



2022

Annual Report
of the Control Yuan

Taiwan, R.O.C.



PREFACE

The Control Yuan (CY) bears the constitutional responsibility of promoting good governance and safeguarding human rights. Since taking office in 2020, the sixth-term CY members have diligently exercised the independent powers in accordance with the law, attentively monitored social trends, actively utilized the supervisory functions, and dedicated to promoting clean governance.

The CY, in accordance with the Constitution and its amendments, exercises powers such as impeachment, censure, correction, investigation, and audit, and also receives people's complaints and conducts inspections of central and local government agencies. The CY's performance in 2022 include: receiving 14,207 people's complaints, issuing 282 investigation reports, with 250 letters sent to government agencies calling for improvement; proposing 108 cases of corrective measures; passing 27 impeachment cases and impeaching 53 government officials; conducting 41 inspections of central agencies and 32 inspections of local agencies; receiving 9,920 property declarations from government officials; and approving the opening of 2,311 political donation accounts.

In order to enhance the efficiency of handling complaints and to better meet the needs of the public, the CY continues to promote digital transformation. In addition to launching "Videoconference Complaints System" in 2021, the CY introduced a new service for making reservations to file complaints at counter in 2022, enabling the public to schedule appointments online, thus reducing on-site waiting times. Furthermore, to protect the petition

rights of detainees, the CY has collaborated with the Ministry of Justice to establish a dedicated hotline for videoconference complaints, implementing the principles of accessible communication free of the obstacle of distance. In terms of Sunshine Acts, the CY actively utilizes digital media to disseminate video advocacy materials. Additionally, by optimizing the online property declaration and political donations systems, we aim to achieve convenience and transparency for the public.

Human rights are universal values pursued by the international community. Upholding the principles of independence, specialization, and diversity, the National Human Rights Commission actively promotes its three major goals and six strategies. These include processing and handling human rights violations; drafting independent opinions on national reports on international human rights conventions, and inviting members of international review committees for exchange and discussion; organizing forums on various ethnic groups and human rights issues to deepen social dialogue; and, for the first time in 2022, hosting a “Human Rights Poster Design Competition” to foster human rights education and actively promote human rights awareness among the general public.

In 2022, as the pandemic gradually eased and international borders reopened one after another, the CY actively participated in international ombudsman affairs, received foreign guests visiting Taiwan from around the world, and submitted articles in English and Spanish to the newsletters of international ombudsman institute. In 2022, the CY participated in the 34th APOR Conference held in New Zealand and the 26th FIO Conference held in Mexico. The CY also received representatives from Saint Lucia, New Zealand, the European Economic and Trade Office in Taiwan, the French Senate delegation, and the German National Human Rights Commission. In



August 2022, the CY published the English edition of its 90th Anniversary Special Issue, helping the international community better understand Taiwan's efforts and achievements in promoting supervisory and human rights work.

The CY actively exercises its power, fully embodying its functions of rectifying official conduct, redressing public grievances, ensuring government ethics, and safeguarding human rights. All CY members work together with colleagues to draw on constructive advices from various sources and align with international standards, fulfilling the responsibilities as the nation's highest supervisory and human rights body. We strive to establish a fair and just society, living up to the trust placed in us by the people.

Chu Chen
President, Control Yuan
Chairperson, National Human Rights Commission
June 2023



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Part 1

2022 Highlights: An Overview of Work Performance



Part 1

2022 Highlights:
An Overview of Work Performance

2022 Highlights: An Overview of Work Performance

**14,207 people's
complaints received**

- Judicial affairs
39.1%
- Domestic affairs
26.1%

**282 investigation
reports issued**

250 letters calling
for improvements
sent

**27 impeachment
cases passed**

53 government
officials impeached

**108 correction
cases proposed**

154 letters sent to
related government
agencies

**Circuit
supervision**

- Central government
agencies **41** times
- Local government
agencies **32** times

Sunshine Laws

- **9,920** property
declarations received
- **1,365** recusal
cases for conflicts
of interest handled
- **2,311** political
donation accounts
approved

Part 2

R.O.C. Supervision System in Brief

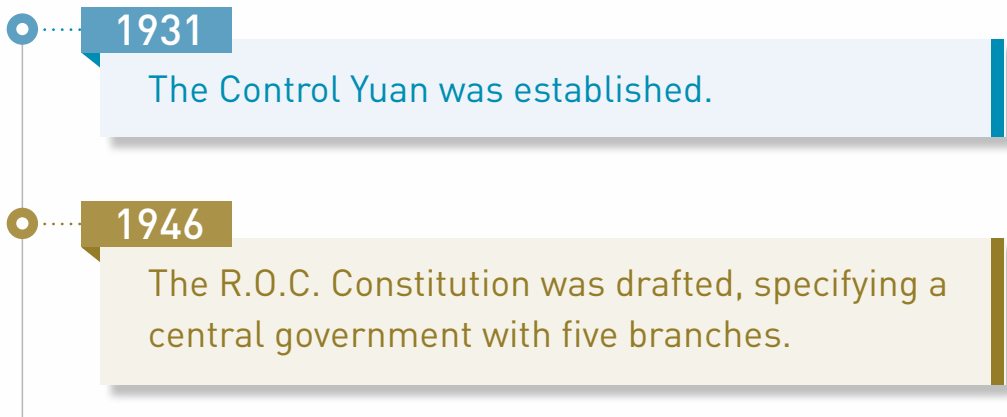


R.O.C. Supervision System in Brief

Historical Background

Our supervision system has a long history of more than two thousand years, and it was created in ancient times to prevent government officials from engaging in corruption and abusing their powers. The Control Yuan was established based on Sun Yat-sen’s concept of “five branches of constitutional government,” which combined the Western system of separation of three powers with ancient China’s system of supervision and civil service examination. The Constitution of the Republic of China, which was enacted in 1947, divides the central government into five branches: the Executive Yuan, Legislative Yuan, Judicial Yuan, Examination Yuan, and Control Yuan.

Brief Timeline of the Control Yuan





1948

Following with the enactment of the Constitution on 25 Dec 1947, the CY was formally established on 5 June 1948. The first-term CY members were elected by the local councils.

1992

Following with the second amendment of the Constitution in 1992, the CY shall have 29 members. All members are no longer elected but shall be nominated by the President and approved by the National Assembly to serve a six-year term.

1993

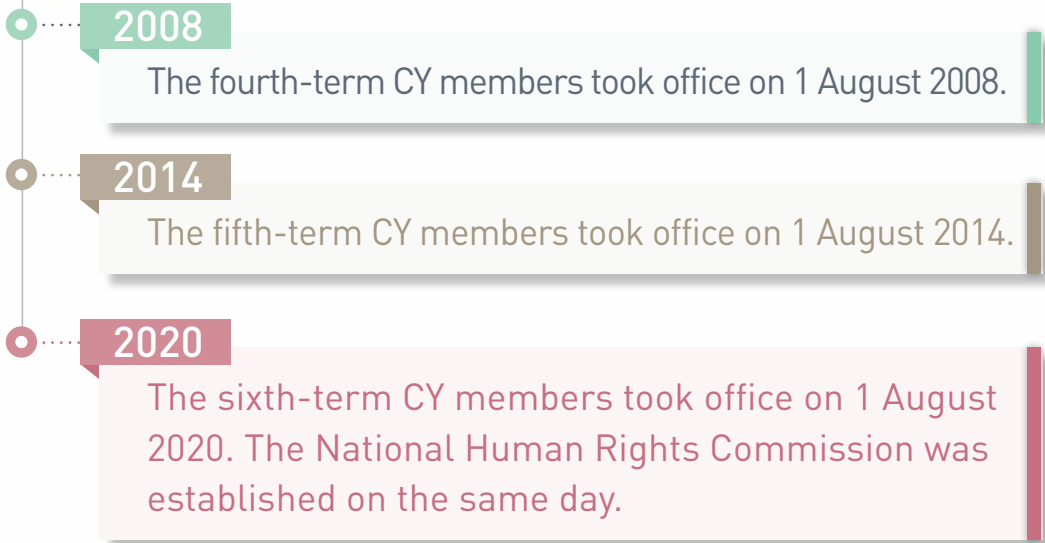
The second-term CY members took office on 1 Feb 1993.

1999

The third-term CY members took office on 1 Feb 1999.

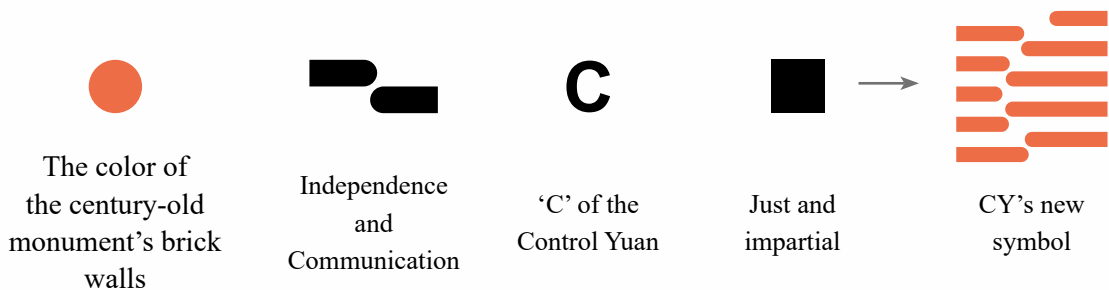
2000

With the fourth amendment of the Constitution in 2000, starting from the fourth term, 29 CY members shall be nominated by the President and approved by the Legislative Yuan (the Parliament).



In 2021, the CY launched a new logo, which is a simple and highly recognizable design that enhances the new image of the CY to the public. The logo design is based on three key concepts: “the century-old historic monument,” “communication with the people and professionalism” and “the spirit of time and transformation.”

The New Design of CY Logo





Our Organization

According to the Amendment of the Constitution, the Control Yuan shall have 29 members, including one President and one Vice President, serving a 6-year term. They shall be nominated by the President of Taiwan and appointed with the consent of the Legislative Yuan.

The CY also shoulders the responsibility of promoting and protecting human rights. In accordance with the “Organic Act of the Control Yuan National Human Rights Commission,” the National Human Rights Commission (NHRC) was established on 1 Aug 2020, consisting of 10 CY members and the CY president serving concurrently as the chairperson.

In addition to our members, the CY has a workforce of nearly 500 employees, comprising five departments, four offices, a National Human Rights Commission, seven standing committees, four special committees, and four task force groups. The specially-appointed secretary general is in charge of managing the routine operations of the CY and supervising the staff under orders of the CY president. Currently the secretary general is Ms. Judy Fu-Meei Ju. **The Organizational Chart of the CY can be found in Appendix.**

In order to ascertain violation of law or neglect of duty, the CY has a certain number of committees to look into the activities of the Executive Yuan, its ministries, and its commissions. It has seven standing committees and each CY member shall join no more than three committees.

- ◆ Committee on Domestic and Ethnic Affairs
- ◆ Committee on Foreign and National Defense Affairs

Part 2

R.O.C. Supervision System in Brief

- ◆ Committee on Social Welfare and Environment Hygiene Affairs
- ◆ Committee on Financial and Economic Affairs
- ◆ Committee on Educational and Cultural Affairs
- ◆ Committee on Transportation and Procurement Affairs
- ◆ Committee on Judicial and Prison Administration Affairs.



