

# 2019

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



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## ▪ Preface



The constitutional system of the Republic of China (Taiwan) is a five-power system. The Control Yuan (CY), as the nation's highest supervisory power, maintains an independent and impartial position and is meticulous in its approach to bringing overall improvement to government. Since taking office on Aug. 1, 2014, the fifth-term CY members have been actively carrying out their duties of supervising government with a high sense of mission and responsibility, effectively defending the rule of law, protecting human rights, and fighting against corruption.

Thanks to the CY members and staff's hard work, our performance last year is fruitful. For the whole of 2019, the exercise of the supervisory powers

was as follows: 14,425 people's complaints received; 262 investigations launched; 18 impeachment cases proposed resulting in a total of 28 officials impeached; 116 cases of corrective measures proposed with 359 letters calling for improvement sent; 10,992 cases of property declaration by public servants handled; 154 cases of recusal for conflicts of interest handled; 1,903 accounting reports of political donation handled; 147 reports of financial irregularities, dishonest conduct, inefficiencies and neglect of duties passed on from the National Audit Office (NAO) handled; 22 cases of corrective measures, censure, and impeachment proposed from the NAO cases reported to the CY or by using NAO auditing reports as reference.

The various government ministries and agencies saved the state coffers a total of NT\$1.51784 billion (US\$50.62 million) — including NT\$3.29 million (US\$110 thousand) in reduced spending and NT\$1.51455 billion (US\$50.51 million) in additional government annual income — by following corrective measures and recommendations proposed by the CY. In addition, government policies and laws have been improved with a total of 692 improvements made and 118 laws amended (116) or repealed (2).

The CY always actively participates in international ombudsman activities. In 2019, we had the privilege of hosting the 31st Australasian and Pacific Ombudsman Region (APOR) Conference. More than 160 guests, including over 30 distinguished guests from 12 countries, took part in the 31st APOR Conference. The conference also marked the second time that the CY hosted the APOR Conference since joining the International Ombudsman Institute (IOI) in 1994. It last enjoyed the honor in 2011 when the 26th session was convened. Meanwhile, the CY delegation attended the 24th Ibero-American Federation of Ombudsman (FIO) Annual Conference held in Rio de Janeiro, Brazil.

We also welcomed and received a number of international guests and visitors, such as IOI Secretary General Werner Amon, FIO Secretary



General Carmen Comas-Mata Mira, APOR Regional President Peter Boshier, Chief Parliamentary Ombudsman of Sweden Elisabeth Rynning, Commonwealth Ombudsman Michael Manthorpe, Victorian Ombudsman Deborah Glass, Honduras Supreme Court of Auditors President Roy Pineda Castro, and President and CEO of the Centers for Disease Control (CDC) Foundation Judith Monroe.

The CY also shoulders the responsibility of protecting human rights. Among the complaints handled by the CY in 2019, 12,750 complaints (87.9%) are related to safeguarding human rights. In response to the public's expectations and after years-long research and planning, on Jan. 8th, 2020, the "Organic Law of the Control Yuan National Human Rights Commission," as well as the amendments to "the Organic Law of the Control Yuan" and "the Organic Act of the Control Yuan Committees," were enacted and promulgated by the Presidential Order. Looking ahead, with the newly established National Human Rights Commission (NHRC), the CY shall continue to actively address human rights concerns and deal decisively with cases of violations and abuses in order to build a more comprehensive human rights protection network.

Po-ya Chang  
President of the Control Yuan  
May 2020





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# Part 1

## 2019 Highlights: An Overview of Work Performance



## ■ 2019 Highlights: An Overview of Work Performance

### Receipt of People's Complaints

- Received 14,425 people's complaints within our jurisdiction.
- Among the complaints, judicial affairs accounted for the largest share (40.8%), followed by domestic (29.7%) and financial and economic affairs (12.4%).

### Investigation

- Launched 262 investigations.
- Proposed 406 investigation reports.
- Commenced 7 systematic investigation reports.

### Impeachment

- Established 18 cases.
- Impeached 28 persons, including 2 judges, 1 prosecutor and 3 military officers.

### Corrective Measures

- Proposed 116 cases with 359 letters calling for improvements sent.
- Domestic and minority affairs accounted for the largest share (45 cases).

### Investigation and Recommendation Achievement

- Saved the state coffers a total of NT\$1.51784 billion (US\$50.62 million), including NT\$3.29 million (US\$110 thousand) in reduced spending and NT\$1.51455 billion (US\$50.51 million) in additional government annual income.
- 692 improvements made by government ministries and agencies.
- 118 laws and regulations amended (116) or repealed (2) by government ministries and agencies.



### Circuit Supervision

- Conducted 41 supervisory visits at the central government level.
- Conducted 50 supervisory visits at the local government level with 461 people's complaints received on-site by CY members.

### Audit

- Handled 147 cases reported by National Audit Office (NAO).
- 22 CY cases used NAO auditing reports as references.

### Sunshine Acts (Anti-corruption)

- Received 10,992 cases of property declaration by public servants.
- Handled 154 cases of recusal for conflicts of interest.
- Received 1,903 accounting reports of political donation.
- 63 cases were closed and fined.

### Human Rights Protection

- 87.9% people's complaints handled and 69.2% investigation reports reviewed were related to human rights issues.
- Attended 2019 Biennial Conference of the Asia Pacific Forum of National Human Rights Institutions.
- To commence work as National Human Rights Commission pursuant to the Organic Law of the Control Yuan National Human Rights Commission passed by the Legislative Yuan on Human Rights Day, Dec. 10, 2019.

### International Exchange

- Hosted the 31st Australasian and Pacific Ombudsman Region (APOR) Conference.
- Attended 24th annual conference of the Federación Iberoamericana del Ombudsman (FIO).
- Visited European Ombudsman Office in Belgium.

- Received about 190 international guests and visitors.
- Translated IOI publication “A Mission for Justice: The International Ombudsman Institute 1978-2018” and published the Chinese version.
- Submitted 24 articles to the IOI Newsletter and APOR E-News.

# Part 2

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



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

### Historical Background

The origin of the Chinese supervision system dates back to Chin (246-206 B.C.) and Han (206 B.C.-A.D. 220) dynasties. The system has been functioning for more than two thousand years. The names and structures of the supervisory offices may vary from one dynasty to another. However, they share the same values. For centuries, these offices aimed to uphold justice, enforce discipline and supervise government ethics. To achieve the goals, government officials periodically investigated, conducted visits and reported cases of impeachment to emperors.

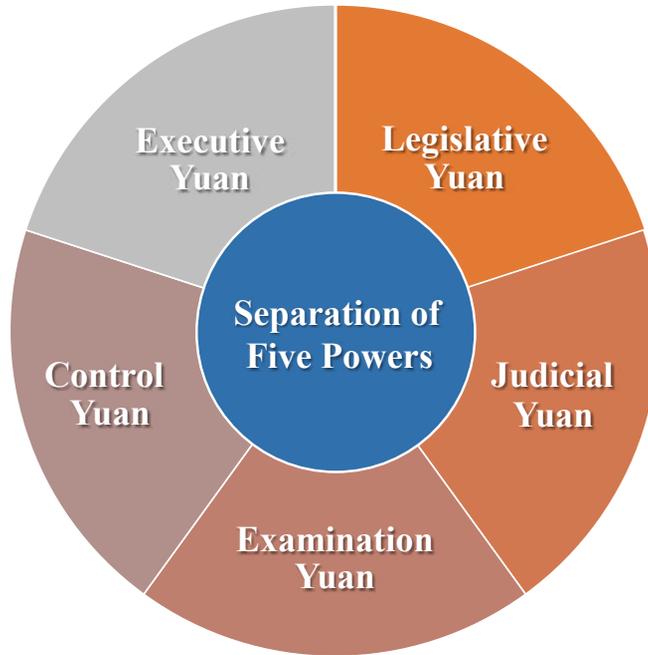


A statue of the R.O.C. founding father, Dr. Sun Yat-sen, erected at the CY main stairway

Dr. Sun Yat-sen, the founding father of the Republic of China and also a philosopher, physician, and revolutionary, advocated a five-power constitution to spearhead the Chinese revolution. Drawing from the Western separation of powers (three branches: a legislature, an executive, and a judiciary), he added another two traditional Chinese government powers, examination and supervision (control), to propose the Five-Power Constitution.



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



### History

- 1928** The Auditing Yuan was established.
- 1931** The CY was established and the Auditing Yuan was reorganized as a ministry under the CY.
- 1946** The R.O.C. Constitution was drafted, specifying a central government with five branches.
- 1947** The Constitution came into effect on Dec. 25, 1947. The first-term CY members were elected by the provincial, municipal, Mongolian, Tibetan and overseas Chinese representative councils.
- 1948** The Control Yuan was officially established on Jun. 5, 1948, following the enactment of the Constitution.

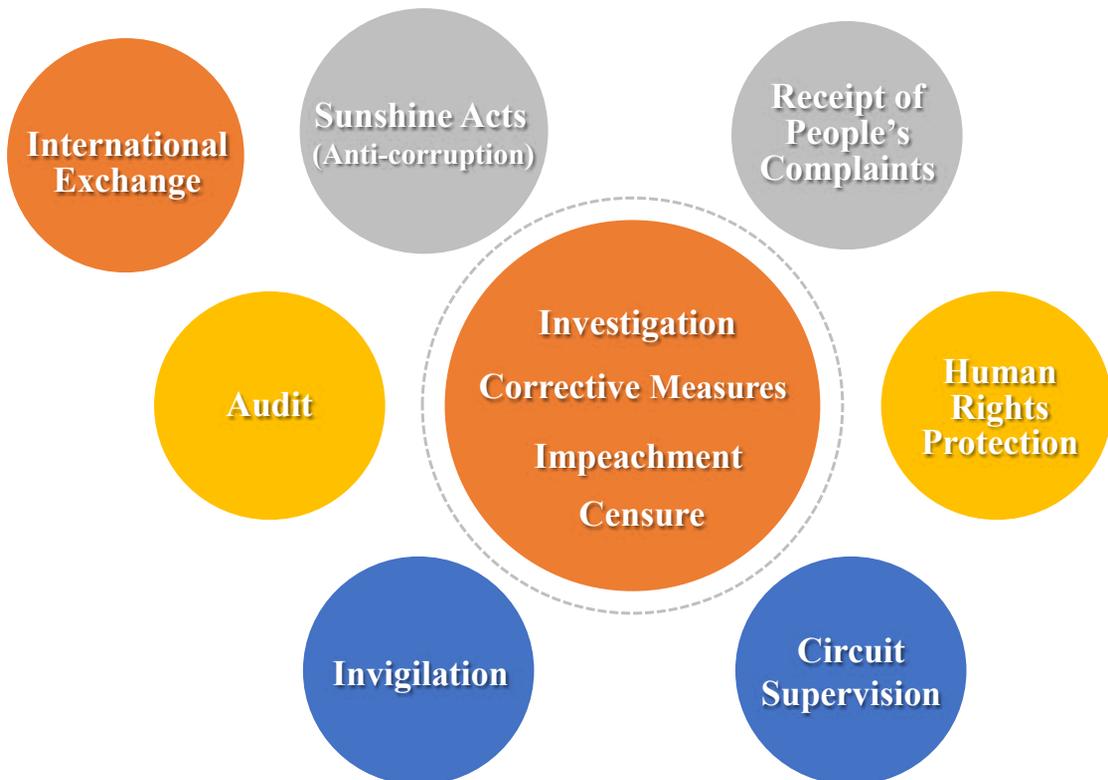
- 1949** The government relocated to Taiwan from mainland China due to the Chinese civil war.
- 1992** According to the amendment of the Constitution, the number of CY members was reduced to 29, including a president and a vice president. All members shall be nominated by the President of the Republic of China and approved by the National Assembly to serve a six-year term.
- 2000** The National Assembly amended the Constitution and specified that the 29 CY members shall be nominated by the President of the Republic of China and approved by the Legislative Yuan.
- 2005** Due to the political stalemate at the end of 2004, the CY was unable to exercise its powers for three and half years.
- 2008** The fourth-term CY members took office on Aug. 1, 2008. The members consisted of scholars, judges, lawyers and former legislators with various professional backgrounds. Among 29 members, seven were female.
- 2014** The fifth-term CY members took office on Aug. 1, 2014 (Only 18 nominees were approved by the Legislative Yuan). Dr. Chang Po-ya, former Chairperson of Central Election Commission, served as CY president. She is the first female CY president and also the first female head of one of the five branches of the government.
- 2018** The Legislative Yuan approved the remaining 11 CY nominees. The 11 CY members took office on Jan. 22, 2018. Their term expires on Jul. 31, 2020.



