

# 2018

## Annual Report of the Control Yuan Taiwan, Republic of China







## Preface



As one of the five branches of the central government under the Constitution, the Control Yuan (CY) exercises its powers independently, and is responsible for rectifying official conduct, ensuring government ethics, protecting human rights and redressing grievances. The CY investigates violations of the law and misconduct by public servants and pursues administrative accountability against offending government agencies, obliging public servants at the central and local government levels to maintain vigilance against potential malfeasance. Serving as a national human rights institution, the CY is devoted to protecting human rights

and supervising government with a high sense of mission to ensure good governance.

In 2018, the fifth-term CY members maintained an independent position and actively exercised the CY's powers, impeaching 36 public officials for a range of offenses in 18 cases in sum, as well as proposing a total of 100 corrective measures against various government ministries and agencies, and sending 306 letters with recommendations for improvements. Following the recommendations of the corrective measures helped save the government a total of NT\$16.196 billion (US\$522.45 million), including NT\$16.168 billion (US\$521.55 million) in additional revenue and NT\$28 million (US\$900 thousand) in reduced spending.

During the year, the CY handled a total of 16,212 filed complaints by citizens, with 14,014 involving alleged human rights violations. Among the total of 345 investigation reports reviewed and passed by the committees and selected by CY members, 221 were related to human rights, with those concerning the right to subsistence and health (54 reports), the right to judicial impartiality (35 reports) and the right to property (34 reports) ranking as the top three, indicating that the government needs to strengthen protection of these rights.

The CY also continued actively engaging with the international community in 2018. We had the privilege of hosting many prominent visiting dignitaries, such as International Ombudsman Institute (IOI) Second Vice President Chris Field, Australasian and Pacific Ombudsman Region (APOR) Regional Director Peter Boshier, Ombudsman of Belize Lionel Arzu, as



well as delegations from Latin America, South Korea, Australia, Guatemala and Honduras. Meanwhile, CY delegations visited the IOI headquarters and attended the 30th APOR Conference and 23rd annual conference of the Federación Iberoamericana del Ombudsman. This year, the CY will hold the 31st APOR Conference as well as an International Workshop on Human Rights, providing an opportunity for Taiwan to share its experience and achievements in and contributions to the protection of human rights and the promotion of good governance.

Looking ahead, the CY will continue to actively carry out its duties of safeguarding human rights and ensuring the government's compliance with related international conventions, as well as supervising government in order to ensure honest and able administration in keeping with the public's expectations.

Po-ya Chang  
President of the Control Yuan  
May 2019





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# Part 1

## 2018 Highlights: An Overview of Work Performance



## 2018 Highlights: An Overview of Work Performance

In order to safeguard the rights and interests of the people and ensure an honest and able government, the Control Yuan utilized its authority to supervise the government and redress grievance in 2018. During the year, the CY received 16,419 filed complaints by citizens and issued 362 investigation reports, with corrective measures carried out in 100 cases and impeachments in 18 cases. In 2018, corrective measures proposed by the CY helped to save the government approximately NT\$28 million (US\$900 thousand) in spending and to boost revenues by NT\$16.196 billion (US\$522.45 million).

Among the complaints received in 2018, those involving judicial affairs accounted for the largest portion, at 42.9 percent of the total, followed by those dealing with domestic affairs at 28.5 percent, and financial and economic affairs at 12.6 percent. The figures show that issues concerning livelihood and administration of justice are of primary concern to the public. Regarding the 362 investigation reports, 306 letters calling for improvements were sent to government administrative bodies. As for the 100 cases of corrective measures, those involving domestic and minority affairs accounted for the largest share, at 34 in sum, while in the 18 impeachment cases, a total of 36 officials were impeached, including 15 judicial and military officers.



CY members assigned daily to receive and handle complaints submitted by the public at the Complaint Receipt Center

Most of the complaints that the CY handles and the investigations that it conducts are closely related to safeguarding human rights. Among the investigation reports released in 2018, those involving the right to subsistence and health, the right to judicial impartiality and the right to property ranked as the top three, indicating that the government needs to strengthen protection of these rights.

As part of efforts to further enhance its human rights protection work and ensure the government's compliance with related international conventions, the CY revised the Regulations Governing the Establishment of the Control Yuan Committee on Human Rights Protection in August 2018. Article 4 of the Regulations now stipulates that the committee shall be comprised of

all the CY members and headed by CY president, with the vice president serving as the vice chairperson. In addition, the committee shall set up different working groups to handle the needs of human rights work and specific human rights issues as they arise.

The CY also deals with various matters concerning anti-corruption work, such as property declaration by high-ranking public servants, political donations and conflict of interest prevention. In 2018, there were a total of 9,821 property declarations, 62 recusals due to potential conflict of interest, and 644 political donation accounting reports filed.

During the year, the CY also continued to actively engage in international exchanges and events, including visiting the headquarters of the International Ombudsman Institute (IOI) and attending the 30th Australasian and Pacific Ombudsman Region (APOR) Conference and the 23rd annual conference of the Federación Iberoamericana del Ombudsman (FIO). The CY also welcomed several prominent foreign dignitaries to Taiwan, including IOI Second Vice President Chris Field, APOR Regional Director Peter Boshier, Ambassadors to the Holy See of the ROC's Latin American diplomatic allies, a delegation of the South Korean National Assembly's Committee for Gender Equality and Family, Victorian Ombudsman Deborah Glass, Guatemala Comptroller General Carlos Enrique Mencos Morales, President of the Supreme Court of Auditors of Honduras Ricardo Rodríguez, and Ombudsman of Belize Lionel Arzu.



Ombudsman of Belize Lionel Arzu delivering a speech at the CY, engaging in open and friendly discussions with the CY members and staff