President Chen presides over the CY plenary meeting

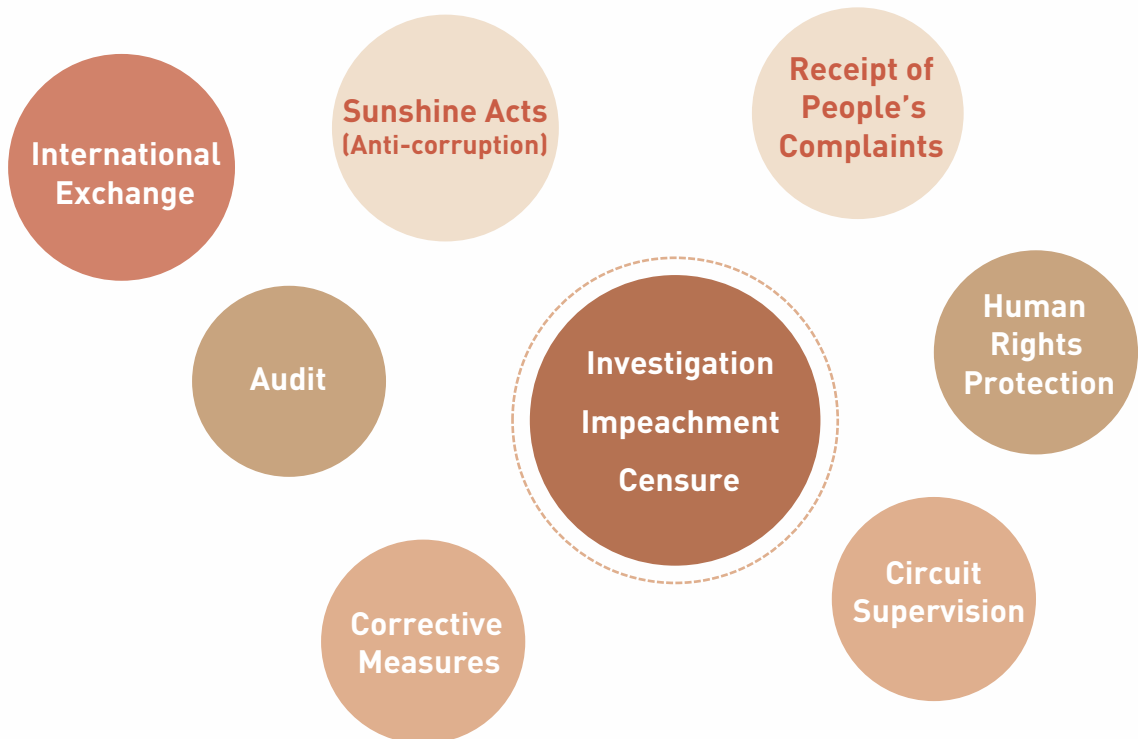
Our Functions and Powers

According to related provisions in the Constitution, Amendments of the Constitution and the Control Act, the CY is granted the functions and powers of impeachment, censure, and audit. It may also propose corrective

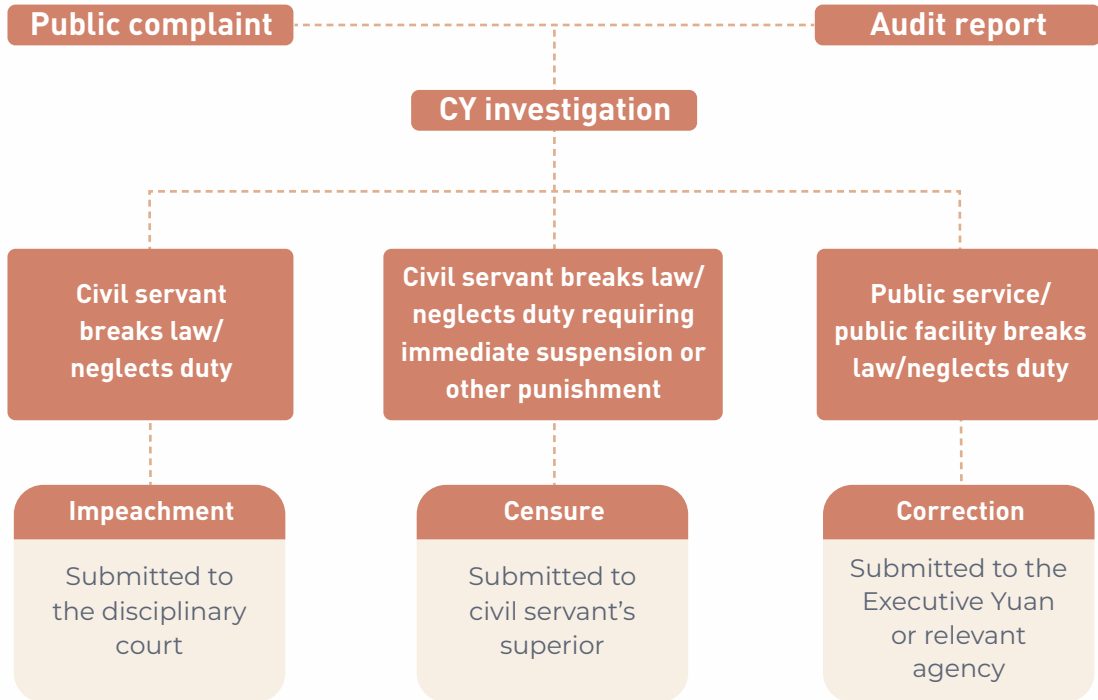


measures to government agencies for administrative improvement. To achieve the aforementioned missions, CY members may receive complaints from the citizens, investigate, and organize circuit supervision at central or local authorities. The CY also handles reports, investigations, and declarations on properties of public servants, recusal of public servants due to conflicts of interest, political donations and lobbying cases.

An Overview of Control Yuan Functions and Powers



The Exercise of Control Yuan Powers



Part 3

Our Performance



Our Performance

Handling Complaints and Assuring Good Governance

Receipt of People's Complaints

In 2022, the CY received 14,207 people's complaints. Among the complaints, judicial affairs accounted for the largest share (39.1 %); followed by domestic affairs (26.1 %) and social welfare & environment hygiene affairs (9.8 %).

Any person, including citizens and foreigners, can lodge a complaint with the CY. This service is at no extra charge, aiming that every person can have access to justice. An on-duty CY member is assigned in rotation at the Complaint Receipt Center on daily basis, in charge of receiving and handling complaints submitted by the public.

Moreover, to provide more convenient and accessible petition channels that meet the public's needs and expectations, the CY also receives complaints by videoconferencing. This new service enables petitioners from remote or inconvenient areas, as well as the elderly, disabled, and mobility-impaired people to experience petitioning without distance and communication without barriers. In order to protect human rights of inmates, the CY has extended videoconference petitions to inmates, allowing them to make complaints by video cameras with CY members.

The CY also strives to create a welcoming environment for complainants. To ensure the privacy of woman and children, a reception room has been

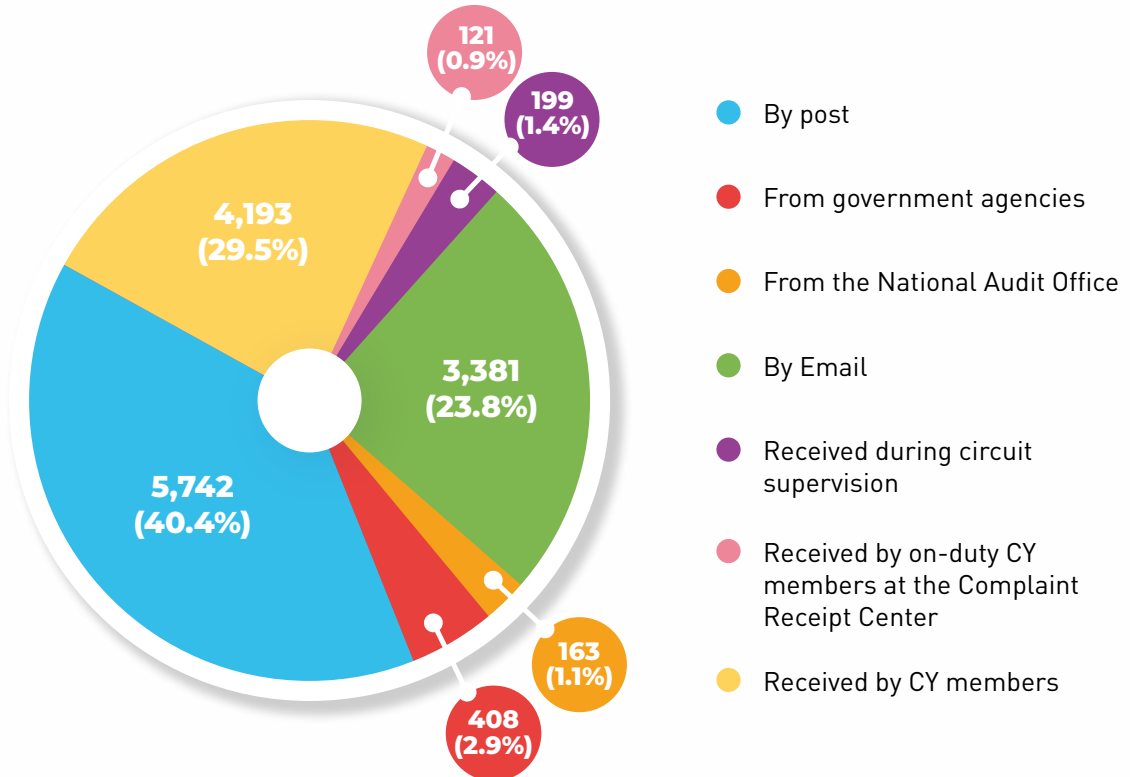


established for their exclusive use. For people with disabilities, a video amplifier is provided and sign-language interpretation services are available upon request. These services demonstrate the CY's commitment to being a friendly and accessible supervisory body.

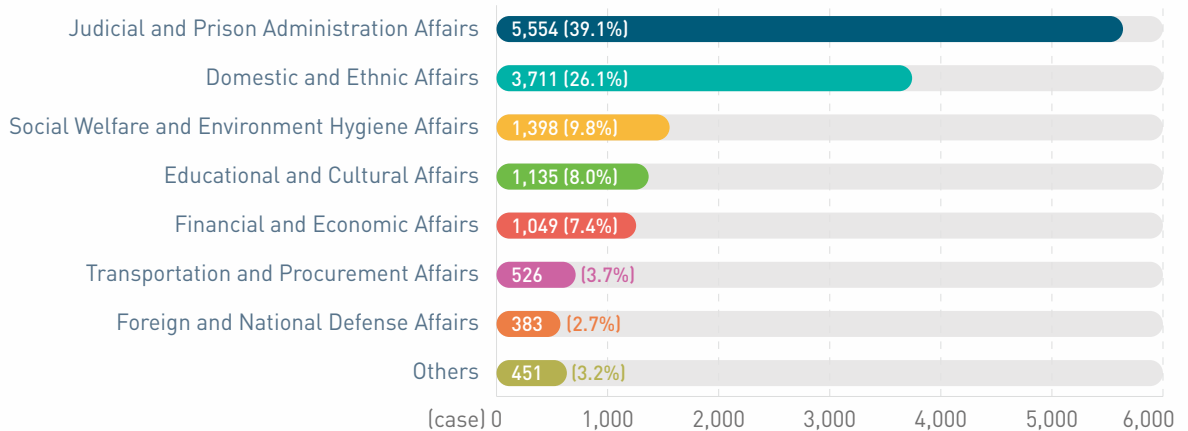
How to Lodge a Complaint?



