



A Brief Report on the Work of the Control Yuan

January-December, 2004

The Control Yuan, Taiwan, Republic of China



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Preface

With the development of politics and economy, the awareness of civil rights has been gradually heightened. The role of civil servants has changed from a controller to a supporter, that is, civil servants deem working for the people and promoting public welfare as their lifework. In order to meet the expectations by the public of a clean and incorruptible government and elevating administrative efficiency, the Third Control Yuan members, taking office since February 1, 1999, have faithfully exercised their powers independently and impartially. They received and handled people's complaints, investigated the malfeasance and dereliction of duty in government agencies, proposed corrective measures and impeached public servants who broke the law, for the purpose of protecting the rights and interests of the people, making social justice prevail and promoting a clean

and competent government.

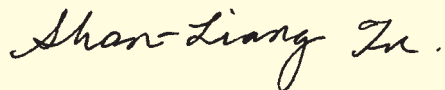
This brief report is an annual summary of the work of the Control Yuan in the year of 2004, it includes an outline of the organization, acceptance of people's petitions, investigation, impeachment, corrective measures, circuit supervision and inspection, invigilation, acceptance of public functionaries' assets disclosures, conflict of interest prevention, reports of political contribution, audit, human rights protection and international interactions. Statistics on the exercise of control powers is also tabulated for the readers' reference at the end of the report.

Looking back at the year of 2004, the Control Yuan has received 15,570 complaint cases, investigated 464 cases, proposed corrective measures to 165 cases, approved 1 censure cases against 2 public functionaries, and impeached 51 officials involved in 18 cases. We also conducted in-depth researches and investigations to find out the crux of the problem so as to encourage genuine reforms in the executive agencies.

Looking into the future, how to actively display the supervision functions in the vastly changed political, economic and social environment so as to understand the performance of the public servants and remove administrative difficulties and to protect the basic rights and interests of the public shall be our primary endeavor. On this solid basis, the Control Yuan, with active, aggressive and proactive measures, will exert its utmost to meet the public's need. The Yuan will continuously address people's complaints fast and cautiously, strengthen professional knowledge and skills of investigation, raise the function of circuit supervision and inspections, fulfilling the management system of political contribution, and keep up with

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

By sharing the same value with our international counterparts, the Control Yuan will continuously promote communications, exchanges and cooperation with international ombudsman organizations. Thereby, I believe, the ombudsman system will be further fulfilled through our joint efforts.

A handwritten signature in black ink, reading "Shang-liang Tu." The signature is written in a cursive, flowing style.

Shang-liang Tu

Secretary General

Taipei, May 2005

P.S.The president, vice president and members of the Fourth Control Yuan have been nominated by the President of the Republic of China, and the power of consent to confirm the appointments will be exercised by the Sixth Legislative Yuan later.



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January-December, 2004

Contents

I. Outline of Organization	1
Chart of administrative system.....	2
II. Functions and Powers	3
A. Acceptance of people's petitions.....	4
B. Investigation.....	8
C. Impeachment.....	11
D. Censure.....	14
E. Corrective measures.....	15
F. Circuit supervision and inspection.....	17
G. Invigilation.....	21
H. Acceptance of public functionaries' assets disclosures.....	23
I. Audit.....	31
J. Human rights protection.....	33
III. International Interactions	36
IV. Conclusion	40
V. Tabulation of Exercise of Control Powers	42
1. From February 1999 to December 2004.....	42
2. From January to December 2004.....	42
VI. Appendix	43
Flow sheet of exercising Control Powers.....	43

List of Tables and Graphs

Classification of Petitions Received by the Control Yuan.....	5
Statistics on Handling of People's Petitions.....	7
Statistics on Cases Investigated by the Control Yuan.....	10
Statistics on Cases of Impeachment.....	12
Statistics on Impeachment According to Positions of the Impeached.....	13
Statistics on Censure Cases in 2004.....	14
Statistics on Cases of Corrective Measures.....	16
Statistics on Opinions Formulated during Central Government Inspections by Various Committees.....	20
Statistics on Examinations Invigilated by the Control Yuan.....	22
Statistics on Assets Disclosures of Public Functionaries Accepted and Reviewed by the Control Yuan.....	25
Statistics on Accepting and Investigating Fined Cases of the Conflicts of Interest Prevention of Public Functionaries.....	28
Statistics on Conflict of Interests Prevention Initiated by Public Functionaries.....	28
Statistics on Political Contributions Based on Elections January-December, 2004.....	30
Statistics on Political Contributions Based on Groups.....	30
Statistics on Cases Reported by National Audit Office to the Control Yuan.....	32
Statistics on Human Rights Cases Reviewed by the HRPC.....	35
Conferences Attended in 2004.....	39
International Guests Received in 2004.....	39



