



**A BRIEF REPORT ON THE WORK OF
THE CONTROL YUAN**

January-December

2009



Preface

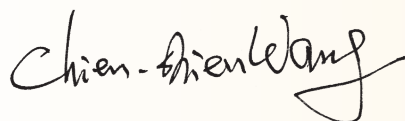
In today's democratic society, government officials are civil servants who are commissioned by the general public to do their duty. Government organizations should follow a clear division of labor and do their best to serve the people. The Control Yuan should not only listen to the people and resolve the complaints but also find what the people need even before they voice out those complaints and needs. Therefore, the mission of the Control Yuan is to be a proactive ombudsman in handling the public's complaints and supervising the government.

From January to December 2009 the Control Yuan received 28,829 complaints and investigated 595 cases. 26 impeachment cases were confirmed, and 205 cases of corrective measures were proposed. The number of complaints received by the members of the 4th Control Yuan has almost doubled in 2009. This shows how much people expect from the Control Yuan. In the past year or so due to

the financial tsunami, the government has implemented many stimulus policies to increase competitiveness. The Control Yuan has supervised the execution of each policy, correcting deficiencies, and taking action where needed in the hope of building an honest and upright government.

This brief report is an annual summary of the work of the Control Yuan in 2009, including an outline of the organization, the process of receiving the public's complaints, investigations, impeachments, censure, corrective measures, circuit supervision and inspection, invigilation, acceptance of assets-declaration by public functionaries, conflicts of interest, political donations, lobbying, auditing, human rights protection, international interactions, administrative reform and moral education. Statistics on the exercise of control powers has also been included for reference at the end of this report.

In today's fast-changing global environment, the cases handled by the ombudsman have become increasingly complicated. Looking into the future, the Control Yuan will take public opinion into account and actively utilize its powers to eliminate inappropriate government behavior with human rights as its guiding principle. At the same time, it will carry out moral education by caring for minorities and promoting the concept of filial piety among the people. Hopefully changing the hearts of the people will help produce a society of integrity.



Chien-shien Wang

President of the Control Yuan

Taipei, May 2010

A Brief Report on the Work of the Control Yuan, Republic of China January –December 2009

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

January-December, 2009

I. Outline of Organization

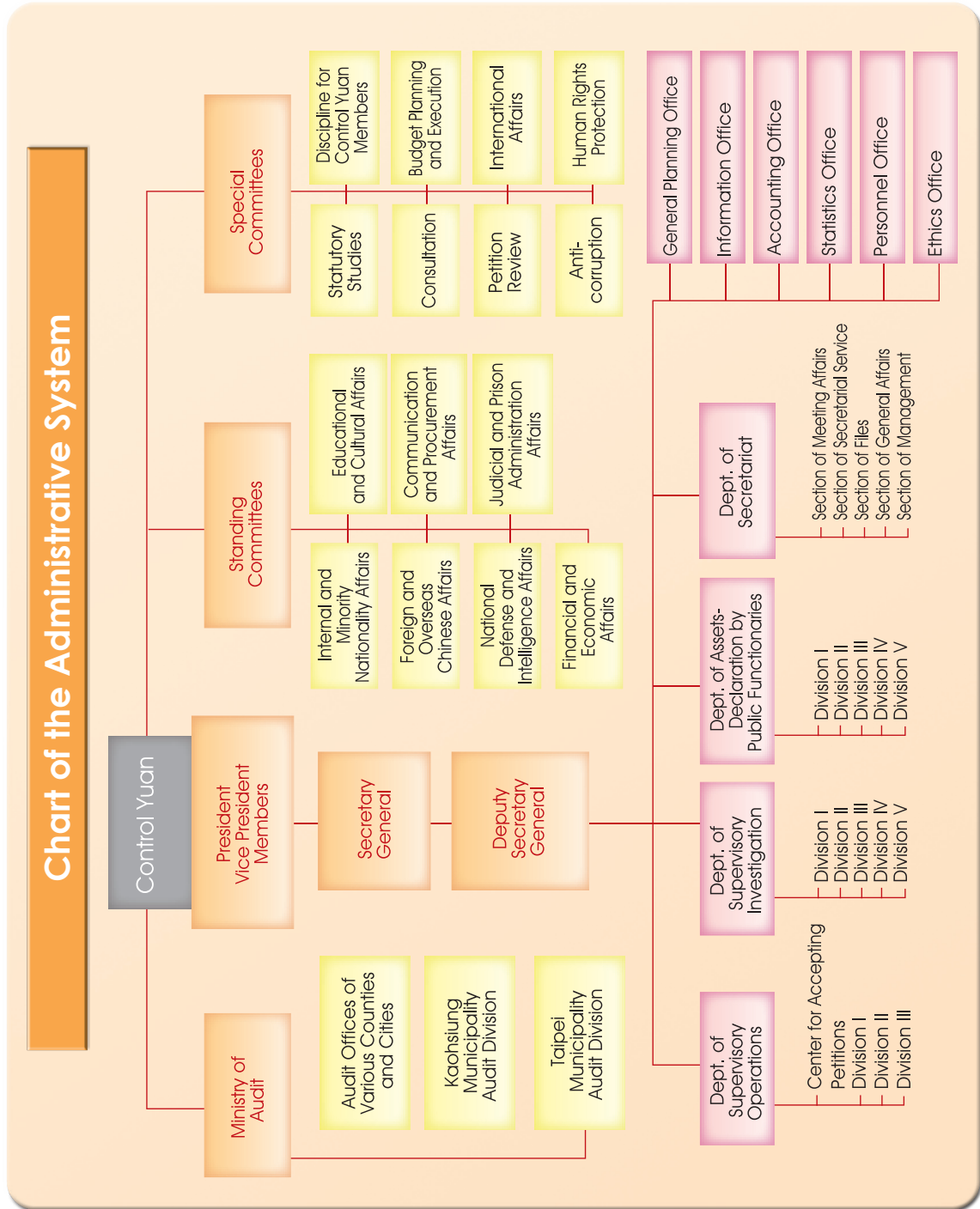
In accordance with the revised Organic Law of the Control Yuan and the Organic Law of the Committees of the Control Yuan, promulgated on January 7, 1998, the Control Yuan established



16th Plenary Meeting of the Fourth Control Yuan.

a Department of Supervisory Operations, a Department of Supervisory Investigation, a Department of Assets-Declaration by Public Functionaries, a Secretariat, a General Planning Office, an Information Office, an Accounting Office, a Statistics Office, a Personnel Office, an Ethics Office, and seven standing committees on Internal and Minority Nationality Affairs, Foreign and Overseas Chinese Affairs, National Defense and Intelligence Affairs, Financial and Economic Affairs, Educational and Cultural Affairs, Communication and Procurement Affairs and Judicial and Prison Administration Affairs. In addition, in keeping with related stipulations, the Control Yuan also sets up eight special committees on Statutory Studies, Consultation, Petition Review, Human Rights

Protection, Anti-corruption, Discipline for Control Yuan Members, Budget Planning and Execution, and International Affairs.