Sources of Complaints in 2022



Categories of Complaints Received in 2022





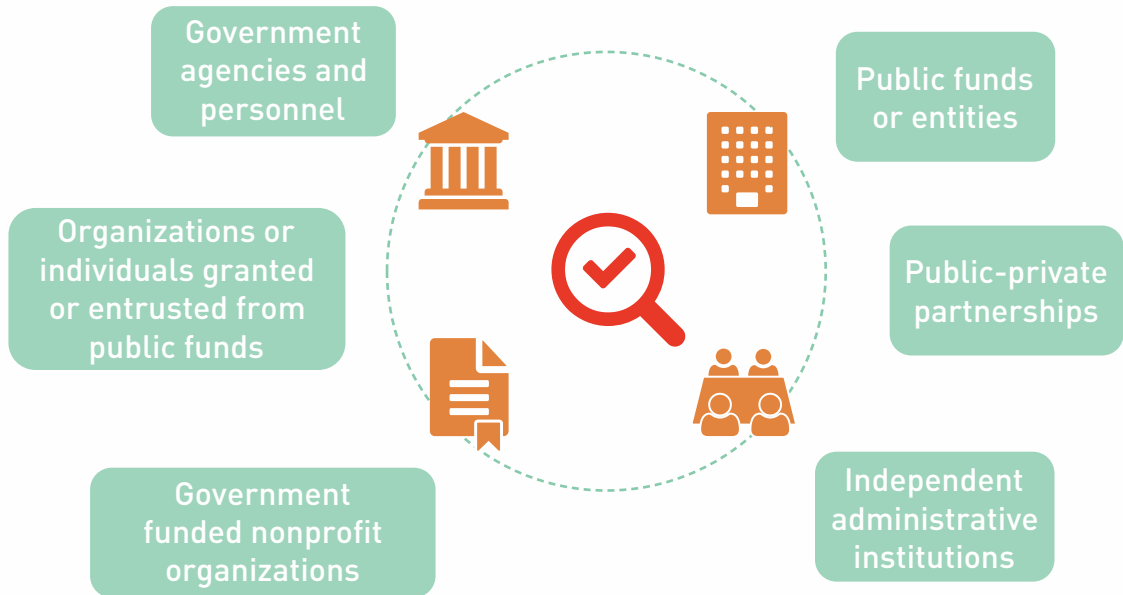
The on-duty CY member at the Complaint Receipt Center receives complaints through video conferencing

Investigation

The R.O.C. Constitution and its amendments grant the CY the power to carry out impeachments, censures and corrective measures. To fulfill these duties, the CY has the power of investigation. The Control Act includes a specific chapter on investigation, which outlines the legal process for conducting such duties.

In 2022, the CY submitted 282 investigation reports. 250 cases have requested for improvements through investigation opinion letters sent to various agencies, with 164 cases concluded and closed. Please see the table on page 16 to find out how these closed cases were handled. In addition, the standing committees initiated 7 general investigative researches, which provide valuable insights into several crucial issues in Taiwan.

Who Can We Investigate?



Closed Cases - Agency Actions to CY Improvement Requests

| Actions | Number of Cases |
|---|-----------------|
| Improvements made | 136 |
| Improvements made and personnel punished | 18 |
| Conducting research | 1 |
| Filing for judicial relief | 3 |
| No grounds for filing an extraordinary appeal found | 3 |
| No infraction or misconduct found | 1 |
| Others | 2 |
| Total | 164 |



General Investigative Researches in 2022

| Standing Committees | Topics |
|--|--|
| Domestic and Ethnic Affairs | Structural Issues Affecting Migrant Workers' Disappearance - Why Escape? |
| Foreign and National Defense Affairs | Assessing the Effectiveness of Government's Defense Self-Sufficiency Promotion and Industry Supply Chain Development |
| Social Welfare and Environment Hygiene Affairs | Supporting Measures for the Deinstitutionalization of Welfare Services for the Disabled |
| Financial and Economic Affairs | The Inspection and Management on the Illegal Use of State-Owned Non-Public Land |
| Educational and Cultural Affairs | University Autonomy and the Operation of Private College and University Boards |
| Transportation and Procurement Affairs | Cyber Security Promotion in Government Agencies |
| Judicial and Prison Administration Affairs | Restorative Justice Practices: Current Status and Exploration |

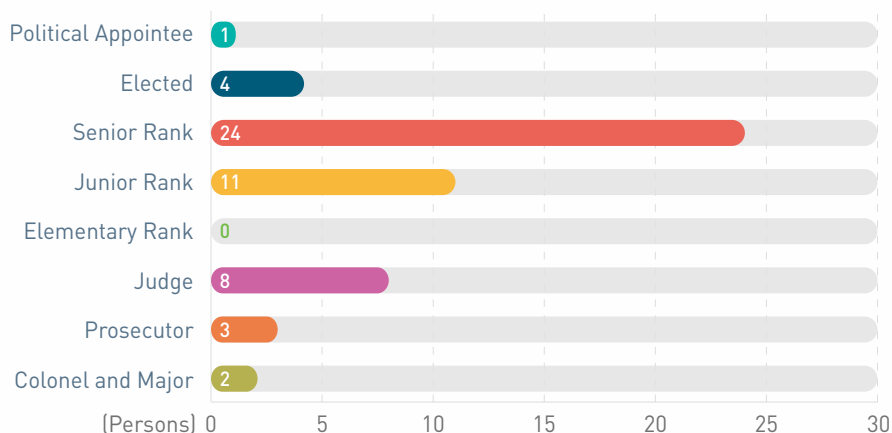
*Duration of Investigation: from August 2022 to July 2023

Impeachment and Censure

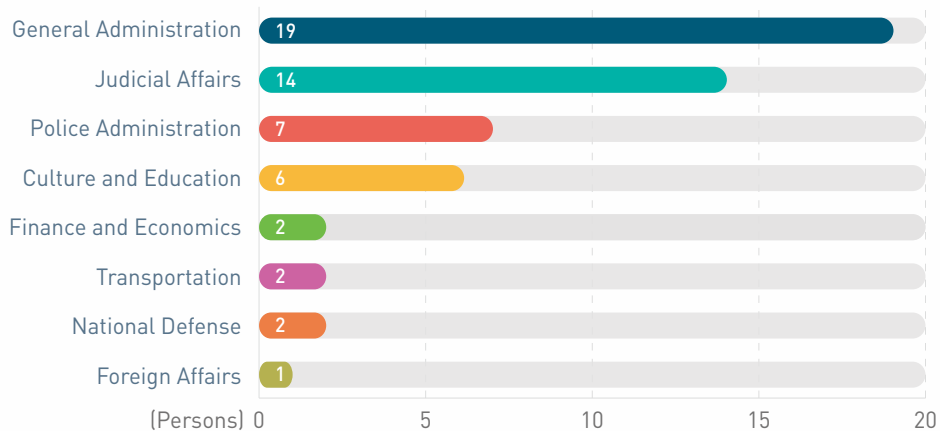
Under the Control Act, public servants in both central and local governments can be impeached if they are found to have violated the law or neglected their duties. The CY has the authority to propose a censure if it finds that a public servant has violated the law or neglected their duties, and immediate penalties or suspension of duties are deemed necessary. Similar to impeachment, the power of censure highlights the importance of holding derelict public servants accountable and imposing appropriate sanctions.

In 2022, the CY passed 27 impeachment cases, resulted in 53 government officials being impeached. These cases have been referred to the Disciplinary Court (under the Judicial Yuan). However, no censure cases were raised in 2022.

Ranks of Officers Impeached in 2022



Occupational Types of Officers Impeached in 2022





Differences between Impeachment and Censure

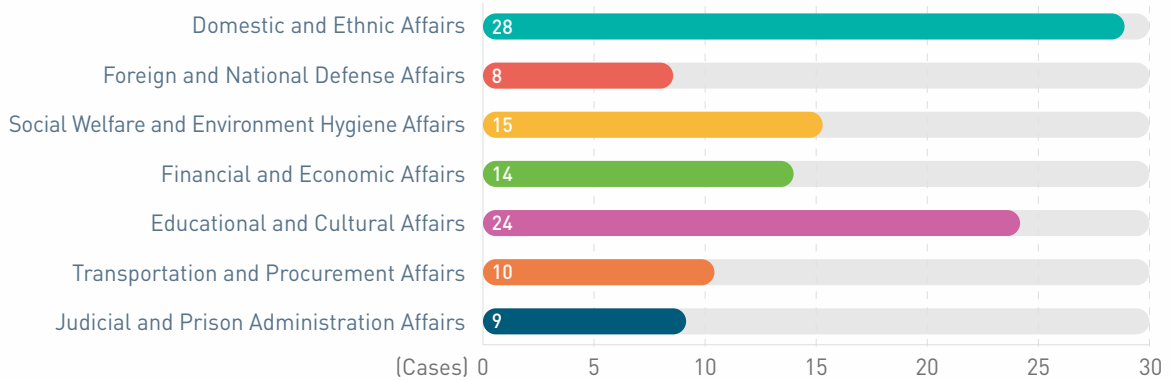
| | Impeachment | Censure |
|-----------------------------------|---|---|
| Who | Public Servant | |
| Why | Violation of law or dereliction of duty | |
| Purpose | The disposition of disciplinary sanction | Suspension of duty or <i>immediate</i> punishment |
| Quorum to Propose | At least 2 CY members | At least 1 CY members |
| Quorum to Examine | At least 9 CY members except the initiators | At least 3 CY members except the initiator(s) |
| Penalty organs referred to | Disciplinary Court under the Judicial Yuan | The supervisor at the higher level |

Corrective Measures

Under Article 24 of the Control Act, the CY shall issue corrective measures to the Executive Yuan (EY) and its subordinate agencies. By investigating the facilities, operations, and performance of these agencies, CY members may identify areas for improvement and issue corrective measures to the EY or related authorities.

In 2022, the CY proposed 108 cases for corrective measures to Executive Yuan and its subordinate agencies. It also sent 154 letters to related government agencies, as a single corrective measure case may involve multiple agencies. Furthermore, 73 cases were concluded and closed after the related agencies made improvements as requested.