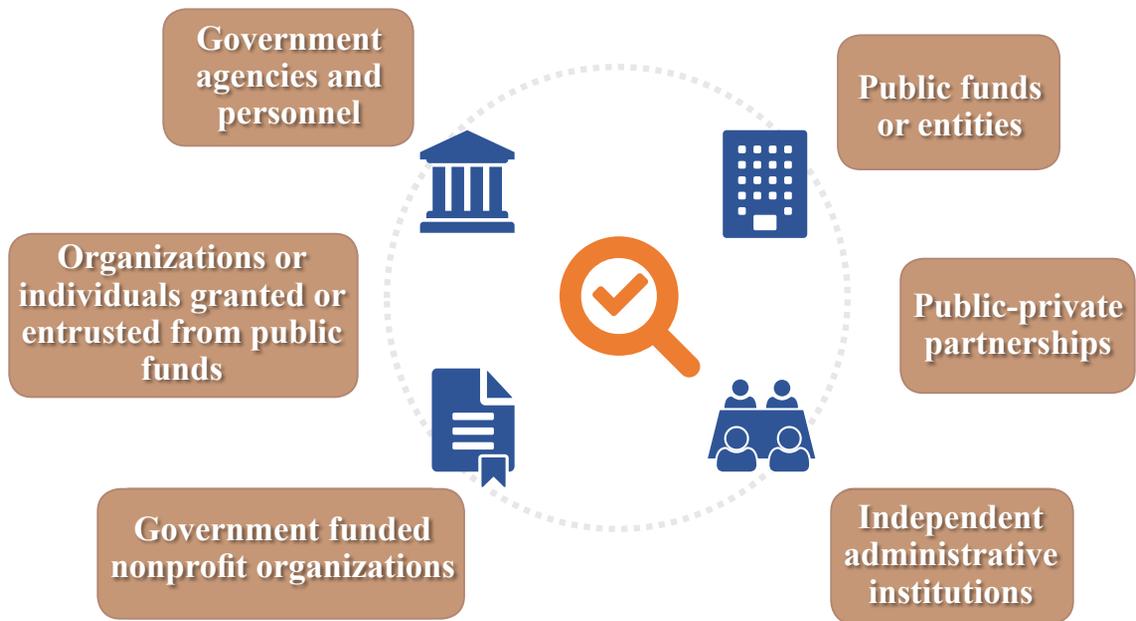
## Organization

The Control Yuan is composed of 29 members, 4 departments, 6 offices, 7 standing committees, 5 special committees and 3 task force groups. All of the CY members shall serve a term of 6 years and be nominated by the President of the Republic of China, with the consent of the Legislative Yuan. The CY has nearly 500 employees, including 29 incumbent CY members. During the fifth term, 14 CY members and more than half of CY employees are female.

## Our Functions and Powers (Jurisdiction)



### Who Can We Investigate ?



President Chang presiding over a plenary meeting

# Part 3

Our Performance



## ▪ Our Performance

As the nation's ombudsman, the CY is responsible for investigating misconduct and violations by government agencies and officials. The CY also shoulders the responsibility of protecting human rights, upholding government ethics, promoting good governance and mitigating citizen complaints. In 2019, the CY has accomplished various works and received wide recognition for its performance.

### Handling Complaints and Assuring Good Governance

#### Receipt of People's Complaints

**Fast Facts:** In 2019, the CY received 14,425 people's complaints within our jurisdiction. Among the complaints, judicial affairs accounted for the largest share (40.8%), followed by domestic (29.7%) and then financial and economic affairs (12.4%).

As the nation's highest supervisory organ, the CY receives and investigates complaints under the Control Act. Most of the investigation cases come from people's complaints. After finding unlawful conduct by government agencies or officials, citizens as well as foreigners can lodge complaints with the CY.

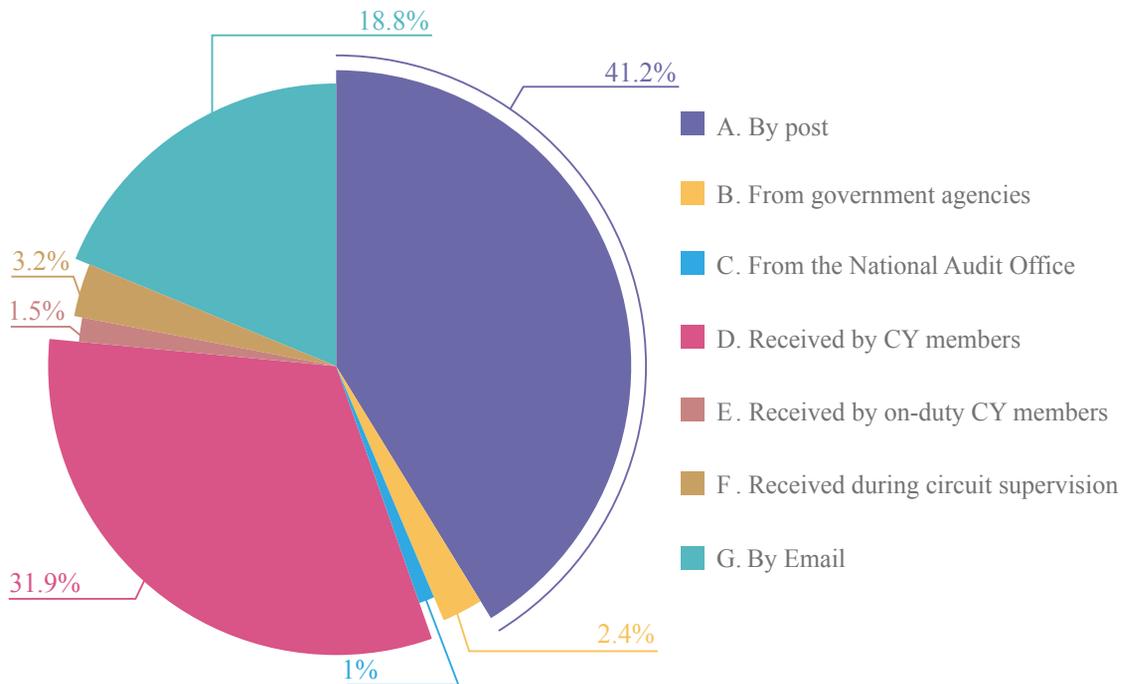
It is free to make a complaint. In addition, on daily basis, an on-duty CY member, assigned in rotation, at the Complaint Receipt Center is in charge of receiving and handling complaints submitted by the public.



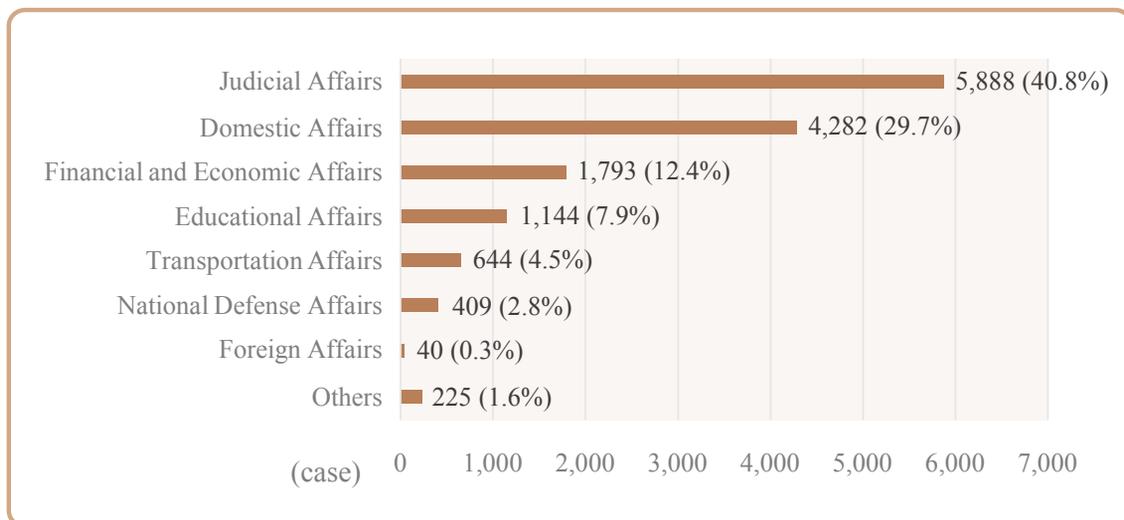
## How to Lodge a Complaint?



## Sources of Complaints in 2019



### Categories of Complaints Received in 2019



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



## Investigation

In accordance with the R.O.C. Constitution, Additional Articles of the Constitution and the Control Act, the CY shall exercise the power of impeachment, censure and propose corrective measures. Specific evidence is needed to prove unlawful conduct on the part of public servants or in administrative measures. Thus, investigation, i.e. discovery of the truth, is verily the basis for exercising the powers of impeachment, censure and corrective measures.

**Fast Facts:** In 2019, the CY investigated 263 cases (95 assigned and 168 own-motivated). Among the cases, most of them dealt with judicial and prison administration, social welfare, healthcare and environmental protection issues.

During the reporting year, the CY also proposed 406 investigation reports resulting in the passage of 18 impeachment motions, 116 corrective measures and 359 letters sent to government agencies calling for improvements.

In addition, seven systemic investigation researches were also commenced by the CY members. These research reports have contributed to a much better understanding of many current important issues (e.g. the appraisal system of forensic science as well as the development and challenges of startup industries) in Taiwan.

### Types of Investigations

#### Assigned investigation

- Members, in rotation, are assigned by either resolution of CY plenary meeting or standing committee meeting to carry out an investigation.
- A member may not decline the duty of examination except when provisions call for recusal due to conflicts of interest.

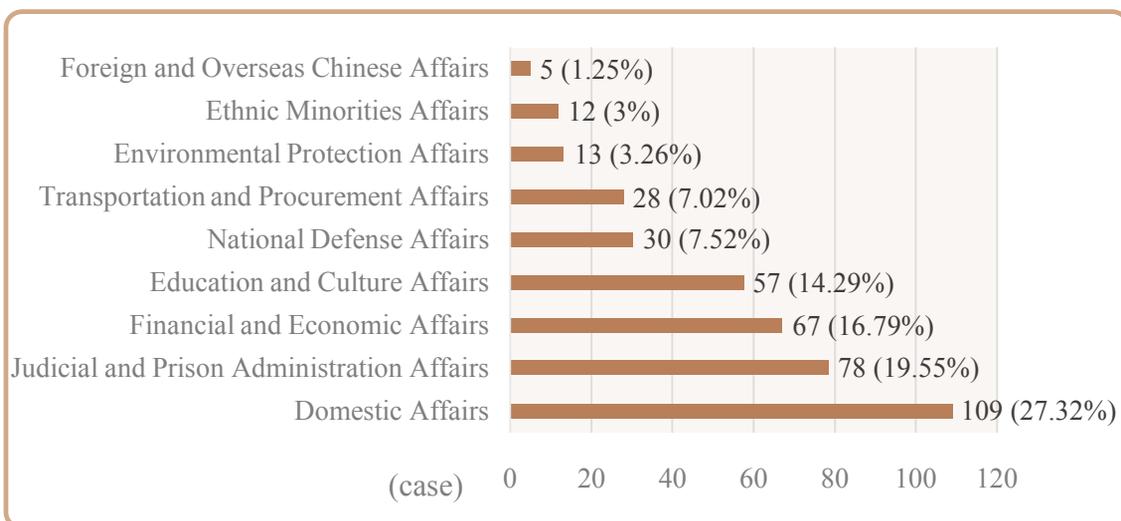
#### Self-initiated investigation

- CY members may initiate investigations if deemed necessary.
- Applications for self-initiated investigations shall be suspended for members who have investigated twenty or more cases without presenting an investigation report.