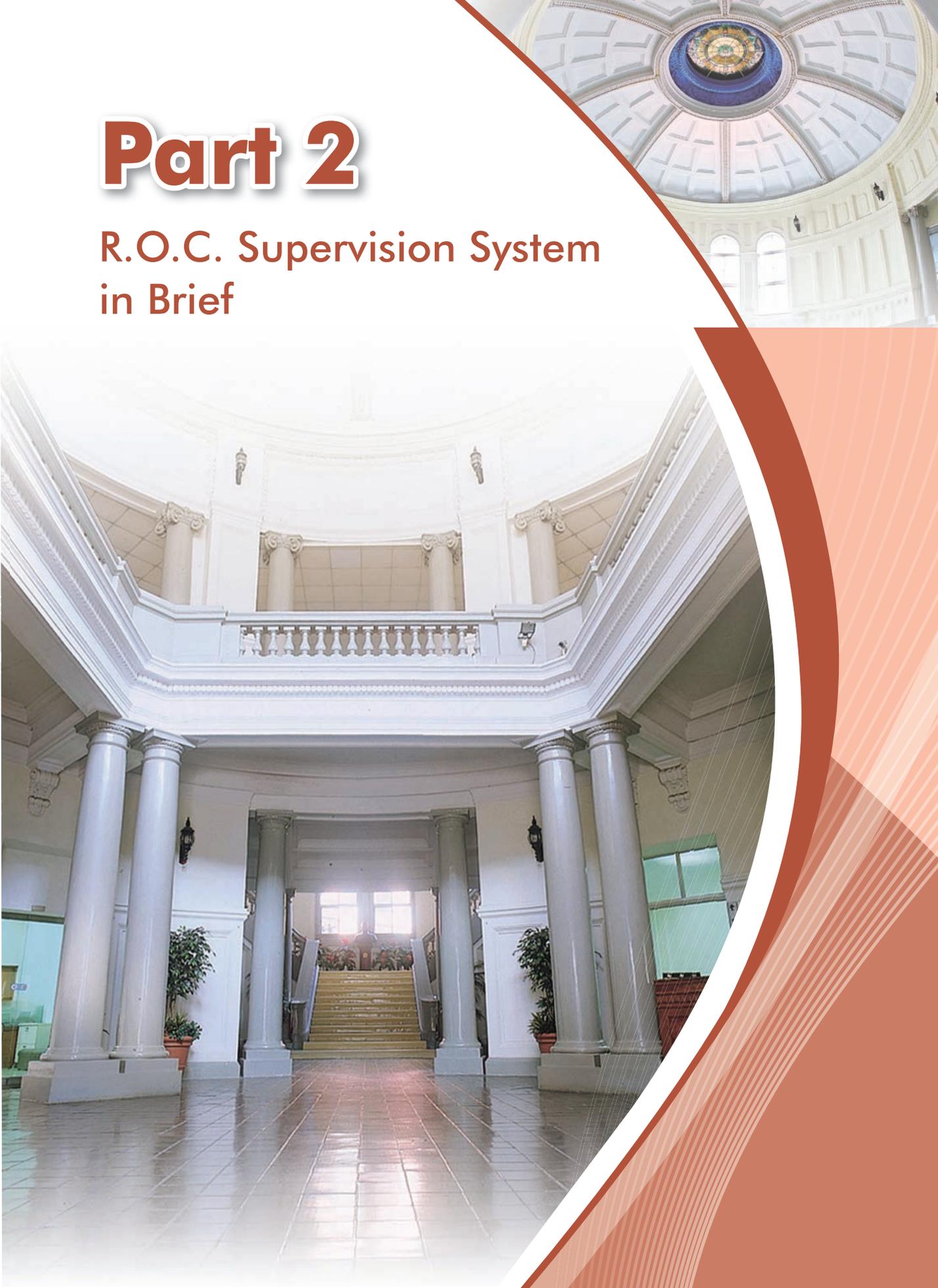


Central and South American Military Officers visiting the CY



# Part 2

## R.O.C. Supervision System in Brief



## R.O.C. Supervision System in Brief

### Historical Background

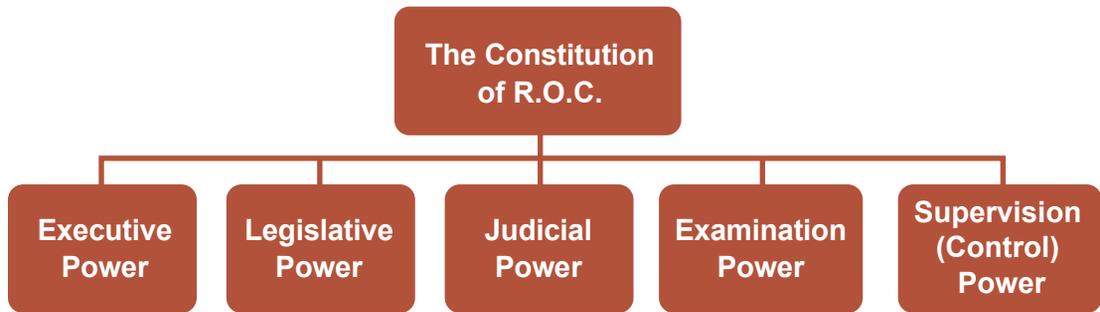
The very original form of supervision system in Taiwan can be dated back to ancient China more than 2,000 years ago in the Qin (246-206 B.C.) and Han (206 B.C.-A.D. 220) dynasties, which served to uphold justice and ensure government ethics. In the early 20th century, the system was transformed and modernized with the addition of the western constitutional concept by the R.O.C. founding father, Dr. Sun Yat-sen. Drawing from the Western system of checks and balances among legislative, executive and judicial powers, he also added two traditional Chinese government powers of examination and supervision (control) to complete the five-power system.



A statue of the R.O.C. founding father, Dr. Sun Yat-sen, erected at the CY main stairway



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



### History

- 1928** The Auditing Yuan was established.
- 1931** The CY was established and the Auditing Yuan was reorganized as a ministry under the CY.
- 1947** The R.O.C. Constitution was drafted, specifying a central government with five branches (Legislative, Executive, Judicial, Examination and Control Yuan).
- 1948** The Constitution came into effect and the CY was officially established. The members (National 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 mainland China due to the Chinese civil war.

- 1992** According to the amendment of the Constitution, the number of CY members was reduced to 29, including a president and a vice president. All members were nominated and approved by the National Assembly.
- 2000** The constitutional amendment specified that the 29 CY members shall be nominated by the President and approved by the Legislative Yuan to serve a six-year term.
- 2005** The CY was unable to exercise its powers for three and a 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 on August 1, 2008. Mr. Wang Chien-shien, the former Minister of Finance, was the CY president; 7 out of 29 members were female. The members consisted of scholars, judges, lawyers and former legislators with various professional backgrounds.
- 2014** The fifth term CY members took office on August 1, 2014. However, there were only 18 members in total as the other 11 nominees had failed to be approved by the Legislative Yuan beforehand. Dr. Chang Po-ya, the former Chairperson of Central Election Commission, is the incumbent CY president. She is the first female CY president and also the first female head of five-branch government.
- 2018** 11 new CY members were approved by the Legislative Yuan and took office in January. Their term is due to expire on July 31, 2020.



Group photo of the fifth Control Yuan President, Vice President, Members, Secretary General, Deputy Secretary General and Auditor General on March 13, 2018

## Organization

The Control Yuan is composed of 29 members, 4 departments, 6 offices, 7 standing committees, 5 special committees and 2 task force groups. All of the members shall serve a term of 6 years and shall be nominated by the President of the Republic of China, with the consent of the Legislative Yuan. 14 of the 29 incumbent members, half of the CY directors and more than half of its employees are female.

## Functions and Powers (Jurisdiction)

- Receipt of people's written complaints
- Investigation
- Corrective measures
- Impeachment

- Censure
- Circuit supervision and inspection
- Invigilation
- Audit
- Acceptance of property-declaration by public servants
- Handling the reports and investigations of recusal of public servants due to conflicts of interest
- Handling the approval, change, and closing political donation accounts, and the declaration of account records
- Handling lobbying cases
- Human rights protection
- International exchange



President Chang presiding over a plenary meeting

# Part 3

## Our Performance



## Our Performance

The CY obtains comprehensive powers and functions of supervision, which all aim to protect human rights, uphold government ethics, promote good governance and mitigate citizen complaints. By actively exercising its powers in 2018, the CY has accomplished various works, which are illustrated in order as follows:

### Handling Complaints and Assuring Good Governance

#### Receipt of People's Complaints

According to Article 4 of the 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 government agencies for a specific wrongdoing.

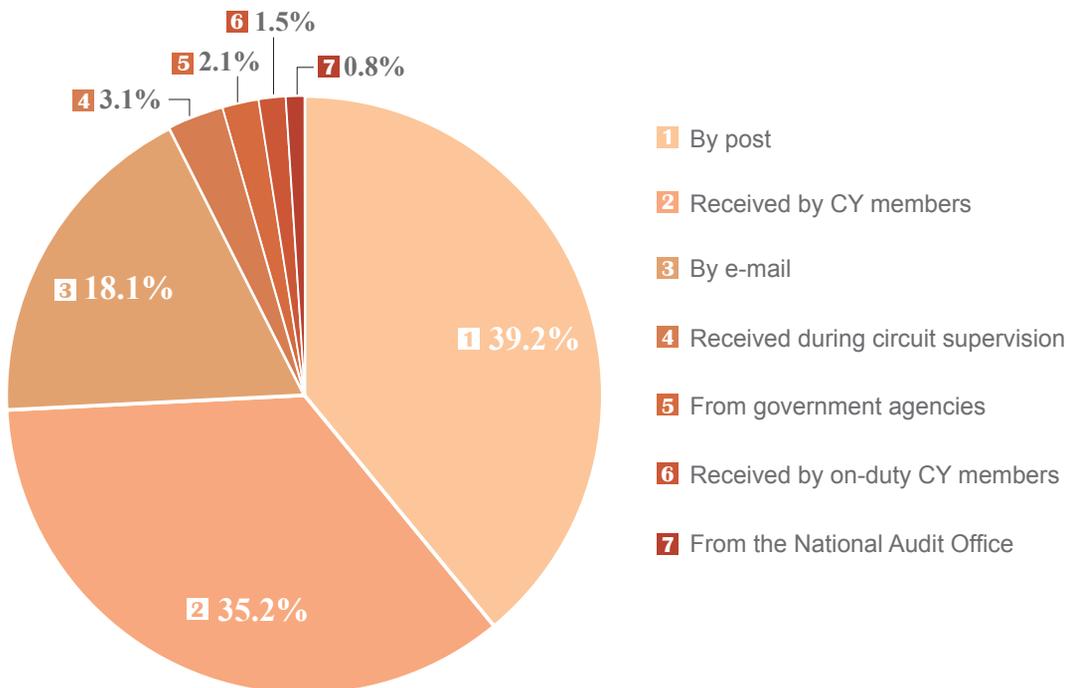
The CY receives complaints from:

- 1. Citizens:** This denotes the major source of the complaints we receive. Citizens can lodge complaints by post, fax, via e-mail or CY's online complaint system. One can also visit CY's Complaint Receipt Center to make complaints.
- 2. Government Agencies:** Government agencies shall send all cases of misconduct or violation of laws by its high-ranking staff to the CY.