Corrective Measures Cases Proposed by Standing Committees in 2022

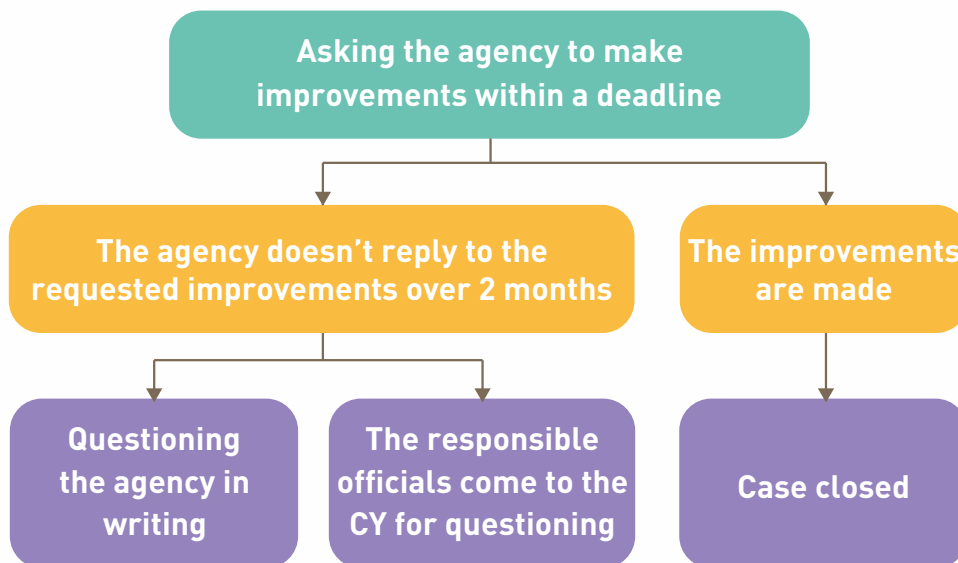


Closed Corrective Measures Cases in 2022 – Actions Taken by Agencies

| Actions | Number of Cases |
|---|-----------------|
| Improvements made | 56 |
| Improvements made and personnel punished or referred to disciplinary organs | 14 |
| Personnel punished or referred to disciplinary organs | 2 |
| Conducting research | 1 |
| Filing for judicial relief | - |
| No grounds for filing an extraordinary appeal found | - |
| No infraction or misconduct found | - |
| Others | - |
| Total | 73 |



Procedure after Proposing Corrective Measures Cases



Circuit Supervision

According to Article 3 of the Control Act, CY members are authorized to conduct circuit supervision and inspection in various regions, focusing on both central and local governments. The CY is comprised of seven standing committees responsible for organizing inspections of central government agencies. For local government inspection, CY members are divided into groups assigned to different municipalities or counties/cities, and each group is required to conduct at least two visits per year. During these visits, CY members are also required to allocate time to receive complaints from the public.

The objectives of circuit supervision are as follows:

1. To learn about the administration plans and budget execution of all government agencies.
2. To ascertain the implementation of government policies.
3. To verify whether public servants have violated the law or neglected their duties.
4. To ensure the improvement of corrective measures cases.
5. To understand the living conditions of the citizens and society.
6. To respond to people's complaints and other related matters.

In 2022, the CY conducted 41 visits at the central level and made approximately 942 recommendations. At the local level of government, the CY conducted 32 visits and made approximately 477 recommendations, while also receiving 199 on-site complaints from the public.



The CY conducts its annual circuit supervision and inspection at the Executive Yuan

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CY members conduct a circuit supervision and inspection at the Institute of Labor, Occupational Safety and Health, Ministry of Labor

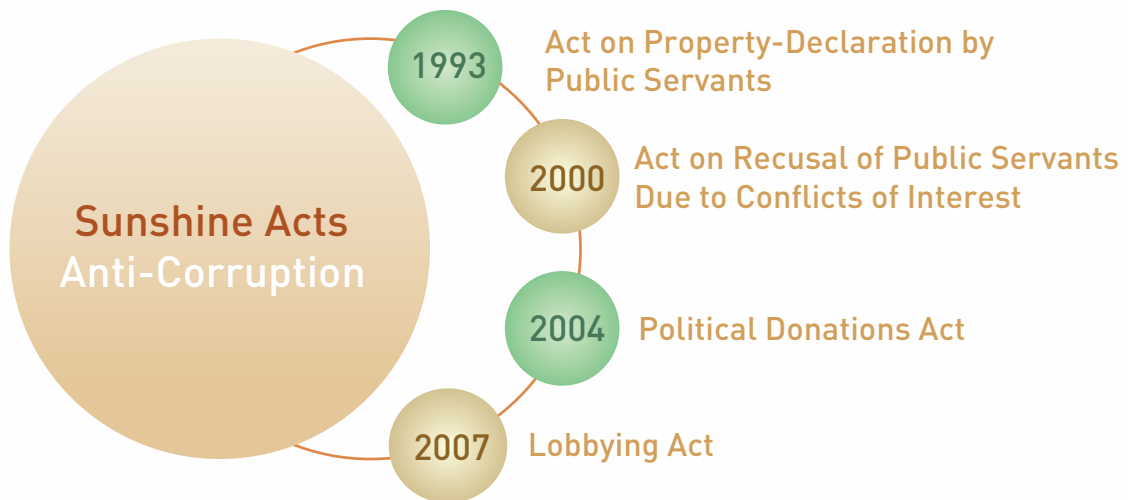


CY members conduct a local circuit supervision and inspection in New Taipei City to assess the implementation of social housing construction

Sunshine Acts

Introduction

To ensure government accountability and integrity, the CY has been tasked with the responsibility of handling anti-corruption measures, such as property declarations by public servants, prevention of conflicts of interest, regulations of political donations and other issues related to government ethics. Since 1993, a series of laws collectively known as **the Sunshine Acts** have been enacted to enforce these measures.



The CY has established the Committee on Anti-Corruption to oversee and manage various issues related to government ethics, such as property declarations by public servants, recusal of public servants due to conflicts



of interest, and political donations. In 2022, the Committee handled a total of 713 anti-corruption cases, which included 434 cases of property declarations, 32 cases of public servants recusing themselves due to conflicts of interest, 165 cases of political donations, and 82 other cases.

The CY is dedicated to the principles of digital transformation and innovative public services. In line with this, a new and improved version of the “Online Property Declaration System for Public Servants” was launched in July 2022. The updated system features an optimized user interface, which provides a user-friendly reporting system for stakeholders, and enhances administrative efficiency.

Since December 2020, the CY has been promoting the Sunshine Acts via video education, utilizing interactive livestreams and fixed-point remote videos. This approach transcends geographical barriers and limitation of time, allowing for greater participations and reinforcing the stakeholders’ understanding of the rule of law. The CY has uploaded four educational workshop videos on its YouTube channel, which introduces the new online property declaration system and has received over 3,330 views by the end of 2022. Additionally, the education video on political donations, which is relevant to the public, has reached 22,901 views on YouTube as of 2022.

Property Declarations by Public Servants

In order to enhance government ethics and ensure the integrity of public servants, senior and high-ranking officers shall declare both domestic and overseas properties within three months of their inauguration and submit regular annual property declarations thereafter.

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.

The ownership of properties held by a public servant's spouse and underage offspring shall be jointly declared. If a public servant fails to declare properties in time or truthfully, the CY shall impose fines and have his or her name published.

In 2022, the CY received 9,920 property declaration cases and reviewed 10,572 cases; investigated 457 cases; proposed 433 investigation reports; imposed fines on 31 cases for noncompliance with the law. To ensure transparency, property-declaration information was published in the government gazette for a total of 13 issues, featuring 1,774 cases.

In addition, to enhance administrative efficiency and facilitate the process of property declaration, public servants are also encouraged to declare their properties through online E-declaration system. In 2022, the system received 8,088 cases.



Who Shall Report Assets to the CY?

- R.O.C. President and Vice President
- Five branches' presidents and vice presidents
- Senior advisors, policy consultants, and strategy consultants of the Office of the President
- Principals of public junior colleges and above, and subsidiary institutions of such schools
- Legislators and councilors
- Politically assigned officials
- Chiefs of governmental agencies at all levels at 12th rank and above
- Chief officers at all levels above the rank of Major General in the military
- Governors at above village (town, city) level elected pursuant to the Public Officials Election and Recall Act
- Judges and prosecutors with the basic salary at 6th level and above

Penalties Imposed on Public Servants for Noncompliance with Property-Declaration Regulations in 2022

| | | Number of Cases | Amount (NT\$1,000) |
|------------------------|----------------------------------|-----------------|--------------------|
| Cases closed and fined | | 31 | 8,290 |
| Cases closed | | 34 | 15,370 |
| Cases not yet closed | Punishment determined | | |
| | -Paid by installment | 8 | 13,395 |
| | -Under administrative execution | 9 | 900 |
| | -Others | 5 | 975 |
| | Punishment pending | | |
| | -Under administrative appeal | 1 | 690 |
| | -Under administrative litigation | 1 | 4,000 |
| | -Others | 13 | 2,890 |
| | Subtotal | 37 | 22,850 |

Conflicts of Interest

The Act on Recusal of Public Servants Due to Conflicts of Interest was created to prevent corruption and the pursuit of unjust interest. The CY is granted to receive recusal case submissions from government agencies. If there is suspicion of violation, the CY has the authority to investigate. Any public servant found to be in violation of the Act shall be fined by the CY. When imposition of fines is confirmed, their names will be posted on the Internet, in government periodicals or in newspapers.

Penalties Imposed for Conflicts of Interest Cases in 2022

| | Number of Cases | Amount (NT\$1,000) | |
|------------------------|----------------------------------|--------------------|----------|
| Cases closed and fined | 24 | 5,455.7 | |
| Cases closed | 23 | 5,325.6 | |
| Cases not yet closed | Punishment determined | | |
| | -Paid by installment | 5 | 10,196.4 |
| | -Under administrative execution | 2 | 2,100 |
| | -Others | 1 | 340 |
| | Punishment pending | | |
| | -Under administrative appeal | 1 | 1,000 |
| | -Under administrative litigation | 3 | 1,473 |
| | -Others | 7 | 1,704.1 |
| | Subtotal | 19 | 16,813.5 |



In 2022, the CY received a total of 1,365 recusal cases that were compiled and reported by various government agencies. The majority of these cases, which is 347 cases (25.42%), were reported by the central government.

The CY handled a total of 45 cases of violations, which comprised 20 cases reported by the public, 10 cases by government ethics units, 1 case through media reports, and 14 corruption cases that were referred from the Ministry of Justice. Among these cases, 19 were investigated by the CY. As a result of these investigations, the CY proposed 33 investigation reports and imposed fines on 24 cases for noncompliance with the Act.

Political Donations

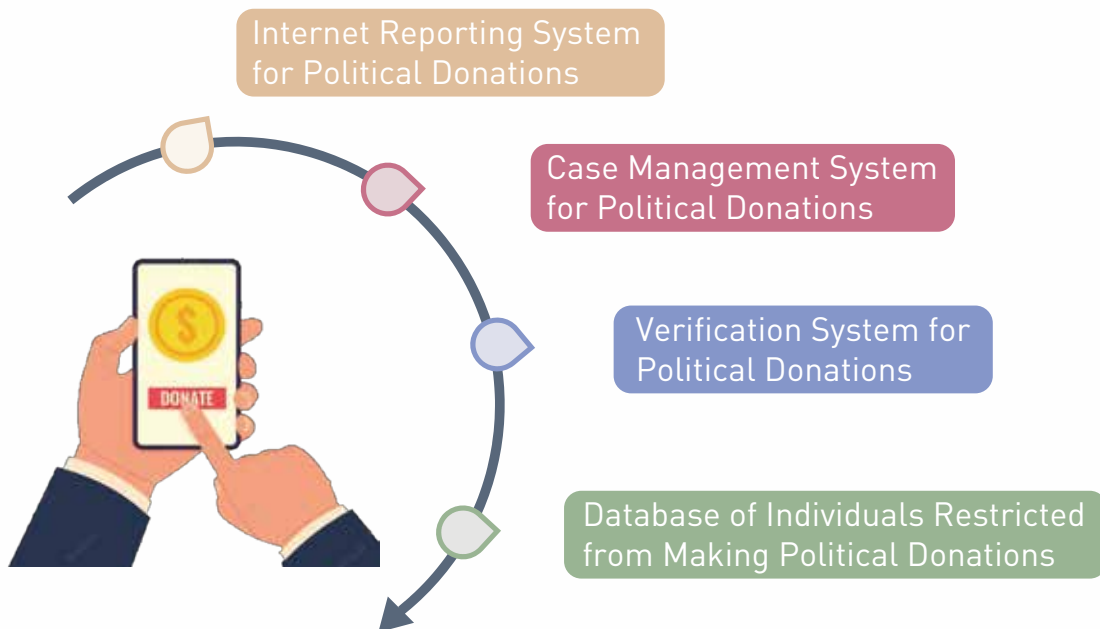
The Political Donations Act was implemented to ensure the integrity of political campaigns and promote democratic process. According to the Act, the CY is responsible for handling political donation disclosure. Political parties, associations and potential candidates must obtain approval from the CY before opening political donation accounts. Those failing to comply with the law may result in fines or prison sentences ranging from one to five years.

