

Annual Report of the Control Yuan  
Taiwan, Republic of China **2013**





# Preface

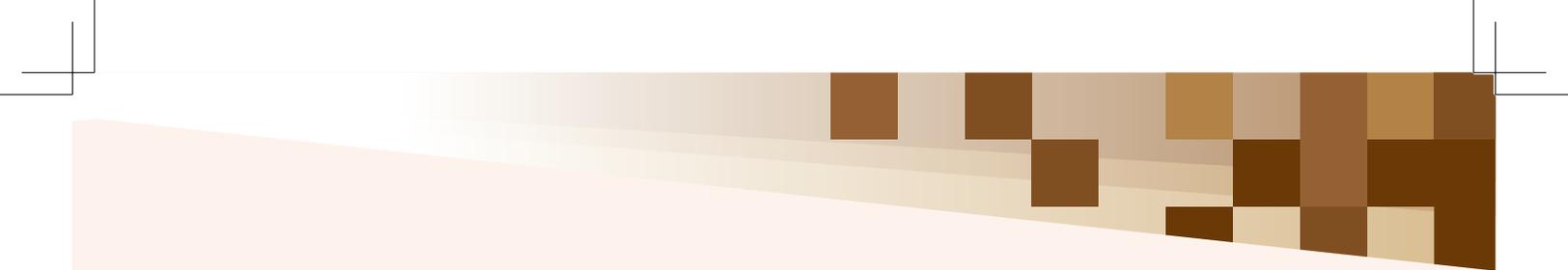


In recent years, corruption cases and misallocation of public resources have caused public outrage and posed a great challenge to the administration. As the highest supervision authority and one of the five branches at the central government of the Republic of China (ROC), the Control Yuan (CY), which has a constitutional mandate to receive citizen complaints, rectify malfeasance and ensure government integrity, has been tasked to do more and to do better.

This report summarizes the CY's work in 2013, including handling complaints and assuring good governance, sunshine acts, auditing, human rights protection, and international activities. Moreover, it also presents case examples highlighting the tangible effects of the CY's work on the current administration.

In 2013, the CY impeached 41 government officials. The CY also proposed 207 cases of corrective measures against the ministries or their agencies for negligence in carrying out policies. At the same time, the CY continued to keep playing the role of vigilant enforcer of the Sunshine Acts to ensure a clean government.

Among the principal missions of the CY is to safeguard the human rights of every citizen. In 2013, the CY held a workshop on protecting women's rights and decided to initiate investigations pertinent to several critical issues. The CY also finished an investigatory report concerning the human rights of foreign domestic helpers in Taiwan.

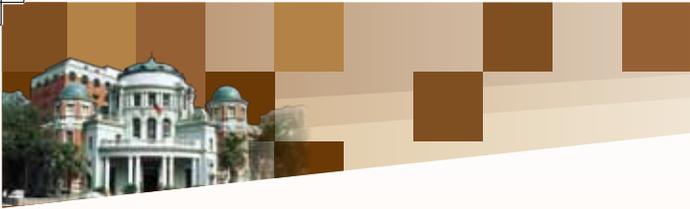


In 2013, the CY also marked the twentieth anniversary of its international activities. A commemorative album of the CY international affairs was compiled to look back on the road we have traveled, have been through and pass down this experience. In the past two decades, the CY has established closer relations with the international ombudsman community and learned greatly from counterparts around the world. Many ombudsman offices have been faced with budget cuts in recent years, including the CY. To ensure independence and “keep our teeth sharp,” greater cooperation within and beyond our borders is far more important than ever.

This July will usher in the fourth term CY. Before passing the torch, I would like to extend my gratitude to all of my colleagues at the CY and my counterparts overseas for their unreserved efforts and support. I also hope that they will continue the good traditions of the past into the future to make the ombudsman system even stronger through our collective force.



Chien-shien Wang  
President of the Control Yuan  
May 2014



# 2013 Annual Report of the Control Yuan, Taiwan, ROC

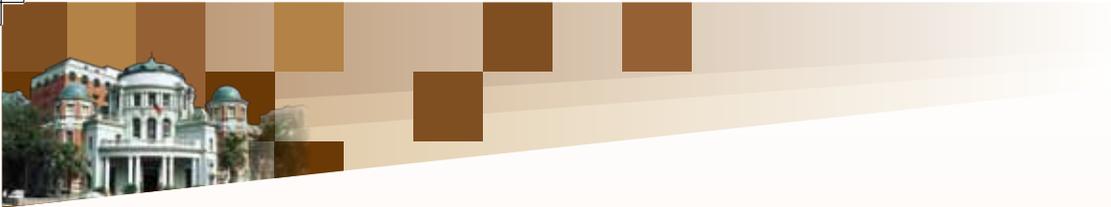
January-December 2013

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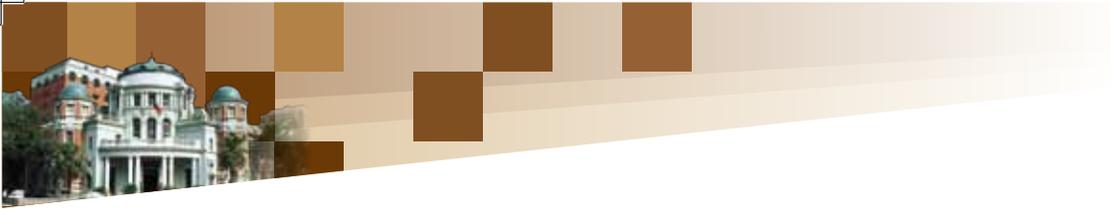
## 1. 2013 Highlights: Our Work at A Glance

In 2013, the Control Yuan (CY) received **17,926 complaints** from private individuals. Among these complaints, filtering out the ones that were beyond the jurisdiction of the CY or the recurrent complaints, **446 cases** out of them were determined to conduct investigation. Among the 18,017 complaints handled this year, **85%** involved **human rights** abuse, while **54.5%** of the 488 investigations completed this year were human rights-related. The number of human rights-related cases resulted in **recommendation for corrective measures against the executive branch** grew from 81 in the previous year to **96** this year.

In 2013, the CY **impeached 41 government officials** including 1 county commissioner and 2 prosecutors. The CY also proposed **207** cases of **corrective measures** against the ministries or their agencies for negligence in carrying out policies. Meanwhile, the CY continues to keep playing a loyal law enforcer of the Sunshine Acts to ensure a clean government.

In 2013, the **top three** types of the cases for investigation are abuse of the right to judicial protection, the right to property, and the right to life and health. The CY also held **a workshop on protecting women's rights**, which was attended by around 320 participants and therefore decided to initiate **investigations pertinent to 13 critical issues**.

The CY **formed a taskforce** recently to develop measures reaffirming its role as a human rights institution and deliberate on promot-



ing **CY's existing role as human rights watchdog** and its conformity to Paris Principles.

In 2013, the CY received many important international guests from afar, including President of Nauru, Mr. Baron Waqa, who has been the **first foreign head of state** visiting the CY in the last two decades.

## 2. ROC Control (Supervision) System In Brief

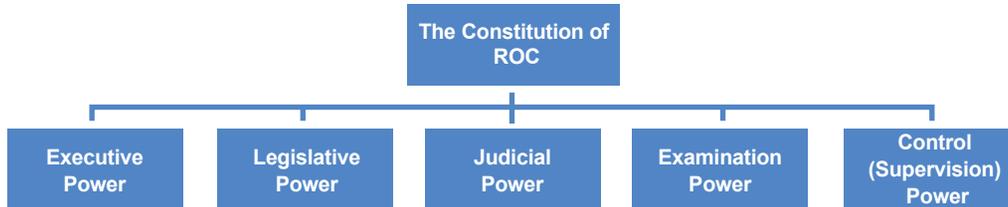
The control (supervision) system originated more than 2000 years ago in the Qing (246-206 B.C.) and Han (206 B.C. -220 A.D.) dynasties and was set up for upholding justice and ensuring government ethics. Not until the early 20 century was the system undergone a drastic transformation and given its modern facade by adding with the western constitutional concept.



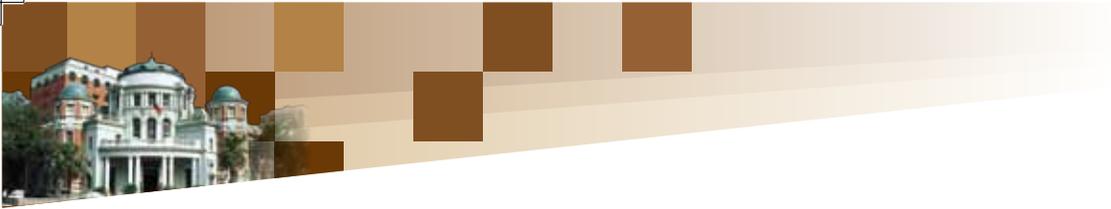
Statue of the ROC National Father, Dr. Sun Yat-Sen, who initiated the five-power system

**1911** The Republic of China, Asia's first democratic country, was established. The founding father, Dr. Sun Yat-Sen, advocated the five-power governmental system in which the two ancient Chinese government powers of examination and control (supervision) were added to the Western three-power structure (legislative, executive and judicial).