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

The following is demographic information for the Control Yuan staff as of the end of December 2009.

Distribution of Staff by Age in the Control Yuan

Unit: persons

Age Distribution	Total	18 24	25 29	30 34	35 39	40 44	45 49	50 54	55 59	60 64	Over 65	Average Age
Total	459	1	26	36	62	93	84	68	48	28	13	45.64
Political Appointee	30	-	-	-	-	-	-	5	3	10	12	62.23
Staff	261	1	16	14	38	52	59	39	27	14	1	45.22
Selected Appointee	79	-	-	-	3	8	21	21	17	8	1	51.31
Recommended Appointee	116	1	12	7	17	32	30	6	9	2	-	42.56
Ordinary Appointee	64	-	4	7	18	12	8	11	1	3	-	42.25
Assistant Clerk	2	-	-	-	-	-	-	1	-	-	-	57.00
Contract-based Employee	77	-	8	21	19	19	6	1	2	1	-	37.69
Contract-based Assistant	4	-	2	1	1	-	-	-	-	-	-	30.00
Technical Worker	55	-	-	-	1	8	15	17	12	2	-	50.31
Janitor	32	-	-	-	3	14	4	6	4	1	-	46.59

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

Unit: persons

Item	Total	Gender		Education Level						
		Male	Female	Graduate School			University & College	Junior College	Senior High/Vocational School	Junior High School and Below
				Total	PhD	MD				
Total	459	242	217	167	23	144	169	40	64	19
Political Appointee	30	23	7	24	13	11	4	-	2	-
Staff	261	126	135	110	9	101	117	22	11	1
Selected Appointee	79	54	25	52	7	45	26	1	-	-
Recommended Appointee	116	58	58	51	2	49	56	7	2	-
Ordinary Appointee	64	13	51	7	-	7	34	14	8	1
Assistant Clerk	2	1	1	-	-	-	1	-	1	-
Contract-based Employee	77	23	54	32	1	31	40	5	-	-
Contract-based Assistant	4	1	3	-	-	-	4	-	-	-
Technical Worker	55	51	4	-	-	-	2	7	32	14
Janitor	32	18	14	1	-	1	2	6	19	4

II. Functions and Powers

The provisions of Articles 95, 96, 97 and Article 7 of the Additional Articles of the Constitution of the Republic of China provide the Control Yuan with the powers of impeachment, censure, investigation, audit and proposing corrective measures. According to the Control Act, the Control Yuan and its members may accept complaints from the people, and its members may also make circuit supervision and inspections in various areas. The Examination Invigilation Act stipulates that when the government is to conduct an examination, except for those which are held to determine the qualifications of the examinees, the Examination Yuan or the organization in charge of the examination shall invite the Control Yuan to dispatch officials for invigilation. Articles 2 and 4 of the Act on Assets-Declaration by Public Functionaries prescribe that the following officials shall declare their assets to the Control Yuan: President and Vice-President of the ROC; presidents and vice-presidents of the five Yuans; political assigned officials; paid senior advisors, national policy advisors and strategic advisors of the Office of the President; senior ranking (of or above level 12 or the equivalent thereof); government organization 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; principals of educational institutions above public colleges and chiefs of their subordinate organizations; heads of military units in every rank above major-general; chiefs of government organizations above the township (city) level elected in accordance with the Public

Officials Election and Recall Act; people's representatives at every level and senior-ranking (above level 12) judges and public prosecutors. Paragraph 2 of Article 10 of the Act on the Recusal of Public



Members of the Control Yuan accepted petitions from the public.

Servants Due to Conflicts of Interest ordains that the Control Yuan shall be the agency which public servants shall notify in writing. Article 4 of the Political Donations Act stipulates that the Control Yuan shall be the institute to which they shall declare political donations.

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

A. Acceptance of People's Complaints

Article 4 of the Control Act provides that the Control Yuan and its members are entitled to accept complaints from the people. As complaints are the main source for the exercise of control functions and powers, anyone who has detected malfeasance by public servants at central or local levels in government, or has found a violation of law in the Executive Yuan and its subordinate agencies in government work and public facilities, is entitled to complain to or present

accusations before the Control Yuan or its members by submitting a detailed account of facts and related data.

A classification of complaints received by the Control Yuan from January to December 2009 is presented on the following page.

When a complaint is received by the Control Yuan, it is first read by a member on duty. The Control Yuan will assign, by rotation, its member(s) to investigate the case if it warrants or commissions a related agency or its superior to look into the motion of the Control Yuan. After processing, the Department of Supervisory Operation of the Control Yuan will make a reply to the complainer unless the complaint is anonymous, lacks substance, or is a complaint that has been rejected and raised again without the support of new evidence. Cases not replied to will be kept on file for reference.

The Control Yuan handled 29,040 complaints in 2009. Of these processed cases, 572 or 1.97% were investigated; 829 or 2.85% were complemented with related data by the investigated organization; 3 or 0.01% showed no infraction or misconduct; 7,479 or 25.75% were referred to administrative organizations for reference; 4,713 or 16.23% were



Members on duty accepted complaint cases.

