in the Republic of China . The supervision system of China can be dated back more than two thousand years ago when a censor system was implemented in the Qin and Han dynasties. At that time, the censor represented the emperor in supervising government officials. In today's democratic society, the Control Yuan represents the general population and works hard toward its four goals: to protect human rights, to uphold government ethics, to promote good governance, and to redress people's grievances.

Today the human rights is a universal value. Our Legislative Yuan passed the "International Covenant on Economic, Social and Cultural Rights", the "International Covenant on Civil and Political Rights" and the law for implementation of these two covenants in 2009. According to the statistics, the Control Yuan received 22,423 complaints regarding human rights protection in 2010, which is 88% of all the complaints of that year. After careful assessment we conducted

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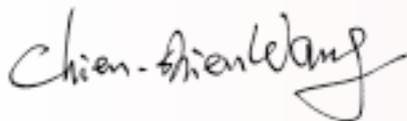
investigations into 306 cases concerning human rights, which accounts for 58% of all the cases investigated for that year. This shows that the Control Yuan has transformed itself from a traditional ombudsman office to a human rights institute.

Establishing and promoting ombudsman powers is also a global trend. In support of this international trend, the Control Yuan joined the International Ombudsman Institute in 1994, and became a member of the Australasian and Pacific Ombudsman Region (APOR) Organization in 2002. Since its accession to those organizations, the Control Yuan has actively participated in the activities of the I.O.I. and its regional organizations, and invited many distinguished guests from I.O.I. to visit Taiwan. The year 2010 will be noted as an important milestone in the history of the Control Yuan, as we prepare to hold the 26th APOR conference. Holding this International Conference surely can enlarge our vision, and our efforts in ombudsman work and human rights protection can be understood by the international society.

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In the future, the Control Yuan will continue exercising its ombudsman powers proactively so as to protect human rights, enhance administrative efficiency, and respond to people's complaints quickly. We will also take initiatives to keep abreast of the public opinions and social trends and supervise government authorities at all levels by investigating any illegal acts or unfulfilled responsibilities, and root out corruption, illegality, and ineffective administration. Moreover, we will exercise our ombudsman powers to promote moral education so that civil servants will work hard and consolidate their duties for the welfare of the people.



Chien-shien Wang

President of the Control Yuan

May 2010

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# A Brief Report on the Work of the Control Yuan, Republic of China January –December 2010

## Table of Contents

I. Outline of Organization.....	01
II. Functions and Powers .....	05
A. Receipt of People’s Complaints .....	06
B. Investigation .....	10
C. Impeachment .....	12
D. Censure .....	16
E. Corrective Measures .....	17
F. Circuit Supervision and Inspection.....	20
G. Invigilation .....	22
H. Receipt of Asset Declarations by Public Functionaries.....	23
I. Conflicts of Interest.....	28



<b>J. Political Donations .....</b>	<b>30</b>
<b>K. Lobbying .....</b>	<b>32</b>
<b>L. Audit.....</b>	<b>34</b>
<b>M. Human Rights Protection .....</b>	<b>35</b>
<b>III. International Interactions .....</b>	<b>38</b>
<b>IV. Conclusion .....</b>	<b>42</b>
<b>V. Table of Control Powers.....</b>	<b>44</b>
<b>1. From February 1999 to December 2010.....</b>	<b>44</b>
<b>2. From January to December 2010 .....</b>	<b>45</b>

**VII. Appendix ..... 46**

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**Flow Sheet of Exercise of Control Powers ..... 46-47**



## List of Tables and Graphs

---

1. Chart of the Administrative System .....	02
2. Distribution of Staff by Age in the Control Yuan .....	03
3. Distribution of Staff by Gender and Education Level in the Control Yuan .....	04
4. Classification of Complaints Received by the Control Yuan .....	08
5. Statistics on Handling of People's Complaints .....	09
6. Statistics on Cases Investigated by the Control Yuan.....	12
7. Statistics on Cases of Impeachment .....	14
8. Statistics on Impeachment According to Positions of the Impeached .....	15
9. Statistics on Censure According to Positions of the Impeached ....	16
10. Statistics on Cases of Corrective Measures .....	18

<b>11. Statistics on Cases of Corrective Measures by Category.....</b>	<b>19</b>
<b>12. Statistics on Examinations Invigilated by the Control Yuan.....</b>	<b>23</b>
<b>13. Cases of Asset Declarations by Public Functionaries and Cases Reviewed in 2010.....</b>	<b>25</b>
<b>14. Statistics on Asset Declarations by Public Functionaries and Accounting Reports of Political Donations Published in Periodicals</b>	<b>28</b>
<b>15. Statistics on Cases of Asset Declarations by Public Functionaries in 2010.....</b>	<b>28</b>
<b>16. Statistics on Recusal of Public Servants Due to Conflicts of Interest.....</b>	<b>30</b>
<b>17. Statistics on Political Donation Accounts.....</b>	<b>32</b>
<b>18. Cases Reported by the Ministry of Audit to the Control Yuan.....</b>	<b>35</b>



<b>19. Statistics on Investigative Reports by the Control Yuan Involving Human Rights.....</b>	<b>37</b>
<b>20. Conferences Attended in 2010.....</b>	<b>41</b>
<b>21. International Guests Received in 2010.....</b>	<b>41</b>



# A Brief Report on the Work of the Control Yuan Republic of China

January-December, 2010

## I. Outline of Organization



*Plenary Meeting of the Fourth Control Yuan.*

In accordance with 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 established

a Department of Supervisory Operations, a Department of Supervisory Investigation, a Department of Asset Declarations 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 Affairs and Overseas Compatriot Affairs, National Defense and Intelligence Affairs, Financial and Economic Affairs, Educational and Cultural Affairs, Communication and Procurement Affairs and Judicial and Prison Administration Affairs. In addition, in keeping with related stipulations, the Control Yuan also sets up eight special committees on Statutory Studies, Consultation, Petition Review,



In accordance with the Organic Law of the Ministry of Audit and its general rules, the Control Yuan has set up the Ministry of Audit (National Audit Office) including various audit departments and offices as subordinate agencies.

The following is demographic information for the Control Yuan staff at the end of December 2010.

