



# **A Brief Report on the Work of the Control Yuan**

January-December, 2003

**The Control Yuan, Taiwan, Republic of China**



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## Preface

In recent years, our country has made significant progress in both economic development and political democracy. However, we are also facing challenges in the vastly changed political, economic and social environment. With growing awareness of the rights and interests among the public, clean and competent administration has been expected ardently from all walks of life.

The Control Yuan is the nation's highest supervisory authority and is mandated by the Constitution with broad jurisdictions to oversee the government both at central and local levels. Taking office since February 1, 1999, Members of the third Control Yuan have faithfully exercised their powers independently and impartially. They receive and handle people's complaints, investigate the malfeasance and dereliction of duty in

government agencies, propose corrective measures and impeach public servants who break the law, for the purpose of protecting the rights and interests of the people, making social justice prevail and promoting a clean and competent government.

The brief report is an annual summary of the work of the Control Yuan in the year of 2003. An outline of the organization is introduced to help readers to get a general idea about the administrative structures of the Control Yuan. The second chapter reviews the performance of control powers of the year, including acceptance of people's petitions, investigation, impeachment, corrective measures, circuit supervision and inspection, invigilation, acceptance of public functionaries' assets disclosure, audit, human rights protection and international interactions. Statistics on the exercise of control powers is also tabulated for the readers' reference at the end of the report.

Looking back at the year of 2003, the Control Yuan has received 17,734 complaint cases, investigated 585 cases, proposed corrective measures to 154 cases, approved 3 censure cases against 4 public functionaries, and impeached 71 officials involved in 24 cases. We also conducted in-depth researches and investigations to find out the crux of the problem so as to encourage genuine reforms in the executive agencies.

On this solid basis, the Control Yuan will exert its utmost to address people's complaints fast and cautiously, to strengthen professional knowledge and skills of investigation, and to raise the function of circuit supervision and inspections, making sure that the people's grievances are properly redressed. Moreover, to better the government service, we will also

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

It is our primary endeavor to protect the basic rights and interests of the public. By sharing the same value with our international counterparts, the Control Yuan will continuously promote communications, exchanges and cooperation with international ombudsman organizations. Thereby, I believe, the ombudsman system will be further fulfilled through our joint efforts.

A handwritten signature in black ink, appearing to read "Fredrick F. Chien". The signature is fluid and cursive, with a long horizontal stroke at the end.