## The Five-Power Constitutional System of Republic of China



- 1928** The Auditing Yuan was also established.
- 1931** The CY was established while the Auditing Yuan was downgraded, becoming a ministry under the CY.
- 1947** The Constitution of the Republic of China was formed, and it specified a central government with five branches (Legislative, Executive, Judicial, Examination and Control Yuan).
- 1948** The Constitution went into effect and the CY was officially established. The members (ombudsmen) during the first term of the CY were elected by the provincial, municipal, Mongolian, Tibetan and overseas Chinese representative councils.
- 1949** The government relocated to Taiwan from the Mainland China due to the Chinese civil war between the Nationalist KMT government and the communist party.
- 1992** According to the amendment of the Constitution, the number of the CY members was reduced to 29, including a president and a vice president. All members were nominated and obtained the consent of the National Assembly.



**2000** The constitutional amendment specified that the 29 CY members shall be nominated by the President with the consent of the Legislative Yuan to serve a six-year term. This has remained in effect ever since.

**2005** The CY has been unable to exercise its powers for three and half years due to the political stalemate at the end of 2004 when the legislators of the opposing party refused to approve the nominations of the fourth term members.

**2008** The fourth term CY members took office in August 2008. Mr. Chien-Shien Wang, the former minister of finance, is the incumbent CY president and 7 out of 29 members are female. The members consist of scholars, judges, lawyers and former legislators with diversified professional backgrounds. The 4th term will be due in July 2014.



29 members of the 4th term and CY staff

### 3. Our Performance

The CY aims to protect human rights, uphold government ethics, promoting good governance and mitigate citizen complaints.

Our office managed to reach the above-mentioned goals through exercising our powers actively, and the work we accomplished in 2013 follows below:

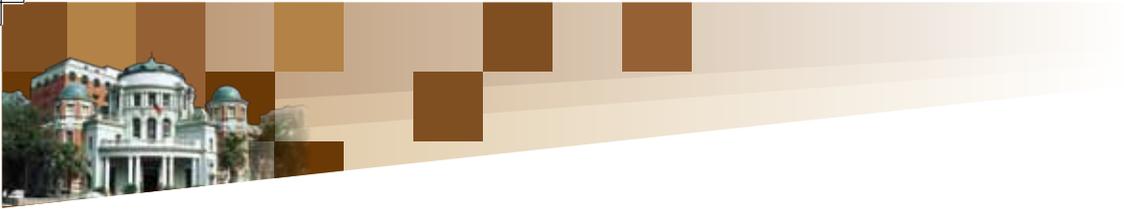
#### A. Handling Complaints and Assuring Good Governance

##### I. Receipt of People's Complaints

According to Article 4 of Control Act, the CY and its members may receive people's written complaints. Anyone can lodge a complaint of malfeasance against any public officials or against the government itself for a specific wrongdoing.



CY's Complaint Receipt Center



The CY receives complaints from:

**1. Private individuals:** This is one of the major sources of the complaints we receive. A complainant can lodge a complaint via fax, through the mail, or by Internet. One can also submit a complaint in person to an on-duty member in the Complaint Receipt Center in the CY office.



*CY member receives complainants in the Complaint Receipt Center*

**2. Government agencies:** The government agency shall send all cases of misconduct or violation of laws by its staff (senior ranking above level nine) to the CY.

**3. National Audit Office:** As a subordinate organization, the office reports relevant cases to the CY.

**4. Organizations/ Groups:** Any organizations or groups that are victims of governmental wrongdoing can lodge complaints with the CY.

**5. Circuit Supervision and Inspection:**

A complainant can lodge a complaint to members who conduct circuit supervision of central and local government agencies; or members can initiate cases themselves when they discover governmental wrongdoing.

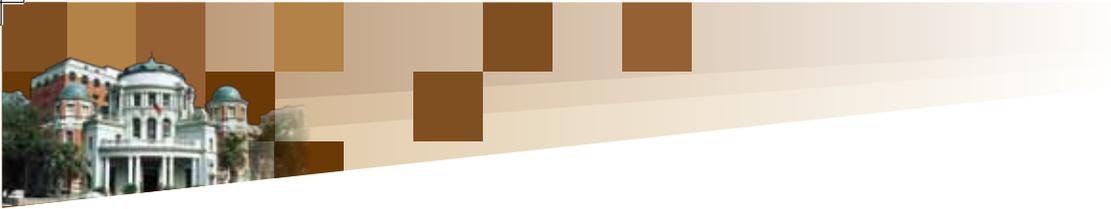


*CY members conducted field inspection for a child death case*

**6. The media:** Complaints can also originate in the opinions and concerns of the mass media.

In 2013, the CY received 17,926 complaints from private individuals. Below are the types of complaints we received:

Categories of Complaints Received in 2013		
Unit: Number of cases		
Item	2013	%
<b>Total</b>	<b>17,926</b>	<b>100 %</b>
Domestic Affairs	4,994	27.9
Judicial Affairs	5,650	31.5
Financial and Economic Affairs	3,127	17.4
Educational and Cultural Affairs	1,091	6.1
Communication Affairs	732	4.1
National Defense Affairs	775	4.3
Foreign Affairs	53	0.3
Others	1,504	8.4



## II. Investigation

When the CY receives a complaint, it determines if the case should be investigated. Besides, it exercises the power of impeachment and censure or takes corrective measures only after investigating the case thoroughly.

Investigations can be categorized as follows:

- 1. Assigned investigations:** Members, in rotation, are assigned by either resolution of the CY plenary meeting or committee to conduct an investigation.
- 2. Self-initiated investigations:** Members may initiate investigations based on the contents of the complaint or other information.
- 3. Commissioned investigations:** The CY entrusts related organizations to investigate complaint cases.

In 2013, the CY investigated 480 cases. Out of this total, 183 cases were assigned investigations and 297 belonged to self-initiated investigations. Among the cases, 532 ones had been investigated and presented with investigatory reports; 468 ones were finished with investigative suggestions which were passed by the committee sessions and sent to related government agencies for improvement.

### Statistics on Cases Investigated by the Control Yuan in 2013

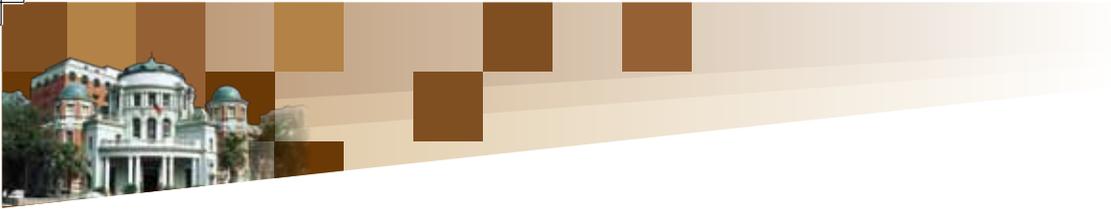
Units: Cases

<b>Number of total Cases</b>	<b>480</b>
Assigned investigation	<b>183</b>
- Assigned by Control Yuan plenary meeting	114
- Assigned by resolution of Committee	69
Self-initiated investigation	<b>297</b>

### Statistics on Government Agencies Investigated by the Control Yuan in 2013

Units: Cases/ Persons

Government Agencies	Cases investigated	Persons Punished for Relative Minor Misconduct by Their Relative Agencies on Request by the Control Yuan
<b>Total</b>	<b>1,027</b>	<b>324</b>
Presidential Office and its subordinate agencies	6	-
Executive Yuan and its subordinate agencies	721	234
Control Yuan and its subordinate agencies	2	-
Judicial Yuan and its subordinate agencies	69	4
Examination Yuan and its subordinate agencies	5	-
Local governments	206	86
Others	18	-



### III. Impeachment, Censure, and Corrective Measures

The CY shall propose impeachment, censure or corrective measures against the relevant agencies or public servants for maladministration if the investigation suggests clear evidence.

#### 1. Impeachment

In impeachment cases, the CY ensures that the government conducts itself responsibly and that the ethics relating to governmental behavior are clear. Cases of impeachment must be forwarded to the disciplinary agency only after they have been proposed by at least two members, reviewed by more than nine others, and approved by at least half of those reviewing them.

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.