### Distribution of Staff by Age in the Control Yuan

Unit: person

Age Distribution	Total	18   24	25   29	30   34	35   39	40   44	45   49	50   54	55   59	60   64	Over 65	Average Age
Total	465	-	24	43	67	80	96	68	48	24	15	44.54
Political Appointee	30	-	-	-	-	-	-	5	2	8	15	63.23
Staff	269	-	16	24	39	50	64	37	30	9	-	44.38
Selected Appointee	76	-	-	-	3	7	26	20	16	4	-	50.39
Recommended Appointee	134	-	13	18	22	34	26	8	10	3	-	41.57
Ordinary Appointee	58	-	3	6	14	9	12	9	3	2	-	42.76
Assistant Clerk	1	-	-	-	-	-	-	-	1	-	-	55.00
Contract-based Employee	75	-	7	17	23	16	8	1	1	2	-	38.24
Contract-based Assistant	5	-	1	2	1	-	-	1	-	-	-	35.80
Technical Worker	55	-	-	-	2	6	15	17	12	3	-	50.96
Janitor	31	-	-	-	2	8	9	7	3	2	-	47.87

### Distribution of Staff by Gender and Education Level in the Control Yuan

Unit: person

Item	Total	Gender		Education Level						
		Male	Female	Graduate School			University & College	Junior College	Senior High/Vocational School	Junior High School and Below
				Total	PhD	MD				
Total	465	240	225	181	24	157	169	37	60	18
Political Appointee	30	23	7	24	13	11	4	-	2	-
Staff	269	124	145	127	10	117	115	19	8	-
Selected Appointee	76	50	26	57	8	49	19	-	-	-
Recommended Appointee	134	62	72	64	2	62	62	7	1	-
Ordinary Appointee	58	12	46	6	-	6	33	12	7	-
Assistant Clerk	1	-	1	-	-	-	1	-	-	-
Contract-based Employee	75	23	52	29	1	28	42	1	-	-
Contract-based Assistant	5	1	4	-	-	-	4	1	-	-
Technical Worker	55	52	3	-	-	-	2	7	32	14
Janitor	31	17	14	1	-	1	2	6	18	4



## II. Functions and Powers

The provisions of Articles 95, 96, 97 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 Act, the Control Yuan and its members may accept complaints from the people, and its members may also make circuit supervision and inspections in various areas. The Examination Invigilation Act stipulates that when the government is to conduct an examination, except for those which are held to determine 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 Act on Asset Declarations by Public Functionaries prescribe that the following officials shall declare their assets to the Control Yuan: President and Vice-President of the ROC; presidents and vice-presidents of the five Yuans; political assigned officials; paid senior advisors, national policy advisors and strategic advisors of the Office of the President; senior ranking above level 12 or the equivalent government organization chiefs; managers of public run business organizations; chiefs and vice chiefs of main and branch public organizations; directors and supervisors who represent the government or public assigned judicial persons; principals of educational institutions above public colleges and chiefs of their subordinate organizations; heads of military units in every rank above major-general; chiefs of government organizations above the township (city) level elected in accordance with the Public Officials Election and Recall Act; people's representatives at every level and senior-ranking

(above level 12) judges and public prosecutors. Paragraph 2 of Article 10 of the Act on the Recusal of Public Servants Due to Conflicts of Interest ordains that the Control Yuan shall be the agency which public servants shall notify in writing. Article 4 of the Political Donations Act stipulates that the Control Yuan shall be the institute to which they shall declare political donations.

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

### A. Receipt of People's Complaints

Article 4 of the Control Act provides that the Control Yuan and its members are entitled to receive complaints from the people. As complaints are the main source for the exercise of control functions and powers, anyone



*Member of the Control Yuan receiving complaints from the people.*

who has detected malfeasance by public servants at central or local levels in government, or has found a violation of law in the Executive Yuan and its subordinate agencies in government work and public facilities, is entitled to complain to or present accusations before the Control Yuan or its members by submitting a detailed account of facts and related data.

A classification of complaints received by the Control Yuan from January to December 2010 is presented on the following page.

When a complaint 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 agency or its superior to look into the motion of the Control Yuan. After processing, the Department of Supervisory Operation of the Control Yuan will make a reply to the complainer unless the complaint is anonymous, lacks substance, or is a complaint that has been rejected and raised again without the support of new evidence. Cases not replied to will be kept on file for reference. The Control Yuan handled 25,521 complaints in 2010. Of these processed cases, 484 or 1.9% were investigated; 2,845 or 11.15% were complemented with related data by the investigated organization; 5 or 0.02% showed no infraction or misconduct; 5,557 or 21.77% were referred to administrative organizations for reference; 4,818 or 18.88% were concerned with legal or administrative redress procedure; 206 or 0.81% were out of jurisdiction; 1,764 or 6.91% required further reference; 339 or 1.33% lacked substantial evidence for processing; 8,714 or 34.14% were merged with other