Classification of Complaints Received by the Control Yuan

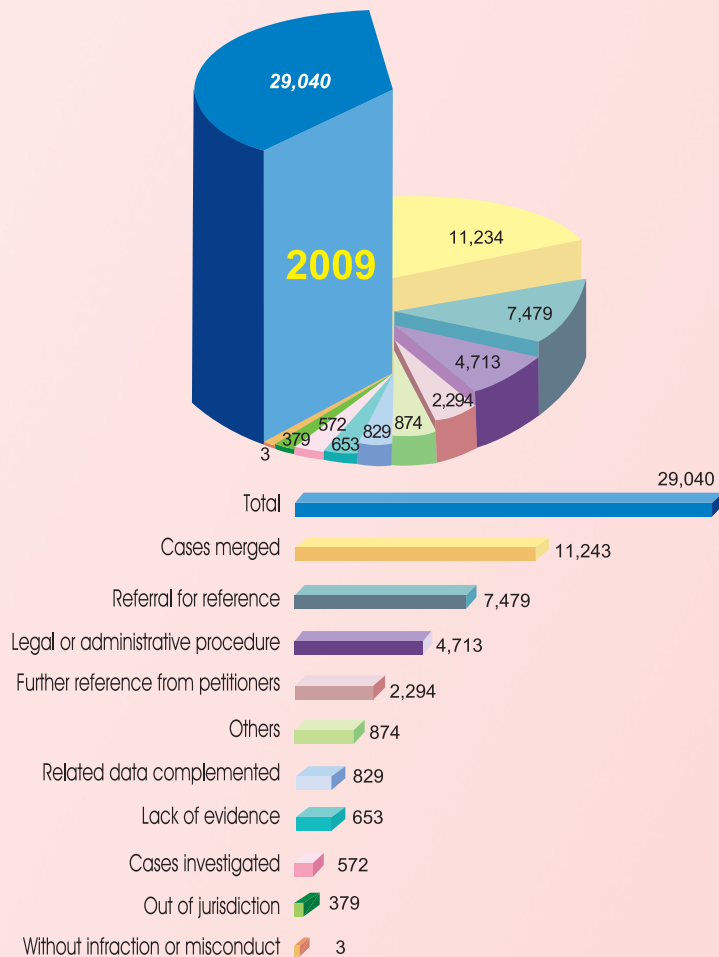
Unit: case

Item	2009
Total	28,829
Internal Affairs	9,354
Land Administration	860
Construction Administration	1,884
Urban Planning	454
Police & Fire Administration	1,460
Social Administration	492
Other Internal Affairs	4,204
Foreign Affairs	111
National Defense Affairs	1,559
Finance	2,073
Economics	3,915
Education	1,878
Transportation	1,543
Judicial Affairs	6,581
Others	1,815

concerned with legal or administrative redress procedure; 379 or 1.31% were out of jurisdiction; 2,294 or 7.90% required further reference; 653 or 2.25% lacked substantial evidence for processing; 11,243 or 38.72% were merged with other cases; and the remaining 874 or 3.01% were processed in other ways. The cases handled in 2009 are analyzed below.

Handling of People's Complaints

Cases handled (Jan. to Dec. 2009)



B. Investigation

Articles 95 and 96 of the Constitution provide the Control Yuan with the power of investigation, which is the linchpin of the powers of control. The Control Yuan utilizes investigation to grasp the facts and the evidence in violations of the law or



Members of the Control Yuan inspected the Armed Forces training base in Pingdong County.

misconduct by public servants and government agencies. The results of investigation will form the basis of impeachment, censure and corrective measures. The Control Yuan exercises its power of investigation in one of three ways: assigning a member or members to make the investigation; letting its



Members of the Control Yuan visited the Taichung Indigenous Peoples Service Center to inspect its subsidies from the Council of Indigenous Peoples of the Executive Yuan.

members investigate on their own motion; or commissioning an outside organization to do it. If it is established that a violation of law or misconduct occurred, the original investigating member or other members shall initiate a proposal for

impeachment or censure. If the case is seen to be relatively minor, a committee may decide to let the related organization punish the violator directly. If the Control Yuan finds the Executive Yuan or one of its subordinate agencies has done something wrong or any of its measures runs counter to the law, it may propose corrective measures to urge the related organization to correct itself.

The following is a table of the cases investigated by the Control Yuan from January to December 2009.



Members of the Control Yuan visited Asus Company to hold an investigative seminar on reduction, handling and recycling of electronic waste.



Members of the Control Yuan visited Kaohsiung County to investigate the cancellation of bus service in remote areas.



Members of the Control Yuan visited Haiyang Warship in Keelung Port to investigate an incident in which it was adrift without power.

Cases Investigated by the Control Yuan

Unit: case

Number of Cases	595
Mode of Investigation (Cases)	
Assigned by Yuan	297
Assigned by Committee	107
Initiated by Member (s)	191
No. of Times Members Conducted Investigations	1,078

C. Impeachment

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



Members of the Control Yuan held a press conference on the case of Impeachment of Lin Ling-san, former Minister of the Ministry of Transportation and Communications.

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



Members of the Control Yuan held a press conference on the case of Impeachment of the State Affairs Fund.

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

The following is a table of the cases of impeachment from January to December 2009.

Cases of Impeachment

Unit: case

Item	2009
Cases	30
Result of Review	
Established and Announced	25
Established but not Announced	1
Rejected	4
Cases Established	
Classification of Cases	26
Violation of Law	1
Dereliction of Duty	-
Both of the Above	25
Result of Action	
Referral for Discipline	26
Referral for Discipline and to Judicial or Military Agencies	-

Impeachment According to Position of the Impeached

Unit: case

Item	2009
Total Number of Persons	45
Official Rank	
Elected	2
Specially Appointed	7
Selected	18
Recommended	10
Delegated	-
Generals	2
Colonels & Majors	6
Captains & lieutenants	-
Position Classification	
General Administration	10
Economic Development	8
National Defense	8
Judicial Affairs	7
Police Administration	3
Culture & Education	3
Foreign Affairs	2
Budget, Accounting and Statistics	2
Transportation	1
Information	1

D. Censure

The power of censure is used when the Control Yuan deems that a lawbreaking or derelict public servant needs to be suspended from duty or is to be dealt with through other immediate measures. The Control Act provides that a case of censure shall be reviewed by three or more members of the Control Yuan other than the initiating member(s) and approved by at least a half of those carrying out the review, and that the case shall be referred to

the censured official's superior for action. If the case involves violation of the criminal code or military law, it shall be sent directly to the competent court or military court for action. If the censured person's official in charge or superior fails to act, or if



Members of the Control Yuan inspected the Ministry of Foreign Affairs of the Executive Yuan.

two or more Control Yuan members deem the action taken is improper, a case of impeachment may be initiated. If the censured official is impeached, his or her higher-up in charge or superior shall be held responsible for the neglect of duty.