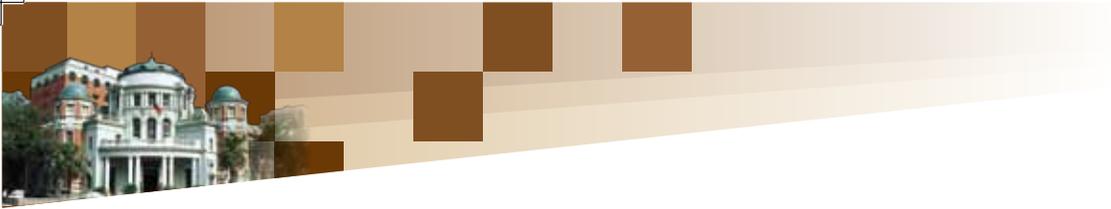
A press conference would be held when an impeachment case is passed

In 2013, the CY passed 18 impeachment cases and impeached 41 public officials.

**Categories of Organization whose Personnel were Impeached by the Control Yuan in 2013**

Unit: Persons impeached

Item	2013
<b>Total</b>	<b>41</b>
General Administration Affairs	13
Economic and Construction Affairs	9
Agricultural Affairs	6
Health Affairs	5
Judicial Affairs	5
Foreign Affairs	2
Budget, Accounting and Statistics Affairs	1



## Official Ranks of the Impeached in 2013

Unit: Persons

### ■ Civil Official

Elected	3
Politically Appointed	4
Senior Officer	20
Officer	13
Assistant Officer	1

### ■ Military Official

Generals	-
Colonels and Majors	-
Captains and Lieutenants	-

<b>Total</b>	<b>41</b>
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## 2. Censure

The CY employs the power of censure when it deems that a public functionary has broken the law and must be suspended from duty or be dealt with through other immediate measures.

Three or more CY members (not including the initiating members) shall review each case of censure, and at least half of the members reviewing it must give their approval. Each case shall be referred to the superior of the public functionary who has been censured for action.

If a case involves violation of the criminal code or military law, it shall be submitted directly to the competent court or military court for action.

If the public functionary's superior fails to act, or if two or more CY members deem the action taken improper, a case of impeachment may be initiated.

If a censured public functionary is impeached, his or her superior shall be held responsible for negligence of duty.

In 2013, there were no censure cases.

### 3. Corrective Measures

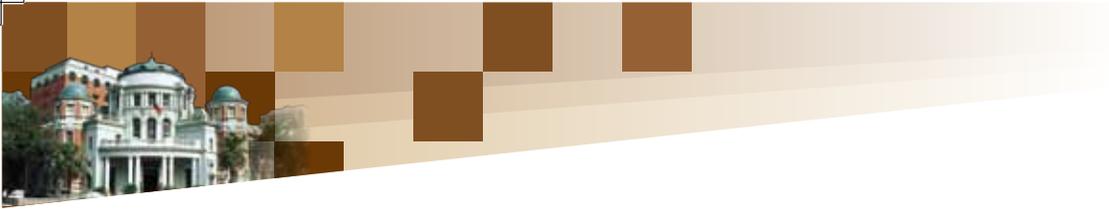
In accordance with various subordinate agencies of the Executive Yuan, the CY established several committees to monitor whether or not any public officials had violated the law or had been derelict in their duties.

The CY may propose corrective measures based on reviews and resolutions by various committees and forward them to the Executive Yuan and its subordinate agencies for improvement.

After investigating the work of Executive Yuan and its subordinate agencies, the CY may propose corrective measures to them once these proposals have been examined and approved by the relevant committees.

After receiving the proposed corrective measures, the Executive Yuan or its relevant agencies shall immediately make the appropriate improvements or take actions and reply to the CY within two months.

If the Executive Yuan or its relevant agencies fail to reply in a timely manner to the proposed improvements and actions, the CY



may, upon resolution by its related committees, question in writing or notify the responsible officials to appear at the CY for questioning.

If the CY concludes that the reply of the Executive Yuan or relevant agencies calls further inquiry, it may request an explanation from the relevant agencies or ask members in charge of the original investigation or investigators to conduct an on-site investigation.

If it is confirmed through an investigation that an executive agency has procrastinated and refused to make the necessary improvements, the CY may initiate a proposal of impeachment against the head of the agency.

In 2013, the CY proposed 207 cases of corrective measures against the executive branch for improvement. The table below presents the cases of corrective measures in 2013:

<b>Cases of Corrective Measures proposed by the CY Committees in 2013</b>	
Unit: Number of cases	
<b>Item</b>	<b>2013</b>
<b>Total</b>	<b>207</b>
Domestic and Minority Affairs	58
Foreign and Overseas Compatriot Affairs	5
National Defense and Intelligence Affairs	28
Financial and Economic Affairs	65
Educational and Cultural Affairs	26
Transportation and Procurement Affairs	14
Judicial and Prison Administration Affairs	11

## B. Audit

The power of audit is one of the supervision powers stipulated in the Constitution and its Amendment. Subordinate to the CY, the National Audit Office (NAO) exercises the power. The NAO is headed by an Auditor-General, who shall be nominated and appointed by the ROC President with the consent of the Legislative Yuan. The incumbent Auditor-General, Mr. Lin Ching-long, had finished his 6-year term starting from 2007 and won his re-nomination for another term since October, 2013.

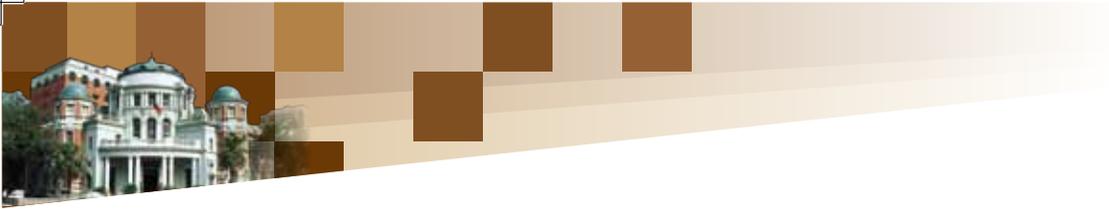


The NAO Auditor-General  
Mr. Lin Ching-Long

The main office audits the central government and its subordinate organizations while the local audit agencies inspect local governments and their subordinate organizations. These audit organizations are responsible for auditing the financial operations of governmental agencies at all levels.

### Missions, Visions and Core Values of the NAO

Missions	<ol style="list-style-type: none"> <li>1. Fulfill the duties of the NAO</li> <li>2. Enhance the Control Powers</li> </ol>
Visions	<ol style="list-style-type: none"> <li>1. Provide high quality audit service</li> <li>2. Maximize the value of audit function</li> <li>3. Improve the performance of government</li> <li>4. Facilitate integrity in public sectors</li> </ol>
Core values	<ol style="list-style-type: none"> <li>1. Independence</li> <li>2. Integrity</li> <li>3. Professionalism</li> <li>4. Innovation</li> </ol>



The power of audit includes:

- Supervising budget implementation
- Approving receipt and payment orders
- Examining and approving financial receipts and final accounts
- Detecting irregularities and dishonest behavior regarding property and financial affairs
- Evaluating financial efficiency
- Determining financial responsibilities
- Fulfilling other auditing duties mandated by law

If auditors discover that officials have committed financial irregularities or behaved dishonestly in an organization, the following measures may be taken:

The NAO shall report the findings to the competent audit organizations and notify the organization heads to take action. They may also report the case to the CY through auditing organizations for handling according to the law.

If a criminal offense is involved, they shall refer the matter to the judiciary and report to the CY.

If the auditing agency discovers that an organization has been notoriously inefficient or neglectful of its duties, it shall notify the organization's supervising agency and report the matter to the CY.

If the cause of the problem is a lack of system regulations or acceptable facilities, suggestions for improvement should be made.

The following table lists the cases reported by the NAO to the CY in 2013:

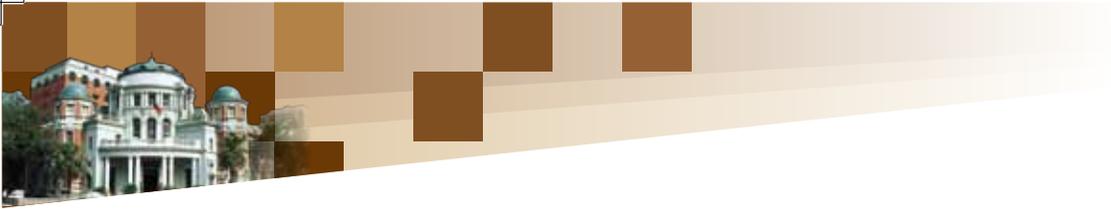
Cases Reported by the National Audit Office to the Control Yuan in 2013						
Unit: number of cases						
Total	Method of Disposition					
	Investigated	Forwarded to Other Agencies to Investigate	Merged	For Reference	Put on File	Others
233	22	25	19	166	-	1

More information of audit powers and performances are available on the NAO website: [www.audit.gov.tw](http://www.audit.gov.tw).