3. **National Audit Office (NAO):** As CY's subordinate organization, the NAO is responsible for referring relevant cases to the CY for further investigation.
4. **Organizations/Groups:** Any organization or group that falls victim to government wrongdoings or negligence can lodge complaints.
5. **Circuit Supervision and Inspection:** Citizens who live in local areas can also submit complaints to CY members when they conduct circuit supervision at central and local government agencies. Meanwhile, CY members can initiate investigation by themselves if deem necessary.
6. **The Media:** CY members can examine misconduct brought to their knowledge through mass media.

Sources of Complaints in 2018





CY members carrying out circuit supervision

In 2018, the CY received 16,419 complaints. Below are the types of complaints received:

**Categories of Complaints Received in 2018**

Item	Total	%
Judicial Affairs	7,040	42.9
Domestic Affairs	4,677	28.5
Financial and Economic Affairs	2,071	12.6
Educational Affairs	1,211	7.4
Transportation Affairs	608	3.7
National Defense Affairs	543	3.3
Foreign Affairs	32	0.2
Others	237	1.4
	<b>16,419</b>	<b>100 %</b>

\*Unit: Number of Cases



## Investigation

When receiving a complaint case, CY members deem if it needs to be further investigated. A member can also initiate an investigation case on his or her own motion. Once an investigation case is established, one to three investigators, judging from the case type, from the CY Supervisory Investigation Department would be assigned to assist in relevant work, including document inspection, inquiry, field survey, consulting, and so on.

Types of investigations can be categorized as follows:

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

In 2018, the CY established and investigated 541 cases. Among the cases, 132 were assigned cases and 409 were own-motion ones. 362 investigation reports were completed and released; 306 were also completed with recommendations passed by the committees and sent to relevant government agencies for improvement.

### Statistics on Cases Investigated by the CY in 2018

Assigned investigation	132
• Assigned by resolution of CY plenary meeting	38
• Assigned by resolution of committee meeting	94
Self-initiated investigation	409
<b>Total</b>	<b>541</b>

\*Units: Number of Cases

### Impeachment, Censure, and Corrective Measures

As the highest supervisory organization of the country, the CY is entitled to take legally coercive actions including impeachment, censure, and corrective measures against civil servants or government agencies for dereliction of duty or maladministration. Measures of these kinds would only be proposed after a thorough investigation is completed.

#### *Impeachment*

The CY shall bring impeachment cases against civil servants at central and local governments whom it deems negligence. An impeachment case shall be initiated by at least two CY members, then reviewed and voted by absolute majority by no less than nine members. Once the proposal is passed, the impeachment case would be referred to the Judicial Yuan for review and final judgment of punishment.



The impeachment cases were originally approved by anonymous voting at the examination committee. After the amendment of the Article 5 of Enforcement Rules of the Control Act on June 29, 2018, impeachment cases receiving media attention and thus influential, by agreement of a majority of the examination committee, shall vote by open ballot.

In 2018, the CY passed 18 impeachment cases, in which 36 government officials were impeached.



CY press conference on impeachment motion

### Official Ranks of the Impeached in 2018

<b>Civil Official</b>	
• Political Appointee	5
• Elected Mayor	4
• Senior Rank	4
• Junior Rank	6
• Elementary Rank	2
<b>Military Officer</b>	
• Generals	1
• Colonels and Majors	6
• Captains and Lieutenants	2
<b>Judicial Officer</b>	
• Judges	4
• Prosecutors	2
<b>Total</b>	<b>36</b>

\* Units: Persons

### Occupational Types of the Impeached in 2018

General Administration Affairs	11
National Defense Affairs	9
Judicial Affairs	9
Educational and Cultural Affairs	2
Health Affairs	2
Police Administration Affairs	1
Financial and Economic Affairs	1
Transportation Affairs	1
<b>Total</b>	<b>36</b>

\* Units: Persons



## ***Censure***

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

Three or more CY members (excluding 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 servant who has been censured for action. In addition, if a case involves violation of the criminal code, it shall be submitted directly to the competent court for action.

If the public servant's superior fails to act, or if two or more CY members deem the action taken improper, impeachment may be initiated. If a censured public servant is impeached, his or her superior shall be held responsible for negligence of duty.

## ***Corrective Measures***

All the investigation reports finalized by CY members would be presented to CY standing committees, which are established in accordance with the ministries and agencies under the Executive Yuan (EY), for review.

CY members-in-charge may propose corrective measures against the agency/agencies being investigated for improvement. After receiving the proposed corrective measures, the EY or its relevant agencies shall immediately make appropriate improvements or take actions and reply to the CY within two months.



CY press conference on a case of corrective measures

If the EY 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 EY or relevant agencies call for 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 its agency.



Last year, the CY proposed 100 cases of corrective measures. The table below presents the cases of corrective measures in 2018:

### **Corrective Measures Proposed by the Respective Committees in 2018**

Domestic and Minority Affairs	34
Financial and Economic Affairs	21
Educational and Cultural Affairs	19
National Defense and Intelligence Affairs	10
Judicial and Prison Administration Affairs	8
Transportation and Procurement Affairs	8
<b>Total</b>	<b>100</b>

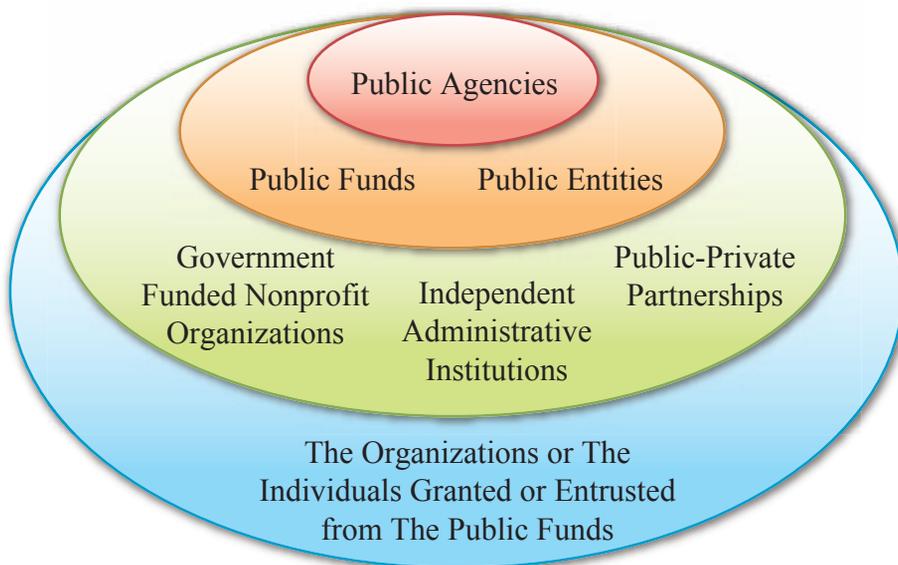
\*Units: Number of Cases

## Audit

The power of audit is one of the supervision powers stipulated in the Constitution and its Additional Articles. This power is exercised by the National Audit Office (NAO) under the CY. The NAO is headed by an Auditor General, who shall be nominated and appointed by the R.O.C. President with the consent of the Legislative Yuan. Mr. Lin Ching-long has been the Auditor General since 2007.

The main office of the NAO 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.