E. Corrective Measures

Article 96 of the Constitution of the ROC stipulates that the Control Yuan shall set up various committees in accordance with various subordinate

agencies of the Executive Yuan, to monitor whether there are any violations of the law or any derelict public officials. Article 97 of the Constitution says that the Control Yuan, based on reviews and resolutions by



Members of the Control Yuan proposed corrective measures to the Department of Health for improving medical records by translating them into Chinese.

various committees, may propose corrective measures and forward them to the Executive Yuan and its subordinate agencies for improvement.

Article 24 of the Control Act provides that the Control Yuan, after investigating the work and measures of the Executive Yuan and its subordinate agencies, may propose corrective measures to the Executive Yuan or its subordinate agencies for improvement after the proposed measure is examined and approved by related committees. Article 25 of the same Act and Article 20 of its Enforcement Rules set out that after receiving the demand for correction, the Executive Yuan or its related agencies shall immediately make appropriate improvement or take actions and shall reply to the Control Yuan within two months. If it fails to reply to the Control Yuan in a timely manner regarding its improvements and actions, the Control Yuan may, through a resolution by its related committees, question in writing or notify the responsible officials of the Executive Yuan or related agencies to come to the Control

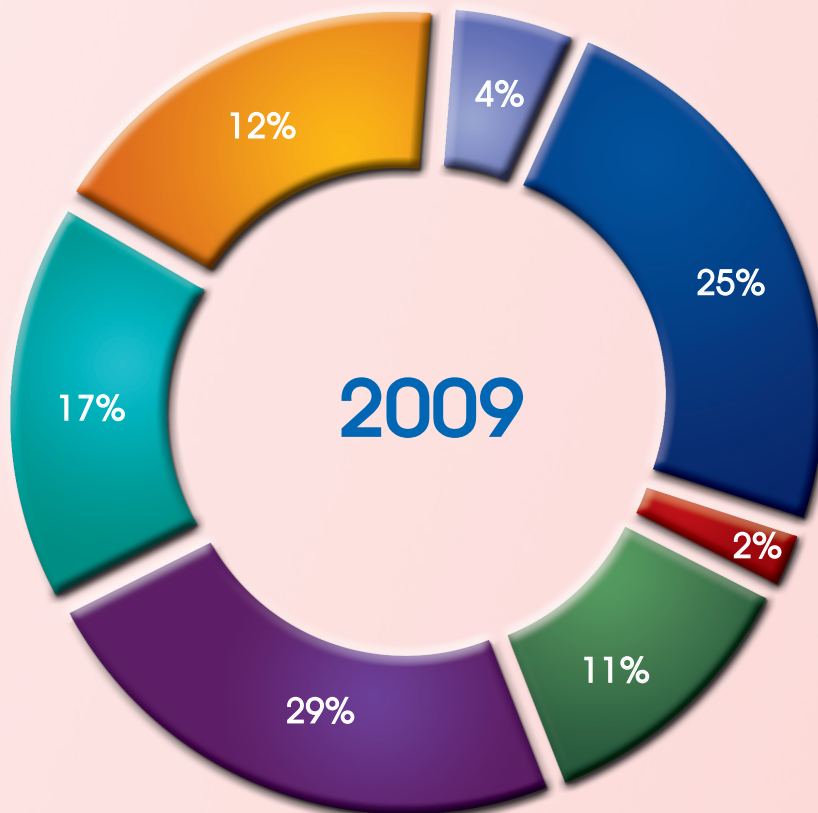
Yuan for questioning. If the Control Yuan deems the reply of the Executive Yuan or related agencies calls for further investigation, it may request the related agencies to make an explanation or ask the members in charge of the original investigation or investigators for an on-site check. If an executive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

The following is a table of the cases of corrective measures from January to December 2009.

Cases of Corrective Measures	
Item	2009
Cases	205
Committees:	
Internal and Minority Nationality Affairs	51
Foreign and Overseas Chinese Affairs	5
National Defense and Intelligence Affairs	23
Financial and Economic Affairs	60
Educational and Cultural Affairs	34
Communication and Procurement Affairs	24
Judicial and Prison Administration Affairs	8
Sent to:	
Executive Yuan	178
Other Agencies	27

Cases of Corrective Measures by Category

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

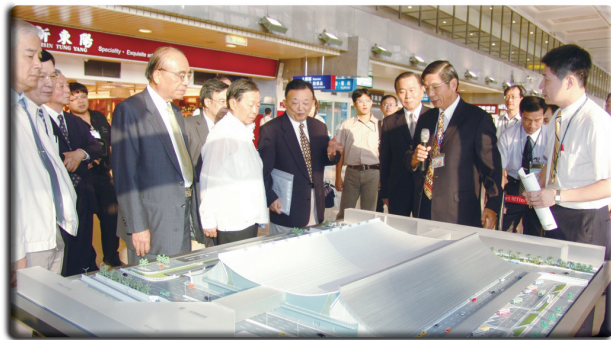


F. Circuit Supervision and Inspection

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



Members of the Control Yuan inspected the Ministry of Foreign Affairs of the Executive Yuan.



Members of the Control Yuan inspected Taiwan Taoyuan International Airport.



Members of the Control Yuan inspected Taipei Bus Station to understand its plans, expected benefits, environmental impact and solutions to problems.

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

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



Members of the Control Yuan inspected a Sanitary Landfill in Tainan County.



Members of the Control Yuan inspected coastal patrols and security operations in the Penghu area.



Members of the Control Yuan inspected the site of housing for the Thao Community in Nantou County.