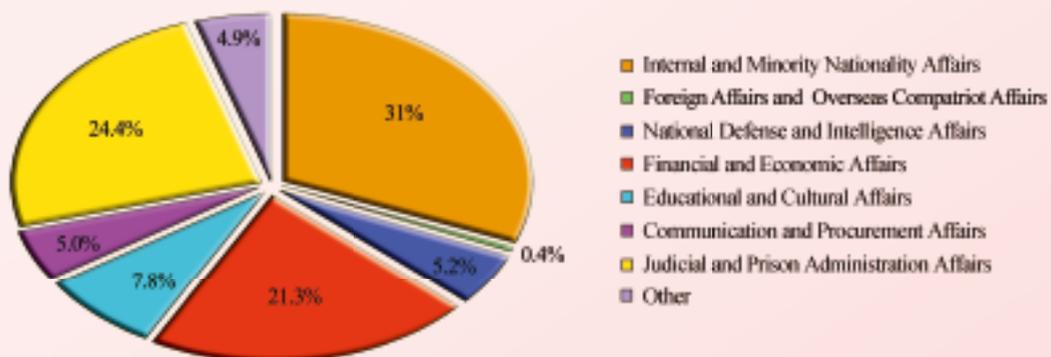
*Member on duty receiving complaints.*



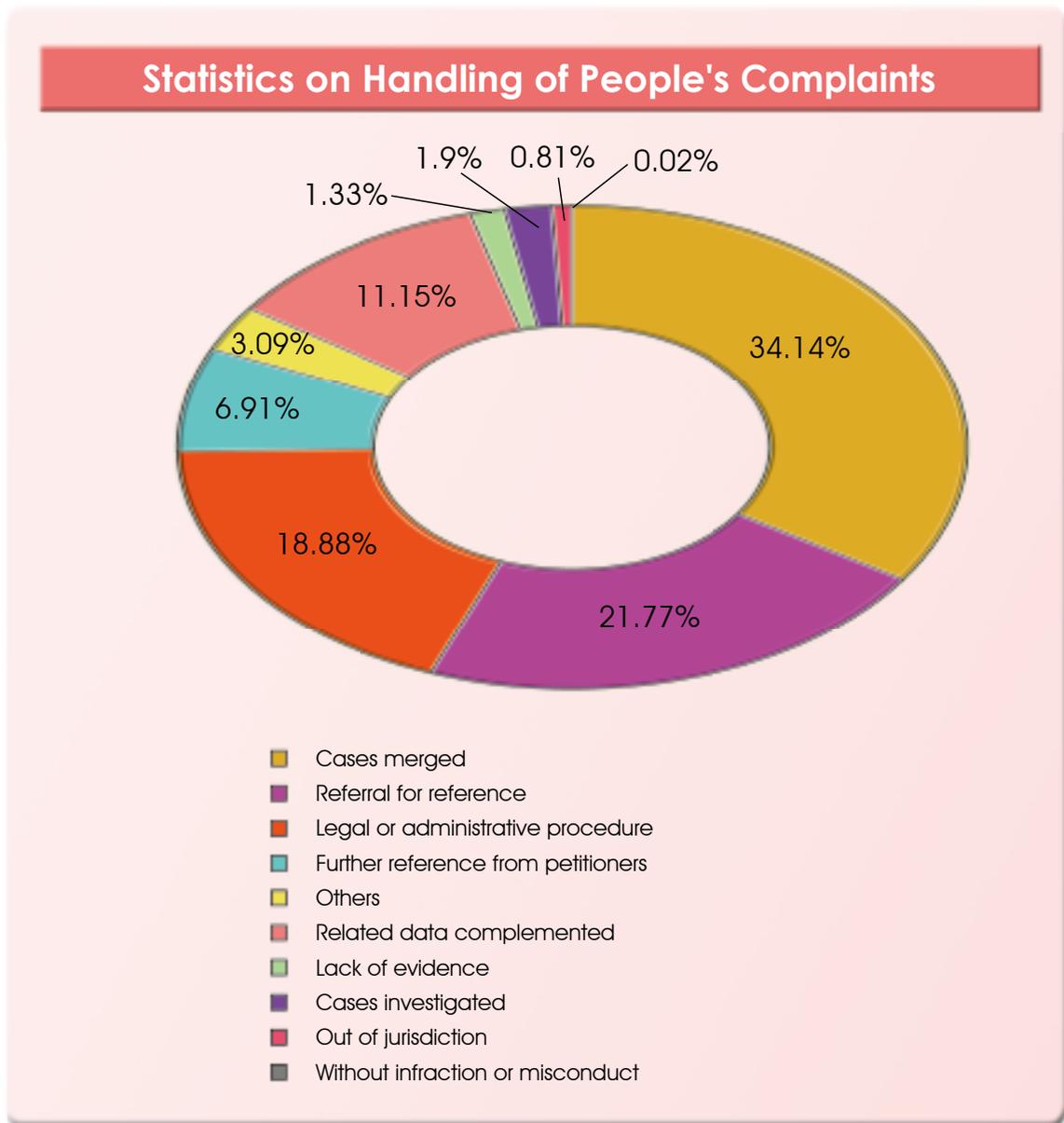
## Classification of Complaints Received by the Control Yuan

Unit: case

Item	2010
Total	25,409
Internal and Minority Nationality Affairs	7,883
Foreign Affairs and Overseas Compatriot Affairs	100
National Defense and Intelligence Affairs	1,312
Financial and Economic Affairs	5,403
Educational and Cultural Affairs	1,994
Communication and Procurement Affairs	1,279
Judicial and Prison Administration Affairs	6,196
Others	1,242



cases; and the remaining 789 or 3.09% were processed in other ways. The cases handled in 2010 are analyzed below.



## 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 Control Yuan utilizes investigation to grasp the facts and the evidence in violations of the



*Control Yuan Members visiting the Animal Technology Institute to inspect the facility.*

law or misconduct by public servants and government agencies. 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 three



*Control Yuan Members inspecting the remains of concealed tunnels used as bases for the Japanese navy's shinyo suicide boats during the Second World War, at Checheng, Pingtung County.*

ways: assigning a member or members to make the investigation; letting its members investigate on their own motion; or commissioning an outside organization to do it. If it is established that a violation of law or misconduct occurred, the original investigating member or

other members shall initiate a proposal for impeachment or censure. If the case is seen to be relatively minor, 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 agencies 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.

The following is a table of the cases investigated by the Control Yuan from January to December 2010.



*Control Yuan Members making an inspection visit to the High Speed Rail Workshop facility at Yanchao, Kaohsiung City.*



*Control Yuan Members making an inspection visit to the Naval Fleet Command headquarters at Tsoying.*

### Statistics on Cases Investigated by the Control Yuan

Unit: case

Number of Cases	580
Mode of Investigation	
Assigned by Yuan	241
Assigned by Committee	130
Initiated by Member (s)	209
Number of Times by Members to Make Investigations	985

### C. Impeachment

Impeachment is a vital power of the Control Yuan for ensuring an honest government and rectifying government ethics. Both the Additional Articles of the Constitution and the Control Act empower the Control



*The news conference for the impeachment of Land Administration Department Commissioner, Huang Dingchuan of Yunlin County.*





*Control Yuan Members holding a press conference in the impeachment of certain judges for seeking influence to the rulings of other judges, thereby damaging the public image of the judiciary.*

Yuan to impeach central and local government officials involved in dereliction of duty or other violations of law. A case of impeachment can be forwarded to the disciplinary agency only after it is proposed by at least two members,

reviewed by more than nine other members and approved by at least a half of those reviewing the case. If the case involves criminal code or military law it shall be referred to the competent judicial or military organization for action in accordance with the law.

The following is a table of the cases of impeachment from January to December 2010.



*Control Yuan Members holding a press conference in the impeachment of the Coastal Patrol Directorate General of the Coast Guard Administration, Executive Yuan, for abusing authority.*

## Statistics on Cases of Impeachment

Unit: case

Item	2010
Total	20
Result of Review	
Established and Announced	19
Established but not Announced	1
Rejected	-
Cases Established	
Number of Cases	20
Violation of Law	1
Dereliction of Duty	-
Both of the Above	19
Result of Action	
Referral for Discipline	19
Referral for Discipline and to Judicial or Military Agencies	1



## Statistics on Impeachment According to Positions of the Impeached

Unit: person

Item	2010
Total Persons	29
Official Ranks	
Elected	2
Specially Appointed	1
Selected	18
Recommended	2
Delegated	-
Generals	5
Colonels & Majors	1
Captains & lieutenants	-
Position Classification	
General Administration	3
Land administration	1
Finance	1
Economic Development	4
National Defense	6
Judicial Affairs	6
Police Administration	-
Culture & Education	-
Foreign Affairs	1
Foreign Affairs and Overseas Compatriot Affairs	-
Audit	-
Budget, Accounting and Statistics	-
Transportation	4
Information	3
Environmental protection	-



## D. Censure

The power of censure is used when the Control Yuan deems that a lawbreaking or derelict public servant needs to be suspended from duty or is to be dealt with through other immediate measures. The Control Act 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 a half of



*Control Yuan Members giving a presentation regarding the Jingmei Cultural District censure case.*

### Statistics on Censure According to Positions of the Impeached

Unit: person

Item	2010
Total Persons	4
Officials Ranks	
Elected	-
Specially Appointed	-
Selected	3
Recommended	1
Delegated	-
Generals	-
Colonels & Majors	-
Captains & lieutenants	-

those carrying out the review, and that the case shall be referred to the censured official's 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 the censured person's 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 96 of the Constitution of the ROC stipulates that the Control Yuan shall set up various committees in accordance with various subordinate agencies of the Executive Yuan, to monitor whether there are any violations of the law or any derelict public officials. Article 97 of the Constitution says that the Control Yuan, based on reviews and resolutions by various committees, may propose corrective measures and forward them to the Executive Yuan and its subordinate agencies for improvement.