### The Audited Entities





The power of audit includes:

- 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 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, the NAO shall refer the matter to the judiciary and report to the CY. If the auditing agency discovers that an organization has been seriously 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. More information on audit powers and performance is available on the NAO website: [www.audit.gov.tw](http://www.audit.gov.tw)

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

### Cases Reported by the NAO to the CY in 2018

Method of Disposition						
Total	Investigated	Forwarded to other agencies to investigate	Merged with other similar cases investigated by the CY	Approval of the handling by the NAO	Filed away for future reference	Others
136	5	6	11	111	-	3

\*Unit: Number of Cases

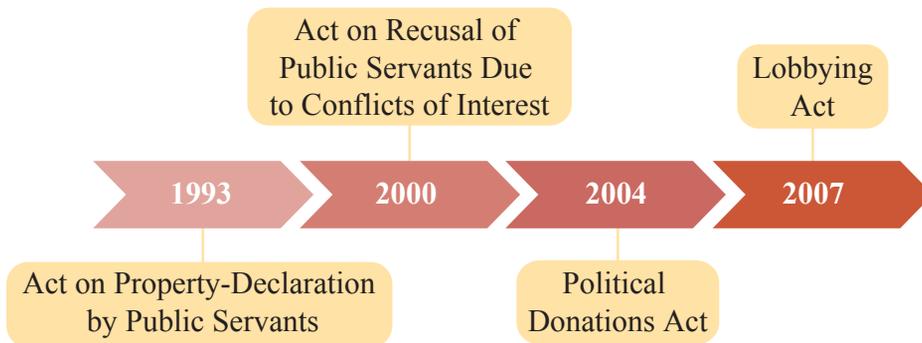


## Sunshine Acts

To ensure a clean government, the CY serves as a loyal law enforcer for the following four acts:

- Act on Property-Declaration by Public Servants
- Act on Recusal of Public Servants Due to Conflicts of Interest
- Political Donations Act
- Lobbying Act

### Timeline of the Sunshine Acts



## Property-Declaration by Public Servants

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

The following officials shall report their assets to the CY:

1. The President and Vice President of the Republic of China;

2. Presidents and vice presidents of the five Yuans;
3. Politically assigned officials;
4. Paid senior advisors, national policy advisors and strategic advisors of the Office of the President (senior advisors and national policy advisors have been changed to unpaid positions according to Article 15 of the R.O.C. Office of the President Organization Act amended on September 1, 2010);
5. Senior ranking (of or above level 12 or the equivalent thereof) government organizations chiefs, managers of publicly 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;
6. Principals of educational institutions above public colleges and chiefs of their subordinate organizations;
7. Heads of military units in every rank above major-general;
8. Chiefs of government organization above the township (city) level elected in accordance with the Public Officials Election and Recall Act;
9. People's representatives of every level;
10. Basic salary of a judge or public prosecutor of the sixth rank or higher.

Public servants shall declare both domestic and overseas properties, including assets of all value (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, paintings, and antiques) and other important statements.



According to the law, if a public servant fails to declare properties in time or truthfully, the CY shall impose fines and have his or her name published. In 2018, the CY accepted 9,821 declaration cases, and there were 29 cases closed and fined. The fines totaled NT\$9,090,000 (US\$303,000).

### Statistics on Cases of Property-Declaration by Public Servants in 2018

	Case	Amount (NT\$1,000)
Cases closed and fined	29	9,090
Cases closed	25	6,610
Cases not yet closed	55	24,710
<b>Cases with fines imposed</b>		
- Paid by installment	4	380
- In the process of administrative execution	17	2,630
- Others	11	1,090
<b>Cases where fines have not yet been imposed</b>		
- In the process of administrative appeal	1	1,500
- In the process of filing an administrative action	7	13,180
- Others	15	5,930

### Conflicts of Interest

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

If a public servant fails to prevent conflict of interest, 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.

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, government periodicals or newspapers.

In 2018, there was one fine case with a total amount of NT\$1,000,000 (US\$33,333).

### Types of Interest

Types	Items
<p><b>Property Interests</b></p>	<ol style="list-style-type: none"> <li>1. Movable and immovable 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>
<p><b>Non-property Interests</b></p>	<ol style="list-style-type: none"> <li>1. Appointment, promotion, job transfers and other personnel arrangement</li> <li>2. Personnel measures in favor of a public servant or his related persons in the government organs, public schools or national enterprises</li> </ol>



### Conflicts of Interest: Violations and Penalties

Violations	Penalties (NT\$)
<b>Failure to recuse</b>	<ul style="list-style-type: none"> <li>• From 1 million to 5 million</li> </ul>
<b>Refusal to recuse</b>	<ul style="list-style-type: none"> <li>• From 1.5 million to 7.5 million</li> </ul>
<b>Abuse of power / Inappropriate lobbying</b>	<ul style="list-style-type: none"> <li>• From 1 million to 5 million</li> <li>• Any property interests gained therefrom shall be pursued and confiscated</li> </ul>
<b>Inappropriate transactions</b>	<ul style="list-style-type: none"> <li>• For the transaction amount not more than 10 million, a penalty between 10 thousand and 5 million shall be imposed</li> <li>• For the transaction amount not less than 10 million, a penalty between 6 million and the amount of the transaction shall be imposed</li> </ul>

### 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 is also responsible for handling candidates’ disclosures of accounting reports and publishing these disclosures in publications or posting them on its website. Candidates’ political donation account balances shall be sent to the CY for review. Violators will be fined.

### Maximum Amount of Political Donations per Year

Max. Donation Amount per Year (NT\$)				
Types of donors	To a single political party or group	To multiple political parties or groups	To a single candidate	To multiple candidates
Individuals	300,000	600,000	100,000	300,000
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 2018

	Case	Amount (NT\$1,000)
Cases closed and fined	108	21,172
Cases closed	122	28,538
Cases not yet closed	87	26,915
<b>Cases with fines imposed</b>		
- Paid by installment	9	4,602
- In the process of administrative execution	31	6,649
- Others	38	9,077
<b>Cases where fines have not yet been imposed</b>		
- In the process of administrative appeal	-	-
- In the process of filing an administrative action	3	5,900
- Others	6	687



## **Lobbying Act**

Lobbying refers to 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 levels, heads of municipal, county and city governments, directors and deputy directors of local offices, as well as 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 2018, the CY did not receive any case of lobbying.

## **Online Declaration Service**

In simplifying the process of reporting property declaration as well as political donation data, the CY has in recent years been vigorously establishing an online reporting and auditing system, and carrying out various computerization projects to provide more beneficial and effective reporting services. In 2018, there were a total of 5,980 cases of reporting properties online, with the savings in time amounting to 23,920 hours in sum if calculated at four hours per case. Furthermore, 99.89 percent of the individuals declaring their assets in this manner used the online platform to report information on changes in their own jobs, thereby substantially improving the timeliness and accuracy of related data.

## Human Rights Protection

The Human Rights Protection Committee (HRPC) keeps track of cases of human rights violations and publicizes statistics on a monthly basis. Among the 16,212 citizen complaints handled by the Control Yuan in 2018, a total of 14,014 cases (86.4 percent) involved human rights violations. For the year, 221 investigation reports (64.1 percent) were completed and 71 corrective measures (71 percent) proposed involved human rights issues. The bulk of corrective measures were for violations of the right to health and life, followed by violations of the right to social protection, and violations of the right to property.

In addition to conducting investigative work, the HRPC promotes human rights issues throughout the year in a number of ways, including the following examples:

### Holding the 2018 Workshop on the Rights of People With Disabilities

The Control Yuan, with its mandate to safeguard human rights, organized the 2018 Workshop on the Rights of People with Disabilities on December 7, 2018, with the aim of gaining greater insight into the rights of people with disabilities and exploring ways of improving the situation. More than 160 people attended the event, including scholars, experts, as well as representatives of government and civil society. Participants discussed a range of topics, including the implementation of “reasonable accommodation” under the Convention of the Rights of Persons with Disabilities, as well as related case studies and issues.



2018 Workshop on the Rights of People with Disabilities

## Visiting New Zealand's Human Rights Commission

In order to enhance the CY's exchanges with overseas ombudsmen and human rights institutions and to promote the concepts of good governance and human rights protection, CY President Chang Po-ya, accompanied by CY members Yin Teresa J. C., Chen Hsiao-hung, Lin Sheng-fong, Chang Kuei-mei, and Kao Yung-cheng, attended the 30th Australasian and Pacific Ombudsman Region Conference in Auckland, New Zealand, from November 24 to December 1, 2018. The conference covered a range of issues, including the Optional Protocol to the Convention against Torture (OPCAT). The National Preventive Mechanism (NPM) of New Zealand has been set up for several years and has operated well, and thus can serve as a helpful reference for the CY in serving as Taiwan's NPM following ratification of CAT. After the conference, the CY delegation also visited the Auckland South Corrections Facility to see the system in operation, as well

as paid a visit to New Zealand's Human Rights Commission for exchanges of views and experience sharing on the human rights systems in their respective countries.