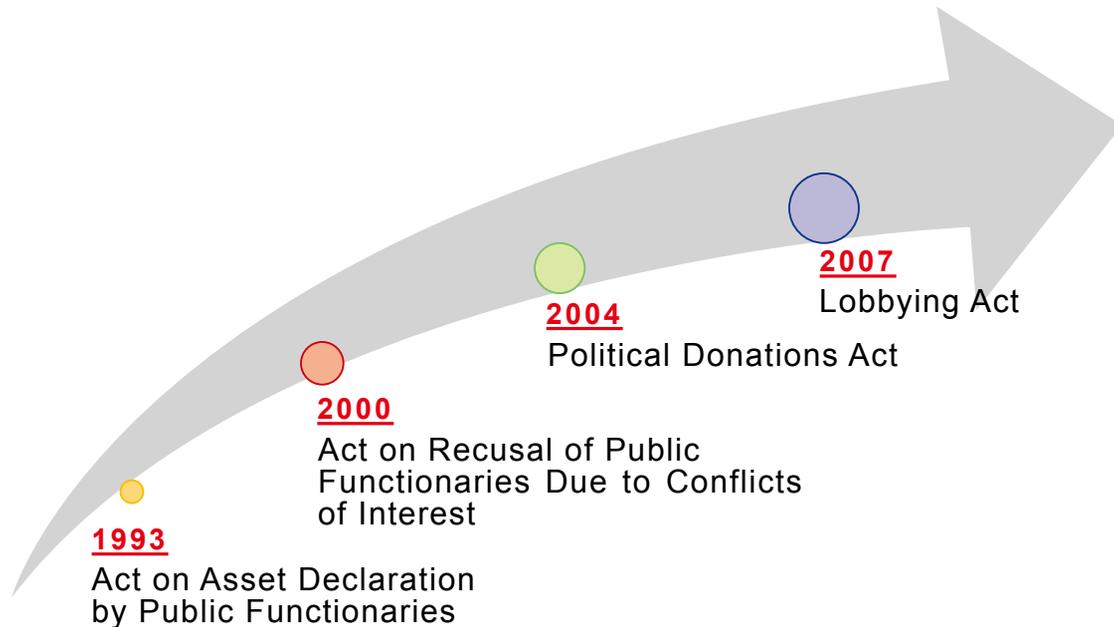
### C. Sunshine Acts

In order to assure a clean government, the CY manages to serve as a loyal law enforcer for the following four acts:

- Act on Asset Declaration by Public Functionaries
- Act on Recusal of Public Functionaries due to Conflicts of Interest
- Political Donations Act
- Enactment of Lobbying Act



## The Sunshine Acts Establishment Timeline



### I. Asset Declaration by Public Functionaries

The purpose is to ensure proper ethics and integrity of conduct among public functionaries. The enforcement of the act provides transparency in public functionaries' personal finances for public perusal, examination and supervision.

The following officials shall report their assets to the CY:

1. President and Vice President
2. President and Vice President of the five Yuans
3. Political appointees
4. Senior Advisors, National Policy Advisors, and Strategic Advisors of the Office of the President on government payroll

5. Chiefs, Chief Deputies at all levels, 10th rank and above Chiefs of Staff and administrators; Chairpersons, Vice Chairpersons, equivalent 10th rank and above administrators of the headquarters and branches of the state-owned enterprises; directors and supervisors representing the government or the state-owned shares in private juristic entities
6. Principal and Vice Principal of public schools at all levels; Chairpersons and Vice Chairpersons of the subsidiary institutions of the schools
7. Chief officers, deputy chief officers, and administrators at all levels above the rank of colonel in the military
8. Governors at above village (town, city) level elected pursuant to the Public Officials Election and Recall Act
9. Legislators/councilors in the Legislative Yuan/councils at all levels
10. Judges, prosecutors, enforcement officers, and judge advocates

One shall declare both domestic and overseas assets, including assets of all values (land, buildings, vehicles, insurance coverage), properties with a total value up to NT\$1 million (cash, deposits, securities, debts), items with a value up to NT\$200,000 (jewelries, calligraphy and paintings, antiques) and other important statement.

When discovering that public functionaries have failed to declare assets in time or truthfully, the CY shall impose fines and have their names published in accordance with the law. In 2013, there were 18 cases closed and fined. The fines reached up to US\$112,666 (NT\$3,380,000).



## Statistics on Cases of Asset Declarations by Public Functionaries in 2013

	Case	Amount (NT\$1,000)
Cases closed and fined	18	3,380
Cases closed	52	5,965
Cases not yet closed	81	6,570
<b>Cases with Fines Imposed</b>		
- paid by installment	7	1,940
- In the process of administrative execution	28	2,400
- others	7	610
<b>Cases Where Fines Have not yet been Imposed</b>		
- In the process of administrative appeal	-	-
- In the process of filing an administrative action	2	240
- others	3	1,380



The year 2013 marked the 20th Anniversary of the enactment of the Act on Asset Declaration by Public Functionaries, the CY held a seminar on the issue

## II. Conflicts of Interest

The aim of the act is to promote clean politics and integrity among public functionaries, and to effectively deter corruption. “Conflicts of interest” refers to nonfeasance and malfeasance by a public functionary on duty that has resulted directly or indirectly in him/herself or relevant persons receiving favors. Public functionaries are required to recuse themselves in cases of potential conflict of interest.

If a public functionary fails to prevent the conflict of interest, then the affected parties shall, according to the position of the public functionary, apply for prevention of conflict of interest at the agency where the public servant serves.

The CY shall investigate and impose fines upon those who violate the regulations. When cases of fine impositions are confirmed, they will be posted on the internet or government gazette.

In 2013, there were 13 fined cases and the amount was up to US\$636,666 (NT\$19,100,000).



## Types of Interest and Common Violations

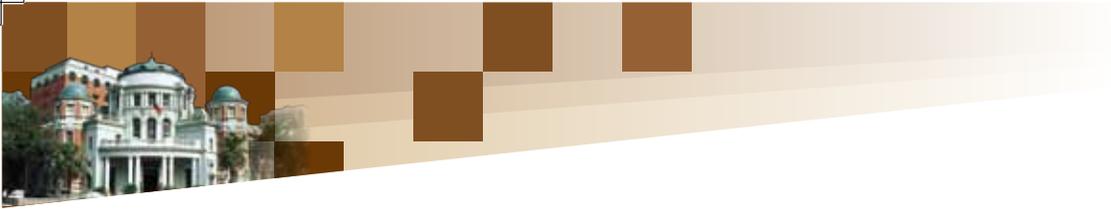
Types	Items	Common Violations
Assets	<ol style="list-style-type: none"> <li>1. Personal and real properties</li> <li>2. Cash, deposits, foreign currencies, and securities</li> <li>3. Obligatory rights or other property rights</li> <li>4. Other interests with economic value or that can be acquired through money exchange</li> </ol>	<ol style="list-style-type: none"> <li>1. Issuing a financial reward for performance</li> <li>2. Increased property prices as a result of urban planning or road rerouting</li> <li>3. Reduced or exempted rents, payments or transportation fees</li> <li>4. Meddling in land sales or ownership</li> <li>5. Delaying or canceling demolition of illegal housing</li> </ol>
Intangible Assets	<ol style="list-style-type: none"> <li>1. Employment, promotion and job transfers</li> <li>2. Other personnel arrangement</li> </ol>	<ol style="list-style-type: none"> <li>1. Contract workers</li> <li>2. Technicians, janitors, cleaning crews</li> <li>3. Temporary hourly worker</li> <li>4. Workers of staffing companies</li> <li>5. Performance assessment</li> <li>6. Temporary teaching assistants, staff, substitute teachers and additional teaching positions</li> <li>7. Other forms of violation</li> </ol>

### Conflicts of Interests: Violations and Penalties

Violations	Penalties (NTD)
Failure to recuse	<ul style="list-style-type: none"> <li>From 1 million to 5 million NTD</li> </ul>
Refusal to recuse	<ul style="list-style-type: none"> <li>From 1.5 million to 7.5 million NTD</li> </ul>
Abuse of power	<ul style="list-style-type: none"> <li>From 1 million to 5 million NTD</li> <li>Restitution of the illegal profits</li> </ul>
Inappropriate lobbying	<ul style="list-style-type: none"> <li>From 1 million to 5 million NTD</li> <li>Restitution of the illegal profits</li> </ul>
Financial transactions	<ul style="list-style-type: none"> <li>A fine of up to three times the total amount of the transaction</li> </ul>



The CY staff go to schools and local government agencies to give talks about sunshine acts to increase public awareness and understanding



### III. Political Donations

The act aims to regulate and manage political donations in promotion of fair and just political activities that contribute to a healthy democratic development.