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

G. Invigilation

The Examination Invigilation Act provides that when the Examination Yuan or other agencies hold examinations, with the exception of qualification exams, it shall invite the Control Yuan or its field agencies to dispatch invigilators. If the examination



Members of the Control Yuan inspected Level One and Two Senior Examinations for Civil Service Personnel.

is conducted by an examination committee, the Control Yuan shall be asked to send its members to serve as invigilators. If the examination is conducted by officials of the Examination Yuan or by a related organization it has commissioned, the invigilation may be conducted by persons dispatched by the supervisory agency of the locality. If irregularities such as attempted bribery

or exchanging test papers are detected, the invigilators shall report the case to the Control Yuan for action according to the Act. After the examination is over, the invigilators shall file a report to the supervisory organization.

The following is a table of invigilation personnel dispatched by the Control Yuan in 2009:

Examinations Invigilated by the Control Yuan							
No. of Invigilation Cases	Category						No. of Invigilators Dispatched
	Total	Senior Exams	Junior Exams	Elementary Exams	Special Exams	Others	
22	43	9	6	1	24	3	69

Unit: case; person

H. Acceptance of Assets-Declaration by Public Functionaries

The Act on Assets-Declaration by Public Functionaries was put into effect on September 1, 1993. The Articles of the Act were revised on March 21, 1997, and went into force on October 1, 1998. The number of assets declaration has



The Anti-Corruption Committee drew a list by lottery of people who are required to publicly declare their assets.

increased from 1,800 people to 8,400 people. The following is a brief account on its operations:

1. Assets Declaration

According to Articles 2 and 4 of the Act on Assets-Declaration by Public Functionaries, the following officials shall declare their assets to the Control Yuan: President and Vice-President of the ROC; presidents and vice-presidents of the Executive, Legislative, Judicial, Examination and Control Yuan; political appointees; paid presidential advisors, national policy advisors and war strategy advisors of the Office of the President; chiefs of governmental agencies at all levels at twelfth grade and above; chairpersons and vice chairpersons of the headquarters and branches of the state-owned enterprises, and directors and supervisors representing the government or the state-owned shares in private entities; principals of public junior colleges and above, and subsidiary institutions of such schools; chief officers at all levels above the rank of major general in the military; governors at or above village / township / city level elected pursuant to the Public Officials Election and Recall Act; elected representatives at all levels; and judges and prosecutors at twelfth grade and above.

The main categories for assets declaration are classified as follows: (1) taking office; (2) taking an acting position; (3) taking a concurrent post; (4) regular declaration ; (5) discharged from a concurrent position; (6) leaving office; (7) discharged from an acting post; (8) trust declarations; (9) transaction declarations; (10) correction declarations; (11) supplementary declarations; (12) notification of

trust instruction; and (13) trust contract change declarations. Regular declarations shall be made annually between November 1 and December 31.

In 2009, the Control Yuan received assets declarations as follows:

- (1) All 650 officials who took office declared their assets in time.
- (2) 11,219 officials were requested by the Act to declare their annual regular assets to the Control Yuan.

2. Review of Assets Declarations

Article 6 of the Act on Assets-Declaration by Public Functionaries provides that a declaration-receiving agency shall review the declaration files within

Cases of Assets-Declaration by Public Functionaries and Cases Reviewed in 2009

Unit: Person; Case

Item	Requested to file	Reported in Time	Delayed in Reporting	Cases Reviewed
Taking Office	677	650	27	677
Taking Acting Post	22	18	4	22
Taking Concurrent Post	4	4	-	4
Regular Declaration	8,618	8,508	110	8,042
Transaction Declaration	153	153	-	153
Leaving Office	393	359	34	393
Discharged from Acting Post	10	8	2	10
Discharged from Concurrent Post	-	-	-	-
Supplementary Declaration	83	83	-	83
Corrective Declaration	111	111	-	111
Trust Declaration	897	892	5	897
Notification of Trust Instruction	251	251	-	251
Trust Contract Change Declaration	-	-	-	-

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

3. Assets-Declaration Inquiries

According to Article 11 of the Regulations Governing Examination and Browsing of Materials of Assets-Declaration by Public Functionaries, declaration-

receiving agencies shall investigate the truthfulness of assets declarations and any unusual property changes in accordance with the proportion. To ensure that declarations are genuine, the Control Yuan has enacted



Department of Assets-Declaration by Public Functionaries held training regarding administrative penalties.

regulations for addressing complaints and making inquiries about Public Functionaries' Assets-Declarations. In 2009, the Control Yuan inquired about 244 cases and found 404 cases were declared untruthfully, including those

pending from previous years.

4. Punishment of Dishonest Declarations

To punish public functionaries who fail to declare their assets in time or truthfully, the Control Yuan shall impose fines and publish their names in accordance with the Act on Assets-Declaration by Public Functionaries. In 2009, there were 48 cases fined up to NT\$4,390,000.

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

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

In 2009, there were 1,173 assets declarations published in periodicals.

6. Destruction, Transfer and Reference to Assets Declarations

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

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

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

The following is a table of destruction, transfer and reference to Assets-Declaration by Public Functionaries from January to December 2009.

Assets-Declaration by Public Functionaries and Accounting Reports of Political Donations Published in Periodicals

Unit: case

Year		2009	
Assets-Declaration	Declaration should be published	1,296	
	Declaration Published	1,173	
Accounting Report of Political Donations	Report should be published	Total	34
		Candidate	10
		Political Party	22
		Political Group	2
	Report published	Total	-
		Candidate	-
		Political Party	-
		Political Group	-

Transfer and Reference to Assets-Declarations by Public Functionaries

No. of Transfers		No. of References
Transferred to	Transferred from	
827	52	122

I. Conflicts of Interest

In order to promote clean and competent politics and ethical government, and to avoid corruption and unjust profits, the Act on Recusal of Public Servants Due to Conflicts of Interest was promulgated on July 12, 2000, and put into effect on July 14 of the same year.