CY delegation visiting the NZ Human Rights Commission

### **Holding Workshops on International Human Rights Conventions**

The HRPC held a pair of workshops on international human rights conventions in May and July 2018 with the aims of raising CY staff's awareness and understanding of human rights issues, helping prevent human rights abuses, and assisting CY members in their monitoring of government agencies' implementation of related conventions. The workshops were organized as part of efforts to actively implement several international conventions ratified by Taiwan, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the



Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. Human rights scholars and experts were invited to the workshops to discuss issues related to violence in the country, women's human rights, children's human rights and health, and so on. A total of 82 people participated in the workshops, including CY members and staff.

### **Enhancing Engagement With Human Rights Groups**

To engage in knowledge and practical experience sharing related to human rights work, the HRPC takes part in various human rights workshops and international seminars organized by the government and NGOs, with the aim of promoting exchanges and furthering engagement with civil society. In 2018, the HRPC received Professor Amzulian Rifai, the chair of Indonesia's National Ombudsman, and sent staff to participate in various human rights workshops and international seminars organized by the government and NGOs. For example, the HRPC sent staff to participate in a Legislative Yuan conference presenting progress on implementation of the Convention of the Rights of the Child (CRC) in Taiwan; as well as several activities organized by the Ministry of Justice, including a human rights film review event, an ICCPR & ICESCR human rights seed instructor training course, and a forum marking the 70th anniversary of the Universal Declaration of Human Rights (UDHR); and a Ministry of Health and Welfare-sponsored training course on the topic of the CRC. The committee also participated in a CRC forum held at National Taiwan University, as well as a UDHR seminar organized by the Taiwan Foundation for Democracy.

## International Exchange

The CY has been actively engaging in international ombudsman activities and communications. In 1994, it established the International Affairs Committee (IAC) and became a member of International Ombudsman Institute (IOI). Since then, the CY has regularly attended the world and regional meetings, conferences and workshops held by the IOI. Meanwhile, the CY has also maintained a close relationship with ombudsman community in Latin American by regularly attending annual conferences of the Federación Iberoamericana del Ombudsman (FIO) as an observer. In 2018, the CY also welcomed many prominent foreign dignitaries to Taiwan and had built many constructive connections with the international counterparts.

The CY's main international activities in 2018 are as follows:

### Attending International Conferences

#### *Visiting IOI headquarters and Office of Ombudsman in Ireland*

Control Yuan President Chang Po-ya and CY member Bau Tzong-ho visited the International Ombudsman Institute (IOI) headquarters in late June last year to express their congratulations on the institute's 40th anniversary. During the visit, they obtained permission for the Control Yuan to translate into traditional Chinese a book published by the institute to commemorate the anniversary. The publication, *A Mission for Justice—International Ombudsman Institute 1978-2018*, describes the IOI's history and its efforts at promoting human rights and good governance over the years. The Chinese version will help to further promote the concept of ombudsman and human rights, as well as increase Taiwan's international visibility through its participation in the IOI. The CY delegation also visited the



CY President Chang Po-ya with IOI President Peter Tyndall and Secretary General Günther Kräuter at the headquarters of the IOI

Office of the Ombudsman in Ireland to learn more about the country’s ombudsman system and enhance friendly ties between the two institutes. During the visit, they met with IOI President Peter Tyndall, who also serves as Ireland’s Ombudsman.

### ***Attending the 23rd FIO Annual Confab***

Control Yuan members Bau Tzong-ho and Chiang Jane Y. W. attended the 23rd annual conference of the Federación Iberoamericana del Ombudsman (FIO) held in Andorra from November 20 to 22, 2018. They engaged in discussions with the other participants on the conference theme - The Right of Habitation. Among the topics was the 11th goal of the UN Agenda 2030 for Sustainable Development, namely to “make cities and human settlements inclusive, safe, resilient and sustainable.” The delegation shared four CY investigation cases and reports, including with respect to illegal buildings, temporary homes for deprived children, new immigrants’ residence rights, and LGBT rights.



CY members Chiang Jane Y. W. and Bau Tzong-ho with  
FIO Secretary General Carmen Comas-Mata Mira

### *Attending the 30th APOR Conference*

CY President Chang Po-ya, accompanied by CY members Yin Teresa J. C., Chen Hsiao-hung, Lin Sheng-fong, Chang Kuei-mei, and Kao Yung-cheng, attended the 30th Australasian and Pacific Ombudsman Region Conference held in Auckland, New Zealand, November 28-30, 2018. The conference theme was “Holding Governments to Account in A Changing Climate.” Participants discussed a range of topics, including how ombudsman and integrity institutions can address disadvantages still encountered by women and about the Ombudsman’s role in dealing with environmental challenges. The conference was also dedicated to training regarding OPCAT and the establishment of NPMs to monitor places of detention and deprivation of liberty, as well as training on ethics and how to address conflicts of interest. The CY delegation engaged in fruitful exchanges with the participating ombudsmen from around the region on government supervisory-related issues.



30th APOR Conference Delegates

## Receiving International Visitors

### *IOI Second Vice President and APOR Regional Director*

IOI Second Vice President Chris Field and APOR Regional Director Peter Boshier visited Taiwan from August 13 to 17, 2018. On the second day, they delivered speeches on “The Role of the Ombudsman in Promoting Good Governance and Protecting Human Rights” and “The Growing Importance of Leadership Codes in the Pacific” at the plenary meeting, engaging afterwards in open and friendly discussions with the CY members.



IOI Second Vice President Chris Field and APOR Regional Director Peter Boshier at the CY plenary meeting

### *Ombudsman of Belize*

Ombudsman of Belize Lionel Arzu visited Taiwan from October 29 to November 2, 2018, during which he delivered a speech introducing the Belizean Office of the Ombudsman's promotion of good governance and human rights. He stated that an independent judiciary and a system of checks and balances among the various government branches are essential to ensuring good governance and protection of fundamental human rights. He also pointed out that most of the cases in the Office were made against the government alleging human rights violations, such as against the rights to life, personal liberty, social security, and asylum, exchanging experience with the CY staff.



Ombudsman of Belize Lionel Arzu and the CY President



### *Visiting Dignitaries From Other Countries*

Several honored guests from other countries also visited the Control Yuan during 2018, including Ambassadors to the Holy See of several of the R.O.C.'s Latin American diplomatic allies, a delegation of the South Korean National Assembly's Committee for Gender Equality and Family, Guatemala Comptroller General Carlos Enrique Mencos Morales, a delegation of six high-ranking American health and welfare officials and scholars, Victorian Ombudsman Deborah Glass, President of the Supreme Court of Auditors of Honduras Ricardo Rodríguez, and so on. The esteemed visitors engaged in friendly discussions with the CY President, Vice President, Secretary General and Deputy Secretary General, with each of them expressing the hope of engaging in more exchanges and experience sharing with the Control Yuan.



Delegation of the South Korean National Assembly's Committee for Gender Equality and Family visiting the CY, exchanging views on women's political participation



Victorian Ombudsman Deborah Glass visiting the CY and delivering a speech titled “Good Governance Promotion and Human Rights Protection”



President of the Supreme Court of Auditors of Honduras Ricardo Rodríguez visiting the CY with his wife

# Part 4

## Case Summaries: Bringing Our Powers to Bear



## **Case Summaries: Bringing Our Powers to Bear**

### **Reducing Public Expenditures**

#### **Case 1: CY Probe Leads to Improvements in Fuel Tax Collection Efficiency**

In March 2016, the Directorate General of Highways (DGH) under the Ministry of Transportation and Communications sent out a total of over 1.18 million fines to motorcycle owners for overdue payment of fuel tax prior to 2014. A significant portion of these fines were later repealed due to incomplete administrative procedures. The CY launched an investigation into the matter in 2016, and the situation has been improved after follow-up monitoring.