Article 24 of the Control Act provides that the Control Yuan, after investigating the work and measures of the Executive Yuan and its subordinate agencies, may propose corrective measures to the Executive Yuan or its subordinate agencies for improvement after the proposed measure is examined and approved by related committees. Article 25 of the same Act and Article 20 of its Enforcement Rules set out that after receiving the demand for correction, the Executive Yuan or its related agencies shall immediately



*Control Yuan Members presenting a formal Corrective Measure against the National Immigration Agency.*

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 a timely manner regarding its improvements and actions, 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 agencies to come to the Control Yuan for questioning. If the Control Yuan deems the reply of the Executive Yuan or related agencies calls for further investigation, it may request the related agencies to make an explanation or ask the members in charge of the original investigation or investigators for an on-site check. If an executive agency is found to be procrastinating and refusing to take appropriate action for improvement, the Control Yuan may initiate a proposal of impeachment against the head of the agency if the case is confirmed by its investigation.

The following is a table of the cases of corrective measures from January to December 2010.

### Statistics on Cases of Corrective Measures

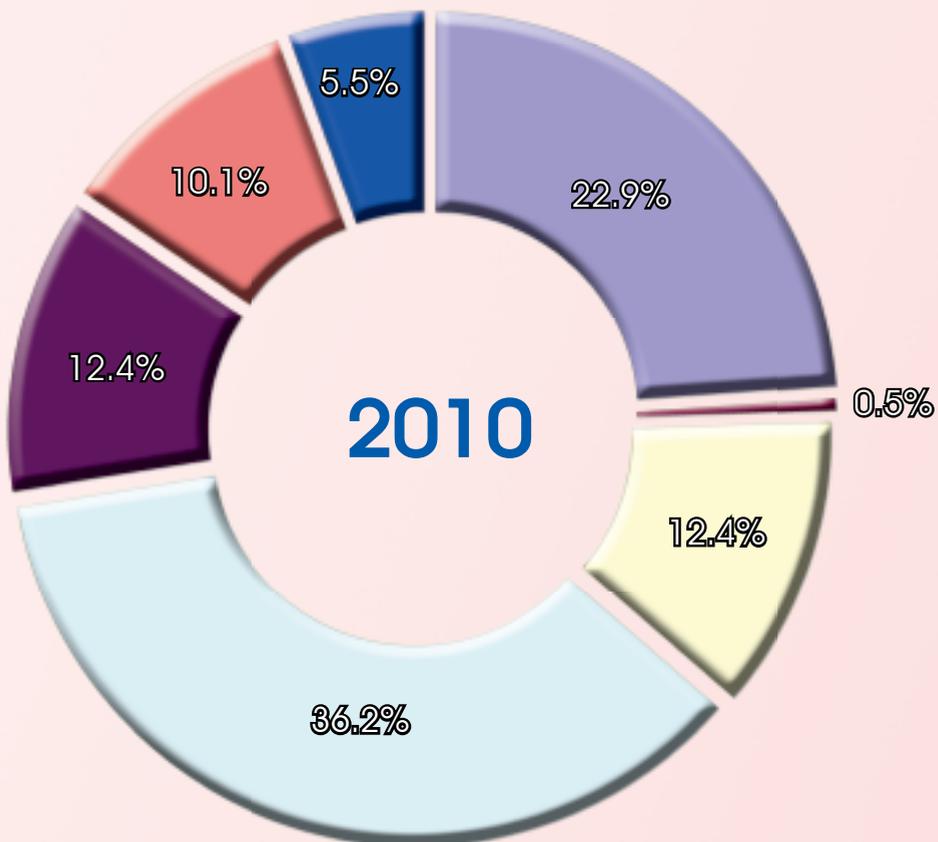
Unit: case

Item	2010
Cases	218
Committees:	
Internal and Minority Nationality Affairs	50
Foreign Affairs and Overseas Compatriot Affairs	1
National Defense and Intelligence Affairs	27
Financial and Economic Affairs	79
Educational and Cultural Affairs	27
Communication and Procurement Affairs	22
Judicial and Prison Administration Affairs	12
Agencies sent to:	
Executive Yuan	207
Other Agencies	11



### Statistics on Cases of Corrective Measures by Category

- Internal and Minority Nationality Affairs
- Foreign Affairs and Overseas Compatriot Affairs
- National Defense and Intelligence Affairs
- Financial and Economic Affairs
- Educational and Cultural Affairs
- Communication and Procurement Affairs
- Judicial and Prison Administration Affairs



## F. Circuit Supervision and Inspection

Article 3 of the Control Act says that members of the Control Yuan may conduct circuit supervision in various areas. These supervisory tours may cover both central and local government agencies. The central level includes the Executive Yuan, the Judicial Yuan, the Examination Yuan and their subordinate agencies. On the local level, agencies to be supervised and inspected are the provincial governments, the city governments under the direct jurisdiction of the Executive Yuan, and the various county and city governments and their subordinate agencies. The supervisory tours of the central government are to be conducted by Control Yuan



*Control Yuan Members making a circuit inspection to study the problems relating to the repair work being undertaken on the Xinsheng Elevated Expressway in Taipei City.*



*Control Yuan Members performing circuit inspection with respect to domestic violence and sexual abuse prevention operations in Taipei County (now New Taipei City), and the handling of individual cases.*



*Control Yuan Members inspecting Kinmen County to study the results achieved by local schools in providing additional tutoring for students who have fallen behind in their studies.*

members assigned by related committees in accordance with their duties. Supervision and inspection of the Executive Yuan are to be conducted jointly by the conveners of various committees with the Committee on Internal and Minority Nationality Affairs as the organizer. The supervisory tours of the local governments are divided into thirteen zones of responsibility according to the administrative division. Members of the supervisory teams are decided in rotation at the plenary meeting held every July.

Article 3 of the Regulations Governing Circuit Supervision and Inspection stipulates the tasks of the supervisory tours as:



*Control Yuan Members visiting Hsinchu City, Hsinchu County and Miaoli County to examine the planning for the “Xiang Qi Lin Cultural Zone” project, and its implementation results.*



*Control Yuan Members performing circuit inspection in Changhua County and Nantou County, to examine the state of development of the “leisure agriculture” industry.*



*Control Yuan Members performing a circuit inspection at the Ministry of the Interior.*

- (1) Execution of a government agency's administrative programs and budget;
- (2) Fulfillment of various major policies;
- (3) Performance of public servants;
- (4) Implementation of cases requiring corrective measures;
- (5) Conditions in society and the people's livelihood;
- (6) Handling of people's complaints and other related matters.