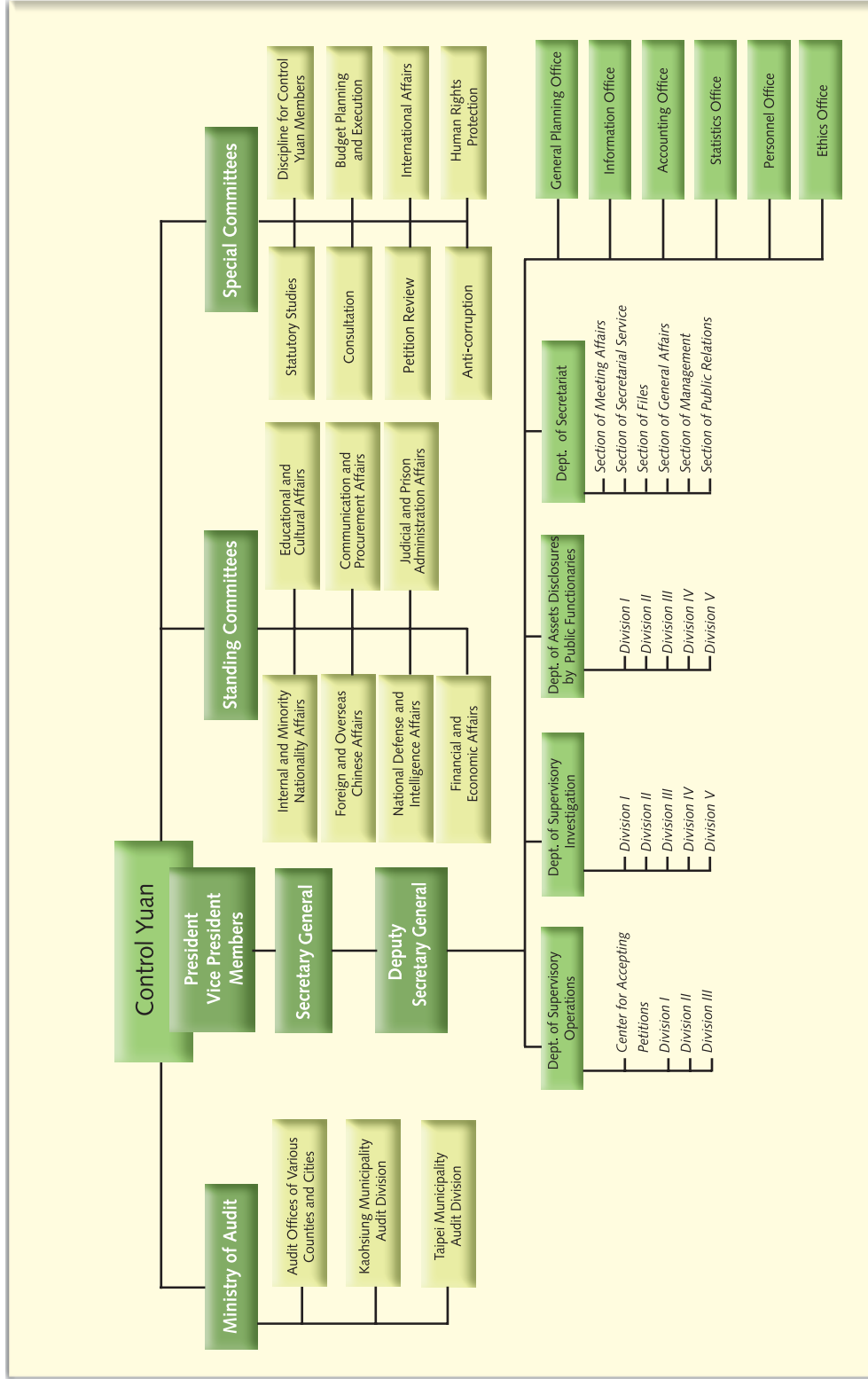
A Brief Report on the Work of the Control Yuan Republic of China January-December, 2004

I. Outline of Organization

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

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

Chart of administrative system





II. Functions and Powers

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

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

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

A. Acceptance of people's petitions

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



A Control Yuan member receives a complaint from Legislator Liu Wen-Hsiung about non-civil servants taking Air Force One suspected to be against administrative system.

anyone who has detected malfeasance of public functionaries at central or local level government, or has found violation of law of the Executive Yuan and its subordinate agencies in government work and public facilities, is entitled to petition to or accuse before the Control Yuan or its members by submitting a detailed account of facts and related date.

In 2004, the Control Yuan received a total of 15,570 petitions from the people, including 32.67% in the category of internal affairs (covering land administration, construction administration, urban planning, public works, police administration, and so on), 22.51% in the judicial category, 10.20% about economic affairs, and 7.31% regarding education. In the category of internal affairs, the mainstay of the petitions was about construction administration, accounting for 9.43% of the total. Following is the



classification of petitions received by the Control Yuan from February 1999 to December 2004.

Classification of Petitions Received by the Control Yuan

Unit: case

Item	Total	1999 Feb.-Dec.	2000	2001	2002	2003	2004
Land Administration	8,776	1,725	1,577	1,436	1,321	1,459	1,258
Construction Administration	9,120	1,669	1,617	1,410	1,394	1,561	1,469
Urban Planning	2,049	416	331	245	244	437	376
Public Construction	1,770	280	295	283	273	381	258
Police Administration	4,951	767	875	843	788	897	781
Other Internal Affairs	8,255	1,058	1,238	1,781	1,814	1,420	944
Foreign Affairs	311	59	27	45	55	37	88
National Defense	5,437	1,041	986	968	901	783	758
Finance	5,418	844	836	961	989	924	864
Economics	8,883	1,354	1,366	1,441	1,564	1,570	1,588
Education	7,224	1,005	1,144	1,285	1,421	1,231	1,138
Transportation	3,980	720	695	731	580	662	592
Judicial Affairs	22,201	3,467	3,506	3,712	4,008	4,003	3,505
Others	11,031	1,453	1,384	1,529	2,345	2,369	1,951
Total	99,406	15,858	15,877	16,670	17,697	17,734	15,570

When a petition is received by the Control Yuan, it is first read by a member on duty. The Control Yuan will assign, by rotation, its member(s) to investigate the case if it warrants or commissions a related organization or its higher-up to look into the matter. It may also send the case to the



A Control Yuan member receives a complaint about the Presidential election from a truth-seeking group leader Ms. Wang Ching-feng.

counselors' office, or request the views of the original investigating member(s), or refer it to a related committee for disposal, or take other actions. The petition will be rejected if it is not within the jurisdiction of the Control Yuan. After

processing, the Department of Supervisory Operation of the Control Yuan will make a reply to the petitioner unless the petition is anonymous, lacks substance, or is a petition that has been rejected and raised again without the support of new evidence. The cases not replied will be kept on file for reference.