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

As with Articles 19 and 22 of the Act on Recusal of Public Servants Due to

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

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

Acceptance and Investigation of Fined Cases of Conflicts of Interest Prevention by Public Servants

Unit: case

Year				2009	
Cases not Closed at the Beginning of the Period				35	
Accepting and Investigation Fined Cases	Total			11	
	Cases out of Jurisdiction			-	
	Cases within Jurisdiction Investigation	Revealed by People	Investigated by Members	1	
			Investigated by Staff	3	
		Forwarded by Government Agencies	Investigated by Members	1	
			Investigated by Staff	6	
	Cases Closed & Investigated			4	
			Investigated by Staff	28	
Cases not Closed at the End of the Period				2	
				Investigated by Staff	12

J. Political Donations

In order to normalize and manage political contributions, promote citizens' political participation, protect fairness and justice in various political activities and elevate the development of democratic politics, the President of the ROC promulgated the Political Donations Act on March 31, 2004, which went into effect on April 2 of the same year. Article 16 of the Act was amended and proclaimed on January 14, 2009.



A meeting was held to explain the Political Donations Act on November 19, 2009, at the Taidong Election Commission.

The Department of Assets-Declaration by Public Functionaries of the Control Yuan is in charge of matters related to the disclosure of political contributions. According to the Act, the Control Yuan is responsible for the following related matters: (1) Approve the opening of political donation accounts of political parties, political groups and candidates;



A meeting was held to explain the Political Donations Act on November 17, 2009, at the Kinmen County Government.

(2) Approve any changes in or closing of political donation accounts of political parties, political groups and candidates; (3) Handle candidates' disclosures of accounting reports and publish said disclosures in volumes and make public in publications or by posting on a website; (4) Accept candidates' balance reports for political donation accounts; (5) Review accounting reports for political donations disclosed by political parties, political groups and candidates; (6) Impose fines on violators of the Political Donations Act, forward cases of fines for administrative execution if delays occur in paying fines, and make replies aimed at those who file countersuits; and (7) Handle affairs related to demands for return of payments to the Treasury for cases involving fines under the Political Donations Act.

Political Donations, by Election

Political Donation Accounts					Accounting Reports				
Total (No. of Times)	Applied Accounts				Posted on Website	Report Should be Received	Filed in Time	Late Filing	Posted on Website
	Approved	Rejected	Changed	Closed					
1,119	1,107	1	1	10	1,107	89	89	-	10

Political Donations, by Political Party and Political Group

Unit: account

Political Donation Accounts					Accounting Reports				
Applied Accounts					Posted on Website	Report Should be Received	Filed in Time	Late filing	Posted on Website
Total (No. of Times)	Approved	Rejected	Changed	Closed					
4	2	-	-	2	2	23	22	1	24

K. Lobbying

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

Article 2 of the Lobbying Act stipulates that the term lobbying cited in this Act refers to the behavior that intends to influence the lobbied party or its agency in the formulation, enactment, modification, or annulment of laws, government policies or legislation by any oral or written communication addressed to the lobbied party or to its agent. The term lobbyist used in this Act refers to an individual, legal person, or organization permitted to establish or file for record, or a group constituted by special purpose with a representative;

an individual or a profit corporation designated for lobbying. The lobbied party includes the president, vice president, legislators or representative bodies at various levels; chief and deputy chief of a special municipality, county / city and township / city; and persons specified in Paragraph 1 of Article 2 of the Political Appointees Pension Statutes. Therefore, the President, Vice President, Members and Secretary-General of the Control Yuan are all classified as the lobbied party.

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

According to Article 21, 22, 23, 24 and 25 of the Act, a penalty shall be imposed on the following: lobbying by concealing on purpose the restrictions set forth in the Act or by violation of regulations, failing to file in accordance with regulations or failing to keep the financial statements.

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

L. Audit

According to Article 7 of the Additional Articles of the Constitution, the power of audit shall be part of the control powers. Article 104 of the Constitution sets forth that the Control Yuan shall have an Auditor-General,

who shall be nominated and appointed by the President of the ROC, with the consent of the Legislative Yuan. Article 1 of the Control Act, Article 4 of the Organic Law of the Control Yuan and Article 3 of the Law of Audit provide that the Control Yuan shall set up a Ministry of Audit (National Audit Office) under it to exercise the power of audit over the financial activities of government agencies. Article 10 of the Law of Audit provides that the power of audit shall be exercised by auditors independently, free from any interference. Article 60 of the Constitution, Article 28 of the Law of Final Accounts, and Article 34 of the Law of Audit stipulate that the Control Yuan shall directly scrutinize the annual financial statements of the government, request the president to promulgate the finally audited annual government financial report, and investigate and prosecute the dishonest financial cases reported by the National Audit Office. The following is a table of dishonest financial cases reported by the Ministry of Audit to the Control Yuan:

Cases Reported by the Ministry of Audit to the Control Yuan

Unit: case

Year	Total	Method of Disposition					
		Investigated	Forwarded to Other Agencies to Investigate	Merged	For Reference	Put on File	Others
2009	303	70	37	25	171	-	-

M. Human Rights Protection

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

The Human Rights Protection Committee (HRPC) of the Control Yuan was set up in May 2000 to work for protection of human rights in the Republic of China. To emphasize the importance of human rights protection and strengthen connections and interactions with academia, practitioners and human rights organizations, the Control Yuan held the first Human Rights Protection Seminar on January 9, 2009. The President of the Control Yuan, Wang Chien-Shien, received representatives from fourteen countries who attended the Second East Asian Human Rights Forum 2009 and exchange opinions with international human rights organizations.



The Control Yuan held its first Human Rights Protection Seminar.



The President of the Control Yuan, Wang Chien-Shien, received representatives who attended the Second East Asian Human Rights Forum 2009

Complaints Handled by the Control Yuan Involving Human Rights

	Item	No. of Cases
	Total	29,040
Classification of the Case	Subtotal	24,840
	Right of Freedom	246
	Equal Rights	92
	Right of Survival and Medical Care	1,183
	Right to Work	2,925
	Property Rights	6,358
	Political Participation	1,201
	Jurisdiction Justice	7,176
	Culture	460
	Education	759
	Environmental Resources	952
	Social Security	941
	Other Human Rights	2,547
	Non Human Rights	4,200

III. International Interactions

The International Ombudsman Institute (I.O.I), established in 1978, is a worldwide organization of ombudsman offices. It is incorporated as a non-government organization. During its 9th World Conference in Stockholm in June 2009, I.O.I. members decided unanimously to relocate the I.O.I. headquarters after 31 years from the University of Alberta in Edmonton,



Mr. Mats Melin, Chief Parliamentary Ombudsman of Sweden, visited Taiwan on February 9-13, 2009.