## G. Invigilation

The Examination Invigilation Act provides that when the Examination Yuan or other agencies hold examinations, with the exception of qualification exams, it shall invite the Control Yuan or its field agencies to dispatch invigilators. If the examination is conducted by 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 has commissioned, the invigilation may be conducted by persons dispatched by the supervisory agency of the locality. If irregularities such as attempted bribery or exchanging test papers are detected, the invigilators shall report the case to the Control Yuan for action according to the Act. After the examination



*Control Yuan Members inspecting the 2010 Civil Service Elementary Examination.*

is over, the invigilators shall file a report to the supervisory organization.

The following is a table of invigilation personnel dispatched by the Control Yuan in 2010:

Statistics on Examinations Invigilated by the Control Yuan						
No. of Invigilation Cases	Category					No. of Invigilators Dispatched
	Senior Exams	Junior Exams	Elementary Exams	Special Exams	Others	
22	12	8	1	18	1	82

Unit: case

## H. Receipt of Asset Declarations by Public Functionaries

The Act on Asset Declarations by Public Functionaries was put into effect on September 1, 1993. The Articles of the Act were revised on March 21, 1997, and went into force on October 1, 1998. The number of asset declarations has increased from 1,800 people to 8,400 people. The following is a brief account on its operations:



*“Practical Application of the Administrative Procedure Act” training program, focusing on the four “Sunshine Acts,” organized by the Department of Asset Declarations by Public Functionaries, Control Yuan.*

## 1. Asset Declarations

According to Articles 2 and 4 of the Act on Asset Declarations by Public Functionaries, the following officials shall declare their assets to the Control Yuan: President and Vice-President of the ROC; presidents and Vice-presidents of the Executive, Legislative, Judicial, Examination and Control



*The review meeting for the 2010 Sunshine Poster Design Competition held by Control Yuan.*

Yuan; political appointees; paid presidential advisors, national policy advisors and war strategy advisors of the Office of the President; chiefs of governmental agencies at all levels at twelfth grade and above; chairpersons and vice chairpersons of the headquarters and branches of the state-owned enterprises, and directors and supervisors representing the government or the state-owned shares in private entities; principals of public junior colleges and above, and subsidiary institutions of such schools; chief officers at all levels above the rank of major general in the military; governors at or above village / township / city level elected pursuant to the Public Officials Election and Recall Act; elected representatives at all levels; and judges and prosecutors at twelfth grade and above.

The main categories for asset declarations are classified as follows: (1) taking office; (2) taking an acting post; (3) taking a concurrent post; (4) regular declaration; (5) discharged from a concurrent post; (6) leaving office; (7) discharged from an acting post; (8) trust declarations; (9) declaration

on property changes; (10) correction declarations; (11) supplementary declarations; (12) notification of trust instruction; and (13) trust contract change declarations. Regular declarations shall be made annually between November 1 and December 31.

In 2010, 11,601 officials were requested by the Act to declare their annual regular assets to the Control Yuan.

## 2. Review of Asset Declarations

Article 6 of the Act on Asset Declarations by Public Functionaries provides

### Cases of Asset Declarations by Public Functionaries and Cases Reviewed in 2010

Unit: person; case

Item	Requested to file	Reported in Time	Delayed in Reporting	Cases Reviewed
Total	11,601	11,418	183	13,208
Taking Office	1,857	1,820	37	1,732
Taking an Acting Post	29	28	1	28
Taking Concurrent Post	2	2	-	2
Regular Declaration	6,493	6,433	60	8,379
Declaration on Property Changes	138	117	21	198
Leaving Office	1,580	1,545	35	1,391
Discharged from Acting Post	15	15	-	15
Discharged from a Concurrent Post	-	-	-	-
Supplementary Declarations	20	20	-	5
Correction Declarations	194	194	-	149
Trust Declarations	1,012	983	29	1,067
Notification of Trust Instruction	212	212	-	203
Trust Contract Change Declarations	49	49	-	39

that a declaration-receiving agency shall review the declaration files within two months after they have been received. According to Article 5 of the Regulations Governing Examination and Browsing of Materials of Asset Declarations by Public Functionaries, the receiving agency shall make item-by-item checks based on the descriptions of the declaration. The receiving agency shall notify applicants who violate the regulation to make corrections within a given time and those who delay in making corrections shall be noted in documentary records.

### 3. Asset Declarations Inquiries

According to Article 11 of the Regulations Governing Examination and Browsing of Materials of Asset Declarations by Public Functionaries, declaration receiving agencies shall investigate the truthfulness of asset declarations and any unusual property changes in accordance with the proportion. To ensure that declarations are genuine, the Control Yuan has enacted regulations for addressing complaints and making inquiries about Public Functionaries' Asset Declarations. In 2010, the Control Yuan inquired about 571 cases and found 404 cases were declared untruthfully, including those pending from previous years.

### 4. Punishment of Dishonest Declarations

To punish public functionaries who fail to declare their assets in time or truthfully, the Control Yuan shall impose fines and publish their names in accordance with the Act on Asset Declarations by Public Functionaries. In



2010, there were 125 cases fined up to NT\$9,710,000.

### **5. Publishing the Declarations in Periodicals as Files Open to the Public**

According to the provision of Article 6 of the Act on Asset Declarations by Public Functionaries, the Asset Declarations of the President and Vice-President of the ROC, presidents and vice-presidents of the five Yuans, politically appointed officials, legislators, Control Yuan members, municipal mayors and councilors, county magistrates and mayors shall be published regularly in government periodicals and posted on the website.

In 2010, there were 1,580 asset declarations published in periodicals.

### **6. Destruction, Transfer and Reference to Asset Declarations**

Article 16 of the Act on Asset Declarations by Public Functionaries provides that when a person is no longer required to declare assets, that person's files shall be preserved for five years and destroyed after that.

Article 23 of the Enforcement Rules of the Act on Asset Declarations by Public Functionaries stipulates that if the agency to receive declarations is changed due to a transfer of the official, the original responsible agency shall send all files to the new agency.

Article 6 of the Act stipulates that the responsible agency shall review the declarations and file them for public reference.

The following is a table of destruction, transfer and reference to Asset Declarations by Public Functionaries from January to December 2010.