#### Commissioned investigation

- The CY may entrust agencies to investigate a designated case or matter.
- The entrusted agency shall proceed with the investigation immediately and reply to the CY in writing.

### Categories of Investigation Reports Reviewed in 2019





## Topic of Systemic Investigation Researches in 2019

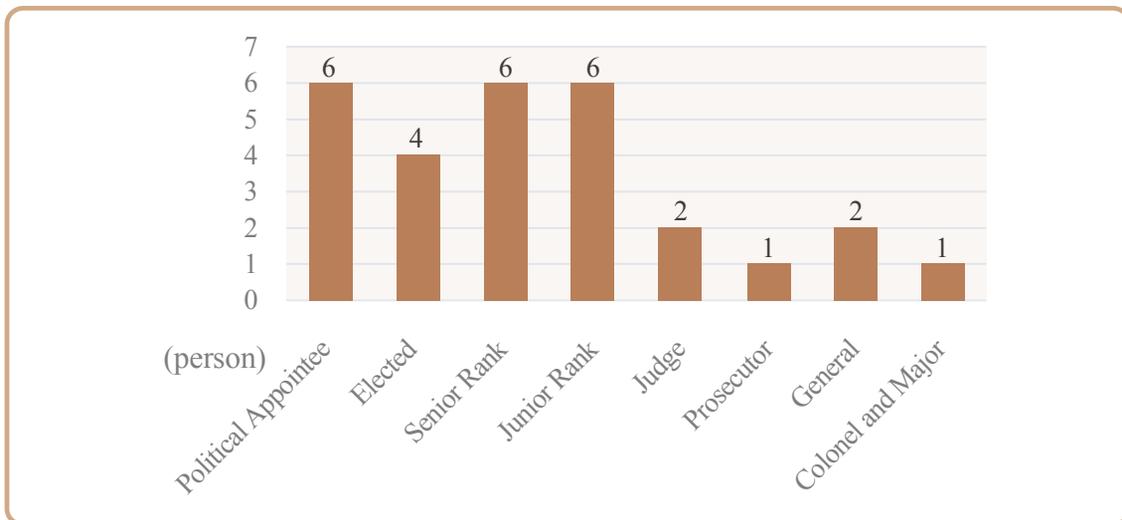
| CY Standing Committees                     | Topic  |
|--|--|
| Domestic and Minority Affairs              | A Review to Improve the Actual Price Registration for Property Transactions                      |
| Foreign and Overseas Chinese Affairs       | Review and Prospect of the Promotion of Public Diplomacy   |
| National Defense and Intelligence Affairs  | Taiwan Strait Defense Operation: Development of Asymmetric Warfare and the Minimum Troops Needed |
| Financial and Economic Affairs             | Current Practice, Opportunities and Challenges of Innovative Industries in Taiwan                |
| Educational and Cultural Affairs           | Current Practice and Future Development of the Experimental Education in Taiwan                  |
| Transportation and Procurement Affairs     | A Probe into the Emergency Response of Major Transport Disasters                                 |
| Judicial and Prison Administration Affairs | An Investigative Research on the Judicial Forensic Science                                       |

## Impeachment, Censure, and Corrective Measures

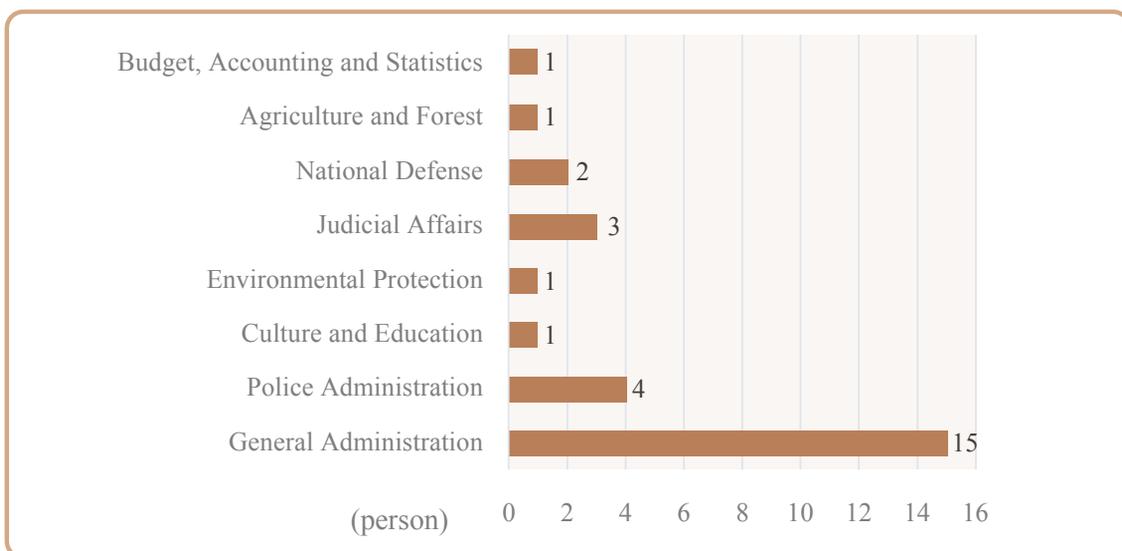
### Impeachment

**Fast Facts:** In 2019, the CY passed 18 impeachment cases, in which 28 government officials (including 1 prosecutor, 2 judges and 3 military officers) were impeached.

### Official Ranks of the Impeached in 2019



### Occupational Types of the Impeached in 2019





If a public servant is accused of neglect of duty or violation of law, the CY shall bring impeachment cases against the accused in the central and local governments, with the exception of R.O.C. President, Vice President and Members of Parliament.

All CY members shall join, in rotation, the examination committee of impeachment cases. In addition, according to Article 8 and 13 of the Control Act amended and promulgated on Jun. 19, 2019, all impeachment cases shall be kept confidential before an examination decision is made. Secondly, to enhance transparency, the voting method of impeachment cases has been amended to open ballot, instead of secret ballot. Finally, whether or not the cases are established at the examination committee, the CY shall make the announcement public.

Once an impeachment is passed, the case will be forwarded to the Public Functionary Sanction Commission or Court of the Judiciary under the R.O.C. Judicial Yuan.

The disciplinary actions public servants may face are as follows: Relief from Duties, Dismissal from Position, Loss of or Reduction in Pension Benefits, Job Suspension, Demotion, Salary Reduction, Fine Imposition, Demerit or Admonition. In addition, those who have been relieved from duties or dismissed from positions shall never be eligible to serve as a public servant.



CY press conference on impeachment motion

## Censure

**Fast Facts:** In 2019, the CY members proposed no censure cases. The power of censure is similar to the power of impeachment. Both emphasize the importance of sanctions for derelict public servants.

If one or more CY members consider a public servant guilty of violation of law or dereliction of duty, which requires urgent remedy or suspension of duty, the CY may propose to censure the public servant in writing. The case shall be examined and decided by three or more CY members. Once established, the case shall be forwarded to the superior or the official in charge of the public servant. If the case involves violation of the criminal or military law, the CY shall turn it over to competent law court or court martial for action.



If the superior does not handle the censure case in accordance with related regulations or decides not to punish the public servant, the censured may be impeached by the CY. If the impeachment proceedings result in punishment for the censured, the superior shall be held responsible for dereliction of duty.

### Differences between Impeachment and Censure

| Impeachment   | <u>VS.</u>                        | Censure  |
|---|-----------------------------------|--|
| Public servant  | <u>Who</u>                        | Public servant   |
| Violation of law or dereliction of duty                                       | <u>Why</u>                        | Violation of law or dereliction of duty                      |
| The disposition of disciplinary sanction                                      | <u>Purpose</u>                    | Suspension of duty or urgent remedy                          |
| Two or more CY members  | <u>Quorum to propose</u>          | One or more CY members                                       |
| Nine or more CY members, except the initiators                                | <u>Quorum to examine</u>          | Three or more CY members, except the initiator(s)            |
| Public Functionary Disciplinary Sanction Commission or Court of the Judiciary | <u>Penalty organs referred to</u> | The superior or the official in charge of the public servant |

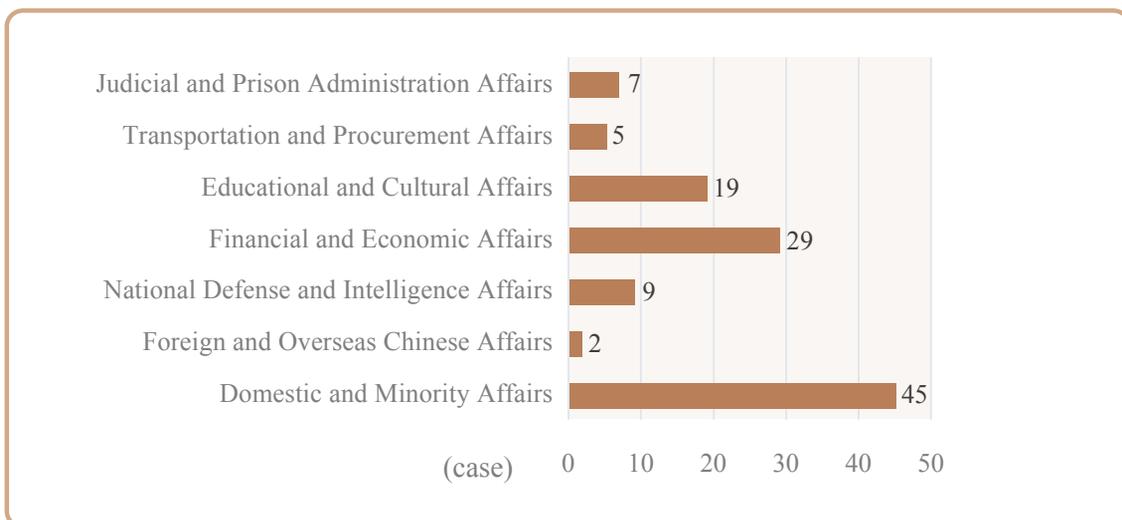
## Corrective Measures

**Fast Facts:** In 2019, the CY proposed 116 cases to Executive Yuan and its subordinate organs; sent 359 letters calling for government agencies' improvements. The agencies have also punished 128 public servants, including 114 officials and 14 officers, after receiving CY corrective measures and letters.

By exercising the power of impeachment and corrective measures, the CY has saved the state coffers a total of NT\$1.51784 billion (US\$50.62 million), including NT\$3.29 million (US\$110 thousand) in reduced spending and NT\$1.51455 billion (US\$50.51 million) in additional government annual income, primary among which was urging the National Treasury Administration, Ministry of Finance to revitalize state-owned land.

Moreover, ministries and agencies have made 692 improvements, amended and repealed 116 and 2 laws respectively.

### Corrective Measures Proposed by CY Standing Committees in 2019





## Self-imposed Punishment by Government Organs After Receiving CY Corrective Measures

| Type                | Person     |
|---------------------|------------|
| Relief from Duties  | 1          |
| Major Demerit       | 2          |
| Demerit             | 22         |
| Admonition          | 84         |
| Warning             | 10         |
| Refer to Discipline | 2          |
| Others              | 7          |
| <b>Total</b>        | <b>128</b> |

## Cases of Corrective Measures in 2019 – Actions Taken by Each Organ

|   |   | Case       |
|---|---|------------|
| <b>Established Cases</b>                                  | <b>Total</b>                              | <b>116</b> |
| <b>Closed Cases –<br/>Actions Taken by<br/>Each Organ</b> | Improvement made                          | 95         |
|   | Improvement made & sanction or discipline | 7          |
|   | Refer to sanction or discipline           | -          |
|   | Researching                               | 3          |
|   | Judicial relief                           | -          |
|   | No ground for extraordinary appeals       | -          |
|   | Without infraction or misconduct          | -          |
|   | Others                                    | -          |
|   | <b>Subtotal</b>                           | <b>105</b> |
| <b>Pending Cases</b>                                      | <b>Subtotal</b>                           | <b>11</b>  |



CY press conference on a case of corrective measure

## Circuit Supervision and Invigilation

### Circuit Supervision

**Fast Facts:** In 2019, the CY conducted 41 supervisory visits at the central level, including 9 R.O.C. Representative Offices abroad. At the local government level, the CY members conducted 50 supervisory visits and on the spot received 461 complaints from the public.