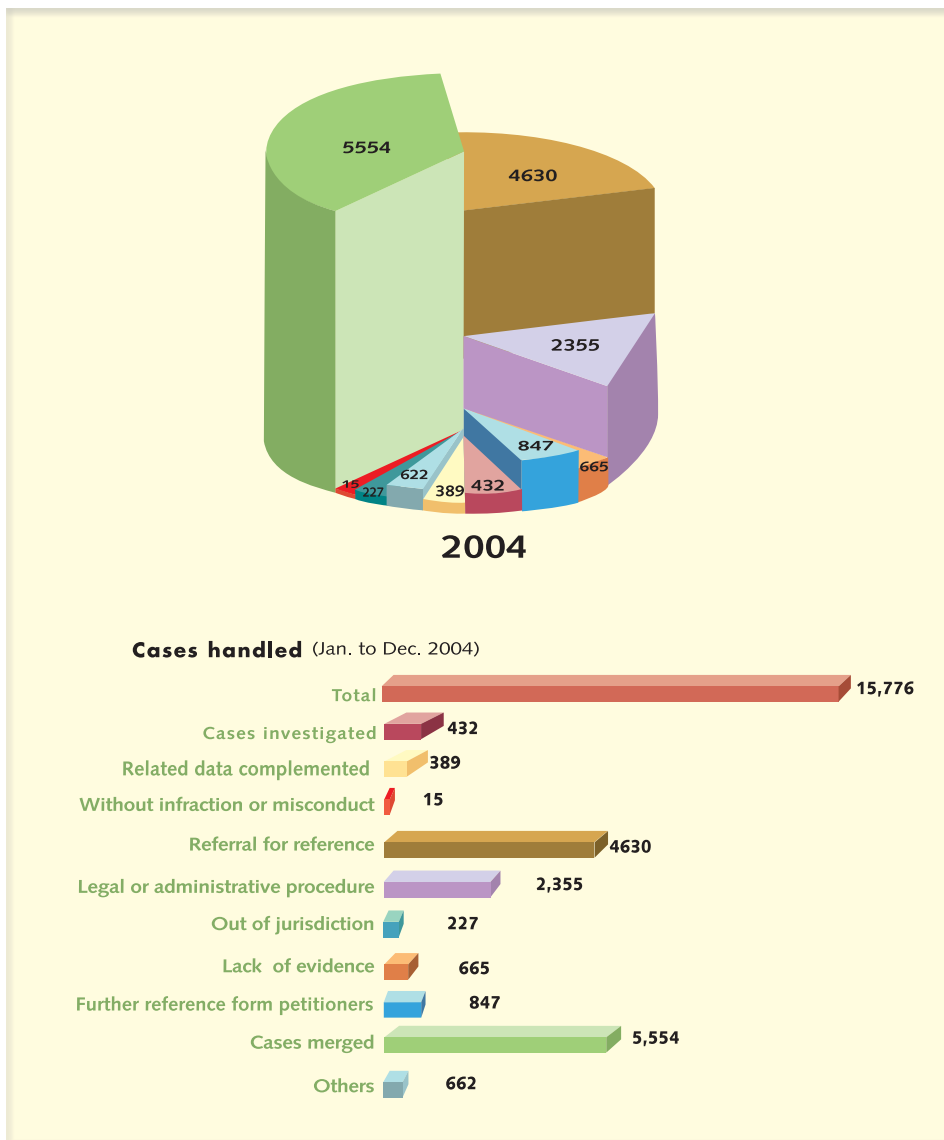
In 2004, the Control Yuan handled 15,776 petitions. Of these processed cases, 432, or 2.74%, were investigated; 389 or 2.47% were complemented related data by the investigated organization; 15, or 0.10%, were detected without infraction or misconduct; 4,630, or 29.35%, were referred to administrative organizations for reference; 2,355, or 14.93%, were concerned with legal or administrative redress procedure; 227, or



1.44% were out of jurisdiction; 847 or 5.37% were requested for further reference; 665, or 4.22% were lack of substantial evidence to process; 5,554, or 35.21%, were merged with other cases; and the remaining 662, or 4.20%, were processed in other ways. The cases handled in 2004 are formulated below.

Statistics on Handling People's Petitions

Unit: case



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. By investigation, the Control Yuan can grasp the facts and the evidence of violations of the law or



To inquire improper management of the national freeway, members of the Control Yuan inspect the northern area traffic control system of Taiwan Area National Freeway Bureau.

the misconduct by public functionaries 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 the following three ways: assigning a member or members to make the investigation, letting its members to investigate on their own initiative,



Arriving at Pingtung, Control Yuan members make an inspection of the aboriginal culture development at local areas.

or commissioning an organization to do it. If a violation of the law or misconduct is established, the original investigating member or other members shall initiate a proposal for impeachment or censure. If the case is not too



serious, a committee may decide to let the related organization punish the violator directly. If the Control Yuan finds the Executive Yuan or one of its subordinate organs 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.



Control Yuan members leave for Taiwan Tobacco and Liquor Cooperation to review related problem in its privatization.

In 2004, the Control Yuan investigated a total of 464 cases. Of these cases, 258, or 55.60% were assigned by the Yuan; 64, or 13.79% were assigned by committees; and 142, or 30.60% were initiated by members. There were 837 times of the Control Yuan members carrying out investigations.



Control Yuan members supervise middle Taiwan airport construction in Ching Chuan Kang Airport.

Following is a tabulation of the cases investigated by the Control Yuan between February 1999 and December 2004.