### Statistics on Asset Declarations by Public Functionaries and Accounting Reports of Political Donations Published in Periodicals

Unit: case

	Asset Declarations	Accounting Report of Political Donations		
		Total	Candidate	Political Party & Political Group
2010	1,580	1,857	1,831	26

### Statistics on Cases of Asset Declarations by Public Functionaries in 2010

Unit: case

	Number of Investigated Cases	Number of Cases Reported	Number of Cases Invigilated									
			Grand Total	Number of cases Declared Untruthfully				Number of Overdue Cases				Others
				Total	Number of Penalties Exempted	Number of Penalties	Others	Total	Number of Penalties Exempted	Number of Penalties	others	
2010	571	540	536	347	320	26	1	189	86	99	4	-

## I. Conflicts of Interest

In order to promote clean and competent politics and ethical government, and to avoid corruption and unjust profits, the Act on Recusal of Public Servants Due to Conflicts of Interest was promulgated on July 12, 2000, and put into



effect on July 14 of the same year.

The Act indicates that the term conflicts of interest refers to interests obtained by a public servant or his / her related persons either directly or indirectly through any act or omission in the course of performing his / her duties. Article 6 of the act obliges public servants to recuse themselves as soon as they are aware of any conflicts of interest and to report in writing to agencies according to Article 10 of the Act. Article 12 of the Act on Recusal of Public Servants Due to Conflicts of Interest also states that if a public servant does not prevent the interest conflict, then the affected parties shall, according to the position of the public servant, apply for interest conflict prevention at the agency where the public servant serves. If the public servant is the chief of an agency, the interest conflict prevention application should go to his or her superior agency. If there is no superior agency, the interest conflict prevention application shall be sent to the Control Yuan. A public servant shall not seek interests for himself / herself or for his / her related persons by manipulating his / her official power, opportunities or any method under his / her official duty. Persons related to a public servant shall not seek interests for themselves or for the aforementioned public servant by making requests of relevant persons in the agency, speaking for the same, or by any other improper means. Moreover, a public servant and his / her related persons shall not conduct transactions such as sales, lease and contracting etc. with the agency with which the public servant serves or under his / her supervision.

As with Articles 19 and 22 of the Act on Recusal of Public Servants Due to Conflicts of Interest, the Control Yuan shall make investigations and impose

finer upon public servants who neglect to make Asset declarations to the Control Yuan, or who do not prevent or refuse (interest conflict) prevention, or who through their action or inaction directly or indirectly create profit for themselves or those related to them. When cases of fine impositions are confirmed, they will be posted on the Internet or published in periodicals or government newspapers.

The Control Yuan will carry out receiving, reviewing, investigation and punishment regarding regulations about related cases to avoid conflicts of interest. In addition, the Control Yuan has set up operating standards to address these cases.

### Statistics on Recusal of Public Servants Due to Conflicts of Interest

Unit: case

Year	Number of Cases Investigated	Number of Cases Reported	Number of Cases Invigilated						
			Total	Interest of Conflict Prevention Application			Number of Penalties on Hold		
				Number of Cases Recused	Number of Cases on File	Others	Number of Penalties	Number of Penalties Exempted	others
2010	12	11	12	-	-	-	5	7	-

### J. Political Donations

In order to normalize and manage political contributions, promote citizens' political participation, protect fairness and justice in various political activities and elevate the development of democratic politics, the President of the



ROC promulgated the Political Donations Act on March 31, 2004, which went into effect on April 2 of the same year. Article 16 of the Act was amended and proclaimed on January 14, 2009. Article 7 and 15 were amended and proclaimed on January 27, 2010.



*Lectures of political donation by the Department of Asset Declarations by Public Functionaries, Control Yuan, in Kaohsiung City.*

The Department of Asset Declarations by Public Functionaries of the Control Yuan is in charge of matters related to the disclosure of political contributions. According to the Act, the Control Yuan is responsible for the following related matters: (1) Approve the opening of political donation accounts of political parties, political groups and candidates; (2) Approve any changes in or closing of political donation accounts of political parties, political groups and candidates; (3) Handle



*Lectures of political donation in Tainan City.*

candidates' disclosures of accounting reports and publish said disclosures in volumes and make public in publications or by posting on a website; (4) Accept candidates' balance reports for political donation accounts; (5)

Review accounting reports for political donations disclosed by political parties, political groups and candidates; (6) Impose fines on violators of the Political Donations Act, forward cases of fines for administrative execution if delays occur in paying fines, and make replies aimed at those who file countersuits; and (7) Handle affairs related to demands for return of payments to the Treasury for cases involving fines under the Political Donations Act.

### Statistics on Political Donation Accounts

Unit: account

Political Donation Accounts					
Political Party & Political Group			Candidate		
Approved	Changed	Closed	Approved	Changed	Closed
1	1	3	1,572	1	16

### K. Lobbying

In order to create an open and transparent procedure for lobbying, prevent the undue accumulation of benefits, and ensure political transparency, the ROC President promulgated the Lobbying Act on August 8, 2007, and it was enacted on August 8, 2008. To comply with the Act, the Control Yuan's Department of Asset Declarations by Public Functionaries was tasked with receiving, reviewing, investigation, and judgment for lobbying cases. The Control Yuan has also set up operational standards for these cases.



Article 2 of the Lobbying Act stipulates that the term lobbying cited in this Act refers to the behavior that intends to influence the lobbied party or its agency in the formulation, enactment, modification, or annulment of laws, government policies or legislation by any oral or written communication addressed to the lobbied party or to its agent. The term lobbyist used in this Act refers to an individual, legal person, or organization permitted to establish or file for record, or a group constituted by special purpose with a representative; an individual or a profit corporation designated for lobbying. The lobbied party includes the president, vice president, legislators or representative bodies at various levels; chief and deputy chief of a special municipality, county / city and township / city; and persons specified in Paragraph 1 of Article 2 of the Political Appointees Pension Statutes. Therefore, the President, Vice President, Members and Secretary-General of the Control Yuan are all classified as the lobbied party.

In accordance with Article 13, 17 and 18 of the Lobbying Act, the registration, modification, termination of the lobby case and the declaration of financial statements on funding spent on lobbying the President, Vice President and Secretary-General are received. Any related information shall be publicized on the telecommunication network or through government notices or other publications.

According to Article 21, 22, 23, 24 and 25 of the Act, a penalty shall be imposed on the following: lobbying by concealing on purpose the restrictions

set forth in the Act or by violation of regulations, failing to file in accordance with regulations or failing to keep the financial statements.

Under Article 29 of the Act, the Control Yuan is the ombudsman for those who serve as president, vice president, legislator or political appointees.

## L. Audit

According to Article 7 of the Additional Articles of the Constitution, the power of audit shall be part of the control powers. 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 Act, 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 Accounts, and Article 34 of the Law of Audit stipulate that the Control Yuan shall directly scrutinize the annual financial statements of the government, request the president to promulgate the finally audited annual government financial report, and investigate and prosecute the dishonest financial cases reported by the National Audit Office.