“Political donations” refer to personal and real properties, disproportionate financial contributions, debt exemptions, or other financial gains given to a person or a group involved in political campaigns or other relevant activities.

A special account approved by the CY must be in place before political parties, groups and candidates receive donations. The CY also needs to handle candidates’ disclosures of accounting reports and publish these disclosures in publications or post them on website. Candidates’ balance reports of political donation accounts shall be sent to Yuan and reviewed by our staff. Violators will be fined.

Maximum Amount of Political Donations per Year				
Max. Donated Amount per Year (NTD)				
Types of donors	To a single political party or group	To multiple political parties or groups	To a single candidate	To multiple candidates
Individuals	30,000	60,000	10,000	20,000
For-profit enterprises	3 million	6 million	1 million	2 million
Civil groups	2 million	4 million	500,000	1 million

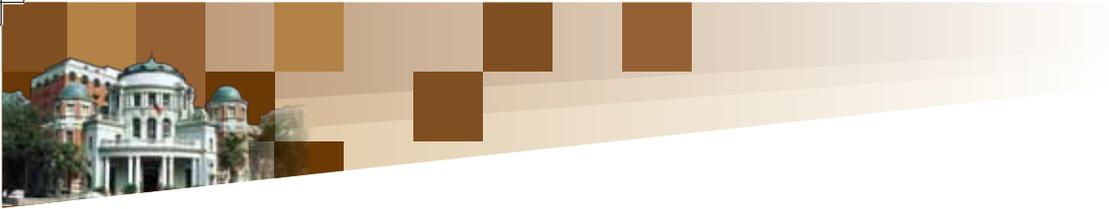
**Statistics on Political Donation Fines in 2013**

	Case	Amount (NT\$1,000)
Cases closed and fined	86	17,535
Cases closed	79	8,015
Cases not yet closed	130	38,177
<b>Cases with fines imposed</b>		
paid by installment	10	11,015
In the process of administrative execution	26	14,645
others	25	5,010
<b>Cases where fines have not yet been imposed</b>		
In the process of administrative appeal	-	-
In the process of filing an administrative action	1	1,000
others	75	16,027

**IV. Lobbying**

Lobbying refers an intentional interference by a lobbyist via verbal or written communication to affect the lobbied party or its agency about the formulation, enactment, modification, amendment or annulment of laws, government policies or legislation.

The lobbied parties include President and Vice President, people’s representatives at all level, heads of municipal, county and city governments, directors and deputy directors of local offices, persons



specified in Paragraph 1 under Article 2 of the Political Appointees Pension Statutes. In this regard, the CY president, vice president, members and secretary-general are considered lobbied party.

In 2013, the CY received no lobbying case .

## V. Online Declaration Service

To provide a better declaration service with convenience and efficiency, the CY manages to establish a user-friendly online system for declaration of assets as well as political donations. The number of the asset-declaration cases sent via the Internet rose from 2,659 in 2012 to 3,275 in 2013, which helps save more than 13,000 hours on paperwork. Many political parties and groups have also chosen to use the CY online system to declare political donations. Up to December 2013, more than 70 percent of the political donations had been reported via the Internet.

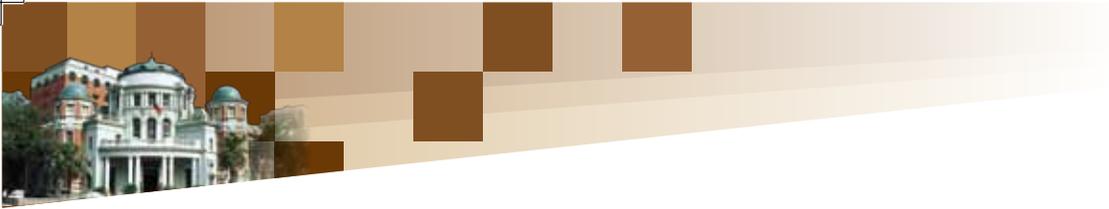
## D. Human Rights Protection

In May 2000, the Control Yuan established Human Rights Protection Committee (HRPC) to further its role in safeguarding human rights. The HRPC is made up of nine to eleven members appointed by the CY President from amongst incumbent members. This year the HRPC set up a taskforce overseeing all works related to gender equality and women's rights. The regulations for the establishment of Human Rights Protection Committee specifies that the committee

shall discover and investigate cases involving violations of human rights; deliberate and advise on matters relating to human rights investigation reports; propose changes to existing human rights acts; promote and monitor the domestic implementation of international human rights treaties; establish and maintain contact with human rights organizations in Taiwan and around the world; and promote human rights awareness.

The HRPC keeps track of cases of human rights violation and publicises statistics on a monthly basis. Among the 18,017 complaints handled this year, 15,316 (85%) involved human rights abuse, while 266 (54.5%) of the 488 investigations completed this year were human rights-related. The number of cases resulted in recommendation for correction slightly grew from 81 in the previous year to 96 this year. Abuse of the rights to judicial protection and property made up the bulk of the investigation respectively, followed by the right to life and health, and environmental rights. In addition to investigative works, the HRPC's endeavor in promoting human rights throughout the year also includes the following:

- 1. Workshop on women's rights:** On June 7, 2013, the HRPC held a workshop on women's rights as a way to engage civil groups with government offices. The event was attended by around 320 participants from women's groups, government agencies and the academia. The workshop prompted the CY's decision to launch thirteen investigations aimed at resolving the issues raised during the workshop. At the request of the HRPC, the Executive and Judicial Yuans responded to issues within their respective juris-



diction. Their responses were forwarded to the CY's investigators to facilitate investigative works. Issues that were not included in the investigations were delivered to the Executive and the Judicial Yuans to call for their attention.

**2. Conformity to international human rights norms:** The CY aspires to become a national beacon of human rights protection. In response to recent calls for the establishment of National Human Rights Institute, the HRPC set up a taskforce to deliberate on promoting CY's existing role as human rights watchdog and its conformity to Paris Principles. Experts and scholars were invited to advise on the issue at hand. The HRPC also contributed to the content of the two national human rights reports on the ICCPR and ICESCR (the Two Covenants) and CEDAW, respectively, and attended international conferences to evaluate the government's conformity to international human rights norms. The HRPC has responded to concluding observations and recommendations given by the panel of international reviewers and will continue to monitor progress made by government agencies.

**3. Publications on human rights works:** The 2012 Control Yuan Human Rights Annual Report includes 88 of the 436 investigations conducted in the same year. In terms of conformity to the CCPR, a majority of the investigations involve abuse of the right to judicial protection (18.2%) and the right to life (9.1%). As for investigating conformity to the CESC, abuse of the right to property (18.2%) is the most common, followed by the right to health (15.9%), to social security (11.4%) and to education (9.1%). This year, in addition to an annual report on the CY's human rights works, the HRPC

publishes an additional report documenting CY's contribution to women's rights over the past four years. The book includes 18 of the 53 investigations involving abuse of women's rights since the beginning of the Fourth Control Yuan. Sexual assault makes up the bulk of the investigations (45.3%), followed by sexual harassment (17%), reflecting the critical problems facing women in Taiwan.

- 4. Lectures on international human rights norms:** In response to ratification of the Two Covenants and the CEDAW, the HRPC held four lectures during the year on a variety of human rights issues to inform the CY's staff members of international human rights norms and raise awareness of human rights protection and gender equality.
- 5. Exchanges with counterparts at home and abroad:** The HRPC actively takes part in human rights events. The HRPC delegates attended the APF 18th Annual Meeting in Doha, Qatar, held during October 1 to 3. The event allowed the HRPC to acquaint with members of the APF and gain insight into the operation and legal stature of NHRIs in the region. The HRPC also received delegates of the NHRIs abroad and representatives of local non-governmental organizations.
- 6. Efforts to facilitate gender equality:** On June 19, 2013, the Control Yuan established a gender equality taskforce to oversee the enforcement of CEDAW and the Two Covenants and further the protection on women's rights. The CY also conducted a comprehensive review of all of its 286 orders and policies and found no



violation of the CEDAW. The HRPC continues to update its works promoting gender equality policies, attends relevant negotiations, consultation sessions and trainings, and publishes a database on gender statistics with regular updates.



The "Control Yuan 2013 Workshop on Protecting Rights of Women" is attended by more than 300 participants from the civil society, academia and the public sector



The HRPC holds an informative lecture on gender mainstreaming, an issue central to the works of civil servants and policy makers



The HRPC delegates attend the APF 18th Annual Meeting in Doha, Quadar, held during October 1 and 3.