Fredrick F. Chien

President



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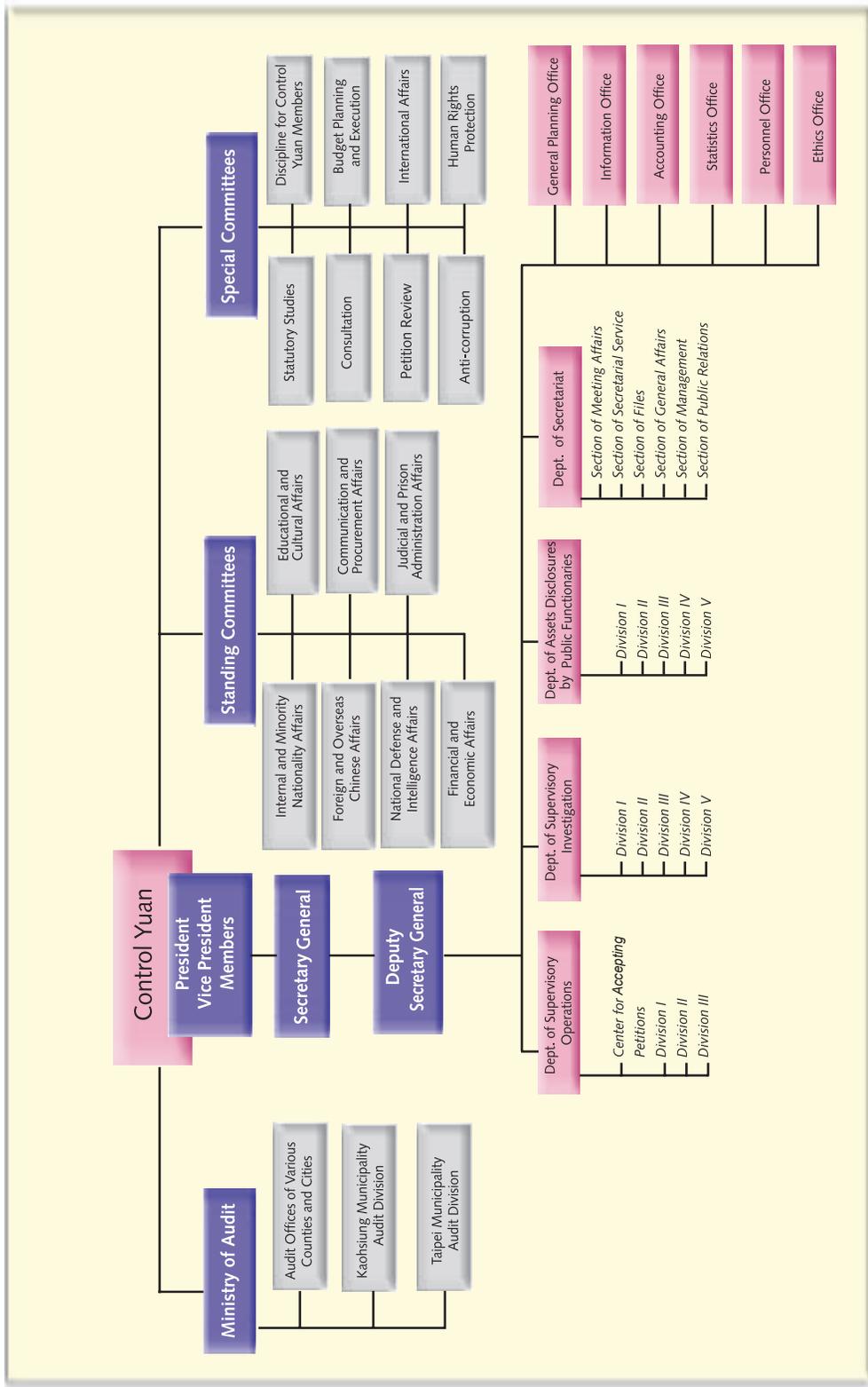
## **A Brief Report on the Work of the Control Yuan Republic of China January-December, 2003**

### **I. Outline of Organization**

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

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

# Chart of administrative system





## II. Functions and Powers

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

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

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

### **A. Acceptance of people's petitions**

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



A Control Yuan member on duty receives people's complaints in person.

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

In 2003, the Control Yuan received a total of 17,734 petitions from the people, including 34.71% in the category of internal affairs (covering land administration, construction administration, urban planning, public works, police administration, and so on), 22.57% in the judicial category, 8.85% about economic affairs, and 6.94% regarding education. In the category of internal affairs, the mainstay of the petitions was about construction administration, accounting for 8.80% of the total. Following is the



classification of petitions received by the Control Yuan from February 1999 to December 2003.

### Classification of Petitions Received by the Control Yuan

Unit: case

Item	Total	1999 Feb.-Dec.	2000	2001	2002	2003
Land Administration	7,518	1,725	1,577	1,436	1,321	1,459
Construction Administration	7,651	1,669	1,617	1,410	1,394	1,561
Urban Planning	1,673	416	331	245	244	437
Public Construction	1,512	280	295	283	273	381
Police Administration	4,170	767	875	843	788	897
Other Internal Affairs	7,311	1,058	1,238	1,781	1,814	1,420
Foreign Affairs	223	59	27	45	55	37
National Defense	4,679	1,041	986	968	901	783
Finance	4,554	844	836	961	989	924
Economics	7,295	1,354	1,366	1,441	1,564	1,570
Education	6,086	1,005	1,144	1,285	1,421	1,231
Transportation	3,388	720	695	731	580	662
Judicial Affairs	18,696	3,467	3,506	3,712	4,008	4,003
Others	9,088	1,453	1,384	1,529	2,345	2,369
<b>Total</b>	<b>83,836</b>	<b>15,858</b>	<b>15,877</b>	<b>16,670</b>	<b>17,697</b>	<b>17,734</b>

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



A Control Yuan member on duty receives people's complaints in person.