The following is a table of dishonest financial cases reported by the Ministry of Audit to the Control Yuan:



## Cases Reported by the Ministry of Audit to the Control Yuan

Unit: case

Year	Total	Method of Disposition					
		Investigated	Forwarded to Other Agencies to Investigate	Merged	For Reference	Put on File	Others
2010	259	19	99	13	128	-	-

### M. Human Rights Protection

Today, human rights are a universal value. In order to realize the establishment of our nation's human rights and align them with international standards, the Legislative Yuan, on March 31, 2009, passed the "International Covenant on Economic, Social, and Cultural Rights" and the "International Covenant on Civil and Political Rights" (referred to below as "the two covenants") and passed the law for implementation of the two covenants. On May 14 of the same year, President Ma Ying-jeou authorized the two



*International Criminal Court (ICC) Judge Stefan Trechsel (who was appointed by the ICC to try war criminals from the former Yugoslavia) visiting the Control Yuan.*

covenants. Current and future work on improving human rights has become fundamental for all levels of government organizations.

The Human Rights Protection Committee (HRPC) of the Control Yuan was set up in May 2000 to work for protection of human rights in the Republic of China.

To strengthen relations between the Control Yuan and the International Human Rights Protection Organization, Control Yuan members Li Fu-dien, Chou Yang-sun and Gau Fehng-shian visited Canada and the

United States on September 23, 2010, to observe human rights agencies and institutions.

President Wang Chien-shien discussed matters of human rights with H.E. Judge Stefan Trechsel, the judge of the Yugoslavia war crimes trial, as well as Canadian human rights expert, Professor William W. Black, and Ms. Magda J. Seydegart. Trechsel spoke on international human rights during his speech Exercising International Human Rights in Plenary Meeting of the Control Yuan. Professor Black and Seydegart delivered speeches on Canada's Influence over the ICCPR (International Covenant on Civil and Political Rights) and the ICESCR (International Covenant on Economic, Social and Cultural Rights) and How to Authorize Human Rights for Public Servants and Government Agencies, respectively. Members of the Control Yuan partook in discussions afterwards.



*The Fourth Human Rights Protection Seminar, organized by the Control Yuan; the theme of this year's Conference was the protection of workers' rights.*

The Committee of Human Rights Protection held its third and fourth Human Rights Protection Seminar on January 8 and 10, 2010. The meeting focused on three aspects of human rights – Indigenous Human Rights (including educational and economic rights), Human Labor Rights (including Global Transformations and the Three Mandatory Human Rights in Taiwan, as well as the Labor Dispatch Regulations and Foreign Labor Human Rights.)

They also reviewed cases invigilated by members who served between August 1, 2008 and late-December 2009. Together the team finished a four-book compilation for the "2008-2009 Record of the Control Yuan Human Rights Work".

### Statistics of Investigative Reports by the Control Yuan Involving Human Rights

Item	No. of Cases
Total	525
Human Rights	306
Right of Freedom	9
Equal Rights	9
Right of Survival and Medical Care	43
Right to Work	14
Property Rights	67
Political Participation	5
Jurisdiction Justice	54
Culture	6
Education	13
Environmental Resources	35
Social Security	29
Other Human Rights	22
Non Human Rights	219

### III. International Interactions

The International Ombudsman Institute (I.O.I.), established in 1978, is a worldwide organization of ombudsman offices. It is incorporated as a non-government organization. During its 9th World Conference in Stockholm in June 2009, I.O.I. members decided unanimously to relocate the I.O.I. headquarters after 31 years from the University of Alberta in Edmonton, Canada to Vienna, Austria. The purpose of the I.O.I. is to promote the concepts of ombudsman and human rights protection, and to encourage their development throughout the world. Up to the present, I.O.I. has more than 120 members in 6 geographical regions.



*Carlos Polit (Ecuador's Chief Auditor), and Pablo Celi de la Torre (Vice Chief Auditor) visiting the Control Yuan.*

The Control Yuan's successful accession to the International Ombudsman Institute made it a Voting Member (now called Institutional Member) of the I.O.I. 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 the 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 as follows:



*The delegates attending the 25th Australasian and Pacific Ombudsman Region Conference (APOR), photographed in front of the Old Parliament House, Canberra.*

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

international community; and

6. To support and participate in international conferences.

The Control Yuan became a member of the Australasian and Pacific Ombudsman Region (APOR) Organization in 2002. Each year members of the IAC participate actively in international and regional ombudsman conferences. Moreover, the IAC regularly invites distinguished guests



*Representatives of international ombudsman offices visiting Taiwan at the invitation of the Control Yuan.*

from different countries who have made great contributions in this field to visit Taiwan so as to enhance bilateral communications with each other.

In order to promote understanding of the Control Yuan among international ombudsman offices, the Control Yuan also carries out the Exchange Program between the Control Yuan and International Ombudsman Offices. In 2010, Staff of Ombudsman and Human Rights Offices from Paraguay, Nicaragua and Argentina visit the Control Yuan to Exchange Experiences.

It has been ten years since the Control Yuan participated in the APOR Conference with official membership. It is a great significance for the Control Yuan to gain the opportunity to host the 26th APOR conference because great efforts were made by the Control Yuan to hold this international event.

International activities participated in by members of the International Affairs Committee during the year of 2010 are on the table below.



## Conferences Attended in 2010

Conference	Place	Date
The 25th Australasian and Pacific Ombudsman Region Conference	Canberra, Australia	March 15, 2010 – March 23, 2010
The 31th United States Ombudsman Association Conference	Delton, USA	October 5, 2010 – October 8, 2010
The 15th Annual Conference of the Ibero-American Federation of Ombudsmen	Cartagena, Colombia	October 22, 2010 – November 3, 2010
The International Ombudsman Institute–Sharpening Your Teeth training sessions	Vienna, Austria	Nov. 11, 2010 – Nov. 20, 2010

## International Guests Received in 2010

Distinguished Guest	Date
The 5th National Development Superior Course	May 27, 2010
The 5th National Development Superior Delegation	Oct. 8, 2010
Ecuadorian Chief Auditor Carlos Pólif and Vice Chief Auditor Pablo Celi de la Torre	Nov. 8, 2010
Guatemalan General Prosecutor for Human Rights Dr. Sergio Fernando Morales	Nov. 17, 2010

## IV. Conclusion

From January to December 2010 the Control Yuan received 25,521 complaints and investigated 580 cases. After investigating cases that involved dereliction of duty and violation of the law, the Control Yuan approved 20 impeachment cases against 29 officials, and proposed 3 censure measures against 4 people who have been removed from their posts or office. The Control Yuan also proposed 218 cases of corrective measures to the Executive Yuan for the improvement of a total of 406 subordinate organizations (some were corrected more than once). For less serious cases, the committees tasked with reviewing those cases passed resolutions to send 434 official letters to executive agencies recommending punishment, and 369 people have been punished by the agencies.