According to the investigation, a total of 291,000 of these fines issued by the DGH under the Highway Act were repealed, including 153,000 for incomplete administrative procedures and another 138,000 in decisions made over the counter at the motor vehicle offices around the country. The CY determined that this negatively affected the government's law enforcement image and resulted in NT\$7 million (US\$226,614) in lost public revenue.

The relevant administrative procedures were reviewed and revised after the CY impelled the DGH to improve the situation. Furthermore, after the Directorate launched a public education campaign, the percentage of motorcycle owners paying the mandatory fuel tax on-time increased by 2.52



percentage point in 2017 compared with the previous year. Savings to the government in postage and printing fees from this increased compliance is estimated at approximately NT\$12 million (US\$388,481).

In addition, on May 17, 2017, the DGH approved a uniform version of the fuel tax payment notification form for all motor vehicle offices around the country in order to allay potential suspicions among recipients regarding the authenticity of the forms.

The CY, serving as the nation’s top human rights institution, will continue to monitor the government’s handling of fine issuance-related matters in order to ensure full compliance with the law as well as the utmost administrative efficiency, so as to serve the public’s best interests and make sure that sufficient funds are available for highway construction and maintenance as well as transportation safety management, for the sake of the people’s well-being.

## **Case 2: CY Investigation Leads to Idle Public Facility Being Put to Good Use**

The Control Yuan has over the years carried out several investigations and proposed various remedies regarding unused public facilities, commonly referred to as “mosquito buildings,” as part of its efforts to reduce the prevalence of such facilities and therefore decrease wastage of public resources and money.

A recent example is the Guan Shi Public Square located in Hsinchu County. According to the CY’s investigation, the county government spent NT\$100 million (US\$3.23 million) on maintaining the facility but was unable for

more than nine years to attract any enterprises to develop the facility. The CY proposed corrective measures to the county government and continued with follow-up monitoring for improvement in the situation. This led to the establishment of a teddy bear museum on the site that will boost tourism to the area located along provincial highway No. 3 and promote the unique local cultural and creative sectors by taking advantage of teddy bears' popularity.

The museum, which officially opened on September 27, 2018, boasts the largest collection of teddy bears, totaling nearly 3,000, in all of Asia, according to a government press release the same day. The center features a number of interesting and educational displays, including an exhibition room themed around bears from around the world, an environmentally-significant polar bear display area, as well as a special exhibit of celebrity teddy bears, to name a few.

The Republic of China ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), along with the International Covenant on Civil and Political Rights (ICCPR) on April 22, 2009. The ICESCR preamble states that “the ideal of free human beings...can only be achieved if conditions are created whereby everyone may enjoy their economic, social and cultural rights, as well as civil and political rights.” This demonstrates the importance of cultural facilities to a free and open society that respects human rights. Therefore, in the spirit of upholding this ideal as well as for the sake of avoiding wastage of public resources and money, the CY will continue to devote efforts, through supervision of the various government bodies, to preventing delays in the launch of cultural facilities' operations and to ensuring such facilities do not remain unused after being constructed.



## **Upholding Discipline**

### **Case 1: CY Proposals in Fraud Investigation Lead to Improved Corruption Prevention**

The CY is committed to ensuring honest and clean government, protecting human rights, and redressing grievances. For the CY, actively exercising its powers to achieve these goals includes conducting investigations into corruption in order to stamp out and deter such conduct and encourage vigilance against it in government.

An example is the case of a contract employee at the Taian Township Office in Miaoli County who was found to have embezzled public funds during the period between May 2010 and October 2014. In its investigation, the CY discovered that the Office's monitoring and auditing mechanism to guard against such conduct was less than subpar. The CY therefore proposed corrective measures to improve the situation.

Amid the CY's follow-up monitoring, the Miaoli County Government and Taian Township Office adopted a range of measures to make improvements. For example, the county government increased the frequency of its random inspections of account records of township and village offices under its jurisdiction from three offices to six offices per year. And the Taian Township Office even established formal guidelines for the handling of petty cash, including with respect to allocation, spending, reimbursement, etc. For instance, a new precaution has been put in place requiring re-verification and the addition of a signature next to any markings, such as scratched out numbers that alter the original receipt. In addition, procurements in large quantity of frequently-used materials, such as office

supplies for instance, will be handled by common supply contract.

With Taiwan's formal adoption in 2015 of the U.N. Convention against Corruption, the CY will continue to actively monitor central and local government agencies to ensure their compliance with the covenant as part of its efforts to maintain honest and clean government administration for the benefit of all citizens.

## **Case 2: CY Attains Substantial Achievements in Fighting Corruption**

The effectiveness of the Control Yuan's exercise of its powers of impeachment, censure, corrective measures and audit has been enhanced with Taiwan's implementation of the United Nations Convention against Corruption in 2015. During the period since taking office on August 1, 2014, through to the end of 2018, the fifth-term CY launched a total of 1,548 investigations and issued 1,144 final investigation reports, for a completion rate of 73.9 percent. Several of the investigations remain ongoing due to their complex nature, with evidence-gathering spanning up to two years, but they will all be concluded ahead of the set deadline.

Among the completed investigations, corrective measures were proposed in 369 cases and impeachments in 120 cases. A total of 172 officials were impeached, including 70.9 percent in high-level positions, namely 30 elected officials, 12 political appointees, 60 senior rank officials, 7 judges, 9 prosecutors and 4 military officers.



Many of the impeachments were cases that drew much public attention, such as a bribery case involving a former Legislative Yuan secretary general, abuse of power by a Hualien District prosecutor, the case of a Taiwan High Court Taichung Branch Court judge soliciting prostitutes, abuse of office for personal gain by a Yunlin County township chief, sexual misconduct by a Changhua County prosecutor involving underage girls, and sexual harassment of a female subordinate by an Army colonel.

The CY's successful efforts in holding public officials to account have made a significant contribution to upholding discipline and eliminating corruption in the government, to the benefit of all the nation's citizens.

## **Safeguarding Human Rights**

### **Case 1: CY Presses for Enhanced Off-Campus Rental Fire Safety Assessment Work**

According to a Ministry of Education press release on July 16, 2018, more than 300,000 university students in Taiwan live in off-campus rental accommodations. The issue of the fire safety of such residences should therefore be of primary concern to school officials, students' parents, and students alike.

Out of concern for the fire safety of off-campus student rentals, the CY specifically raised this issue in its investigation on the shortcomings of the central and local governments in promoting installation of residential fire safety equipment for early detection and response based on Article 6

of the Fire Services Act. The CY stated in its report that residences should be classified and prioritized for inspection based on their characteristics, level of hazard (for instance, taking into account whether they are made out of galvanized iron or wood, whether they are residential temples, etc.), urgency, profit margins (for example, whether they are rentals for students, multi-room rentals, or high-electricity-usage residences, etc.), and so on, in order to enhance the inspection system. In addition, the CY sent a letter to the Ministry of the Interior (MOI) calling for it to engage in self-review and oversee local governments in making improvements.

After the CY's follow-up monitoring of the MOI's National Fire Agency (NFA) in working with local governments on improving the situation, the Agency began carrying out off-campus rental housing safety assessment work in 2018. The NFA also requested local fire departments to work with schools and local governments' education departments on conducting fire safety assessment of off-campus rental units with six to nine beds. The Ministry of Education also requested each university to enhance promotion of residential fire detection equipment installation via landlord meetings, at rental fairs, and through visits to rental properties.

After follow-up monitoring by the CY, the installation rate increased from just 6.09 percent in 2013 to 67.25 percent as of the end of June 2018, indicating that the CY's investigation has led all sectors of society to place greater importance on this issue and to work to improve the situation.