Statistics on Cases Investigated by the Control Yuan

Unit : case

Item	Total	1999 Feb.-Dec.	2000	2001	2002	2003	2004
Number of cases	3,527	732	674	514	558	585	464
Mode of investigation (cases)							
Assigned by Yuan	1,543	329	239	215	235	267	258
Assigned by Committee	472	92	84	78	72	82	64
Initiated by member(s)	1,512	311	351	221	251	236	142
By commissioning other agencies	-	-	-	-	-	-	-
Targets of investigation (cases)							
Central Government agencies	3,368	337	321	504	599	902	705
Taiwan/Fuchien Provincial Governments	62	31	10	1	5	4	11
Taipei City Government	269	38	51	46	45	48	41
Kaohsiung City Government	89	13	13	12	13	25	13
County/city governments	1,108	191	185	154	138	237	203
Courts at all levels	500	122	94	59	39	54	132
Others	42	-	-	13	6	1	22
Number of times the Control Yuan members make investigations	6,502	1,291	1,210	962	1,081	1,121	837



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 Law empower the Control



An impeachment review meeting is held in the Control Yuan.

Yuan to impeach central and local government officials involved in dereliction of duty or other violations of the law. A case of impeachment can be forwarded to the disciplinary agency only after it is proposed by at least two members, reviewed by more than nine other members and approved by at least a half of them. If the case involves criminal law or military law, it shall be referred to the competent judicial or military organization for action according to the law. In 2004, the Control Yuan has passed 18 cases of impeachment against 51 persons. Among the 18 cases, 1 has been reviewed, and the rest 17 are still pending in the Commission on the Disciplinary Sanctions of the Functionaries.

The following is a tabulation of the cases of impeachment between February 1999 and December 2004.

Statistics on Cases of Impeachment

Unit: case

Item	Total	1999 Feb.-Dec.	2000	2001	2002	2003	2004
Cases	122	12	32	18	17	25	18
Result of review:							
Established and announced	113	12	31	15	14	24	17
Established but not announced	2	0	0	0	1	-	1
Rejected	7	0	1	3	2	1	-
Cases established:							
Classification of cases:							
Violation of law	2	0	0	0	0	1	1
Dereliction of duty	0	0	0	0	0	-	-
Both	113	12	31	15	15	23	17
Result of action:							
Referral for Discipline	114	12	31	14	15	24	18
Referral for Discipline and to judicial or military agencies	1	0	0	1	-	-	-

The following is a tabulation on impeachment according to positions of the impeached between February 1999 and December 2004.



Statistics on Impeachment According to Positions of the Impeached

Unit: case

Item	Total	1999 Feb.-Dec.	2000	2001	2002	2003	2004
Persons	296	25	76	24	49	71	51
Official ranks:							
Elected	7	0	3	2	1	0	1
Specially appointed	2	0	1	0	0	0	1
Selected	116	13	25	11	15	34	18
Recommended	74	3	26	6	13	13	13
Delegated	5	0	2	1	1	1	0
Generals	29	3	9	1	5	4	7
Colonels and majors	57	6	8	3	11	19	10
Captains & lieutenants	6	0	2	0	3	0	1
Position classification:							
General administration	28	1	6	3	6	2	10
Land administration	0	0	0	0	0	0	0
Financial administration	7	2	0	0	1	1	3
Economic development	56	4	8	4	13	25	2
Police administration	15	0	12	1	0	0	2
Culture & education	7	1	4	1	0	0	1
Transportation	21	2	0	5	0	9	5
Health	12	0	3	2	0	2	5
Environmental protection	9	0	5	2	0	0	2
Information	0	0	0	0	0	0	0
Foreign affairs	3	0	0	0	1	0	2
Overseas Chinese affairs	3	0	3	0	0	0	0
Judicial affairs	41	6	16	2	9	7	1
National defense	92	9	19	4	19	23	18
Agriculture and forest	2	0	0	0	0	2	0
Audit	0	0	0	0	0	0	0
Budget, accounting and statistics	0	0	0	0	0	0	0
Personnel affairs	0	0	0	0	0	0	0
Technical personnel	0	0	0	0	0	0	0
Others	0	0	0	0	0	0	0

D. Censure

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

Statistics on Censure Cases in 2004

Unit: person

Censured agencies \ Official ranks	Total	Elected	Specially appointed	Selected/ general officers	Recommended/ field-grade officers	Delegated/ junior officers	others
Ministry of Foreign Affairs & its subordinate organs	2	-	-	1	1	-	-
Total	2	-	-	1	1	-	-



E. Corrective measures

Article 96 of the Constitution of the ROC stipulates that the Control Yuan, according to different subordinate organs of the Executive Yuan, shall set up various committees to supervise if there is any violation of law or derelict functionary. Article 97 of the Constitution says, the Control Yuan, based on reviews and resolution by various committees, may propose corrective measures and forward to the Executive Yuan and its subordinate organs for improvement.

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

appropriate action for improvement, it may initiate a proposal of impeachment against the head of the organ if the case is established by its investigation.

In 2004, the Control Yuan established a total of 165 cases of corrective measures, and all of them were sent to the Executive Yuan for action. Among them, 47 have been closed and 118 are still pending. The following is a tabulation of the cases of corrective measures between February 1999 and December 2004.

Statistics on Cases of Corrective Measures

Unit: case

Item	Total	1999 Feb.-Dec.	2000	2001	2002	2003	2004
Cases	982	157	195	154	157	154	165
Committees:							
Internal and Minority Nationality Affairs	304	52	59	46	46	46	55
Foreign and Overseas Chinese Affairs	15	0	3	1	7	1	3
National Defense and Intelligence Affairs	129	30	27	25	9	19	19
Financial and Economic Affairs	274	38	40	42	52	47	55
Educational and Cultural Affairs	85	15	19	15	17	7	12
Communication and Procurement Affairs	124	15	31	20	15	26	17
Judicial and Prison Administration Affairs	51	7	16	5	11	8	4
Organs sent to:							
Executive Yuan	736	114	135	101	123	121	142
Others	246	43	60	53	34	33	23



F. Circuit supervision and inspection

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



Control Yuan members inspect the rehabilitation work at Shigang, Dongshih, Guguan and Sungho tribes in Taichung County after the July 2 inundation.