To investigate the breach of law or dereliction of duty in the work of the Executive Yuan and its subordinate agencies, to investigate the breach of law or dereliction of duty by central or local government officials, and to investigate budget execution, financial audits and audit reports for the annual general final accounts of government agencies, the CY members shall conduct the power of circuit supervision and inspection under the Control Act.



The supervision covers the following tasks:

1. Government general administration and the execution of budgets;
2. Implementation of government policies and decrees;
3. Violation of law or dereliction of duty by public servants;
4. Administration of corrective measure cases;
5. Livelihood of the people and social conditions;
6. Handling of people's complaints and other related matters.



CY conducting circuit supervision of the Executive Yuan



CY members carrying out circuit supervision at local level

## Invigilation

**Fast Facts:** In 2019, 19 national examinations, including senior, junior, elementary, and special exams, were invigilated by the CY members. The CY members were assigned to invigilate the exams 112 times.

The Examination Yuan is the highest authority to administrate all national examinations. When national exams are held, the Examination Yuan or the agency charged with examination administration shall request the CY to appoint CY members as invigilators to supervise examinations.

In the event of collusion, unauthorized exchange of answer sheets, or other acts of cheating discovered during an examination, the CY members shall report such incidents to the CY for handling in accordance with the law.



## Audit

**Fast Facts:** In 2019, cases reported to the CY by the National Audit Office (NAO) are as follows: 67 cases of dereliction of duties or poor performances; 5 cases submitted to prosecutor offices and in parallel reported to the CY; 13 cases reported to the CY to take actions; 8 cases provided for the CY to exercise the power of control.

The power of audit is subject to the control power in accordance with Article 90 of the R.O.C. Constitution and Article 7 of the Additional Articles of the Constitution. The government auditing is exercised independently by the NAO under the CY. The audit organizations are responsible for auditing the financial operations of government agencies at all levels.

The CY shall have an Auditor General, who shall be nominated and appointed by the President of the Republic of China, with the consent of the Legislative Yuan. The incumbent Auditor General is Mr. Chen Jui-min.

### Duties and Functions of Audit Power



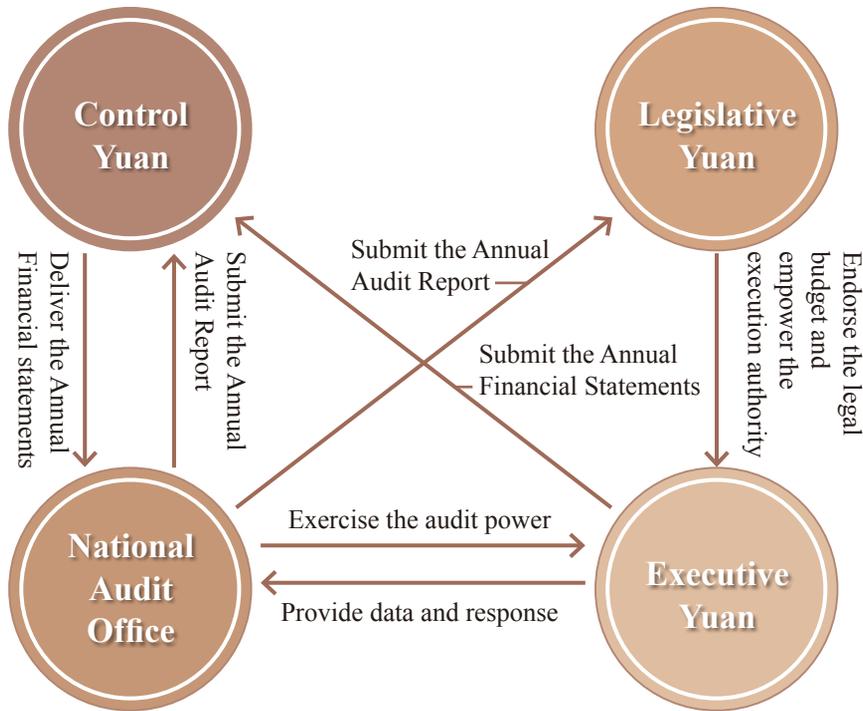
Under the Five-Power Constitution, the government finance function can be categorized to financial administration, financial legislation and financial review jurisdiction.

According to the Constitution, the Executive Yuan shall present to the Legislative Yuan the budgetary bill for the following fiscal year (Financial Administration). The Constitution also states that the Legislative Yuan shall have the power to pass the resolution upon budgetary bills (Financial Legislation).

Article 60 of the Constitution stipulates that the Executive Yuan shall, after the end of each fiscal year, present final accounts of revenues and expenditures to the Control Yuan. Article 105 regulates that the Auditor General shall, after the Executive Yuan submitting the final accounts of revenues and expenditures, complete the audit in accordance with the law, and submit an audit report to the Legislative Yuan (Financial Review Jurisdiction). Aforementioned accountability system can be illustrated in the figure below.



### Government Accountability System



Source: NAO 2018 Performance Report, p.3

The NAO and its subsidiaries conduct various audit work to perform audit functions. When auditors discover that government agencies or their staff conceal, refuse, postpone, act improperly, violate laws, discard their duties or lack performances, audit agencies should report those conditions to the CY for handling in accordance with the Audit Act or synthesize relevant information for the CY to exercise the power of control.

**Cases Reported by the National Audit Office to the CY in 2019**

|            | Disposition  |  |  |   |          |
|------------|--------------|--|--|---|----------|
| Total      | Investigated | Forwarded to other agencies to investigate | Merged with other similar cases investigated by the CY | Recognize NAO appropriate handling and permit to record | Others   |
| <b>147</b> | <b>8</b>     | <b>9</b>                                   | <b>10</b>  | <b>117</b>  | <b>3</b> |

\*Unit: Number of Cases

**Reviewing the Audit Report on the Final Financial Report of the Central Government by the CY in 2019**

|            | CY opinion or handling |  |            |            |
|------------|------------------------|--|------------|------------|
| Total      | Investigated           | Forwarded to other organs to investigate | Filed      | Others     |
| <b>451</b> | <b>18</b>              | <b>59</b>                                | <b>268</b> | <b>106</b> |

\*Unit: Number of Cases

**Reviewing the Audit Report on the Final Financial Report of the Local Government by the CY**

|              | CY opinion or handling |  |              |           |
|--------------|------------------------|--|--------------|-----------|
| Total        | Investigated           | Forwarded to other organs to investigate | Filed        | Others    |
| <b>1,710</b> | <b>3</b>               | <b>21</b>                                | <b>1,669</b> | <b>17</b> |

\*Unit: Number of Cases

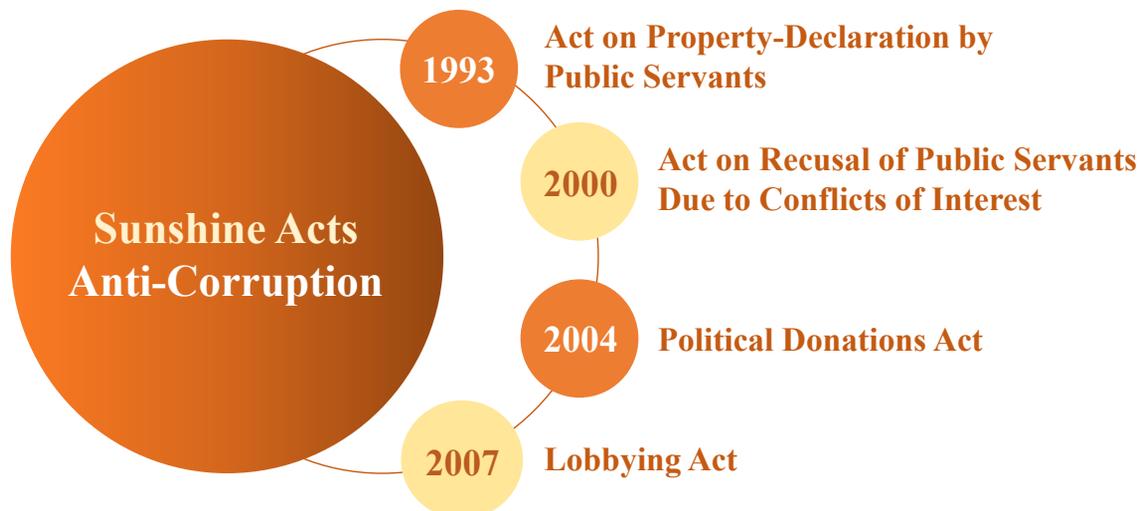


## Sunshine Acts

To uphold government accountability and integrity, the CY also serves as the organization to handle matters concerning anti-corruption, including property declaration by public servants, conflicts of interest prevention, political donations and other business related to government ethics.

Since 1993, lawmakers have gradually enacted legislations, also known collectively as the Sunshine Acts, to enforce aforementioned matters. The Department of Property Declaration by Public Servants under the CY is responsible for the enforcement of the Sunshine Acts and is empowered to issue penalties and pass resolutions on cases submitted for inspection.

### Timeline of Sunshine Acts



The Committee on Anti-Corruption established by the CY is responsible for handling and monitoring matters related to property declaration by public servants, recusal of public servants due to conflicts of interest, political donations and other business related to government ethics. During the year, 610 anti-corruption cases, including cases of property declaration (492), recusal of public servants due to conflicts of interest (16), political donations (7) and others (95), have been handled by the Committee. During the year, the Committee also transferred 3 cases accepted by the CY related to asset declaration by public servants to the judicial authorities for investigation and trial.

### Property-Declaration by Public Servants

**Fast Facts:** In 2019, the CY received 10,992 property declaration cases and reviewed 11,518 cases; investigated 486 cases; proposed 559 investigation reports; imposed fines on 59 cases for noncompliance with law.

Public servants shall declare both domestic and overseas properties within three months after the date of inauguration and shall annually make regular property declarations. Properties to be declared by the public servants are as follows:

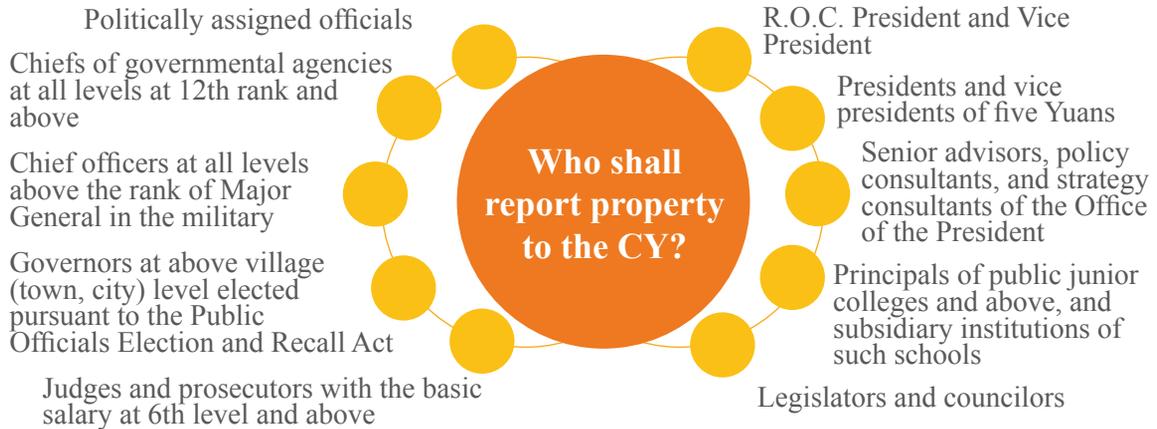
1. Immovable properties, vessels, cars and aircrafts;
2. Cash, deposits, securities, jewelry, antique articles, calligraphy and paintings, and other valuable properties above certain values;
3. Rightful claims of creditor, debts and investments to various ventures above certain values.