## Human Rights Complaints Handled by the Control Yuan in 2013

Types of Violation	Complaints Handled	
	Number of Cases	Percentage %
<b>Total</b>	<b>18,017</b>	<b>100%</b>
<b>Non-human rights cases</b>	<b>2,701</b>	<b>15%</b>
<b>Human rights complaints</b>	<b>15,316</b>	<b>85%</b>
1. Right to freedom	147	0.8%
2. Right to equality	86	0.5%
3. Right to health and life	630	3.5%
4. Right to work	1,544	8.6%
5. Right to property	3,795	21.1%
6. Political rights	396	2.2%
7. Right to judicial protection	5,338	29.6%
8. Right to cultural life	232	1.3%
9. Right to education	546	3%
10. Environmental rights	440	2.4%
11. Rights to social security	500	2.8%
12. Others	1,662	9.2%



## Human Rights Investigations Completed by the Control Yuan in 2013

Types of Violation	Investigations Completed	
	Number of Cases	Percentage %
<b>Total</b>	<b>488</b>	<b>100%</b>
<b>Non-human rights cases</b>	<b>222</b>	<b>45.5%</b>
<b>Human rights complaints</b>	<b>266</b>	<b>54.5%</b>
1. Right to freedom	5	1%
2. Right to equality	5	1%
3. Right to health and life	45	9.2%
4. Right to work	12	2.5%
5. Right to property	62	12.7%
6. Political rights	3	0.6%
7. Right to judicial protection	63	12.9%
8. Right to cultural life	9	1.8%
9. Right to education	14	2.9%
10. Environmental rights	18	3.7%
11. Rights to social security	10	2.1%
12. Others	20	4.1%

## E. International Exchange

The CY has been actively engaging in international ombudsman activities and communications. In 1994, the International Affairs Committee (IAC) was established, followed by the CY became the member of International Ombudsman Institute (IOI) earlier in the same year. Since then, the CY regularly attends the world and regional meetings, conferences and workshops held by the IOI.

The CY's main international activities in 2013 are as follows:

**1. The IOI participation:** The CY strives to be actively participating in IOI events. In April 2013, a CY staff was sent to participate in the seminar held by the IOI and the AOA in Bangkok, Thailand, and visited the Ombudsman Office of Thailand during the trip. On the other hand, we post the CY's latest information on the IOI Newsletter in keeping our international counterparts informed of the CY activities.

**2. International visitors to the CY:** In 2013, we had received several important guests from afar, including Hungarian Commissioner for Fundamental Rights, Professor Máté Szabó, Commonwealth Ombudsman of Australia Mr. Colin Neave,



Republic of Nauru President Baron Waqa visits the Control Yuan



Republic of Nauru President Baron Waqa.

**3. Holding Staff Exchange Programs:** The CY held two similar programs with both English- and Spanish-speaking counterparts from 12 countries in 2013. The three-day program includes the lessons of the supervision system of Taiwan ROC and the CY powers. The participants also joined guided tours to several CY departments, the Complaint Receipt Center and the National Audit Office. The activities truly fostered mutual learning and international friendship.

**4. Signing Bilateral Agreement with Nicaragua Human Rights Ombudsman Office:** In April 2013, the CY signed the agreement, following Argentina, Panama Paraguay, with Nicaragua Human Rights Ombudsman Office at the CY plenary assembly hall. The idea of signing the Agreement took shape in August 2012, after the staff exchange program between the CY and its Latin American counterparts. The Nicaraguan participant returned home and began boosting for further collaboration between the two sides. In October 2012, the two offices signed the Memorandum of Understanding (MOU) in Nicaragua Human Rights Ombudsman Office by Dr. Louis Chao, the CY Member



*A New Chapter of Cooperation: The CY and Nicaragua Human Rights Ombudsman Office Signed Bilateral Agreement*

and the chairperson of international affairs committee, and Mr. Cabezas, paving the way for the official signing.

**5. Attending International Conferences:**

In 2013, the CY participated in the 18th meeting of Ibero-American

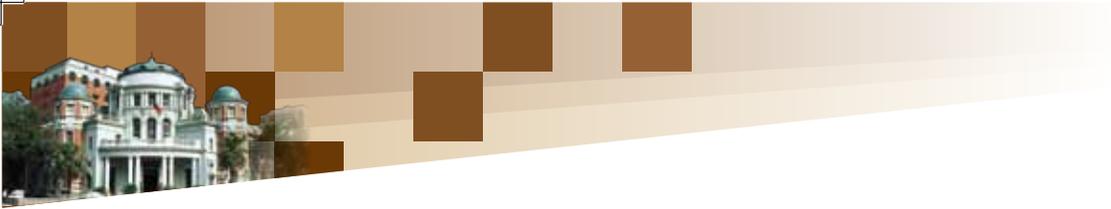


*The CY members attended the 18th FIO meeting held in Puerto Rico*

Federation of Ombudsman (FIO) held in Puerto Rico and the 18th Asia Pacific Forum (APF) held in Doha. The events provided important platforms for the CY to exchange latest development of the ombudsman and human rights work with overseas counterparts.

**6. Commemorative Album of the CY International Affairs:**

The year 2013 also marks the twentieth anniversary of the CY international activities. A commemorative album of the CY international affairs had been compiled to look back on what we have been through and pass down this experience. In the past two decades, the CY has established closer relations with the international ombudsman community and learned greatly from the counterparts all over the world. Many ombudsman offices have been faced with budget cuts in recent years, and the CY is no stranger to it as well. To ensure independence and “maintain our teeth sharp,” greater cooperation within and beyond border is far more important than ever.



## 4. Case Summaries:

### Bringing Our Powers to Bear

#### A. Ensuring Clean Government and Good Governance

##### I. Case 1

##### **Taipei officials involving a dishonest joint development project**

In October 2012, the commissioner and the director of the Taipei City Department of Rapid Transit Systems (DORTS) were impeached due to a mass rapid transit station (MRT) joint development project known as the MeHAs City project. The CY also proposed corrective measures against the Taipei City Government for negligence.

The DORTS and Radium Life Tech Co. signed a contract to jointly carry out the project in New Taipei City near Xiaobitan MRT Station in 2006. The project sits on a 9.3-hectare site along the riverside and includes residential homes, offices, shopping malls and a movie theater.

According to the CY investigation, the city government undervalued the land, enabling the developer to earn higher profits when selling the apartment complex. Of the land developed, only 30 percent was used to build the MRT station, while about 70 percent was given to the developer to build the apartment complex. The CY estimated that the project caused the city government a loss of nearly NT\$11 billion.

At the demand of the CY, the DORTS re-evaluated the land and the construction costs and asked the developer to pay a bond of NT\$3.5 billion in July 2013, allowing it to proceed with its transfer of ownership of the land.

The case was also referred by the CY to the judicial branch for criminal investigation and attracted widespread public attention. (On December 24, 2013, Taipei district prosecutors raided five locations and summoned relevant people for questioning over suspected forgery of a land property assessment document by the DORTS.)



The CY members briefed the impeachment case against the DORTS officials to the press

## II. Case 2

### Suspended County Chief impeached by the Control Yuan

Nantou County Commissioner Lee Chao-ching was taken into custody on November 30, 2012, on suspicion of taking kickbacks for road repair contracts of post-disaster reconstruction projects, and suspended from his duties. The Ministry of the Interior (MOI) later decided to refer the case to the CY for further investigation in accordance with the Public Functionaries Discipline Act.



After the investigation, the CY impeached the commissioner on September 10, 2013. The CY found that Lee and his staff received bribes amounting to over US\$ 1 million and severely caused severe harm to government ethics and the public trust. To ensure cleaner governance and public integrity, it was deemed that the commission should be penalized for his misconduct. This was the first case involving an elected government head to be referred by the MOI to the CY for investigation.