## **Case 2: CY Probes Wheelchair-Accessible Taxi Program, Urges MOTC to Revise Subsidy Guidelines**

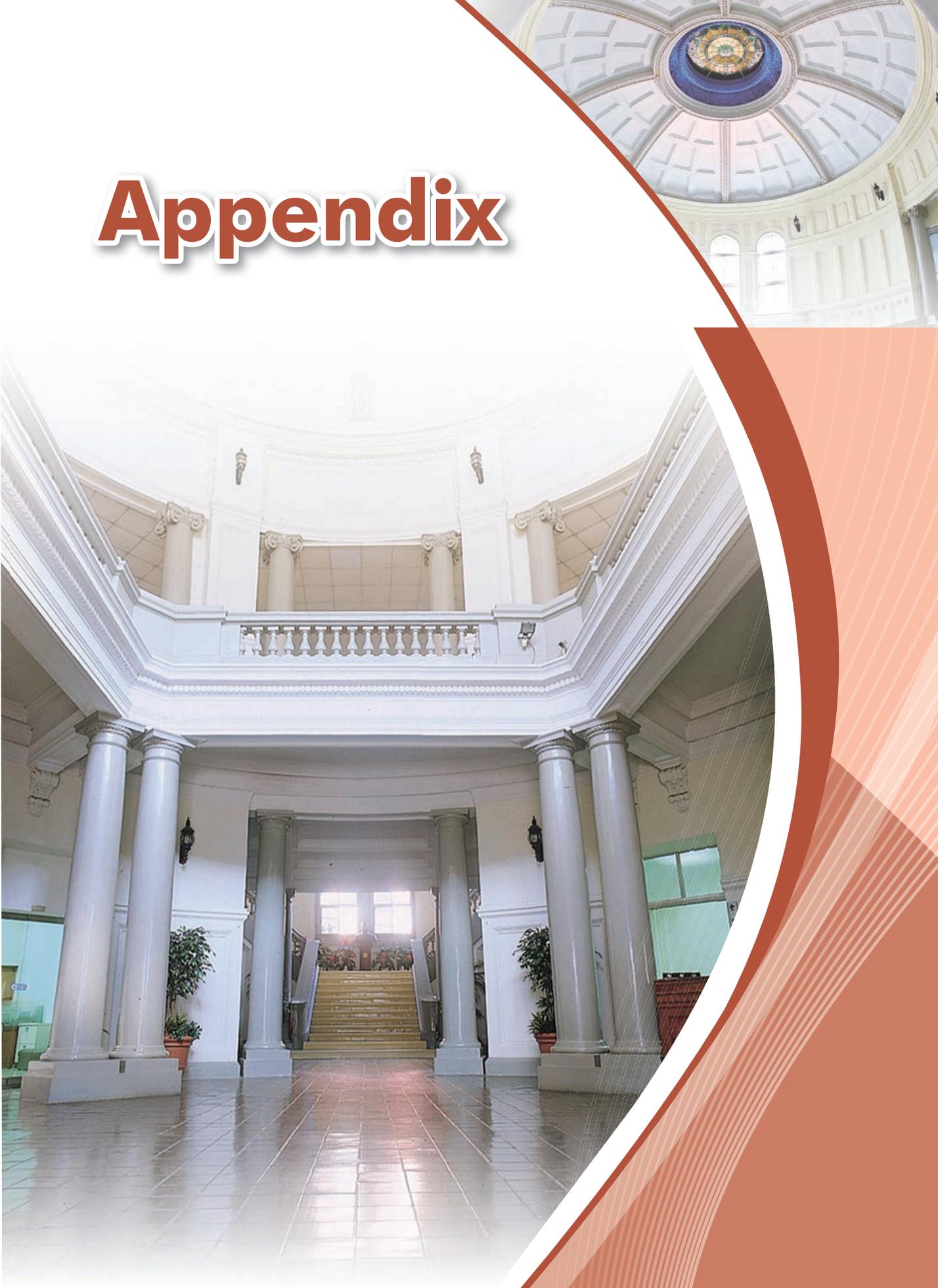
As of the end of 2017, there were approximately 1.16 million persons with disabilities in Taiwan. However, the amount of wheelchair-accessible taxis and the services they provide continue to be unable to match the needs of the nation's disabled citizens. In its investigation into the government's promotion of wheelchair-accessible taxi service, the CY discovered that although the Ministry of Transportation and Communications (MOTC) established the guidelines on the provision of wheelchair-accessible taxi subsidies on December 6, 2012, the number of such cabs on the road remains insufficient, and ordering them remains difficult. After issuing its investigation report, the CY sent a letter to the MOTC requesting that it press related local government agencies to work to improve the situation.

After conducting review of the subsidy guidelines, the MOTC made several revisions of "Directions for the Ministry of Transportation and Communications to Grant Subsidies for Handicapped Accessible Taxis for Improving Public Transport" on October 2, 2018. Key changes include increasing the maximum annual operating subsidy to wheelchair-accessible taxi owners to NT\$60,000 (US\$1,942) from the original NT\$10,000 (US\$324), as well as adding an e-ticket verification system to the management mechanism in order to raise the efficiency of examination.

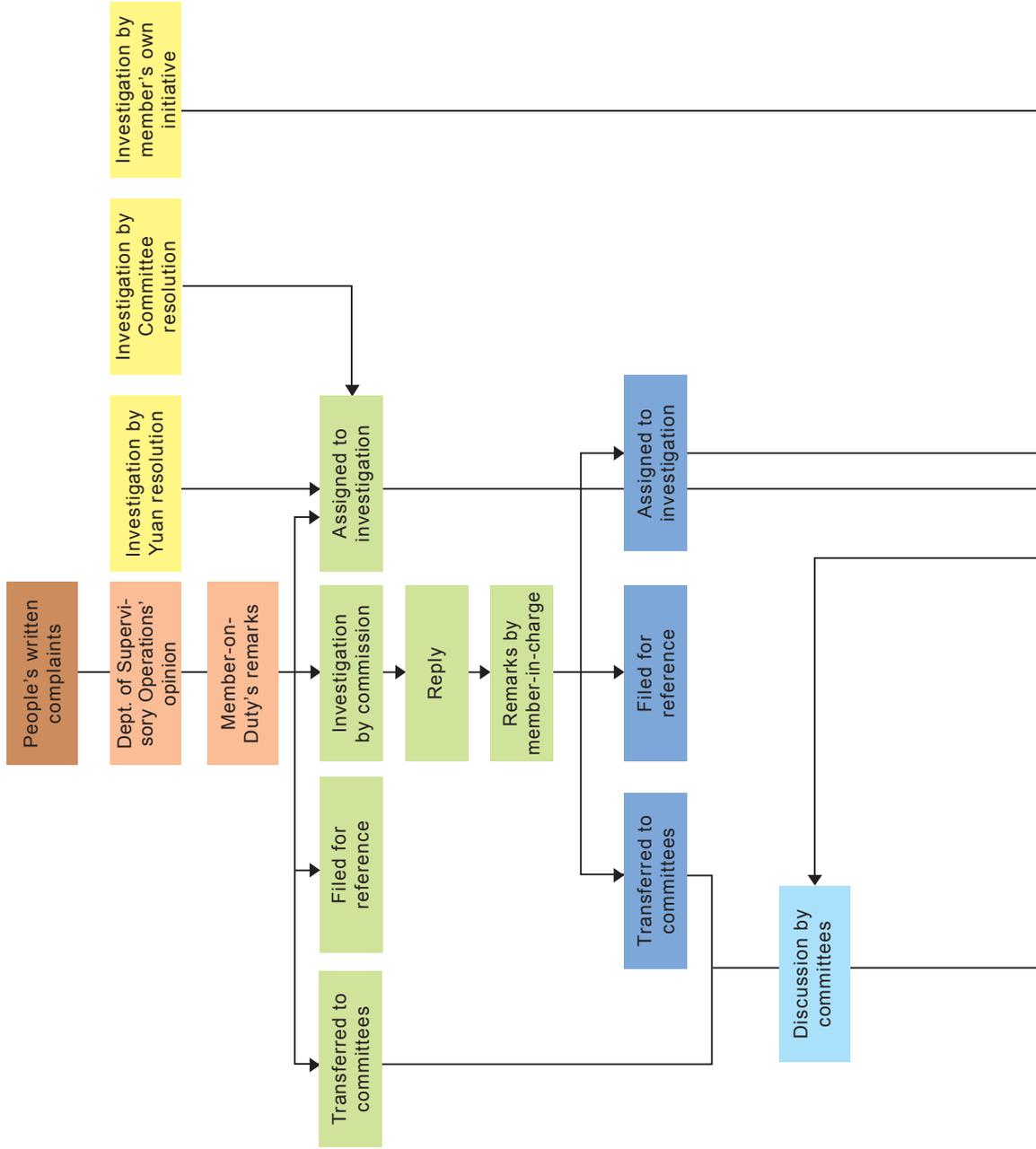
In addition, the MOTC will handle cases of wheelchair-accessible taxi drivers mistreating persons with disabilities, such as by overcharging them or not using the fare meter, according to the Highway Act and the Motor Transportation Management Regulations.