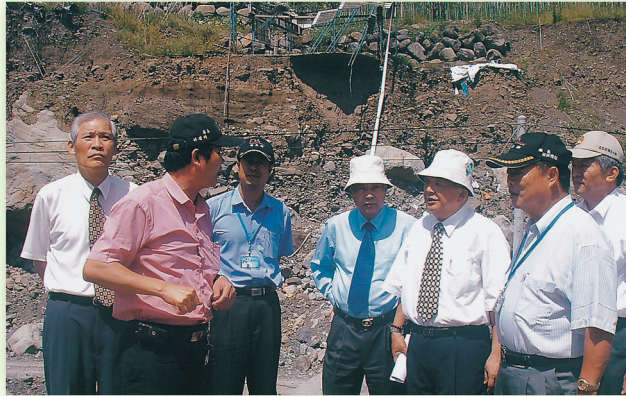


Control Yuan members supervise the maintenance of a train station office constructed during the period of Japanese-occupied at the Hualien port.



In Taoyuan Country, Control Yuan members make an inspection of leisure agriculture and marketing situation and exchange ideas with local farmers.

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



Control Yuan members go to Nantou County to see how serious the damage is caused by Mindulle and Aere typhoons.



Control Yuan member inspect riverbank damage caused by July 2 inundation in Liukuei Village.



Control Yuan members visit on the Fisheries Research Institute, Executive Yuan, to understand its work of cultivating *Haliotis Diversicolor*.



Control Yuan members leave for Kinmen County to make circuit supervision over the local government and attend the 8th World Island Conference.



Control Yuan members inspect the rehabilitation work after Mindulle and Aere typhoons.



Control Yuan members of the Committee on Communication and Procurement Affairs inspect the bridge reconstruction across Zeng Wun River by Taiwan Railway Administration.

basis.

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

In 2004, the various committees of the Control



Yuan made 54 inspection tours of the central government agencies, proposed 1,355 supervision opinions; conducted 57 district tours, and received 670 petitions from the people.

To promote liaison between the Control Yuan and officials in charge of the circuit inspections and supervision in the local governments, the Yuan holds a panel discussion with the officials concerned at provincial and county levels.

Statistics on Opinions Formulated during Central Government Inspections by Various Committees

Unit: case

Year	No. of tours	No. of supervision opinions formulated by various committees							
		Total	Internal and Minority Nationality Affairs	Foreign and Overseas Chinese Affairs	National Defense and Intelligence Affairs	Financial and Economic Affairs	Educational and Cultural Affairs	Communication and Procurement Affairs	Judicial and Prison Administration Affairs
1999 Feb.-Dec.	67	1,743	289	129	260	411	366	201	87
2000	57	1,239	181	92	206	145	370	109	136
2001	74	1,821	322	122	166	604	313	204	90
2002	65	1,431	256	175	202	205	247	273	73
2003	46	1,418	169	97	193	204	202	284	269
2004	54	1,355	140	127	230	216	168	189	285
Total	363	9007	1,357	742	1,257	1,785	1,666	1,260	940



G. Invigilation

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

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



A Control Yuan member invigilate a national examination.

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

Statistics on Examinations Invigilated by the Control Yuan

Unit: case

Year	No. of Invigilators dispatched	Categories					
		Total	Senior exams	Junior exams	Elementary exams	Special exams	Others
1999 Feb.-Dec.	49	26	2	2	1	19	2
2000	50	26	2	2	0	15	7
2001	60	28	5	2	1	18	2
2002	85	37	6	4	1	23	3
2003	73	36	7	5	1	18	5
2004	105	48	7	6	1	27	7
Total	422	201	29	21	5	120	26



H. Acceptance of public functionaries' assets disclosures

The Public Functionary Assets Disclosures Law was promulgated by the President of the ROC on July 2, 1993, and put into effect on September 1 of the same year. The enforcement rules of the Law were jointly enacted on August 20 in the same year by the Executive Yuan, the



The Control Yuan gives an explanation meeting to propagate the Public Functionaries' Conflict of Interests Prevention Law and Public Functionary Assets Disclosures Law in Tainan.

Examination Yuan and the Control Yuan. Some Articles of the rules have been revised in 1996, 2000 and 2002. The Department of Public Functionaries' Assets Disclosures of the Control Yuan is now in charge of assets disclosures by public functionaries. Following is a brief account on its operations:

1. Assets disclosure

According to Articles 3, 5 and 7 of the Public Functionary Assets Disclosures Law and Articles 10, 21 and 21-3 of its rules of enforcement, a public functionary covered in the law shall disclose his or her assets under the following conditions: (1) taking office : a disclosure shall be made within three months; (2) regular disclosure : which shall be made once a year between November 1 and December 31; (3) trust disclosure : a disclosure of real estate exceeding 6 million NT dollars, or listing stock exceeding 4

million NT dollars in total shall be made within one month after taking office.(4) property transaction disclosure : a disclosure of real estate transaction, exchange, or donation and stock trading exceeding 10 million NT dollars shall be made within the given time (two months); (5) property correction disclosure : a disclosure initiated by a functionary to correct his or her former one, in which some information is at fault; (6) supplementary property disclosure : a disclosure requested by a disclosure-receiving agency if it considers a functionary discloses his or her property with dishonesty. The case will be disposed according to Article 11. If not on purpose, the functionary will be informed to file supplementary reference before the deadline. Otherwise, the case will also be disposed according to the same Article. In 2004, the Control Yuan received assets disclosures as follows:

- (1) All the 478 officials who took office disclosing their assets in time.
- (2) There were 1,718 officials requested by the law to disclose their annual regular assets to the Control Yuan.