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

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

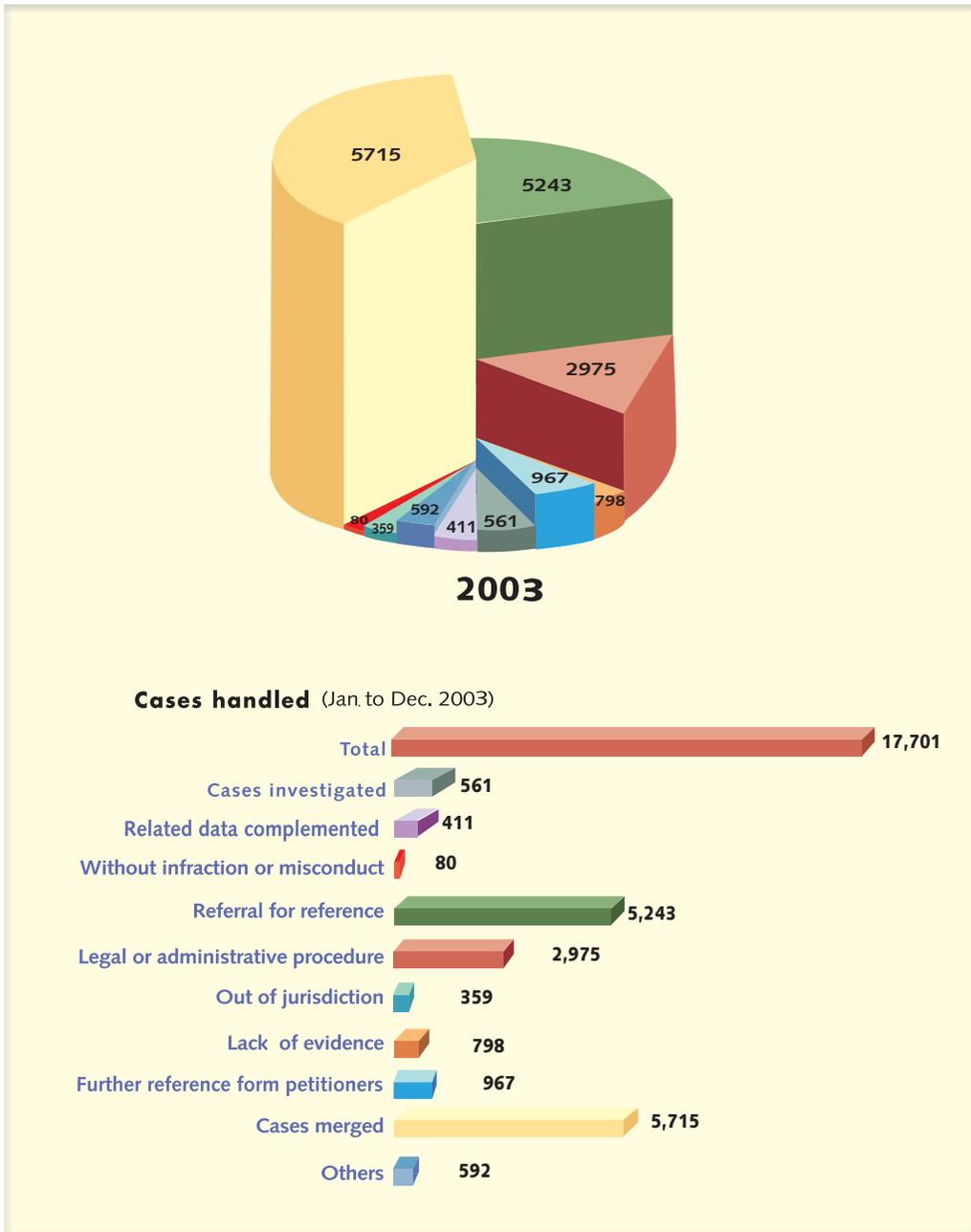
In 2003, the Control Yuan handled 17,701 petitions. Of these processed cases, 561, or 3.17%, were investigated; 411 or 2.32% were complemented related data by the investigated organization; 80, or 0.45%, were detected without infraction or misconduct; 5,243, or 29.62%, were referred to administrative organizations for reference; 2,975, or 16.81%, were concerned with legal or administrative redress procedure; 359, or 2.03% were out of jurisdiction; 967 or 5.46% were requested for further reference; 798, or 4.51% were lack of substantial evidence to process;



5,715, or 32.29%, were merged with other cases; and the remaining 592, or 3.34%, were processed in other ways. The cases handled in 2003 are formulated below.