The CY impeached the Nantou County Commissioner for taking kickbacks and harming the government ethics

## B. Preventing Government Waste in a Time of Austerity

### I. Case 3

#### **CY investigation nets NT\$ 1.26 billion in tax revenues from real estate transactions**

An investigation of Taiwan's taxation system was initiated in 2010 by CY members due to widespread criticism overtax inequality, which is believed to be a major factor in the worsening income disparity in Taiwan in the past years. According to the CY finding, the Ministry of Finance (MOF) had long been ignoring a defect in the taxation system that violates the ability-to-pay principle and failed to levy taxes on real estate transactions, which is a fast way to accumulate a for-

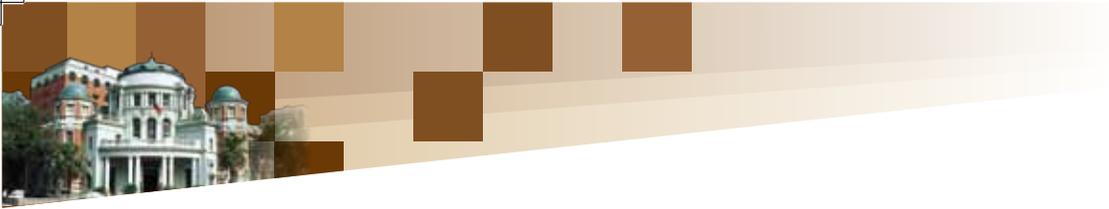
tune in a short period of time. The CY also found that the National Taxation Bureau did not impose taxes in accordance with income tax regulations and merely verified the transactions of both existing home sales and pre-sale residential property. The government's negligence has resulted in a worsening problem of income disparity. After corrections and demands by the CY, the MOF established guidelines on verification of real estate transactions. In July 2013, the ministry replied to the CY that it had verified nearly 2,000 transactions of both pre-sale and existing homes, netting tax revenues up to NT\$ 1.26 billion.

## II. Case 4

### The CY urges the renewal of idled public facilities

The CY and the NAO have paid particular attention to the problem of idled public facilities as part of their efforts to increase the efficiency of public expenditures and prevent government waste. In recent years, the number of idled public facilities, known colloquially as “mosquito facilities” since they become mosquito-breeding sites, has grown due to poor project assessments and budgeting shortfalls.

The fourth CY has completed investigations of 84 such cases and proposed 54 corrective measures against relevant government agencies for improvement. In August 2011, a special team consisting of 14 cross-committee CY members was formed to conduct a systemic investigation on the improvement of the existing idling public facilities. The team listed the similar facilities nationwide and urged their supervisory agencies to initiate renewal and management projects. It



also asked the Public Construction Commission (PCC) of the Executive Yuan to oversee the evaluation work. In September 2013, the CY presented an investigatory report assessing the improvements and urging the executive branch to establish an evaluation mechanism to “kill the mosquito facilities.”

In 2013, the NAO identified an additional 13 “mosquito facilities” that cost NT\$1.6 billion in public spending and demanded the formulation of improvement plans. The PCC subsequently convened a meeting attended by supervisors of those facilities to plan improvement projects. The progress of all projects is announced quarterly on the PCC website. To date, four of the thirteen renewal projects have resulted in revitalization of the successfully made the least-used facilities, including a public market and exhibition hall.

## C. Safeguarding Human and Civil Rights

### Case 5

#### The CY rectifies improper use of precautionary devices in prisons

In August 2013, the CY proposed corrective measures against the Ministry of Justice (MOJ) for neglecting the pervasive improper use of precautionary devices in prisons, which harmed the human rights of inmates and violated the International Covenant on Civil and Political Rights (ICCPR).

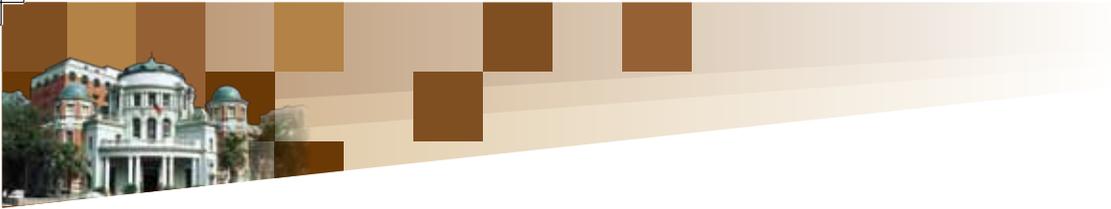
The investigation was followed by a complaint made to the CY from a prisoner, who claimed to have been tortured by leather cuff restraints in prison. After a thorough investigation, the CY found that the restraints have been abusively used in prisons for punishment in violation of the Prison Act. One serious case was found in which the prisoner's hands had for a year been tied with leather cuffs, which are not legal precautionary devices, at all times except for having meal times and during sleep.

After rectification by the CY, an announcement was made on June 11, 2013, by the Agency of Corrections of the MOJ to ban the use of leather cuffs in prison. The following month, the "Directions for Using Precautionary Devices in Prisons" was also announced. The agency further promised to complete the relevant regulations conforming to the ICCPR by revising laws such as the Prison Act and the Detention Act.

## II. Case 6

### **The CY assists a complainant in filing an extraordinary appeal**

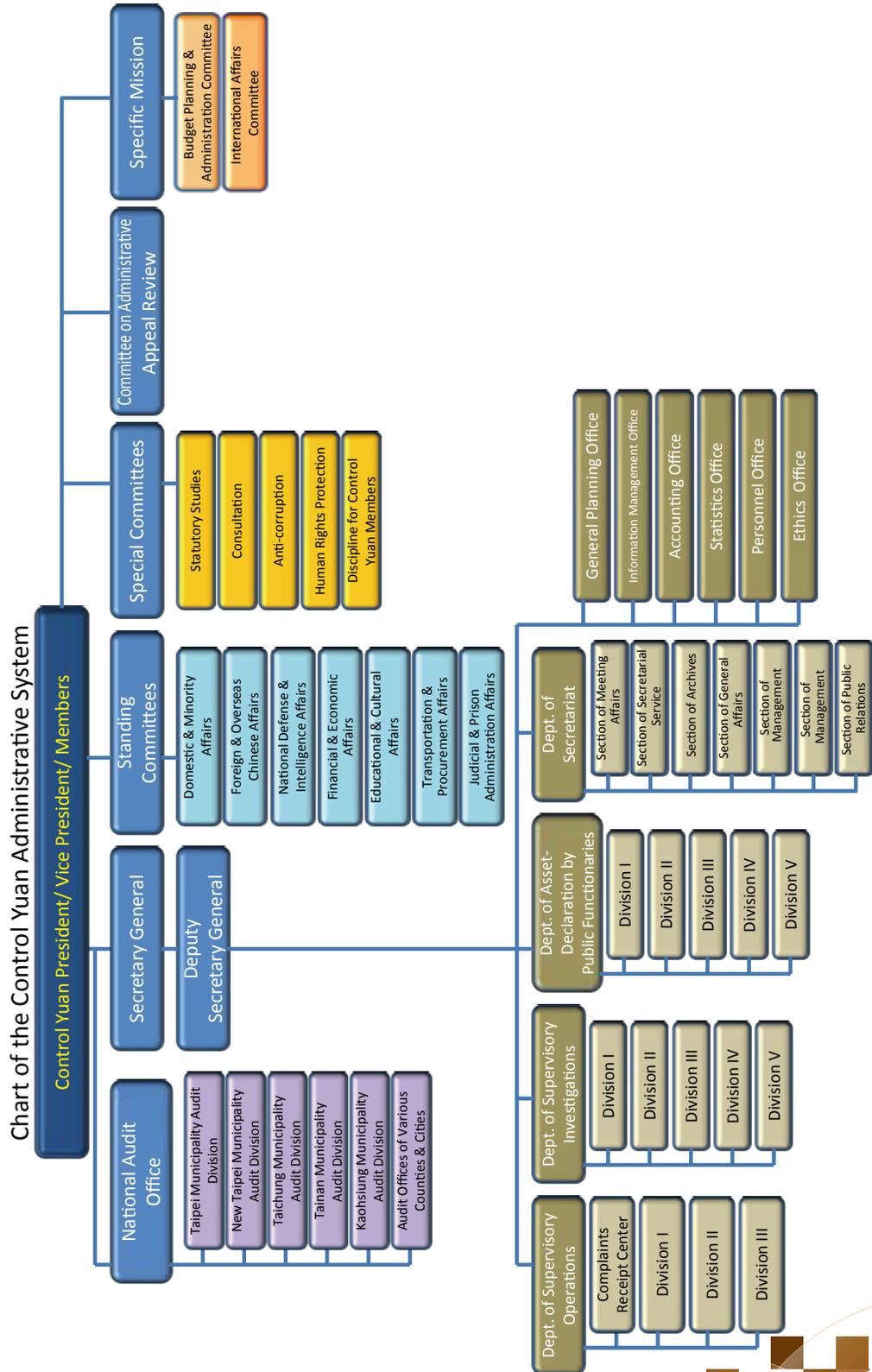
A citizen, who pleaded guilty for bribing the police, lodged a complaint with the CY and asserted that she had made a confessed to the offence but was not given a commuted sentence in the following court decision. She insisted that the judgment was against stipulations in Anti-Corruption Act.