Alberta to Vienna, Austria. The purpose of the I.O.I is to promote the concepts of ombudsman and human rights protection, and to encourage their development throughout the world. Up to the present, more than 140 countries or regions have established ombudsman institutions, according to I.O.I.

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

of the International Affairs Committee” was approved at the 26th Meeting of Members of the second Control Yuan in January 1995. The purpose is to strengthen exchanges and cooperation with international ombudsman organizations, to actively participate in international activities and to raise our image in the international community.

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

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

It has been fifteen years since the establishment of the IAC. Each year members of the IAC participate actively in international and regional ombudsman conferences. Moreover, the IAC regularly invites distinguished

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

Up to now, the IAC has totally taken part in 29

international conferences and accomplished several circuit supervisions.

In addition, the Control Yuan has 30 successful cases of inviting honorable guests from different countries since 1999. International activities participated in by members of the International Affairs Committee during the year of 2009 are on the table below.



The International Affairs Committee visited the European Ombudsman, Mr. Nikiforos Diamandouros, on November 27, 2009.

Conferences Attended in 2009

Conference	Place	Date
The Ninth World Conference of International Ombudsman Institute, IOI	Stockholm (Sweden)	8-17 Jun.
El XIV Congreso Annual de la Federación Iberoamericana del Ombudsman	Madrid (Spain)	22 Oct.- 4 Nov.
The International Symposium & 15th Anniversary of the Institution of the Walloon Region's Ombudsman	Namur (Belgium)	18 Nov.- 1 Dec.

International Guests Received in 2009

Distinguished Guest	Country	Date
Mr. Mats Melin Chief Parliamentary Ombudsman	Sweden	9-13 Feb.
Prof. Jerome A. Cohen Professor of Law at New York University School of Law Senior Fellow for Asia Studies at the Council on Foreign Relations	USA	14 Sep.
Sr. Dr. Rafael Espada Vice President of Republic of Guatemala	Republic of Guatemala	7 Oct.
Generals of the National Development Course (NDC) from Central and South America	Central and South America	14 Oct.
Mr. Timothy Tong Hin-ming with ICAC Visiting Group Commissioner of the Independent Commission Against Corruption	Hong Kong, SAR	23 Dec.

IV. Work Summary

Since the inauguration of the 4th Control Yuan, President Wang Chien-shien has actively empowered its functions and improved administrative efficiency.

The purpose of setting up the Ombudsman Forums and starting an electronic newsletter is to get closer to the people and help in the formation of moral character. The Control Yuan also undertakes a wide variety of activities in moral education in the hope of building a culture of morality and integrity.

A. Administrative Reform

1. Promotion of the Control Yuan's Ombudsman Functions

To enhance public understanding of ombudsman functions and public servants' awareness of integrity and



Director of Department of Assets-Declaration by Public Functionaries gave a speech at National Yang Ming University.



Hsu Hai-chuan, Deputy Secretary General of the Control Yuan, gave a speech at the National Science and Technology Museum.

human rights, Control Yuan officials conducted visits, briefings and talks with government departments, universities, and schools.

2. Ombudsman Forums

The Control Yuan has set up three on-line forums in order to field public opinion. They are Forum for Illegal Constructions, Forum for Electronic Waste and Forum for Taiwan High Speed Rail. Suggestions from citizens are used as references in the work of investigation. The competent authorities will be pushed to seek solutions to problems brought up in the Forums.

3. Electronic Newsletter

To further promote the Control Yuan's functions, the Electronic Newsletter is published on the 10th of each month. It provides updates on the latest news about the Control Yuan. To subscribe: cynews@ms.cy.gov.tw

B. Moral Education

Character education impacts the social, emotional and academic areas and is the foundation for all social reform and best practices in education. The Control Yuan has devoted itself to planting the seeds of character education in the three ways outlined below.

1. Care for Minorities



The Control Yuan held its year-end Dinner.

The Control Yuan invited 300 children and teenagers from 15 social welfare institutions to attend its year-end-party on 18 January, 2009. President Wang hoped that this charity event was only the beginning, and that more public agencies and private companies give timely assistance to those in need.

2. Promotion of Filial Piety

(1) Footbath Activity for Respecting Parents

Members and officials of the Control Yuan invited their mothers to celebrate their birthdays. They got on their knees, washed and dried their



Chen Chin-li, Vice President of the Control Yuan, washed his mother's feet.

mother's feet. Through this activity, sons and daughters expressed love for their mothers and urged other government agencies and schools to follow and help raise society's awareness of filial piety.

(2) Mother's Day

About 230 staff with their families took part in the Parent-Child Activity held by the Control Yuan on May 2, 2009. To celebrate the coming Mother's Day, participants made Mother's Day cards with their own hands. It was an activity meant to improve relationships

between parents and children.

(3) Mother is the Cause of Our Birth Seminar

The Control Yuan invited the Ministry of Education, the Taipei City /



Staff of the Control Yuan and their families took part in a Parent-Child Activity.

County Department of Education, and principals of junior high and elementary schools in Taipei City / County and Taoyuan County to attend the “Mother is the Cause of Our Birth” Seminar. The purpose is to instill the value of filial piety into the next generations and foster a positive culture.

3. Help the Institutions for Minorities with Donations and Visits

(1) President Wang Chien-shien met with 15 social welfare institutions on 13 January 2009. The economic recession has made donations decrease dramatically. President Wang took the first step to donate NT\$540,000 consumer vouchers to these institutions.



The Charity Club of the Control Yuan helped institutions for minorities with donations and visits.

(2) The Charity Club of the Control Yuan started to visit various minorities institutions in March 2009. Members of the Charity Club also invited their families to join in. President Wang hopes to build a society of integrity with love.



Year-end Music Concert for the Control Yuan.

V. Conclusion

From January to December 2009, the Control Yuan has received 28,829 complaints and investigated 595 cases. After investigating cases that involved dereliction of duty and violation of law, the Control Yuan approved 26 impeachment cases against 45 officials, and proposed 205 cases of corrective measures to the Executive Yuan for the improvement of a total of 360 subordinate organizations (some have been corrected more than once). For less serious cases, the committees tasked with reviewing those

cases, passed resolutions to send 360 official letters to executive agencies recommending the punishment of 1,695 public servants. All of them have been punished by the agencies.