For the local government elections in November 2022, about 10,000 public service positions were up for election, including positions such as municipality mayors and local councilors. In the same year, the CY approved 2,311 political donation accounts, of which 2,308 were submitted by potential candidates, and 3 were submitted by political parties. The CY also announced the repeal of 100 personal accounts and 4 political parties' accounts.

The CY received 713 political donation accounting reports; investigated 59 cases; proposed 93 investigation reports; imposed fines on 76 cases for noncompliance with the Act.

In addition, the Act was amended in 2018 to establish an online donation records platform by the CY. The platform enables the public to review the accounting reports (including income and expenditures of political parties, groups and candidates) without visiting the CY in person. The system helps to facilitate public accountability and transparency with respect to political donations, which is in line with the goals of the Sunshine Acts. In 2022, 164 accounting reports were released to the public, resulting in 440,319 queries and 54,050 report downloads.

Open Inquiry Platform for Political Donations





Penalties Imposed for Political Donation Cases in 2022

| | Number of Cases | Amount (NT\$1,000) | |
|------------------------|----------------------------------|--------------------|--------|
| Cases closed and fined | 76 | 17,655 | |
| Cases closed | 86 | 14,735 | |
| Cases not yet closed | Punishment determined | | |
| | -Paid by installment | - | - |
| | -Under administrative execution | 8 | 13,971 |
| | -Others | 24 | 6,768 |
| | Punishment pending | | |
| | -Under administrative appeal | 1 | 50 |
| | -Under administrative litigation | - | - |
| | -Others | 2 | 6,760 |
| | Subtotal | 35 | 27,549 |

Human Rights Works

In order to develop towards a NHRI that fully complies with the “Paris Principles,” the NHRC adheres to the basic principles of “independence,” “specialization,” and “diversity.” In accordance with the “2022 Annual Strategic Plan” passed by its meetings, the NHRC promotes the following **three major goals** and **six strategies**.

Three major goals

1. Refining the regulations relating to the exercise of human rights

functions and powers, continuing to engage in systematic investigation and research, studying proposals related to the prevention of torture and human rights, strengthening functions and powers to advocate for the disadvantaged;

2. Establishing a monitoring mechanism and conducting impartial assessments on the implementation of human rights based on international conventions that demonstrate independence and professionalism; and
3. Strengthening social dialogue and communication, conducting research into human rights issues, continuing to engage in international exchanges, and supporting grassroots human rights education.

The six strategies of the NHRC for 2022 are outlined below:

1. Processing and handling human rights violations
2. Monitoring emerging human rights issues and promoting better protection of human rights
3. Practical implementation of International Human Rights Conventions
4. Strengthening social dialogue and communication
5. Engaging in international exchanges
6. Supporting grassroots human rights education

Processing and Handling Human Rights Violations

Processing human rights complaints; conducting pilot program on National Preventive Mechanism (NPM); continuing to systematically investigate by



studying selected issues; developing proposals for action on human rights issues; strengthening the implementation of human rights functions and powers, and protection of the disadvantaged.

Regarding human rights complaints and petitions, the NHRC has drawn up “Procedures for the Handling of Human Rights Petitions and Appeals” which is currently implementing on a trial basis. The NHRC provides English, Thai and Indonesian translation services and plans to purchase a “sign language video translation system” for the benefit of visually and hearing-impaired, foreigners in Taiwan, and children. As of 31 December 2022, a total of 53 petition cases were accepted.

Since the NHRC is about to become a national preventive mechanism, a trial project has been launched since August 2021 to visit high-risk places prone to human rights violations. In addition, the NHRC proactively conducts systematic visits and researches on two issues: “*Minors who have been sexually assaulted in places such as campuses, shelters, correctional schools, and youth detention centers*” and “*How migrant workers raise their children when working in a foreign country.*”

Monitoring Emerging Human Rights Issues and Promoting Better Protection of Human Rights

Organizing forums and interviews with related groups or stakeholders to collect their input and prepare thematic reports; continuing to study emerging human rights issues in order to propose concrete policies and legislative recommendations that promote human rights.

In April 2022, the NHRC published the first special edition on important

human rights issues, “Road to Human Rights at Sea—Report on the Human Rights of Foreign Fishermen,” and urged the Executive Yuan to speed up the drafting and approval of the “Action Plan for Fisheries and Human Rights.” The NHRC also cooperated with the Human Rights Organization of Foreign Fishermen (OMFR) to organize a series of activities of “Action and Dialogue with Stakeholders on Human Rights Issues of Foreign Fishermen,” including 3 symposiums and in-depth interviews with key reporters.

Since the Constitutional Court Procedure Act came into force on 4 January 2022, the NHRC has been increasingly attending the Constitutional Court in response to the new Act. As a result, an “Action Plan for Participating in the Constitutional Court of the Judicial Yuan” was drafted by the NHRC to establish an operational mechanism. In 2022, the members of the NHRC attended and participated in oral debates for 4 cases and provided written opinions for 1 case at the Constitutional Court. The Commission also made decisions in its meetings not to participate in 2 cases.

Practical Implementation of International Human Rights Conventions

Organizing independent opinions of national reports for human rights conventions and taking part in international reviews; establishing a monitoring mechanism for the human rights of persons with disabilities; demonstrating the independence and professionalism of human rights institutions, and assisting the government with the promotion of human rights.



The NHRC has been actively involved in reviewing the national reports for the six core human rights conventions that have domestic law effect, exercising its statutory power to present independent opinions and taking part in international reviews. It participated in the international review process for Taiwan's third national report on the ICCPR and ICESCR in May 2022, and also took part in the review of the second national report on the CRPD in August of the same year. Moreover, to protect the rights of people with disabilities, the NHRC will establish an independent monitoring mechanism (IMM) for the CRPD and draft reasonable guidelines. In November, the NHRC participated in the review of the second national report on the UNCRC and the fourth national report on the CEDAW. In regard to the ICERD, the NHRC is currently preparing for the independent opinions on the first national report.



An Exchange Meeting between the NHRC and
CEDAW International Review Committee

Strengthening Social Dialogue and Communication

Hosting forums, seminars, and promotional events on different human rights issues with various groups, government agencies, and non-government organizations. Strengthening dialogue and communication with society to cultivate human rights awareness.

List of Events Held by the NHRC in 2022

| Date | Events |
|--|--|
| 20 January, 14 February, 3 & 16 March 2022 | Four digital human rights conferences cooperated with the Digital Financial and Data Protection Association |
| 1 August 2022 | In cooperation with the Council of Indigenous Peoples to organize a series of events for “Indigenous Rights Week,” including forums, films and the publication of a manual on the UN Declaration on the Rights of Indigenous Peoples and the origin of Indigenous People’s Day |
| 25 August 2022 | Environmental Rights and Civic Participation Forum |
| 21 November 2022 | Symposium on “Juvenile Correctional Institution Detention: Legal Status, Reform and Prospects” |
| 23 November 2022 | International Conference on “Pandemic Response and Human Rights Debate in the Digital Age” cooperated with Academia Sinica |
| 7 December 2022 | Forum on Migrant Workers’ Human Rights in Taiwan |
| 9 December 2022 | Webinar on Human Rights Conventions |
| 18 December 2022 | Award Ceremony for Human Rights Poster Competition |



The award ceremony for the first Human Rights Poster Competition

Engaging in International Exchanges

Engaging in international cooperation and establishing a mechanism for transnational exchange for high-level dialogs or exchanges on human rights issues.

In 2022, the NHRC participated in several international conferences, including human rights seminars organized by the Global Cooperation & Training Framework (GCTF), and a high-level dialogue with the APF to learn the experience of NHRIs in the Asia Pacific. Moreover, the NHRC was visited by various individuals and groups, including the representative of the EU in Taiwan, the delegation from the Committee on Human Rights and Humanitarian Aid of the German Bundestag, the president of the Human Rights Foundation Céline Boustani, and human rights activists from Hong Kong, Gambia and Myanmar.

On 3 November 2022, the NHRC signed a joint declaration with the French Office in Taipei to strengthen human rights cooperation. In December of the same year, NHRC Chairperson Chu Chen, along with Members and consultant Chun-Hong Chen, visited the parliaments, officials and local human rights organizations in France and Germany to learn from their experiences in promoting human rights.



The ceremony of signing the joint declaration between the NHRC and French Office in Taipei



NHRC Chairperson Chu Chen has a discussion with French Ambassador for Human Rights Delphine Borione



Supporting Grassroots Human Rights Education

Organizing visual education on human rights, developing related courses and activities, publishing books to boost public awareness and participation in human rights issues, and promoting universal values in human rights.

In order to emphasize local care in human rights education, the NHRC commissioned the Kaohsiung University to design a teaching proposal focusing on the historical sites of injustice (sites where large-scale human violations occurred), and to develop game-style learning materials and an online learning platform. This is to enable students to understand the history of unjust site in Zuoying, Kaoshiung, and to reflect on the importance of human rights, rule of law and transitional justice.

The NHRC also cooperated with the National Institute of Education to develop human rights educational courses, organized human rights workshops for young people with universities, and held the “2022 Hai-kuang Human Rights Forum” with the Yin Hai-kuang Foundation.

In August 2022, the NHRC also held a special human rights photography exhibition on aboriginals, LGBTI and anti-discrimination. From 21 October to 30 November, a film exhibition with the theme of abolishing the death penalty was also held. Additionally, the NHRC organized several screenings and symposiums for human rights documentaries, such as “*Revolution of Our Times*,” “*Unsilenced*,” and “*Untold Herstory*.” Furthermore, the NHRC is actively involved in translating and editing human rights publications to promote human rights consciousness to the society.

Audit

According to the Constitution and the amendments of the Constitution, the power of audit is part of the supervisory powers. The government auditing is exercised independently by the National Audit Office (NAO). The NAO is responsible for auditing the finances of the central government and its subordinate agencies.