2. Review of assets disclosures

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

3. Assets disclosures inquiry

According to stipulations of the review and inquiry about functionary



assets disclosures, if a functionary is on suspicion of disclosing his or her property untruthfully, the case, on the base of the Public Functionary Assets Disclosures Law, will be reviewed item by item. To ensure the genuine disclosure, the Control Yuan has made regulations of addressing complaints and inquiry about public functionary assets disclosures. In 2004, the Control Yuan has inquired about 473 cases and found 227 cases are disclosed untruthfully.

Statistics on Assets Disclosures of Public Functionaries
Accepted and Reviewed by the Control Yuan
January - December, 2004

Unit: person; case

Item	Number of functionaris			Case reviewd
	Requested to file	Disclosing in time	Delayed in disclosing	
Taking office	478	478	0	478
Regular disclosure	1,718	1,710	8	1,273
Transaction/Trust disclosure	68	49	19	68
Correction disclosure initiated by functionaries	100	100	0	100
Correction disclosure by request	54	54	0	54
Total	2,418	2,391	27	1,973

4. Punishment of dishonest disclosure

To punish those public functionaries who fail to disclose their assets in time or truthfully, the Control Yuan shall impose fines and publish their names in accordance with the Public Functionary Assets Disclosures Law. In 2004, there were 44 cases fined 4 million and 550 thousand NT dollars .

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

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

According to Item 1 of Article 6 of the Public Functionary Assets Disclosures Law, the approved disclosures of each person shall be put in book form, numbered, and well kept for public examination and reference. In 2004, the Control Yuan published 9 issues of special gazettes containing 841 disclosures made by public functionaries.

6. Return and transfer of assets disclosures

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

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



disclosures law, if the competent agency that receives the assets disclosures has changed due to the officials' change of position, the original receiving agency shall transfer the original disclosures to the new receiving agency. In 2004, the Control Yuan:

- (1) Returned 180 assets disclosures to those public functionaries who left their positions.
- (2) Returned 9 assets disclosures for the reason of death.

7. Conflict of interests prevention cases

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

To comply with the law and rules, the Control Yuan has carried on receiving, reviewing, investigating and punishing affairs about related cases examining if officials and their interested party are on their initiate to avoid the conflict of interest. Also, the Control Yuan has set up operation standards to address these cases.

Statistics on Accepting and Investigating Fined Cases of the Conflicts of Interest Prevention of Public Functionaries

Unit: case

Year	Cases not closed in 2003	Accepting and investigating Fined cases in 2004				Cases closed in 2004	Cases not closed in 2004
		Total	Cases out of jurisdiction	Cases within jurisdiction and investigated			
				Revealed by people	Forwarded by government agencies		
2002	0	1	0	0	1	0	1
2003	1	5	1	0	4	⊙3	⊙2
2004	2	15	1	0	14	1	15
Total	3	21	2	0	19	4	15

⊙:revised

Statistics on Conflict of Interests Prevention Initiated by Public Functionaries

Unit: case

Year	Cases initiated and informed by public functionaries			
	Total	Cases out of jurisdiction	Cases reviewed	Cases not closed
2004	3	0	3	0



8. Political Contributions

In order to normalize and manage political contributions, promote civil political participation, protect fairness and justice of different political activities, and elevate the development of democratic politics, President of the ROC



Aiming to the supplementary election of the 6th Kaohsiung City Councilors, the Control Yuan holds an explanation meeting to propagate Political Contributions Law and accounting reports.

promulgated the Political Contributions Law on March 3, 2004, and put in to effect on April 2 of the same year.

The Department of Public Functionaries' Assets Disclosures of the Control Yuan is in charge the affairs to disclose political contributions. According to Article 10, 14, 15, 16, 19, 20, 21, 24, 25, 26, 27 and 28, the Control Yuan is responsible for related matters as follows: (1) to approve of opening political accounts of political parties, political groups and candidates; (2) to approve of changing or closing political contribution accounts of political parties, political groups and candidates; (3) to handle candidates' disclosures of accounting reports and put in book and issue in the gazettes or post on the website; (4) to accept candidates' balance reports of the political contributions accounts; (5) to review accounting report of political contributions disclosed by political parties, political groups and candidates; (6) to impose fine on violation of Political Contributions

Law, to forward fined cases to administrative execution if delay to pay the fine, and to make replies aiming those suing cases; (7) to handle the affairs of demanding and returning payment to the treasury of the fined cases against the Political Contributions Law.

Statistics on Political Contributions Based on Elections
January-December, 2004

Unit: case

Election	Total	Applied accounts				Announced account	Accounting reports	
		Approved		Disapproved	Applied		Announced	
		Changed accounts	Closed accounts					
Kaohsiung City Councilors	36	36	1	0	0	36	36	36
Representative of Suao Township, Ilan County	1	1	0	0	0	1	1	1
The 6 th Legislators	377	375	3	25	2	375	0	0
Total	414	412	4	25	2	412	37	37

Statistics on Political Contributions Based on Groups

Unit: case

Group	Total	Applied accounts				Announced account	Accounting reports	
		Approved		Disapproved	Applied		Announced	
		Changed accounts	Closed accounts					
Political groups	0	0	0	0	0	0	-	-
Political parties	7	7	0	0	0	7	-	-
Total	7	7	0	0	0	7	-	-



I. Audit

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

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

Unit: case

Year	Total	Methods of Disposition					
		Investigated	Forward to other organs to investigate	Merged	For reference	Put on file	Others
1999	102	19	5	0	76	0	2
2000	94	16	1	1	71	1	4
2001	122	15	4	4	88	3	8
2002	176	16	19	2	135	1	13
2003	211	32	6	13	143	2	15
2004	216	31	13	11	153	0	8
Total	921	129	38	31	666	7	50



J. Human rights protection

The protection of human rights is gaining more and more attention worldwide. It is an important barometer of the standard of a nation's democracy and legal system, and it has become a focal issue in the international community. The Human Rights Protection Committee (HRPC) of the Control Yuan was set up in May 2000 to work for protection of human rights in the Republic of China. The HRPC supports human rights and handles human rights cases without outside interference. The committee also collects information on human rights issues from domestic and international sources.