The Control Yuan is responsible for the supervision of government ethics and the enhancement of integrity and efficiency among public servants. To prevent corruption in the political, economic and social environments, the Control Yuan sustains the spirit of continuing administrative improvement, works to upgrade the efficiency of complaints processing, and implements the enforcement of Sunshine Laws. Furthermore, the Control Yuan works at enhancing the coordination and collaboration among prosecutors, investigation and government ethics agencies, to protect human rights. It also participates actively in international ombudsman activities so as to promote interaction and cooperation among global ombudsman institutions.



President Wang Chien-Shien hosted 2009 Work Review Meeting.

VI. Table of Control Powers

From February 1999 to December 2009

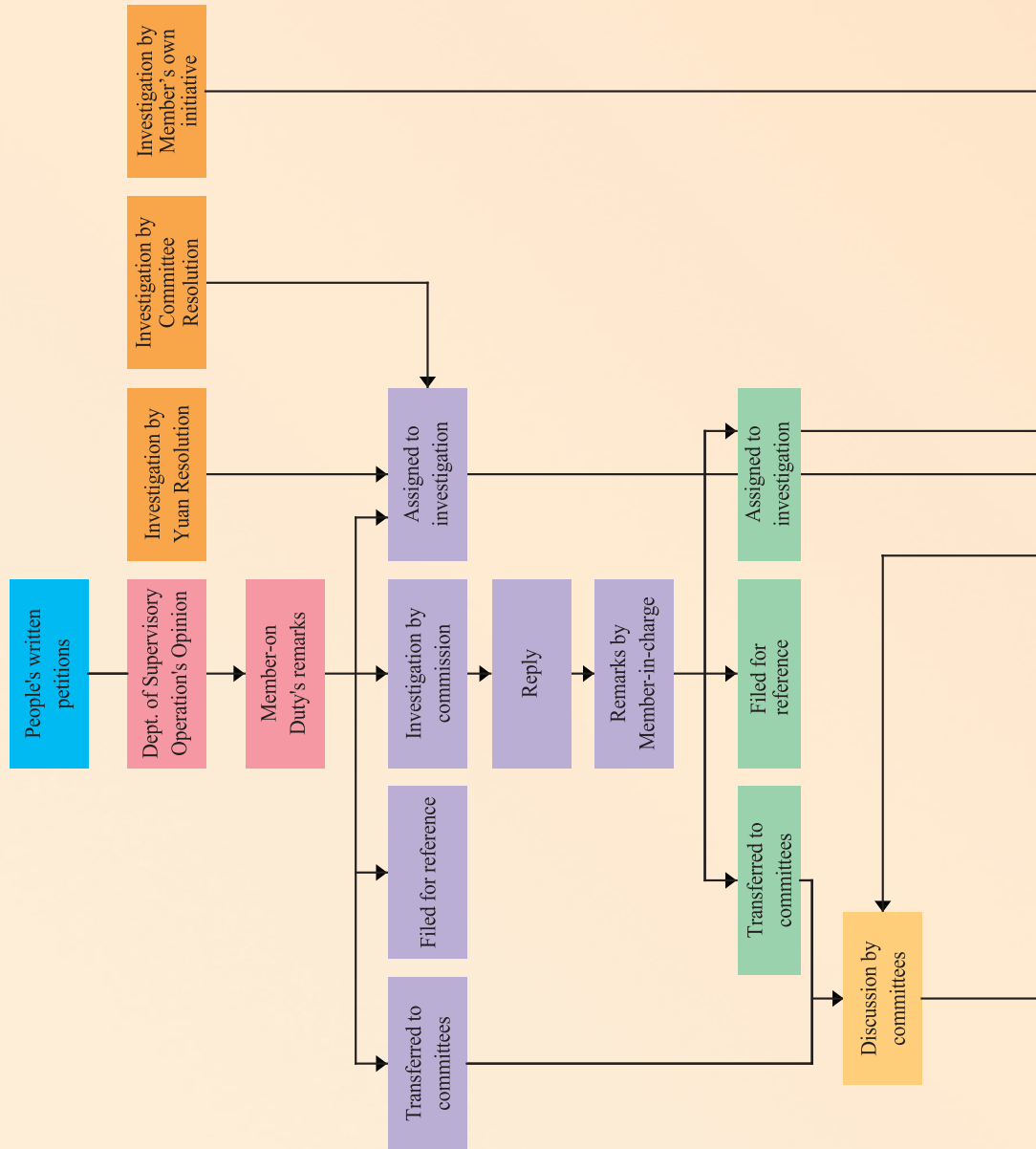
Item Year	Complaints Received	Cases Investigated	Corrective Measures Proposed	Impeachment Cases Initiated	Censure Cases Initiated
Total	136,243	3,848	1,096	136	10
Feb-Dec 1999	17,073	758	185	14	2
2000	15,877	674	195	31	3
2001	16,670	514	154	15	1
2002	17,697	558	157	15	-
2003	17,734	585	154	24	3
2004	15,570	464	165	18	1
2005	8,560	7	36	3	-
2006	5,785	-	-	-	-
2007	5,412	-	-	-	-
2008	15,865	291	50	17	-
2009	28,829	595	205	30	2

From January to December 2009

Item Year	Complaints Received	Cases Investigated	Corrective Measures Proposed	Impeachment Cases Initiated	Censure Cases Initiated
Total	28,829	595	205	30	2
Jan.	1,505	28	13	4	-
Feb.	1,983	56	13	2	-
Mar.	2,443	65	12	1	-
Apr.	2,362	66	25	3	1
May	1,980	38	13	3	-
Jun.	2,628	41	15	3	-
Jul.	3,002	70	23	7	1
Aug.	2,464	50	12	1	-
Sep.	2,892	59	16	1	-
Oct.	2,751	52	24	2	-
Nov.	2,299	33	19	3	-
Dec.	2,520	37	20	-	-

VII. Appendix

Flow Sheet of Exercise of Control Powers





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