Logo of the
National Audit Office

The NAO shall set up audit divisions or offices in different counties and cities for auditing the finances of local governments and their subordinate agencies. Where auditors discover any violation of laws or dereliction of duties committed by personnel of an agency in terms of financial operations, they shall report to the auditing authority and notify the senior officers of the agency to handle the violation. The auditing authority may also report the violation to the CY and request processing in accordance with the law. The table on p.42 shows the number of cases reported by the NAO to the CY in 2022.



NAO Main Complex in
Taipei, Taiwan

The NAO 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. Jui-min Chen.

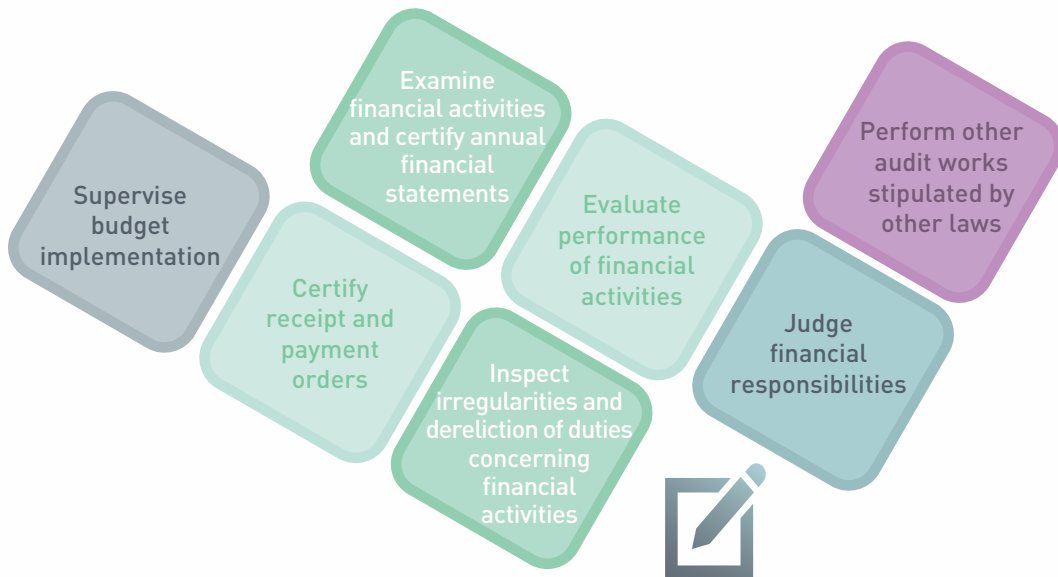
The NAO and its subsidiaries conduct various audit work to perform audit functions. When



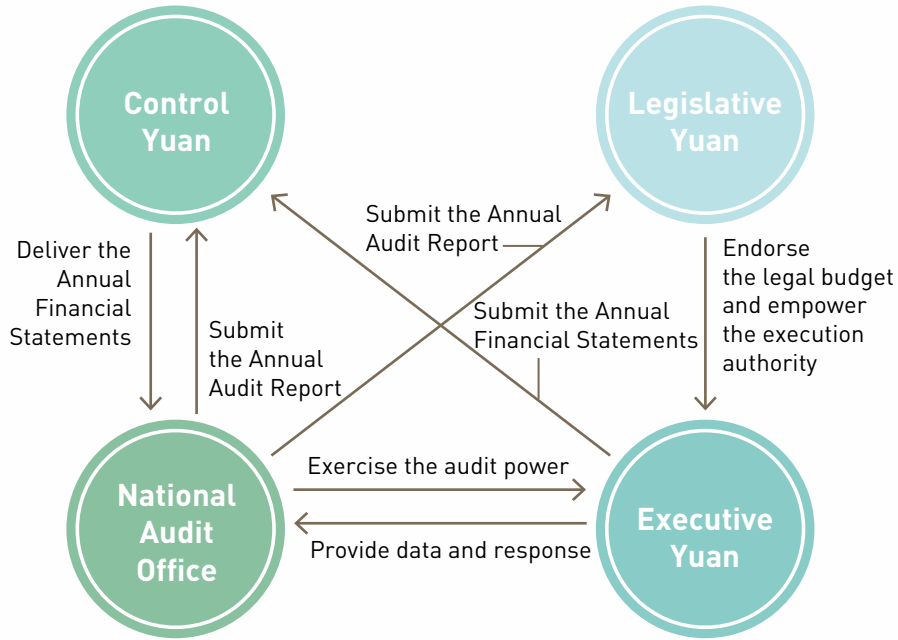
auditors discover that government agencies or their staff conceal, refuse, postpone, act improperly, violate laws, discard their duties or lack performances, audit agencies should report those conditions to the CY for handling in accordance with the Audit Act or synthesize relevant information for the CY to exercise the supervisory power.

In 2022, 163 cases of dereliction of duties or poor performance were reported by the NAO to the CY for review. In addition, 38 NAO cases were provided for the CY to exercise the power of supervision.

Duties and Functions of Audit Power



Government Accountability System



Source: NAO 2021 Annual Report, p.14

Cases Reported by the NAO and Handled by the CY in 2022

| Total | Disposition | | | | |
|-------|--------------|--|-------------------------|----------------------|--------|
| | Investigated | Forwarded to other agencies to investigate | Merged with other cases | For future reference | Others |
| 163 | 7 | 7 | 15 | 133 | 1 |

*Unit: Number of Cases

Reviewing the Audit Report on the Central Government Final Financial Report by the CY in 2022

| Total | CY opinion or handling | | | |
|-------|------------------------|--|-------|--------|
| | Investigated | Forwarded to other organs to investigate | Filed | Others |
| 668 | 26 | 48 | 212 | 382 |

*Unit: Number of Cases



Reviewing the Audit Report on the Local Government Final Financial Report by the CY in 2022

| Total | CY opinion or handling | | | |
|-------|------------------------|--|-------|--------|
| | Investigated | Forwarded to other organs to investigate | Filed | Others |
| 1,717 | 7 | 37 | 1,631 | 42 |

*Unit: Number of Cases

International Affairs

Under the trend of globalization, international exchanges have become more and more important. The CY spares no effort to engage in international affairs. The CY has joined the International Ombudsman Institute (IOI) since 1994 as a voting member. Our membership belongs to the Australasia and Pacific Ombudsman Region (APOR). The CY has participated in the Iberoamerican Ombudsman Federation (FIO) as an observer since 1999, and has continued to establish a good relationship with Spanish and Portuguese-speaking ombudsman institutions. In late 2022, with the easing of the pandemic and the opening of international borders, CY members were able to take part in ombuds-related events and receive international guests in person. The following are our selected accomplishments in 2022.

Attending the 34th APOR Conference

On 13-14 October 2022, CY President Chu Chen, together with the members of the International Affairs Committee (IAC) Wen-cheng Lin, Mei-yu Wang and Sun-lu Fan, attended the 34th APOR annual conference in Wellington, New Zealand. The theme of the conference was “Remaining

Relevant and Getting Government to Listen.” During the event, the CY delegation engaged in the exchanges with APOR members to discuss regional important ombudsman and human rights-related issues.

President Chen was invited to present at the session “Influencing an integrity and human rights agenda,” discussing influencing government while remaining above the political fray. In her speech, President Chen stated that since the 6th-term CY members took office, they have strived to promote transparency, investigate cases of judicial collective corruption, and focus more on human rights violations and transitional justice, including human rights abuses during COVID-19 and the rights of international migrant workers. Through investigating, publishing special reports, and arranging several symposiums, the CY has continued to play its role in promoting government integrity and protecting human rights.

At the APOR members’ meeting, the Convenor of the IAC Wen-cheng Lin shared the CY’s performance and presented their work on the protection and promotion of human rights over the past two years.



Group photo at the 34th APOR Conference, President Chen in front row, first right



Attending the 26th FIO Conference

Member Chen-chang Lai represented the CY at the 26th FIO Conference held in Mexico City from 29 November to 1 December 2022, which focused on the theme of “Human Rights Institutions and Protecting the Rights of Vulnerable Groups: from the Perspective of Vulnerability to Priority Concern.” At the conference, Lai shared the annual performance and achievements of the CY, and introduced the newly established NHRC.

To maximize the effectiveness of the visit and exercise of supervisory rights, the delegation also met with three Mexican congressmen of the Human Right Commission of the Congress of Mexico City. Moreover, Lai made an inspection to the Taipei Economic and Cultural Office for a general overview of the current situation regarding Taiwan’s foreign relations, trade, overseas compatriots, culture, and other related work in Mexico.



Group photo at the 26th FIO Conference, CY member Lai in front row, first right

Receiving International Guests

In order to promote a better understanding of Taiwan's supervisory system for international ombudsmen, the CY has invited or hosted foreign guests over years to enhance friendship, improve good communication, and share experiences on the exercise of supervisory power.

In 2022, the CY had the pleasure of welcoming several distinguished foreign guests, including Saint Lucia Ambassador Robert Kennedy Lewis, a French Senate delegation led by Vice President of the European Affairs Committee Cyril Pellevat, Director of the New Zealand Commerce and Industry Office Mark Pearson, a delegation of Caribbean and Central American diplomatic officers, and a delegation of Argentine congresspersons.



Saint Lucia Ambassador Robert Kennedy Lewis (3rd left) visits the CY on 15 June 2022



A French Senate delegation visits the CY on 8 September 2022



Publications and Newsletters

To promote public awareness and understanding of ombudsmanship, as well as to showcase the CY's functions, powers and accomplishments to the international community, the CY has actively published newsletters and other publications in English and Spanish.

The CY releases its newsletter biannually in January and July, and has published five issues since January 2021. Additionally, the English and Spanish versions of annual reports are published every June, highlighting its organizations, performance and selected investigation cases from the year. These publications cover various topics, including the exercise of our powers, human right engagements and international affairs.



A press conference held to launch the English edition of the 90th Anniversary Special Issue on 9 August 2022

In August 2022, the CY published the English edition of its 90th Anniversary Special Issue. This publication provides valuable information for foreigners to understand our supervisory system and to learn about Taiwan’s human rights and ombudsmanship trends.

The CY actively shares its latest news, activities and significant investigation cases with the IOI Newsletter and APOR E-news, which are published weekly and biannually respectively. In 2022, the CY’s contributions to the IOI Newsletter (issued in English, French, and Spanish) include topics such as the NHRC’s independent opinions on the Second National Report on the CRC, and CY’s effort to improve traffic safety for children and to focus on vocational trainings for people with disabilities. The APOR E-news serves as an information exchange platform for APOR members and the CY provided updates on its efforts to enhance accessibility through videoconference petitions and appointments, as well as its “Paint for Human Rights” poster design competition.



CY news is featured in the APOR E-News

Part 4

Case Summaries:

Bringing our Powers to Bear



Case Summaries: Bringing our Powers to Bear

Disciplinary Correction of Government Officials

Case 1: May 2021 Forest Fire in Yushan National Park: CY Impeaches Officials Found to Have Violated Law

On 16 May 2021, a forest fire broke out in Dujyuan Campground in Yushan National Park, lasting for 12 days and covered nearly 80 hectares. The origin was traced back to Mr. Chiao, a former official with the National Communications Commission, who led a group up the mountains on 15 May that year and let the group members cut down and collect firewood for an illegal campfire.