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

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

1. Discovering human rights violation cases and proposing to investigate;
2. Reviewing and studying human rights cases and offering suggestions;
3. Providing suggestions on human rights bills;
4. Communicating with domestic and international human rights institutions and collecting relevant information;
5. Researching how to promote human rights education;

6. Handling other matters related to human rights protection.

The HRPC often consults with domestic human rights organizations to better understand the human rights situation. It also keeps close relations with international organizations.

In 2004, Dr. Louis R. Chao, on behalf of the Control Yuan, went to Kathmandu, Nepal from 16 to 18 February to attend the 8th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions (APF). The meeting focused on the rule of law and anti-terrorism measures, and emphasized on the need to protect and promote human rights and ensure the rule of law in combating terrorism. Participants in the meeting passed a report on the implementation of the recommendations of the Advisory Council of Jurists' reports on the death penalty, child pornography on the internet and trafficking, which will further protect human rights. Another decision had been made was that the 9th APF meeting would be held in Korea, the 10th in Mongolia, and the 11th in Fiji.



Statistics on Human Rights Cases Reviewed by the HRPC

Unit: case

Category	Total	2001	2002	2003	2004
Politics	19	10	0	6	3
Judiciary	135	31	39	33	32
Military	42	21	13	4	4
Disadvantaged	7	0	0	4	3
Labor	6	1	1	4	0
Women	6	1	5	0	0
Aboriginal	8	0	2	5	1
Environment	11	1	0	7	3
Community	23	0	3	9	11
Culture & Education	21	2	11	6	2
Economic	46	0	14	12	20
Others	45	0	22	22	1
Total	369	67	110	112	80

III. International Interactions

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



Ms. Edda Rocío Dutary Ayala, Assistant of the Department of International Relations in the Defensoría del Pueblo de la República de Panamá (middle) and Mr. Andrew Sea, Team Leader of the Annual Statement Assessment Unit in the Ombudsman Commission of the Papua New Guinea come to Taiwan for mutual exchanges from Oct. 11-22, 2004.

rights protection, and to encourage their development throughout the world. Now, there have been 121 countries or regions participating in the IOI as its members.

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



The purpose is to strengthen exchanges and cooperation with international ombudsman organizations, to actively participate in international activities and to raise our image in the international community.

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



The International Affairs Committee of the Control Yuan attends the 8th Conference of the International Ombudsman Institute (IOI).

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

Up to now, the IAC has totally taken part in 21 international conferences and accomplished several circuit supervisions.

In addition, the Control Yuan has successfully invited 16 honorable guests from different countries since 1999. International activities participated by members of the International Affairs Committee during the year of 2004 are tabled below.



Conferences Attended in 2004

Conference	Place	Date
3 rd International Administrative Justice Conference by the Council of Canadian Administrative Tribunals(CCAT)	Toronto (Canada)	19-24 Jun. 2004
8 th International Ombudsman Institute Conference	Quebec City (Canada)	3-15 Sep. 2004
9 th Annual Congress of Iberoamerican Federation of Ombudsman(FIO)	Quito (Ecuador)	6-11 Nov. 2004

International Guests Received in 2004

Distinguished Guest	Country	Date
Dr. Claudio Mueckay Arcos Ecuadorian Ombudsman	Ecuador	19-24 Sep. 2004
Ms. Edda Rocío Dutary Ayala Assistant of Panamanian Ombudsman Office	Panama	11-22 Oct. 2004
Ms. Andrew Harou Sea Team Leader of the Annual Statement Assessment Unit Ombudsman Commission	Papua New Guinea	11-22 Oct. 2004

IV. Conclusion

The mandate of the Control Yuan is to promote government's actions comply with the Constitution. In 2004, the Control Yuan aimed at the government's work such as fire fighting, police ethics, encouraging land keepers to apply land readjustment, job rotation of overseas governmental officials assigned by the central government, influences on civil service after the enactment of the National Defense Act and the Organization Act of the Ministry of National Defense, corruption and secret divulgement in national intelligence agencies, intellectual property protection by related departments, performance review of the construction and transformation of the public sphere, privatization of state-owned enterprises by the Ministry of Transportation and Communications, and post-921 earthquake restorations.

From January to December 2004, the Control Yuan has received 15,570 complaint cases, investigated 464 cases, impeached 51 officials involved in 18 cases, censured 2 public servants for 1 case, proposed 165 cases of corrective measures to the Executive Yuan and its subordinate organs in total 327 times (some organs were corrected more than once). After investigation, the Control Yuan deemed the 462 cases were not serious, and its related commissions have reviewed those cases and passed resolutions to send official letters recommending executive agencies to improve or to punish in total 734 persons.

The Control Yuan, the Executive Yuan and its subordinate organ, Research Development and Evaluation Commission have jointly developed "Information Management System of Supervision Cases, " which has



speeded up the improvement-recommendation letters back and forth between the Control Yuan and the executive agencies, it has effectively controlled the follow-up actions of executive agencies, and has simplified official documents control and examination, shortening the delivery time. The system also promotes management of conflict of interest prevention cases for stop unjust profit gaining and promote clean politics.