Abovementioned properties in the ownership of the public servant's spouse and underage offspring shall be jointly declared.

According to the law, if a public servant fails to declare properties in time or truthfully, the CY shall impose fines and have his or her name published.



## Who Shall Report Property to the CY?



## Penalty Cases of Property-Declaration by Public Servants in 2019

|                        | Case                             | Amount (NT\$1,000) |               |
|------------------------|----------------------------------|--------------------|---------------|
| Cases closed and fined | 59                               | 14,410             |               |
| Cases closed           | 59                               | 9,625              |               |
| Cases not yet closed   | <b>Punishment determined</b>     |                    |               |
|                        | -Paid by installment             | 4                  | 430           |
|                        | -Under administrative execution  | 12                 | 1,920         |
|                        | -Others                          | 11                 | 1,725         |
|                        | <b>Punishment pending</b>        |                    |               |
|                        | -Under administrative appeal     | 2                  | 750           |
|                        | -Under administrative litigation | 8                  | 15,560        |
|                        | -Others                          | 18                 | 9,110         |
|                        | <b>Subtotal</b>                  | <b>55</b>          | <b>29,495</b> |

## Online Declaration Service

To enhance administrative efficiency, ensure the accuracy of personal information and facilitate the processes of property declaration, public servants are encouraged to declare their properties online through E-declaration system established by the CY.

In 2019, the system received 6,676 cases. If calculated at four hours per case, the traditional way to declare properties, the online platform can save time amounting to 26,704 hours in sum. Furthermore, 99.87 percent of the public servants, obliged to declare properties, also used the online platform to report/update information on changes in their own jobs.

## Conflicts of Interest

**Fast Facts:** In 2019, the CY received 154 recusal cases compiled and reported by government organs; handled 30 cases reported by the public, ethics units or media reports; followed up and managed 7 prosecuted corruption cases from the Ministry of Justice; investigated 19 cases; proposed 16 investigation reports.

To deter corruption and conveyance of unjust interest, the Regulations on Recusal of Public Servants Due to Conflicts of Interest were formulated to be followed by public servants.

The term “interests” includes property and non-property interests. Property interests include:

1. Movable property and real estate;
2. Cash, deposits, foreign currencies, and securities;



3. Obligatory rights or other property rights;
4. Other interests with economic value or that can be acquired through money exchange.

Non-property interests mean the appointment, staffing, promotion, transfer, performance evaluation and other personnel measures about the personnel appointed, engaged, hired and employed by contract by the government organs, which are in favor of a public servant or his related persons.

Public servants violating the regulation shall be investigated by the CY. When imposition of fines is confirmed, their names will be posted on the Internet, government periodicals or newspapers.

### How to Avoid Conflicts of Interest?

#### Recuse

- A public servant acknowledging conflicts of interest shall recuse himself from the situation voluntarily.

#### Prohibit seeking self-interest

- A public servant shall not seek interests for himself or for his related persons by committing offenses through use of the power given by one's official position, opportunities and means.

#### Prohibit influence lobbying and request

- Related persons of a public servant shall not seek interests for himself or for the said public servant by influence lobbying and request.

### Conflicts of Interest: Violations and Penalties

| Violations  | Penalties (NT\$)  |
|---|---|
| Failure to recuse   | <ul style="list-style-type: none"> <li>From 100 thousand to 2 million</li> </ul>                                    |
| Seeking self-interest or influence lobbying and request                   | <ul style="list-style-type: none"> <li>From 300 thousand to 6 million</li> </ul>                                    |
| Inappropriate subsidizing or transactions                                 | <ul style="list-style-type: none"> <li>Penalty depends on the transaction amount</li> </ul>                         |
| Failure to disclose identity or relationship                              | <ul style="list-style-type: none"> <li>50 thousand to 500 thousand</li> <li>Shall be fined per violation</li> </ul> |
| Refusal to recuse without justified reasons, or provide misrepresentation | <ul style="list-style-type: none"> <li>20 thousand to 200 thousand</li> <li>Shall be fined per violation</li> </ul> |

### Political Donations

**Fast Facts:** In 2019, the CY approved 422 political donations accounts (408 by persons planning to participate in campaigns; 14 by political parties); received 1,903 accounting reports; investigated 6 cases; issued 6 investigation reports; imposed fines on 4 cases for noncompliance with law.

The Political Donations Act was enacted to ensure fair and just political campaigns and sound democratic processes. According to the Act, the CY is responsible for handling political donation disclosure. Only after receiving approval from the CY can political parties, political associations and the persons planning to participate in campaigns open political donations accounts. Those who fail to comply with the law shall be fined or be sentenced to one to five years in prison.



## Donation Caps by Individuals, Profit-seeking Businesses/Enterprises or Civil Associations Each Year

(Unit: NT\$)

| Recipient<br>Donor                    | to a same political party or political association | to different political parties or political associations | to a same person(group) planning to participate in a campaign | to different persons planning to participate in a campaign |
|---------------------------------------|--|--|---|--|
| Individuals                           | 300,000  | 600,000  | 100,000   | 300,000  |
| Profit-seeking businesses/enterprises | 3,000,000  | 6,000,000  | 1,000,000   | 2,000,000  |
| Civil associations                    | 2,000,000  | 4,000,000  | 500,000   | 1,000,000  |

## Donation Caps by a Political Party to the Same Recommended Person (Group) Planning to Participate in a Campaign Each Year

(Unit: NT\$)

| Candidate   | Donation cap |
|---|--------------|
| President and Vice President  | 25,000,000   |
| Members of the Legislative Yuan   | 2,000,000    |
| Governors of municipalities or counties (cities)  | 3,000,000    |
| Councilors of municipalities or counties (cities)   | 500,000      |
| Chiefs of townships (cities) and chiefs of indigenous mountain districts  | 300,000      |
| Representatives of townships (cities), representatives of indigenous mountain district congresses and chiefs of villages (boroughs) | 100,000      |

### Penalty Cases of Political Donations in 2019

|                        | Case                             | Amount<br>(NT\$1,000) |               |
|------------------------|----------------------------------|-----------------------|---------------|
| Cases closed and fined | 4                                | 1,760                 |               |
| Cases closed           | 37                               | 12,876                |               |
| Cases not yet closed   | <b>Punishment determined</b>     |                       |               |
|                        | -Paid by installment             | 2                     | 1,350         |
|                        | -Under administrative execution  | 17                    | 4,032         |
|                        | -Others                          | 32                    | 9,217         |
|                        | <b>Punishment pending</b>        |                       |               |
|                        | -Under administrative appeal     | -                     | -             |
|                        | -Under administrative litigation | 1                     | 100           |
|                        | -Others                          | 2                     | 1,100         |
|                        | <b>Subtotal</b>                  | <b>54</b>             | <b>15,799</b> |

### Public Online System of Political Donation Records

Following amendment of the Political Donation Act in 2018, the Control Yuan has established an online system of political donation records. The general public can use the system to check the income and expenditures of political parties, groups and candidates without having to go to the CY to make an inquiry in person. The system will help facilitate public accountability and transparency with respect to political donations, which is in line with the goals of the Sunshine Acts.

The online system was activated on Aug. 14, 2019. The first data made available was the political donation accounting reports of candidates in the “nine-in-one elections” held in 2018. There are 2,241 reports in number. As



for the reports of candidates in by-elections for the 9th Legislative Yuan, the residual donations accounting report for the legislative elections in 2016, as well as the accounting reports of political parties and groups for 2018, they will be posted on the online system within the legally prescribed period.

The system can be accessed directly or via the Sunshine Acts official website. Users can type in key words or use the advanced search function to find the data on specific political parties, groups, candidates, donators, expenditure items, etc. They can also search by election and download the entire files for each of the election districts and candidates for a specific election for comparative research and analysis.

## Lobbying

**Fast Facts:** In 2019, the CY did not receive any case by lobbyists or cases submitted by the lobbied government agencies.

The so-called “lobbying” of the Lobbying Act refers to a lobbyist attempting to influence the lobbied party or its agency on the formulation, enactment, modification or annulment of laws, government policies or legislation by any oral or written communication, either directly to the lobbied party or to its designee.

The CY is the disciplinary organ for the president, vice president, legislators or persons specified in Paragraph 1 of Article 2 of the Political Appointees Pension Statues who violate the Lobbying Act.

## Human Rights Protection

**Fast Facts:** Among the complaints handled and cases investigated by the CY in 2019, 12,750 complaints (87.9%), 276 investigation reports (69.2%) and 90 corrective measures (77.6%) are related to safeguarding human rights.

Under the independent powers conferred by the R.O.C. Constitution, the CY is by nature tasked with the mission of protecting human rights. In addition, to comply with the Paris Principles and to advocate for human rights and handle cases involving alleged human rights violations by government agencies or public servants, the CY established Human Rights Protection Committee (HRPC) in March 2000.

The CY members may conduct investigations under the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), or Convention on the Rights of Persons with Disabilities (CRPD).

During the reporting year, major human rights achievements have also been made, including to establish National Human Rights Commission, to actively connect and interact with domestic human rights organizations, and to participate in international human rights activities, as illustrated below.



## Human Rights Complaints Handled by Control Yuan in 2019

| Item / Category                           | Complaints Handled |                |
|---|--------------------|----------------|
|   | No. of Cases       | Percentage (%) |
| <b>Total</b>                              | <b>14,497</b>      | <b>100.0</b>   |
| <b>Non-human rights complaints</b>        | 1,747              | 12.1           |
| <b>Human rights complaints</b>            | <b>12,750</b>      | <b>87.9</b>    |
| 1. Right to freedom                       | 120                | 0.8            |
| 2. Right to equality                      | 75                 | 0.5            |
| 3. Right to freedom from torture          | 408                | 2.8            |
| 4. Political rights                       | 415                | 2.9            |
| 5. Right to judicial protection           | 5,010              | 34.6           |
| 6. Right to participation and to be heard | -                  | -              |
| 7. Right to life                          | 765                | 5.3            |
| 8. Right to health                        | 353                | 2.4            |
| 9. Right to work                          | 1,232              | 8.5            |
| 10. Right to property                     | 1,869              | 12.9           |
| 11. Right to adequate housing             | 714                | 4.9            |
| 12. Right to cultural life                | 158                | 1.1            |
| 13. Right to education                    | 526                | 3.6            |
| 14. Environmental rights                  | 289                | 2.0            |
| 15. Right to social security              | 310                | 2.1            |
| 16. Others                                | 506                | 3.5            |

### Note:

A single complaint may be categorized into more than one human rights category. Therefore, the total number of human rights complaints exceeds the total number of complaints received by the CY.

### Human Rights Investigations Completed by Control Yuan in 2019 – In the Category of Rights

| Item / Category                           | Investigations Completed |                |
|---|--------------------------|----------------|
|   | No. of Cases             | Percentage (%) |
| <b>Total</b>                              | <b>399</b>               | <b>100.0</b>   |
| <b>Non-human rights investigations</b>    | 123                      | 30.8           |
| <b>Human rights investigations</b>        | <b>276</b>               | <b>69.2</b>    |
| 1. Right to freedom                       | 7                        | 1.8            |
| 2. Right to equality                      | 11                       | 2.8            |
| 3. Right to freedom from torture          | 5                        | 1.3            |
| 4. Political rights                       | 5                        | 1.3            |
| 5. Right to judicial protection           | 67                       | 16.8           |
| 6. Right to participation and to be heard | 2                        | 0.5            |
| 7. Right to life                          | 35                       | 8.8            |
| 8. Right to health                        | 29                       | 7.3            |
| 9. Right to work                          | 18                       | 4.5            |
| 10. Right to property                     | 32                       | 8.0            |
| 11. Right to adequate housing             | 6                        | 1.5            |
| 12. Right to cultural life                | 9                        | 2.3            |
| 13. Right to education                    | 12                       | 3.0            |
| 14. Environmental rights                  | 17                       | 4.3            |
| 15. Right to social security              | 12                       | 3.0            |
| 16. Others                                | 9                        | 2.3            |

**Note:**

A single investigation may be categorized into more than one human rights category. Therefore, the total number of human rights investigations exceeds the total number of investigations conducted by the CY.