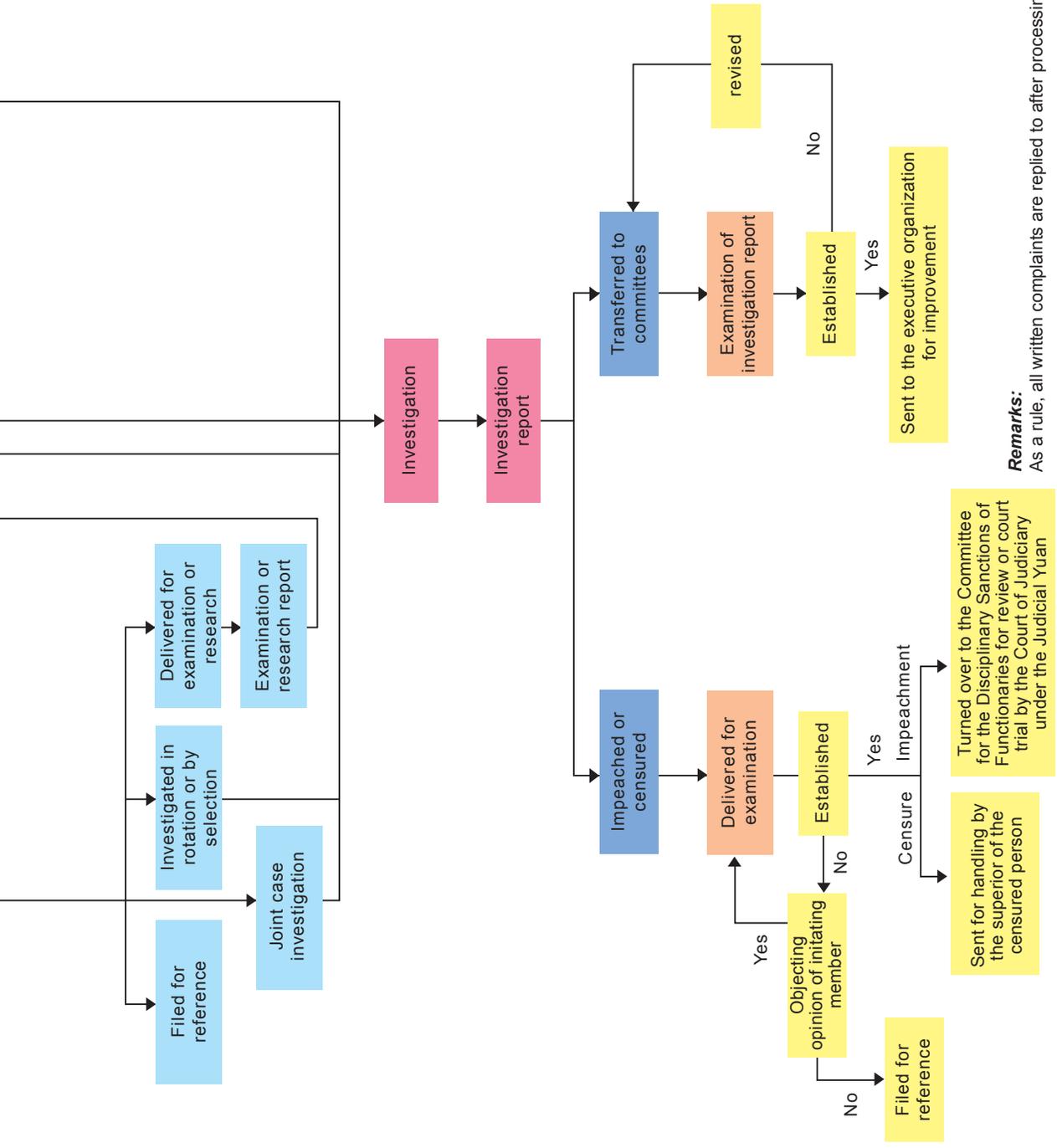


# Appendix



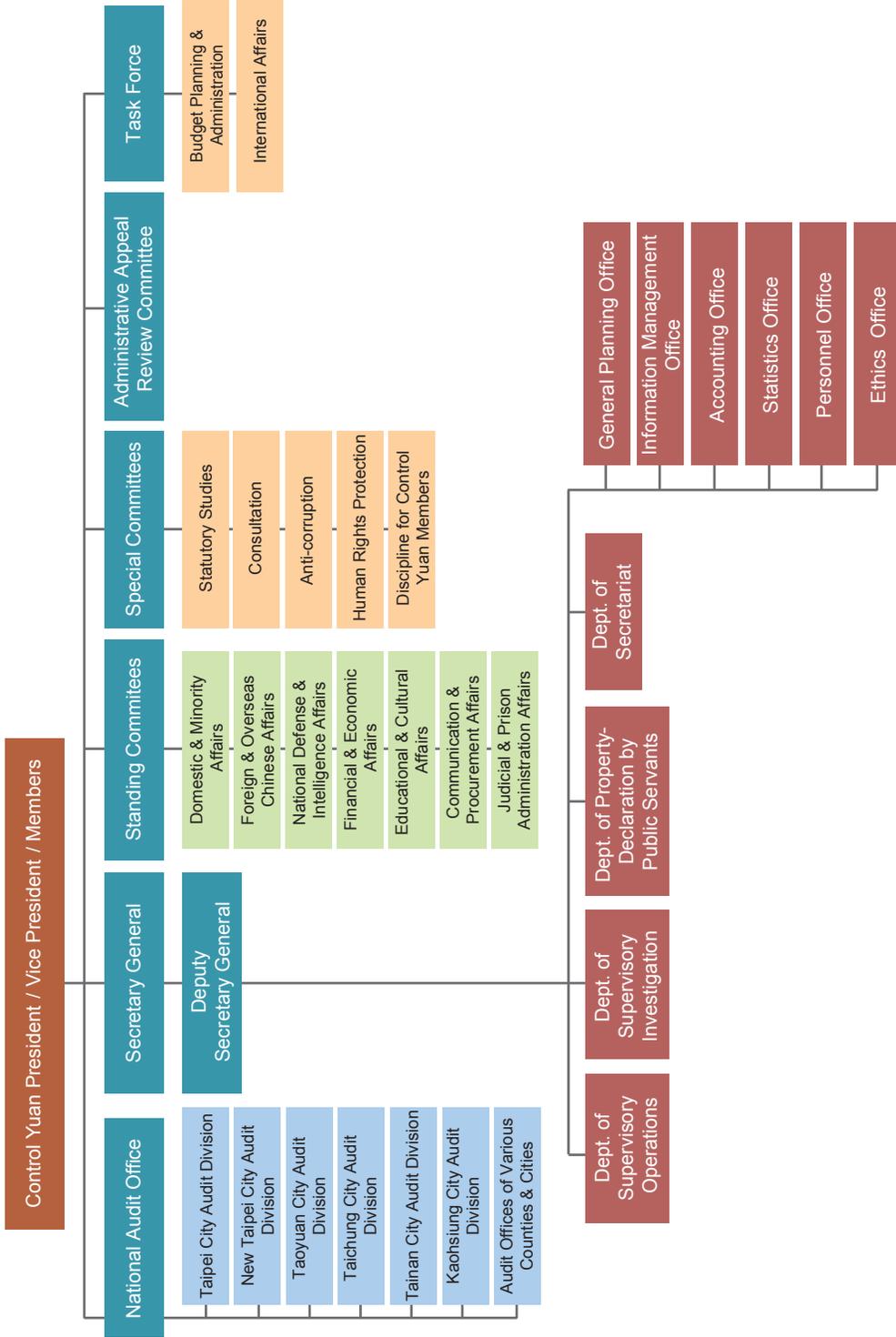
## Flow Sheet of Exercising Control Powers





**Remarks:**  
As a rule, all written complaints are replied to after processing.

# Organization Chart of the Control Yuan







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