On 14 March 2022, the CY impeached Mr. Chiao and transferred his case to the Disciplinary Court for trial. Another investigation in this case found that Lawyer A was suspected of concealing the facts about the making of the fire to avoid criminal responsibility. After appraisal, he was found to have cut down branches to make a fire and was prosecuted, seriously harming the public image of lawyers. Employee B of the Financial Supervisory Commission was found to have deleted the messages and photos from their mobile phone and provided a backup mobile phone without any such information to seizure, violating the obligation of civil servants to act with honesty and incorruptibility. Moreover, the Forestry Bureau of the Council of Agriculture had spent over three months on a claim of false detention by Mr. Chiao et al., with all found in violation and urged to improve.



The CY also asked the Ministry of Justice to investigate whether Lawyer A involved in the case had been transferred for discipline, and asked the Forestry Bureau to review the relevant procedures for false seizure claims. After follow-up, Lawyer A was transferred to the Committee on the Discipline of Lawyers on 21 September 2022. The false seizure and salary deduction of the Employee B of the Financial Supervisory Commission was completed on 8 August 2022. As for the part of false seizure that amounted to more than NT\$19 million, the Council of Agriculture of the Executive Yuan will value the property at market price for compulsory enforcement, and if the value is insufficient, other enforcement measures will be pursued according to law.

Case 2: Investigation Bureau Drug Theft Case: CY Proposes Correction and Impeachment of All Relevant Personnel

The Maritime Affairs Field Division, Keelung City Field Office (hereafter referred to as the Keelung Office), under the Ministry of Justice Investigation Bureau, investigated a package of hidden drugs being shipped via airmail package. This was reported to the Taoyuan District Prosecutor's Office for investigation, but the drugs sent for inspection were lost for unknown reasons. After investigation, it was found that former Keelung Office head Xu had stolen and transferred drugs for sale by gang members eight times since 2012, resulting in illegal profits of more than NT\$168.08 million, causing harm to the physical and mental health of the Taiwanese people, and damaging the public image of the Ministry of Justice Investigation Bureau.

Part 4

Case Summaries: Bringing our Powers to Bear

The CY's investigation found that: The Keelung Office had long failed to store seized property according to regulations and failed to properly control case progress. The Ministry of Justice Investigation Bureau and the Maritime Affairs Field Division also failed to provide adequate oversight. The investigation report was examined by CY members, and corrective actions against the Ministry of Justice Investigation Bureau were approved. In addition, in view of the failure of the supervisor of Keelung Office to implement regulations and supervision, which led to lax drug seizure management with no records kept, on 1 November 2022, the CY passed impeachment against 10 people, including former Keelung Office supervisor Zhao, transferring the case to the Disciplinary Court for trial.

The Ministry of Justice Investigation Bureau has amended its regulations on the storage and destruction of seized drugs, and set up a special warehouse for the storage of seizures in each field office, which are managed by a dedicated staff to strengthen control of access to the warehouses. In addition, the field office supervisors and resident inspectors form inspection teams to conduct regular and ad hoc checks of the custody of seized objects, and regularly check the progress of cases and the status of the relevant evidence. The CY also required the relevant authorities to implement audits according to the revised regulations.

Safeguarding and Caring for the Rights of the Disadvantaged

Case 3: Increasing Youth Traffic Casualty Rates: CY Urges Executive Yuan to Build Safe Traffic Environment for Children

Taiwan saw its first year of negative population growth in 2020. However,



that same year, the number of traffic casualties involving children and young people increased rather than decreasing, having grown year by year since 2017 to reach 27,000 in 2020. In view of the seriousness of this and the resulting loss of population of children and young people, why does Taiwan's traffic environment continue to threaten their lives?

The CY filed a case for investigation. After on-site investigations of accident sites around Taiwan, exchanges of opinions with representatives for children and young people, and analysis of historical data, an investigation report was put forward pointing out that traffic accidents have long been the leading cause of injury and death among children and adolescents in our country. The problem of casualties among young people whether on foot, on bicycles, or driving without licenses is a serious one. Mechanisms in place to prevent such casualties are insufficient, and that routes to schools at all levels are lacking, leading to children and young people being unable to grow up with peace of mind. Relevant opinions urged the Executive Yuan to supervise the Ministries of Transportation and Communications, Health and Welfare, Education, and the Interior in confronting this issue, reminding them to refer to the Convention on the Rights of the Child and regard children as the main subject of policies, implementing the concept of people-centric traffic.

After monitoring and managing this case, the Executive Yuan approved the "*Road Improvement Plan for Campus Surrounds and Safe Routes,*" filed by the Ministry of the Interior at the end of 2022, which will be subsidized by the central government to the value of NT\$5 billion. County and city governments will cooperate, raising their own funding to improve accident-prone intersections, roads around school campuses, and safe

Part 4

Case Summaries:

Bringing our Powers to Bear

routes to schools in 2022 and 2023 so as offer safe ways for children to get to school. There are still other laws and implementation plans in this case which are under review, and the CY will continue to follow up and urge the Executive Yuan and related ministries to work on building a friendly traffic environment for children and young people.

Case 4: Post-Morakot Permanent Housing Review Results in CY Urging Responsible Authorities to Review and Improve

In 2009, Typhoon Morakot devastated Taiwan, leaving 24,950 people unhoused. In the aftermath, the people of Taiwan pulled together to quickly build some 3,583 permanent homes for victims of the typhoon. However, after more than ten years, an indigenous painter immolated himself in protest, accusing the permanent housing of serious issues.

To identify the overall problem, CY members Yeh Ta-hua, Chi Hui-jung, Upay Radiw Kanasaw, and Pu Chung-cheng visited to 19 permanent houses and 6 indigenous settlements. In-depth interviews with relevant personnel resulted in the suggestions such as speeding up the adjustment of the tripartite permanent housing contracts, incorporating local perspectives into indigenous settlement safety surveys, confronting the quality management of permanent housing, establishing a development mechanism for the permanent housing communities, studying a special regulation for post-disaster reconstruction for indigenous peoples, and protecting land rights.

The investigation report was examined and approved by CY members, who urged the Executive Yuan to work with its subordinates to review and improve. The responsible authority reviewed the improvements as follows: (1) conducting project research into particularly unsatisfactory



housing conditions in permanent housing estates; (2) subsidizing up to NT\$100,000 of repairs for each household in the permanent housing, totaling NT\$15,465,602; (3) conducting new safety surveys of original dwelling places and providing references for homecoming evaluations; (4) amending the permanent housing contract model, removing unreasonable provisions, and starting the process of contract replacement; (5) amending Article 52 of the Disaster Prevention and Protection Act, with permanent housing listed as not subject to compulsory enforcement; (6) invest NT\$90 million into improving the public facilities and soil and water conservation of permanent housing estates.

The CY will continue to follow up with the responsible authorities to



CY members visits Morakot permanent house to conduct investigation

Part 4

Case Summaries:

Bringing our Powers to Bear

review and improve the situation, and urge the government to implement the right to adequate housing and the right to self-determination of indigenous peoples to ensure that the people of Taiwan can live in peace.

Enhancing the Value of Human Rights

Case 5: Petitioner Having Probation Revoked by Court: CY Urges for Appeal to Defend People's Rights and Promote Judicial Justice

Petitioner Mr. Kuo was prosecuted by the Taipei District Prosecutor's Office for two crimes and was tried by two separate judges at the Taipei District Court. The trial judges of both cases pronounced sentences on the same day, with both suspended. The public prosecutor did not appeal, and the judgments of the two cases were confirmed on the same day. However, after these confirmations, the prosecutor requested the revocation of probation for both cases, and both were revoked and confirmed by the Taipei District Court, which led to Mr. Kuo's probation lapsing and his being imminently sent to prison.

According to the CY's investigation, Article 75-1 of the Criminal Code of the Republic of China adopts the doctrine of discretionary revocation, and the judge should properly consider all relevant factors to assess whether the probation originally declared has failed to achieve its expected effect and it is necessary to execute punishment. This is different from the situation in which a suspended sentence should be revoked if one of the two elements specified in Article 75, Paragraph 1 of the Criminal Code is present. Since the investigation of his case, the petitioner has not committed another crime, and as such there is no recidivism, and it is difficult to determine if there is no repentance, nor can it be recognized that the probation declared in the



judgment of this case has failed to achieve the expected effect, resulting in the necessity of executing the sentence.

Accordingly, the CY clearly pointed out in the investigation report that the original decision to revoke the probation not only seriously damaged the petitioner's rights, but also that there are reasons for filing an extraordinary appeal for violation of the law. The Ministry of Justice was requested by letter to transfer the case to the Prosecutor-General of the Supreme Prosecutors Office to examine and file an extraordinary appeal. After this, the CY also sent an investigation opinion letter to the Supreme Court for reference. Finally, the Supreme Court revoked and altered the judgment, so that the validity of the petitioner's original probation was restored.

Case 6: Insufficient Protection of Rights and Legal System for Adjunct Teachers in Higher Education Institutions: CY Urges Government to Amend Regulations

The number of adjunct teachers in colleges and universities grew from 27,111 in the 2001 academic year to 42,360 in 2020 year, an increase of 56%. They are suspected to be the main force of on-site teaching, but their rights are frequently infringed.

According to a survey conducted by the CY, the proportion of adjunct teachers in higher education institutions from 2018 to 2020 was 47.23%, 47.71%, and 48.04% by year. In more than half of private schools, the number was over 50%, and in some private schools, it was as high as 80%. However, the competent authorities do not actively check the reasonability of this situation, resulting in quantitative imbalances. Furthermore, adjunct teachers lack substantial protection under the Labor Standards Act and

Part 4

Case Summaries:

Bringing our Powers to Bear

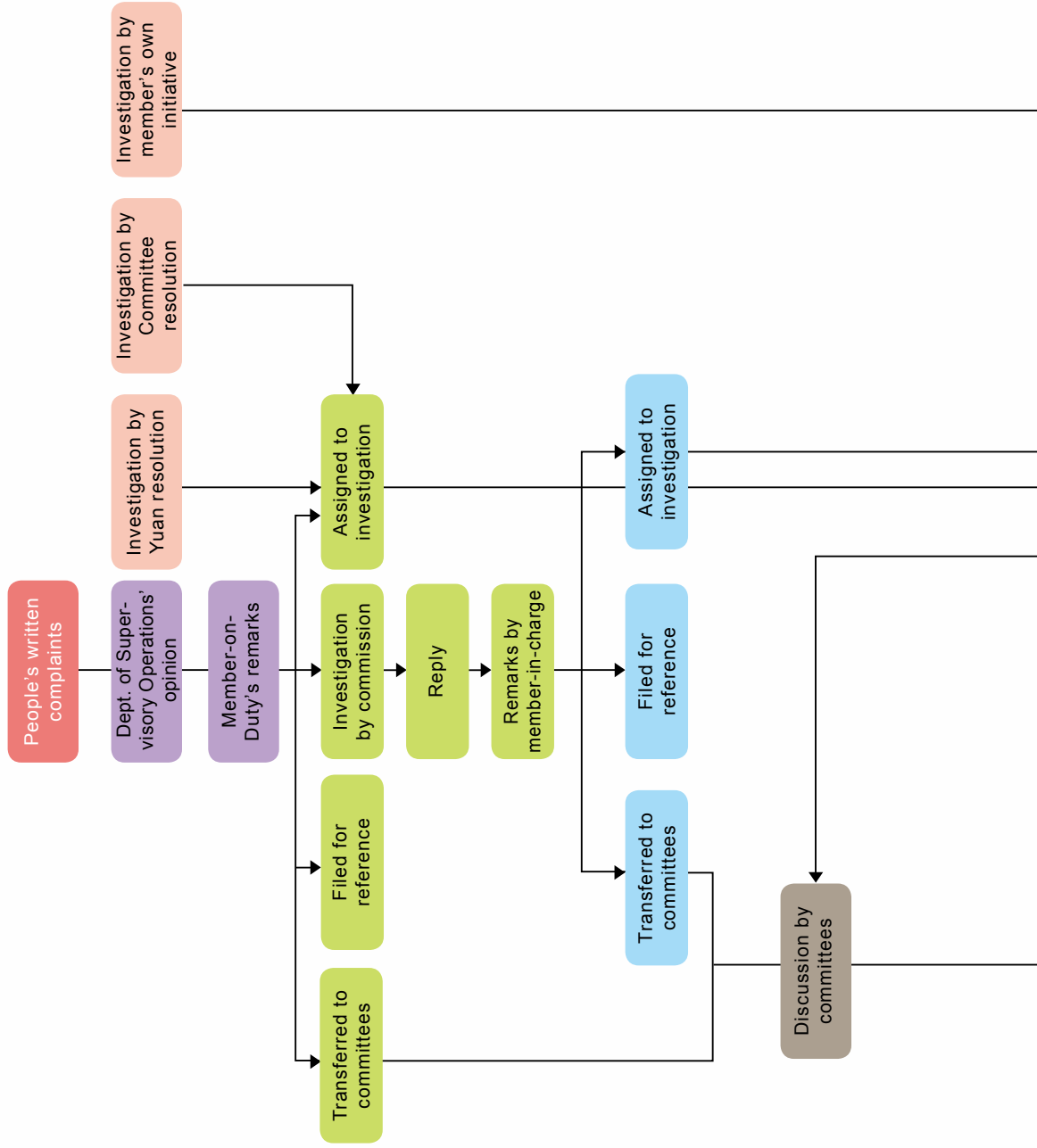
the Teachers' Act, and are regarded as "neither labors nor teachers." Some private school principals have not adjusted their hourly pay for nearly 28 years, which seriously harms the rights of both teachers and students. The corrective case has been examined and approved by CY Committees. The Ministry of Education has been found major violations and is urged to amend relevant norms and conduct regular inspections to safeguard the rights of teachers and students.

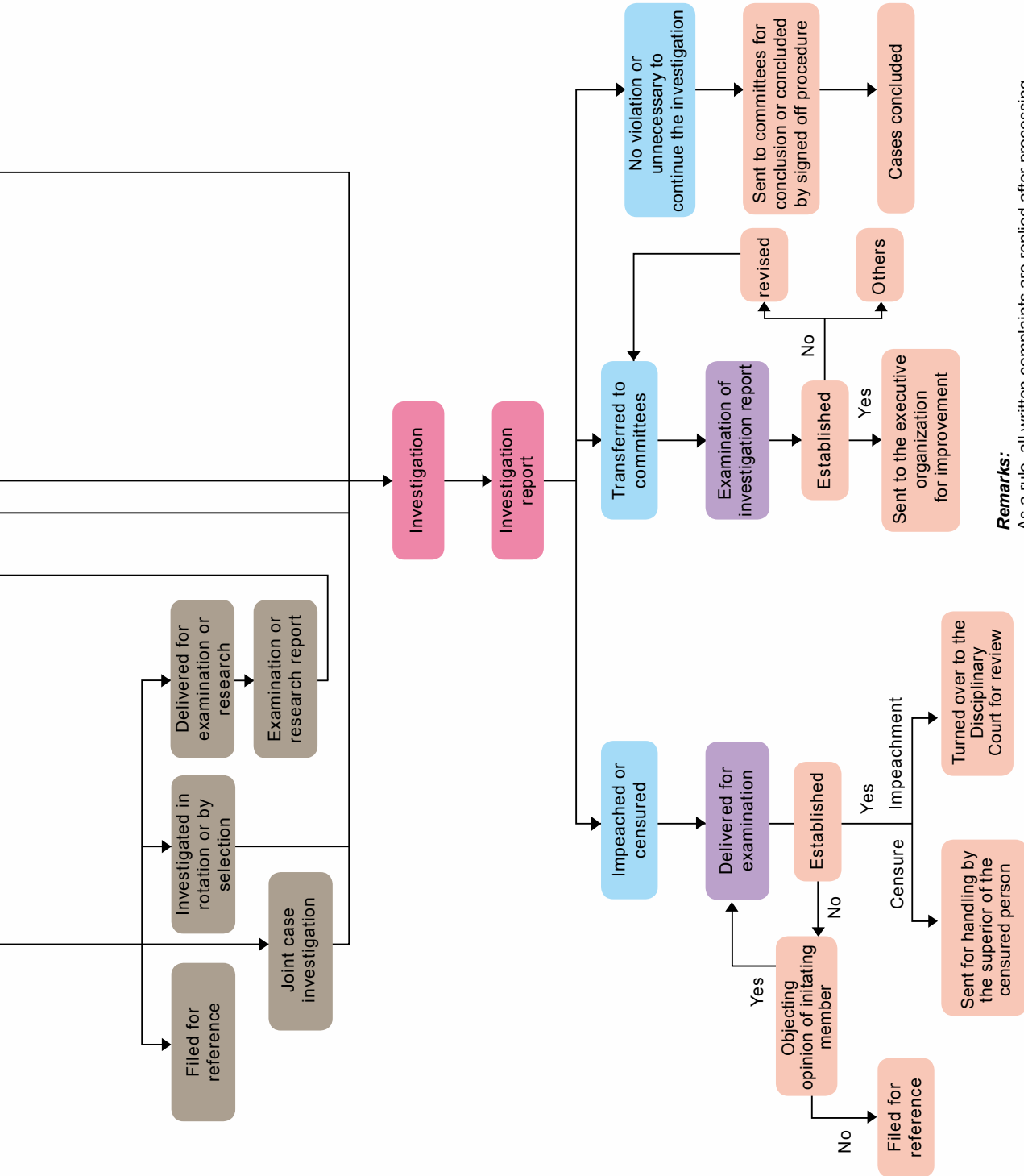
The CY urged the amendment of the Regulations Governing Employment of Teachers at Junior Colleges and Institutions of Higher Education (26 January 2022), and adding qualification examinations and related measures for part-time teachers. If it is recognized that this is illegal or improperly damages their rights and interests, they may appeal through the Teachers' Act. Additionally, the CY urged the amendment of the Regulations Governing Accreditation of Teacher Qualifications at Junior Colleges and Institutions of Higher Education for Examination and Approval of Teachers' Qualifications in Junior Colleges and Above (17 August 2022), encouraging schools to examine and approve their qualifications. In addition, to encourage pay increases (hourly wages), the competent authority has adjusted some of the difference between incentives and subsidies. In addition, in order to avoid the hiring of adjunct teachers in place of teaching, the competent authorities regularly check about 25% of adjunct teachers who do not have full-time jobs and classes taught, incorporating this into teaching quality review evidence. The CY will continue to monitor and track this case, in order to safeguard students' right to education and teachers' important rights.

Appendix

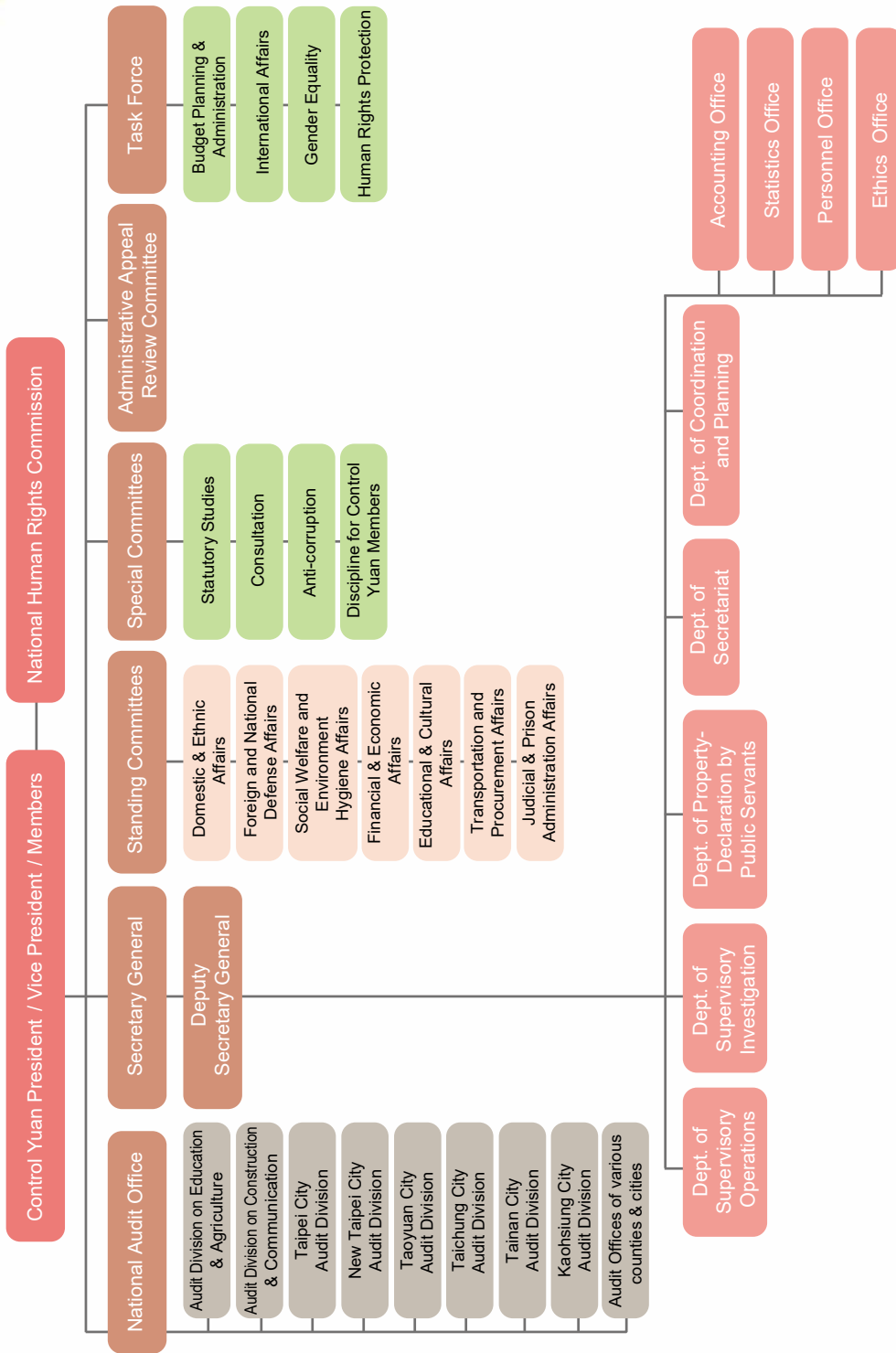


Flow Sheet of Exercising Control Powers





Organization Chart of the Control Yuan





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| Fax: 886-2-2356-8588

| www.cy.gov.tw

| Email: iac@cy.gov.tw

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