## Human Rights Investigations Completed by Control Yuan in 2019 – In the Category of Specific Groups

| Item / Category                       | Investigations Handled |                |
|---------------------------------------|------------------------|----------------|
|                                       | No. of Cases           | Percentage (%) |
| <b>Human rights investigations</b>    | <b>276</b>             | <b>100.0</b>   |
| Noninvolved                           | 176                    | 63.8           |
| <b>Specific groups investigations</b> | <b>100</b>             | <b>36.2</b>    |
| 1. Women                              | 17                     | 6.2            |
| 2. Children and juvenile              | 30                     | 10.9           |
| 3. Persons with disabilities          | 20                     | 7.2            |
| 4. Elderly                            | 11                     | 4.0            |
| 5. Indigenous peoples                 | 28                     | 10.1           |
| 6. Migrant workers                    | 7                      | 2.5            |
| 7. Other specific groups              | 27                     | 9.8            |

### Note:

A single investigation may be categorized into more than one specific group. Therefore, the total number of specific groups investigations exceeds the total number of human rights investigations, and the total percentage is over 100%.

## CY to Establish National Human Rights Commission

As the nation's ombudsman, the CY is responsible for investigating misconduct and violations by government agencies and officials. In response to the public's expectations and after years-long research and planning, on Human Rights Day, Dec. 10, 2019, the Legislative Yuan passed "the Organic Law of the Control Yuan National Human Rights Commission". The CY shall accordingly establish the National Human Rights Commission (NHRC) with the promulgation of this new legislation.

The amended Organic Law of the Control Yuan includes a new provision that grants membership to individuals who are renowned specialists in the human rights field or are renowned practitioners from non-governmental organizations responsible for human rights. In the future, CY members may come from different ethnic groups, or may be experts in human rights. The composition of CY members shall be more diverse, and thus in line with the expectations of civil society organizations that have long called for greater diversity in the make-up of the nation's highest human rights body.

With the newly established NHRC, the CY shall continue to actively address human rights concerns and deal decisively with cases of violations and abuses in order to build an even more comprehensive human rights protection network.

### **Attending the APF-NHRI Biennial Conference**

CY members Wang Mei-yu and Wang Yu-ling took part in the 2019 Biennial Conference of the Asia Pacific Forum of National Human Rights Institutes (NHRI) held in Seoul, Korea from Sep. 4 to 7. The event, which focused on the theme of combating hate and discrimination, provided an excellent opportunity for the CY delegates to engage in exchanges with representatives of other NHRIs in the region regarding the promotion and protection of good governance and human rights. During their stay in Korea, the CY delegation also visited the War and Women's Human Rights Museum and the War Memorial of Korea to reflect on the Korean transitional justice process of state violence. In addition, the delegation also conducted circuit supervision of the Taipei Mission in Korea to gain a better understanding of Taiwan's foreign relations, trade, overseas compatriots, cultural and other work in Korea.



CY members attending the 2019 Biennial Conference of the Asia Pacific Forum of National Human Rights Institutes

### **Enhancing Engagement with Human Rights Groups and Holding Workshops on International Human Rights Conventions**

To engage in knowledge and practical experience sharing, the HRPC regularly receives representative visitors, for example, Ms. Madeleine Majorenko, head of the European Economic and Trade Office in Taiwan. In addition, with the aim of promoting exchanges and furthering engagement with civil society, the HRPC also takes part in various human rights workshops and international seminars organized by ministries or NGOs, such as Ministry of Justice, Ministry of Health and Welfare, National Police Agency, Taiwan Foundation for Democracy, National Human Rights Museum, etc.

In July 2019, the HRPC invited Chen Chun-han, a lawyer with spinal muscular atrophy, to conduct a workshop on the rights of persons with disabilities, which focused on reasonable accommodation and anti-discrimination. A number of people participated in the workshops, including CY members and staff.



Workshop on the rights of persons with disabilities by Mr. Chen Chun-han



## International Exchange

To strengthen communication and cooperation with ombudsman institutions worldwide, the CY has been actively engaging in international ombudsman activities. In 2019, the CY hosted the 31st Australasian and Pacific Ombudsman Region (APOR) Conference as well as received a number of international guests and visitors. Our main international exchange achievements are as follows:

### Hosting the 31st APOR Conference

The CY hosted the 31st Australasian and Pacific Ombudsman Region (APOR) Conference from Sep. 25 to 27, which included an APOR Members Meeting, followed by a workshop on “The Ombudsman’s Role in Human Rights Protection.” More than 160 guests, including over 30 distinguished guests from 12 countries, took part in the conference.

The workshop was divided into three sessions, on “Practices and Recent Development of the International Ombudsman Institute,” “The Ombudsman and the Protection of Economically and Socially Disadvantaged People’s Human Rights,” and “The Multifunctional Role of the Ombudsman.” CY member Chen Hsiao-hung served as moderator of the first session, while CY members Wang Mei-yu and Bau Tzong-ho gave speeches at the second and third workshops, respectively.

APOR member representatives and foreign guests were invited to share their professional insights and experience as well as case studies during the workshop. The conference also marked the second time that the CY hosted the APOR Conference since joining the International Ombudsman Institute

(IOI) in 1994. It last enjoyed the honor in 2011 when the 26th session was convened.

Through the conference, the CY has provided our guests a better understanding of Taiwan's supervisory system and its effectiveness, thereby helping to increase our country's international visibility and to further enhance the international ombudsman exchanges.



CY hosting the 31st APOR Conference



More than 160 guests attending the 31st APOR Conference



## Attending the 24th FIO Annual Conference

CY President Chang Po-ya, accompanied by CY members Jane Y. W. Chiang, Chen Hsiao-hung and Lin Sheng-fong, attended the 24th annual conference of the Federación Iberoamericana del Ombudsman (FIO) held in Rio de Janeiro, Brazil on Nov. 26-28, 2019.

This year's conference, whose theme was "Gender Violence and Equality," was divided into four sessions on "Gender, Race and Gender Mainstreaming," "Education and Gender Violence," "Gender Violence in the Health System," and "Gender Violence in Different Forms", inviting representatives of nations and various related international organizations to share their experience.

The CY delegates shared two CY investigation cases with the participants, including one regarding an army officer's sexual harassment and assault of a male soldier over an extended period of time, and the other regarding sexual harassment and assault of students at schools and at welfare institutes for persons with disabilities.

In addition to attending the annual FIO conference, the CY delegation paid a visit to the European Ombudsman Office in Belgium, exchanging views and experience on supervision and complaints-handling work.



24th FIO Annual Conference delegates



CY delegation visiting the European Ombudsman Office in Belgium

### Organizing a Symposium on the OPCAT

Victorian Ombudsman Deborah Glass and Mr. Andrew Adason, Lead of OPCAT and senior investigator from her office, visited the Control Yuan on Oct. 1, 2019. They delivered speeches on the theme of the Optional Protocol to the Convention against Torture (OPCAT), sharing how the office of Ombudsman has implemented the U.N. treaty and introducing related investigatory work and results.

In her speech, Ombudsman Glass noted that Australia ratified OPCAT in 2017 and that her office has since carried out two pilot investigations using OPCAT standards to test how National Preventive Mechanism (NPM) inspections might work in practice in Victoria. The release of the investigation reports attracted domestic and foreign media attention and prompted calls for related agencies to improve the situation.



Also speaking during the visit, Mr. Adason elaborated on how to lead inspection team visits to prisons and to complete the investigation reports. He gave detailed explanations on conducting advanced planning, organizing expert working groups, carrying out on-site inspections, and analyzing investigation data. He explained that the office of Ombudsman notified the prison managers of the investigation results to solve the human rights problems discovered in the investigations and to improve the situation.



Victorian Ombudsman Deborah Glass delivering a speech at the CY, engaging in open and friendly discussions with the CY members and staff

## Receiving International Visitors

In 2019, the CY also welcomed many prominent foreign dignitaries, such as IOI Secretary General Werner Amon, FIO Secretary General Carmen Comas-Mata Mira, APOR Regional President Peter Boshier, Chief Parliamentary Ombudsman of Sweden Elisabeth Rynning, Commonwealth

Ombudsman Michael Manthorpe, Victorian Ombudsman Deborah Glass, etc. Aforementioned guests, by attending the 31st APOR Conference, have contributed to discussions and exchanges on practices and outcomes in human rights protection and ombudsmanship around the world.

Many more visitors of the year are listed as follows: Participants in the 2019 International Exchange Program held by the National Audit Office (NAO), Honduras Supreme Court of Auditors President Roy Pineda Castro, Central and South American military officers, President and CEO of the Centers for Disease Control (CDC) Foundation Judith Monroe, a delegation of National Board for the Placement and Protection of Indonesian Overseas Workers, and a delegation of the South Korean Health Insurance Review and Assessment Service.



Honduras Supreme Court of Auditors President Roy Pineda Castro  
visiting the CY



Central and South American military officers visiting the CY



President and CEO of the CDC Foundation Judith Monroe  
(second from the right) visiting the CY

### IOI Publication Translated and Published by the CY

The International Ombudsman Institute (IOI) has commissioned Professor Richard Carver, Senior Lecturer in Human Rights and Governance at Oxford Brooks University, to portray IOI history and to commemorate the 40th anniversary of its foundation in 1978. The book was officially launched on 30 April 2018 at the United Nations in New York.

The CY highly values the participation of international ombudsmanship work. We translated the publication into Chinese to attract new readers and to broaden the Ombudsman concept to a wider audience. The IOI also expressed its thanks to the CY for undertaking this project. The Chinese version of the IOI's publication "A Mission for Justice – The International Ombudsman Institute 1978-2018" was published in June 2019.



A Mission for Justice – English and Chinese versions

# Part 4

## Case Summaries: Bringing Our Powers to Bear



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

### **Reducing Public Expenditures**

#### **Case 1: CY investigates local governments falsely reporting annual revenue and expenditure, leading to major public debt reduction in Yilan and Miaoli Counties**

The Public Debt Act uses “the sum of annual expenditures under the general budget and the special budget” as the denominator for calculating the debt ratio. However, local governments often increase annual expenditure budget to decrease this ratio, then balance their budgets by falsely reporting central government subsidies to increase annual revenue. When the subsidies do not cash out and the extent of annual expenditures does not reduce accordingly, local governments are then supported by rising debts, resulting in debt ratios exceeding public debt limits. To rectify this, the Control Yuan (CY) launched an investigation.

This investigation found that as of the end of February 2012, outstanding debts of the Yilan and Miaoli County governments with a maturity of one year or longer exceeded the debt limits prescribed by the Public Debt Act. Since local governments are not financially well-off, if financial resources are not broadened and waste is not restrained, the burden of debt will increase, thus affecting the operation of government and harming public welfare.



The CY conducted follow-up monitoring of the aforementioned problems, and tracked improvements in public debt by the Yilan and Miaoli County governments. As of the end of June 2019, the outstanding long-term debt of Yilan County was NT\$11.66 billion (US\$38.58 million), comprising 42.74% of the annual expenditure, below the early warning standard of 45%. As of the end of June 2019, the outstanding long- and short-term debts of Miaoli County were NT\$37.94 billion (US\$1.26 million), NT\$400 million (US\$13.24 million) less than the previous June (NT\$38.34 billion / US\$1.27 billion), and NT\$1.53 billion (US\$50.63 million) less than those of January 2012, when the debt exceeded the statutory ceiling at NT\$39.47 billion (US\$1.3 billion).