To effectively exercise control powers, the Control Yuan will be creative in its work. In inner part, it will continue administrative reform, fulfill official documents digitalization, dedicate itself to better investigation knowledge, reinforce staff preparation for circuit inspections and supervision, and implement public functionaries' assets disclosures so as to promote supervision efficacy and increase overall administrative efficiency. In the outer part, the Control Yuan, based on its independent and impartial position, will further cooperate with prosecutorial, investigative and ethics agencies to protect human rights. Moreover, we will also invite important members of the International Ombudsman Institute (IOI) to exchange ideas of supervision and actively participate related international conference to promote communications, exchanges and cooperation in the world ombudsman community.

V. Tabulation of Exercise of Control Powers

1. From February 1999 to December 2004

Unit: case

Item Year	Petitions received	Cases investigated	Corrective measures proposed	Impeachment cases initiated	Censure cases initiated
1999	17,073	758	185	14	2
2000	15,877	674	195	31	3
2001	16,670	514	154	15	1
2002	17,697	558	157	15	0
2003	17,734	585	154	24	3
2004	15,570	464	165	18	1
Total	100,621	3,553	1,010	117	10

2. From January to December 2004

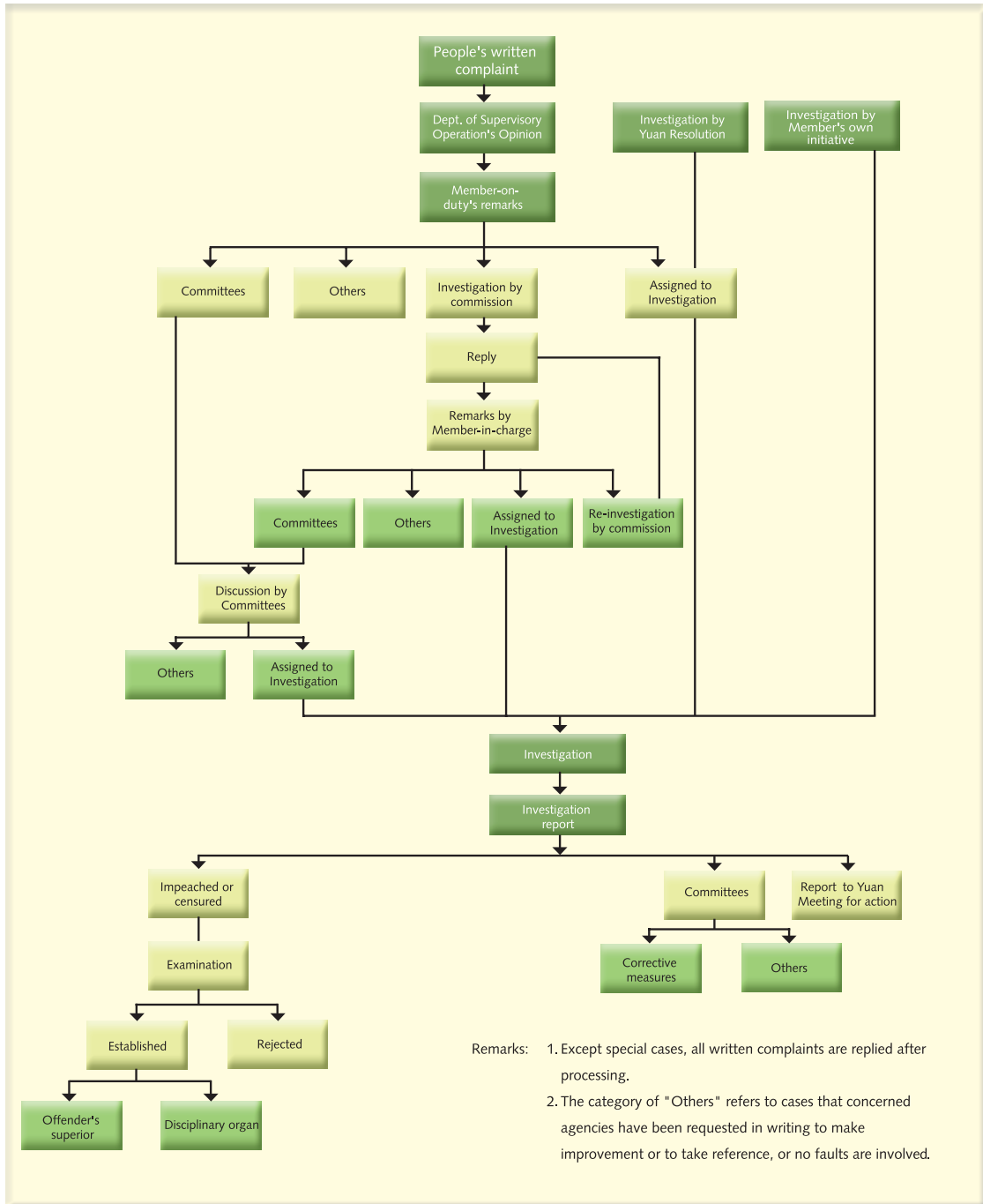
Unit: case

Item Month	Petitions received	Cases investigated	Corrective measures proposed	Impeachment cases initiated	Censure cases initiated
JAN.	1,044	41	11	1	0
FEB.	1,153	51	9	0	0
MAR.	1,369	48	6	2	0
APR.	1,330	39	11	1	0
MAY	1,253	29	17	2	0
JUN.	1,287	50	20	4	0
JUL.	1,314	44	19	1	0
AUG.	1,466	39	14	0	1
SEP.	1,392	39	9	4	0
OCT.	1,305	31	14	0	0
NOV.	1,331	41	12	1	0
DEC.	1,326	12	23	2	0
Total	15,570	464	165	18	1



VI. Appendix

Flow Sheet of Exercising Control Powers



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



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