The Control Yuan is responsible for the supervision of government ethics and the enhancement of integrity and efficiency among public servants. To prevent corruption in the political, economic and social environments, the Control Yuan maintains a spirit of continuing administrative improvement, works to upgrade the efficiency of complaint processing, and implements the enforcement of Sunshine Acts. A great deal of effort has also been put into administrative reform. In 2010 the Control Yuan conducted system development and enhancement to allow electronic implementation of the four "Sunshine Acts". Furthermore, an "Official Document Integration System" was established to encourage e-document reception and issuance, thereby supporting carbon reduction and improving the efficiency of the approval process.

In response to complaints, the Control Yuan has worked to improve its processing performance, and reinforced its supervisory system in order to improve its efficiency in handling cases. To upgrade service quality for on-site complaints, the Control Yuan not only relocated 4 of its employees to the Complaints Receipt Center to manage complaints but also formed a team of



21 volunteers to improve work efficiency.

In addition to exercising our powers as empowered by the Constitution to actively investigate malfeasance and impeach illegality, the Control Yuan will maintain the spirit of innovation and continue to work at enhancing coordination and collaboration among prosecutors, investigators and government ethics agencies to protect human rights, and participate actively in international ombudsman activities. We promote interaction and cooperation among global ombudsman institutions as a member of the International Ombudsman Institute (I.O.I.).

Moral education impacts the social, emotional and academic areas of our nation and is the foundation for all social reform and best practices in education. The Control Yuan has devoted itself to planting the seeds of character education. We promote the traditional Chinese virtue of Filial Piety and care for minority populations through donations and visits in the hope that more public agencies and private companies will offer timely assistance to those in need and we can build a society based on love and ethics.



*President Wang Chien-shien hosting 2010 Work Review Meeting.*

## V. Table of Control Powers

From February 1999 to December 2010

Year \ Item	Complaints Received	Cases Investigated	Corrective Measures Proposed	Impeachment Cases Initiated	Censure Cases Initiated
Feb-Dec 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	-
2003	17,734	585	154	24	3
2004	15,570	464	165	18	1
2005	8,560	7	36	3	-
2006	5,785	-	-	-	-
2007	5,412	-	-	-	-
2008	15,865	291	50	17	-
2009	28,829	595	205	30	2
2010	25,409	580	218	20	3

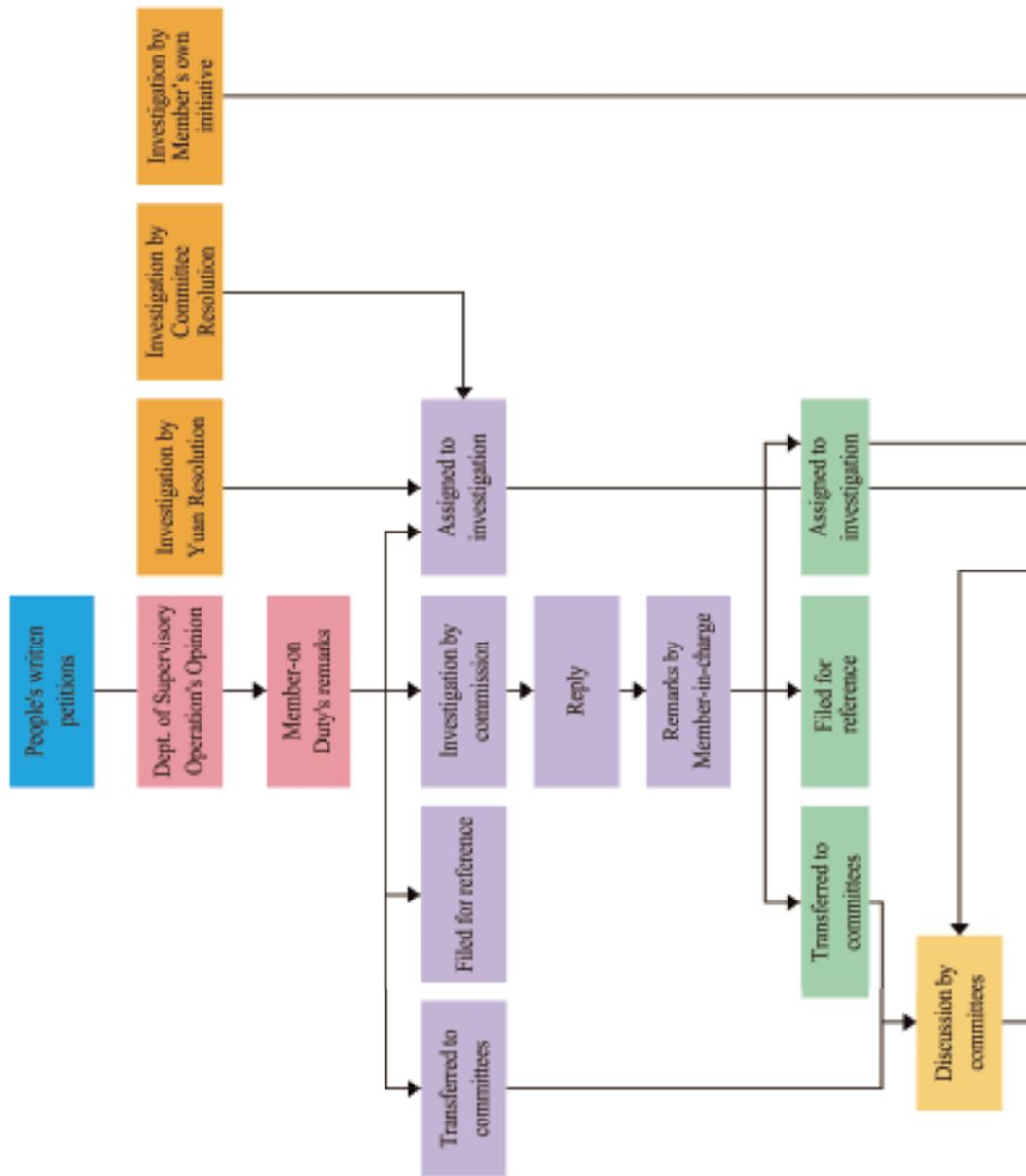
## From January to December 2010

Item Year	Complaints Received	Cases Investigated	Corrective Measures Proposed	Impeachment Cases Initiated	Censure Cases Initiated
Total	25,409	580	218	20	3
Jan.	2,139	42	18	2	-
Feb.	1,768	38	15	1	-
Mar.	2,539	46	15	-	1
Apr.	2,237	63	16	2	-
May	2,149	29	16	3	1
Jun.	2,017	49	17	-	-
Jul.	2,139	55	20	3	-
Aug.	2,246	54	17	1	-
Sep.	1,986	50	22	1	1
Oct.	2,160	64	17	3	-
Nov.	2,059	41	17	3	-
Dec.	1,970	49	28	1	-



## VII. Appendix

### Flow Sheet of Exercise of Control Powers







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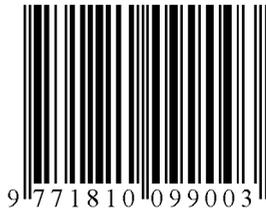
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