### **Case 2: CY investigates unpaid highway e-tolls case, urging Freeway Bureau to recover arrears**

After the highway electronic toll collection system was launched in 2014, unpaid tolls accumulated rapidly, severely affecting the revenue of the treasury and causing unfairness. The CY launched an investigation to avoid treasury loss as well as ensure fairness and justice.

This investigation found that incidents of unpaid electronic tolls due to inadequate stored-value by road users existed as early as 2006, when the highway electronic toll collection system was first tested. However, the Freeway Bureau, under the Ministry of Transportation and Communications (MOTC), did not take legal action against unpaid tolls until 2010, while the administrative procedures for taking action were only completed in 2016. The investigation also discovered that the Freeway Bureau did not take action against e-toll defaulters with outstanding payments accumulating

between 2014 and 2015 of over NT\$5,000 (US\$166) until 2017. The Bureau was slow in its administrative procedures for taking legal action, and the CY requested the MOTC to urge the Freeway Bureau to recover unpaid tolls.

After continued follow-up monitoring, the MOTC has improved the situation. According to the statistics for the period of January 2018 to June 2019, there were 24,322 incidents of unpaid tolls in 2014 with outstanding payments amounting to NT\$41,255,449 (US\$1.37 million), 94.24% of which were handled for a total of NT\$11,897,379 (US\$394 thousand) in unpaid fees recovered. There were also 21,618 incidents of unpaid tolls in 2015 and 2016 with outstanding payments amounting to NT\$86,825,054 (US\$2.88 million), 70.94% of which were handled for a total of NT\$2,821,573 (US\$93 thousand) in unpaid fees recovered.

In addition, the MOTC is scheduled to take legal action in 2020 against e-toll defaulters with more than NT\$301 (US\$9) in unpaid tolls for three consecutive years, 2016 to 2018. There are about 76 thousand such e-toll defaulters, accounting for a total of approximately NT\$470 million (US\$15.57 million) in unpaid fees.

## **Upholding Discipline**

### **Case 1: Chen Ching-an drunk driving: CY urges government to advocate against drunk driving and uphold order**

Taipei City Government counselor Chen Ching-an was caught drunk driving on Sep. 25, 2016, and was granted deferred prosecution by the Taiwan Taipei District Prosecutors Office. As for the administrative



responsibility, after the Taipei City Government's referral of the case to the CY for investigation, the CY passed the impeachment proposed by CY members Chiang Ming-tsang and Tsai Pei-tsun on Dec. 3, 2019, and sent it to the Public Functionary Disciplinary Sanction Commission for further review.

The investigation looked into the number of sessions held at the Taipei City Government's subordinate organizations and schools to advocate against drunk driving between 2016 and 2018. According to the report, 632 such sessions were held in 2016, and advocacy targets showed a relatively even distribution across agencies and schools. The number dropped dramatically to 189 sessions in 2017 and then rose slightly to 225 sessions in 2018, with the advocacy targets in these two years focused on staff working at district offices, household registration offices, police bureaus, and schools. However, some agencies had no advocacy sessions, revealing a degree of negligence by the city government in advocating against drunk driving.

In addition, the investigation found that though some Taipei City Government staff had been reprimanded by or received administrative punishment from the prosecutors' offices or courts between 2016 and 2018, not all bureaus at which the offenders served received copies of the drunk driving verdicts or disciplinary citations.

The aforementioned problems improved after the CY issued official letters to the Taipei City Government, Ministry of Justice, and Judicial Yuan requesting them to eliminate drunk driving, uphold law and order, and protect the safety of drivers.

### **Case 2: Tsai Yung-chang accepting bribe: impeachment passed and forwarded to Public Functionary Disciplinary Sanction Commission for review**

The former chief of Kouhu Township, Yunlin County, Tsai Yung-chang, was convicted of accepting 12kg of mullet stomach in return for hiring someone on the township cleaning unit in 2016 by the court. To uphold discipline, CY members Lin Ya-feng and Chen Hsiao-hung launched an impeachment investigation.

The investigation found though Tsai claimed accepting the 12kg of mullet stomach was an act of propriety, the timing of his signed approval and the process of hiring the man on the cleaning unit was a substantial departure from previous administrative procedure. The 12kg of mullet stomach (with a market value of approximately NT\$10,000/US\$331) and which was sold at auction for NT\$6,000/US\$199) was evidently a quid pro quo for the position, rendering Tsai's defense inadmissible. Tsai has been indicted for engaging in bribery in the course of his duties by the Yunlin District Court and severely damaging the public's perception of the government. Tsai was sentenced to five years in prison and deprived of his civil rights for four years, and the NT\$6,000 (US\$199) gain from the bribery was also confiscated.

As the chief of Kouhu Township, Yunlin County, Tsai's conduct was a criminal offense violating the Anti-Corruption Act, and in contravention of Articles 1, 5, 6 and 16 of the Civil Service Act, regulations related to the ethical behavior of civil servants. Tsai's conduct undermined the integrity of officialdom and the image of local government, affecting the public's



perception of civil servants' honesty, uprightness, prudence, and diligence, as well as their open and fair execution of duties. Since Tsai had evidently accepted a bribe, the CY passed the impeachment proposal according to the law and forwarded the case to the Public Functionary Disciplinary Sanction Commission for further administrative disciplinary action.

## Safeguarding Human Rights

### Case 1: CY investigation into disabled people being denied opportunities to work leads to employment of 84,773

Some employers often deny employment opportunities to people with physical or mental disabilities with reasons such as “[their] workplace not being disabled-friendly” and “the jobs being unsuited to the disabled.” This is a violation of the rights of people with disabilities, and as such, the CY launched an investigation to safeguard the equal employment opportunities for those with disabilities.

Through the CY's follow-up monitoring, improvements have been made. In accordance with the People with Disabilities Rights Protection Act, the Ministry of Labor imposed obligations on 17,466 government departments and agencies to employ at least 58,637 people with disabilities. As of the end of September 2018, the actual number of people with disabilities employed by the government was 84,773, which is 26,136 — or 44.57 percent — more than minimum legal quota. Moreover, the number of people with disabilities attending specialized and custom-tailored training courses in 2018 was 3,653, 2,788 of whom completed the courses and 1,436 of whom found jobs. In addition, the number of people with disabilities

attending vocational training courses in 2018 was 1,641, with 1,482 of these individuals receiving training certificates.

Furthermore, the Ministry of Health and Welfare urges local governments to implement relevant concrete measures pursuant to the People with Disabilities Rights Protection Act. During the period from Oct. 1, 2017, to Sep. 30, 2018, living assistance provided to people with disabilities amounted to NT\$15.8 billion (US\$523 million) in 2018, benefitting an average of 347,115 recipients each month. Day care and residential care subsidies provided to people with disabilities amounted to NT\$6.57 billion (US\$217 million) in 2018 and benefited an average of 46,842 recipients each month. Assistive devices subsidies provided to people with disabilities amounted to more than NT\$777 million (US\$25.7 million) and benefitted a record 85,832 recipients. Subsidies provided to people with moderate or severe disabilities by the National Health Insurance program amounted to NT\$2,514.4 million (US\$83.3 million) and benefitted a record 567,304 recipients.

#### **Case 2: CY investigation into labeling of products bought online causes MOE to intensify checks, safeguarding consumer rights**

In recent years, the e-commerce industry has blossomed, and online shopping has gradually become the preferred method of consumption. Unfortunately, the labeling of products sold online sometimes fails to meet the required standards, resulting in consumer disputes. To safeguard consumer rights and secure consumer confidence, CY members Yang Mei-ling, Tsai Pei-tsun and Jane Y. W. Chiang launched an investigation.



The investigation found that products sold through online stores rarely go through established internal management or checking systems before going online, thus increasing the likelihood of ending in consumer disputes. Moreover, online stores lack physical outlets, and sometimes even permanent storage sites, thus presenting difficulties in conducting checks. Therefore, it is rare for local governments to actively inspect online products.

The CY issued an official letter to the Ministry of Economic Affairs (MOEA) urging it to review the situation and make relevant improvements. The MOEA responded on May 14, 2019, regarding the measures taken to handle the situation. According to its written response, at its product labeling annual review meeting the MOEA decided to list “checks on online products waiting to be shipped at distribution center” and “education advocacy for online shopping” as key performance indicators for product labeling starting in 2019. The MOEA also conducted inspections on the distribution centers of large platform operators, with nine out of a randomly selected 93 failing the inspection. It additionally conducted inspections on 49 retail stores in Taipei City owned by 15 online operators, with 59 out of a randomly selected 152 products failing the inspection, a 40 % failure rate.

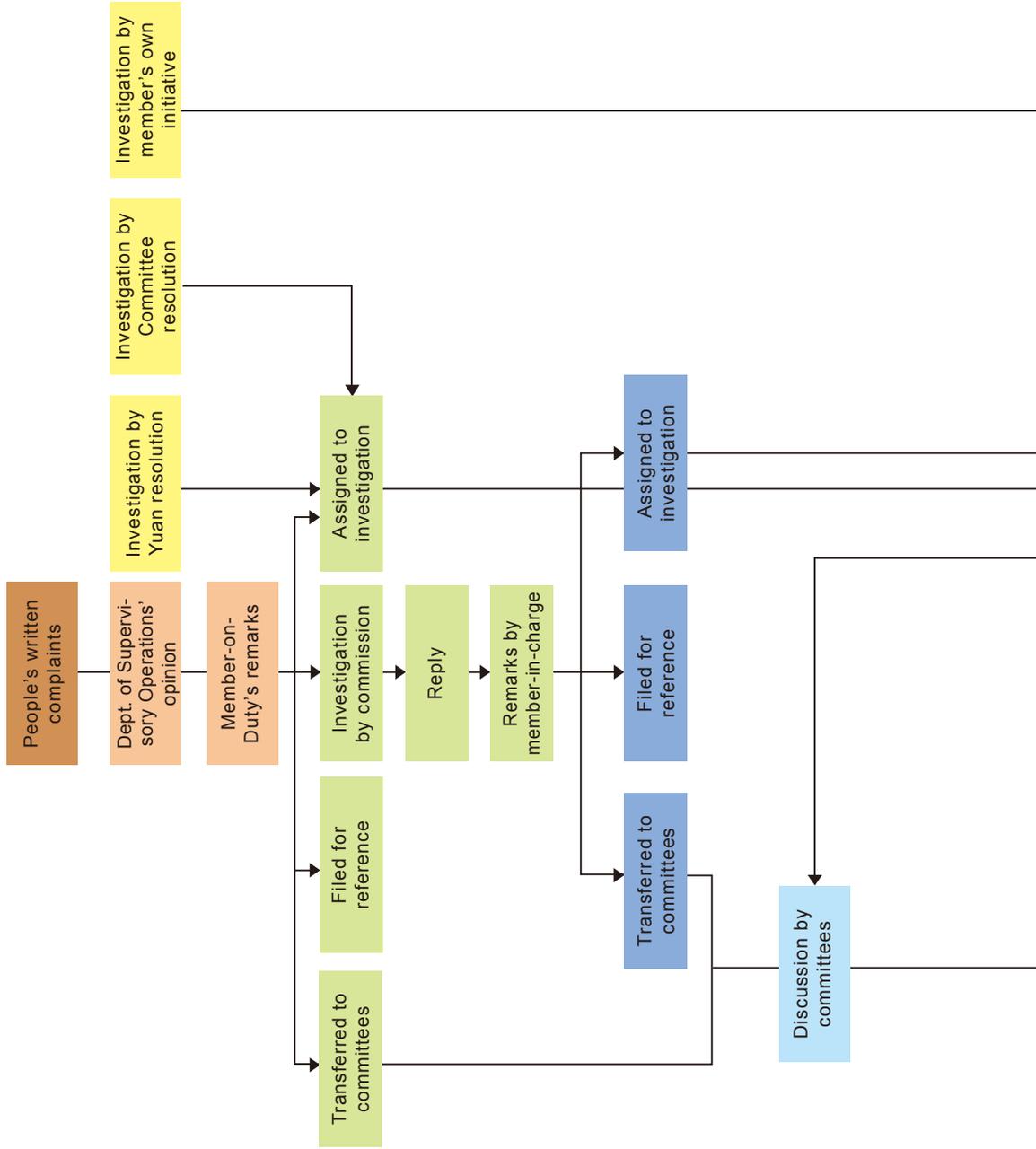
The Legislative Yuan passed the Organic Law of the Control Yuan National Human Rights Commission on Dec. 10, 2019. As the nation’s human rights institution, the CY will continue with follow-up monitoring of consumer rights and strive to create a quality-guaranteed environment for consumption.