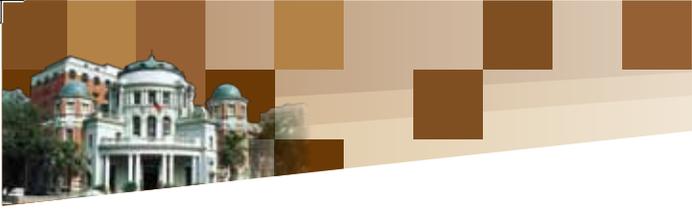


After the investigation, the CY confirmed that the complainant had confessed during the police interrogation and, therefore, the judgment made by the Taiwan High Court Kaohsiung Branch Court was in violation of the relevant statute. The CY urged the Ministry of Justice and the Supreme Prosecutors Office to re-examine the case. An extraordinary appeal was then filed on July 8, 2013. On July 31, the Supreme Court overruled the original decision and reduced the complainant's prison sentence from sixteen months to eight months.

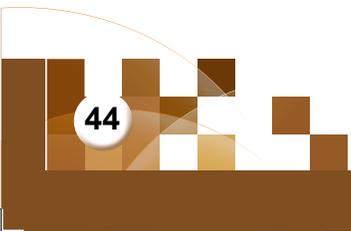
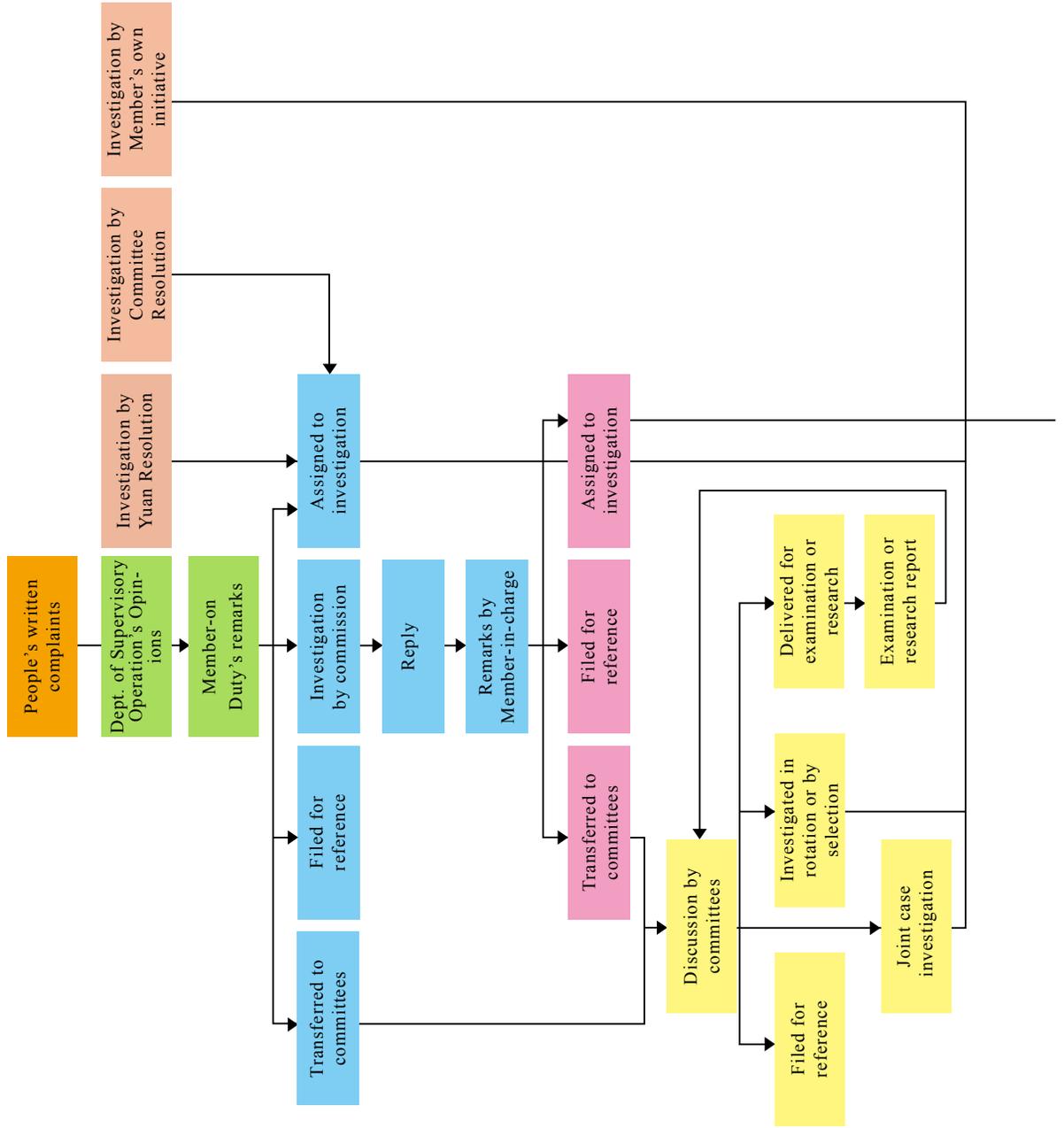
# 5. Appendix

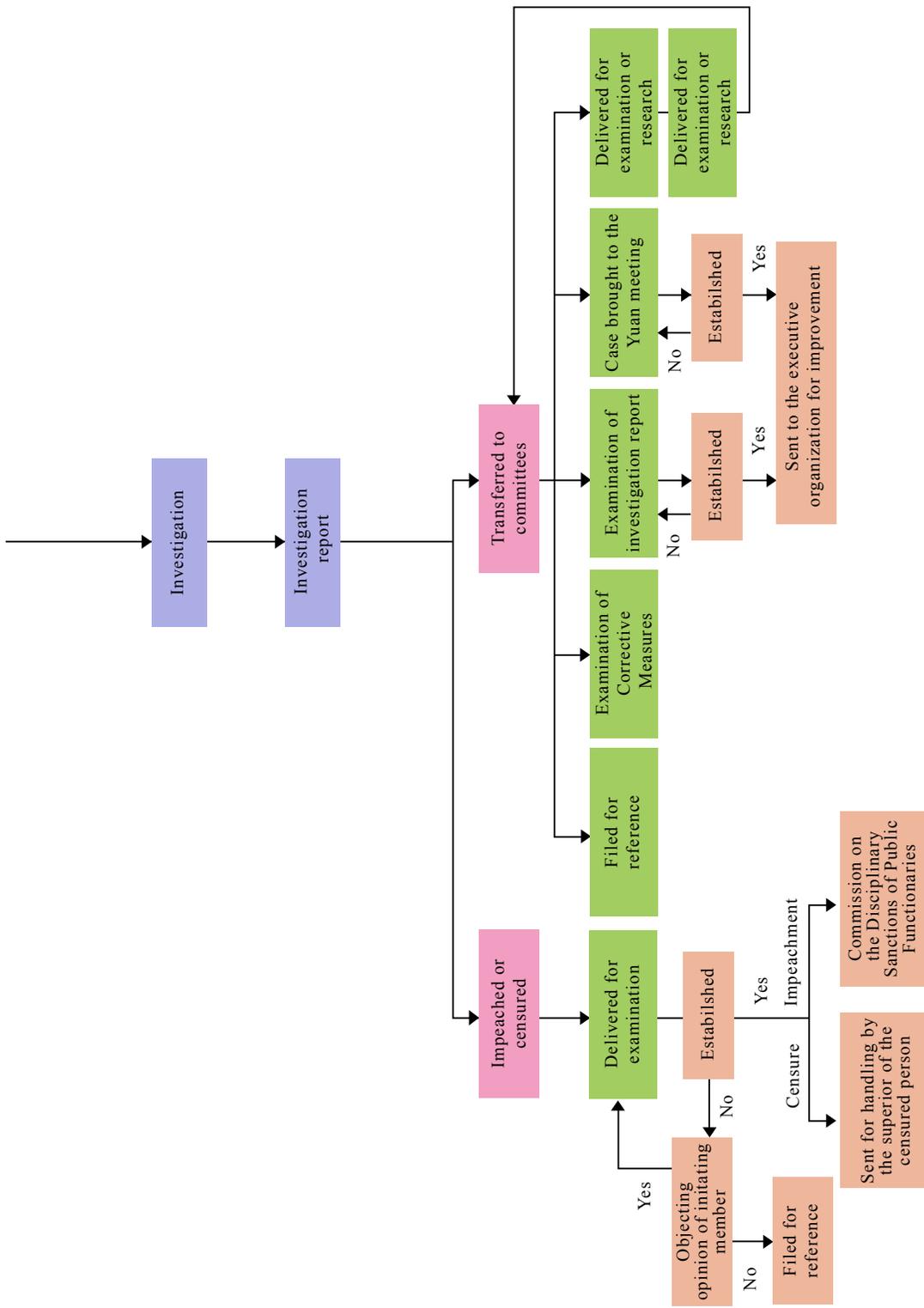
## Organizational Chart of the Control Yuan





# Flowchart of the Exercise of the Control Yuan Powers







# 2013

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