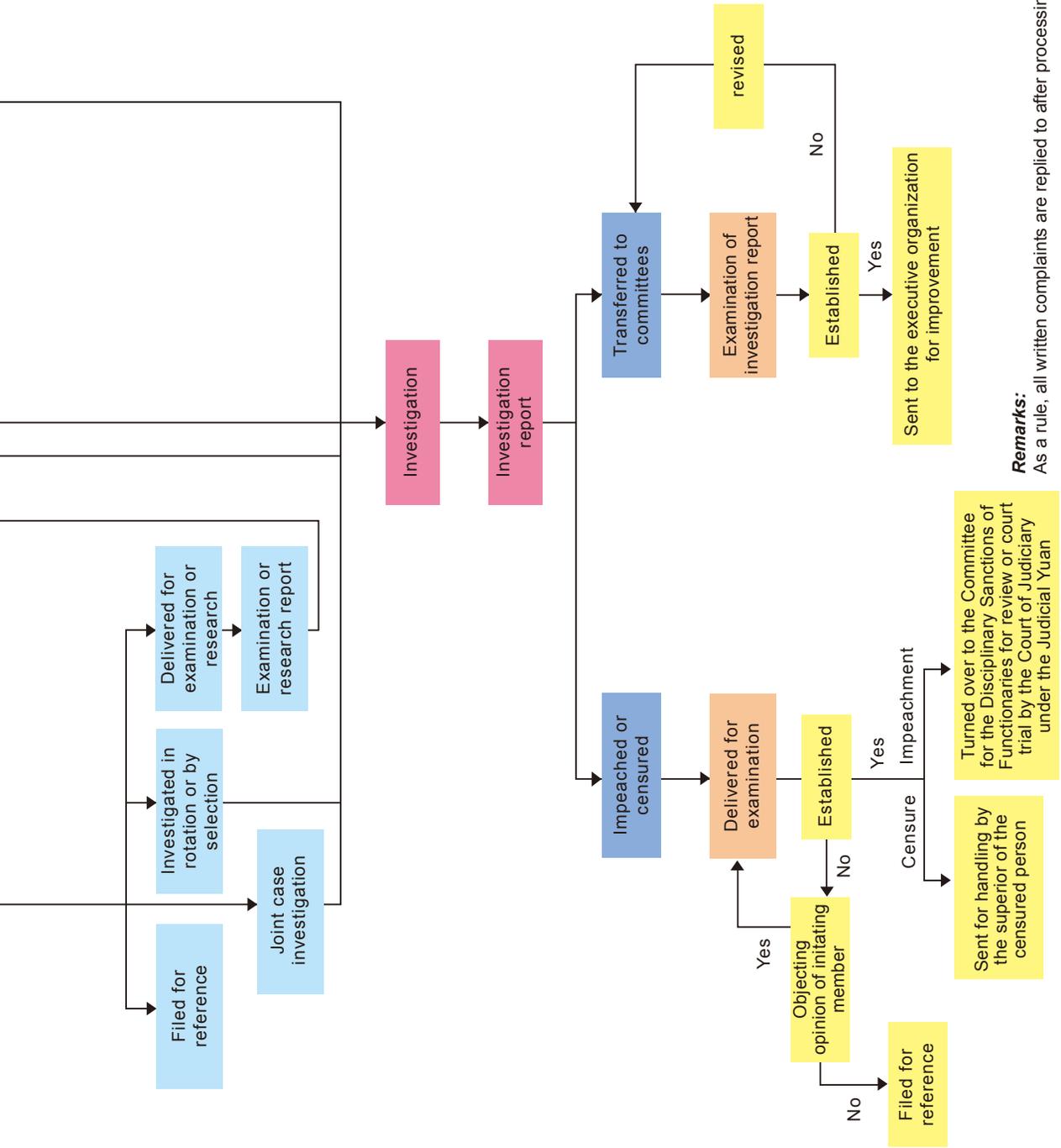


# Appendix



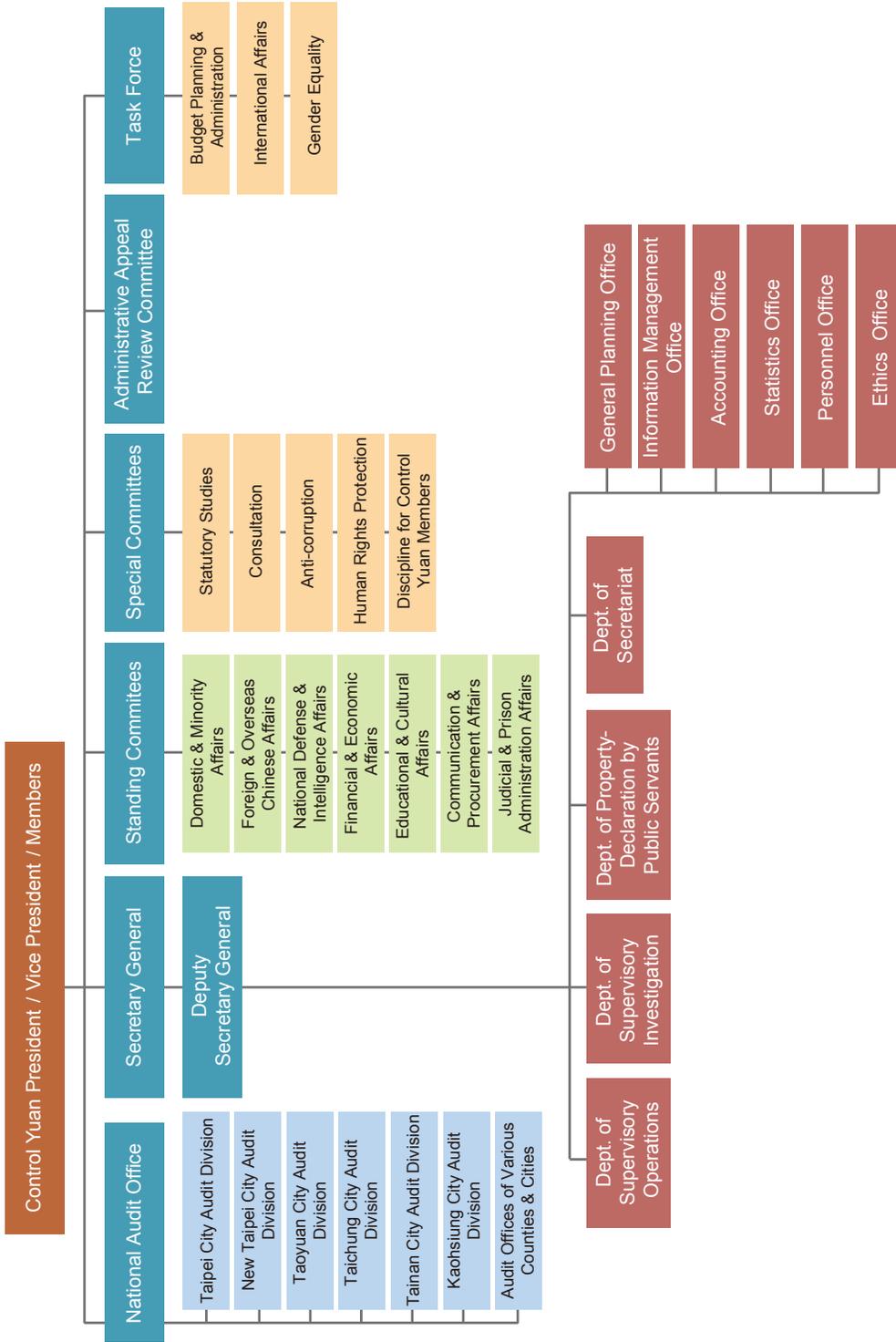
## Flow Sheet of Exercising Control Powers



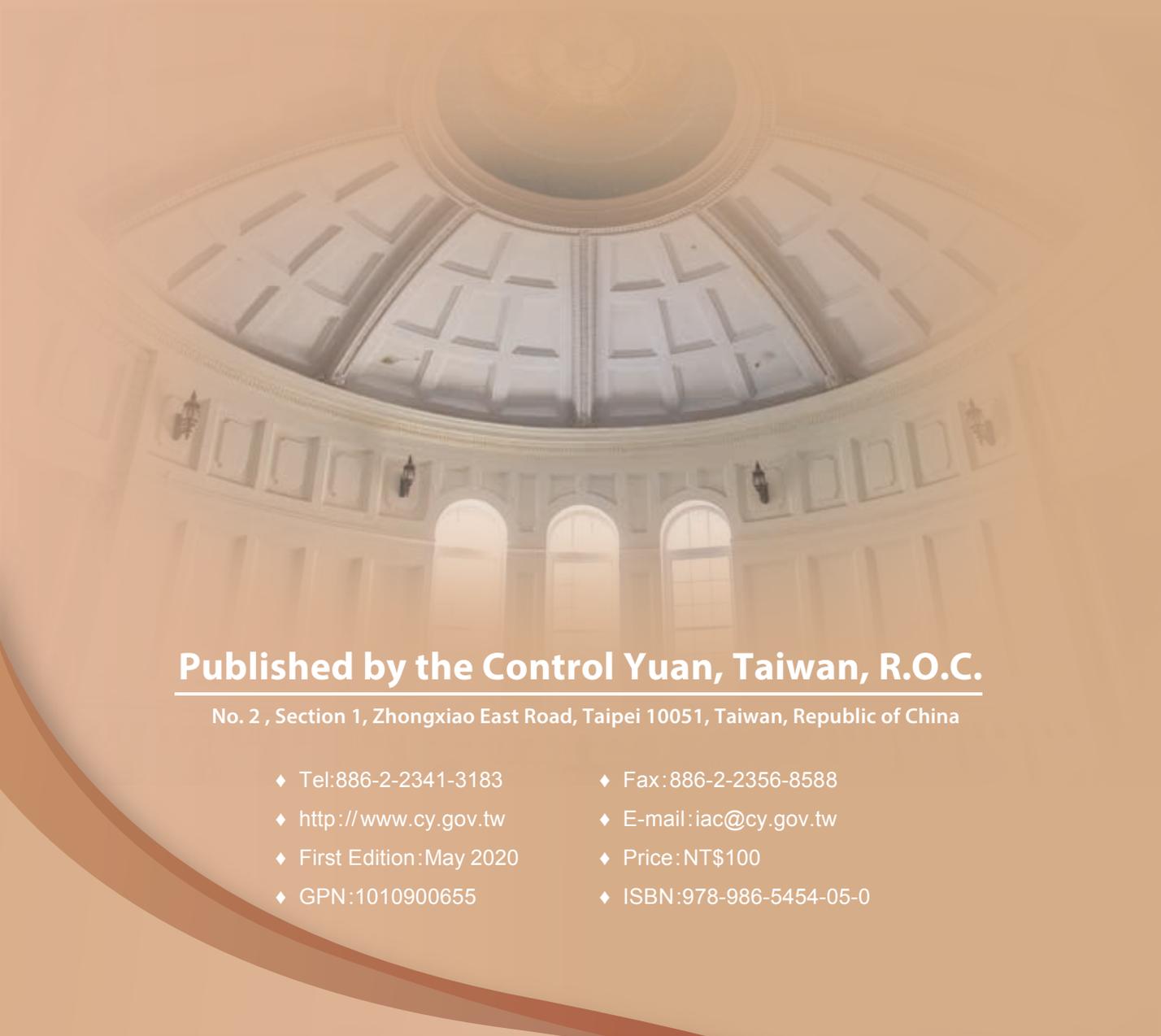


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