**Statistics on Handling People's Petitions**

Unit: case



## B. Investigation

Articles 95 and 96 of the Constitution provide the Control Yuan with the power of investigation, which is the linchpin of the powers of control. By investigation, the Control Yuan can grasp the facts



To investigate the immigration policy case, a Control Yuan member visits an immigrant spouse to realize her life in Taiwan.

and the evidence of violations of the law or the misconduct by public functionaries and government agencies. The results of investigation will form the basis of impeachment, censure and corrective measures. The Control Yuan exercises its power of investigation in one of the following three ways: assigning a member or members to make the investigation, letting its members to investigate on their own initiative, or commissioning

an organization to do it. If a violation of the law or misconduct is established, the original investigating member or other members shall initiate a proposal



Control Yuan members exchange ideas with presidents of courts, presidents of law courts and judges in a discussion meeting for investigating the case "Judge Competence in Taiwan Changhua District Court."



for impeachment or censure. If the case is not too serious, a committee may decide to let the related organization punish the violator directly. If the

Control Yuan finds the Executive Yuan or one of its subordinate organs has done something wrong or any of its measures runs counter to the law, it may propose corrective measures to



On arriving at Kaohsiung, members of the Control Yuan investigate the construction of the Taiwan Sugar Corporation.

urge the related organization to correct itself. Following is a tabulation of the cases investigated by the Control Yuan between February 1999 and December 2003.

## Statistics on Cases Investigated by the Control Yuan

Unit : case

Item	Total	1999 Feb.-Dec.	2000	2001	2002	2003
Number of cases	3,063	732	674	514	558	585
Mode of investigation (cases)						
Assigned by Yuan	1,285	329	239	215	235	267
Assigned by Committee	408	92	84	78	72	82
Initiated by member(s)	1,370	311	351	221	251	236
By commissioning other agencies	-	-	-	-	-	-
Targets of investigation (cases)						
Central Government agencies	2,663	337	321	504	599	902
Taiwan Provincial Government	51	31	10	1	5	4
Taipei City Government	228	38	51	46	45	48
Kaohsiung City Government	76	13	13	12	13	25
County/city governments	905	191	185	154	138	237
Courts at all levels	368	122	94	59	39	54
Others	20	-	-	13	6	1
Number of times the Control Yuan members make investigations	5,665	1,291	1,210	962	1,081	1,121



### C. Impeachment

Impeachment is a vital power of the Control Yuan for ensuring an honest government and rectifying government ethics.



A meeting of reviewing impeachment cases is held in the Control Yuan.

Both the

Additional Articles of the Constitution and the Control Law empower the Control Yuan to impeach central and local government officials involved in dereliction of duty or other violations of the law. A case of impeachment can be forwarded to the disciplinary agency only after it is proposed by at least two members, reviewed by more than nine other members and approved by at least a half of them. If the case involves criminal law or military law, it shall be referred to the competent judicial or military organization for action according to the law. In 2003, the Control Yuan has passed 24 cases of impeachment against 71 persons. Among the 24 cases, 8 have been reviewed, 3 have been stopped reviewed by the Commission on the Disciplinary Sanctions of the Functionaries, and the rest 13 are still pending in the Commission.

The following is a tabulation of the cases of impeachment between February 1999 and December 2003.

## Statistics on Cases of Impeachment

Unit: case

Item	Total	1999 Feb.-Dec.	2000	2001	2002	2003
Cases	104	12	32	18	17	25
Result of review:						
Established and announced	96	12	31	15	14	24
Established but not announced	1	0	0	0	1	-
Rejected	7	0	1	3	2	1
Cases established:						
Classification of cases:						
Violation of law	1	0	0	0	0	1
Dereliction of duty	0	0	0	0	0	-
Both	96	12	31	15	15	23
Result of action:						
Referral for Discipline	96	12	31	14	15	24
Referral for Discipline and to judicial or military agencies	1	0	0	1	0	-



The following is a tabulation on impeachment according to positions of the impeached between February 1999 and December 2003.

### Statistics on Impeachment According to Positions of the Impeached

Unit: case

Item	Total	1999 Feb.-Dec.	2000	2001	2002	2003
<b>Persons</b>	<b>245</b>	<b>25</b>	<b>76</b>	<b>24</b>	<b>49</b>	<b>71</b>
<b>Official ranks:</b>						
Elected	6	0	3	2	1	0
Specially appointed	1	0	1	0	0	0
Selected	98	13	25	11	15	34
Recommended	61	3	26	6	13	13
Delegated	5	0	2	1	1	1
Generals	22	3	9	1	5	4
Colonels and majors	47	6	8	3	11	19
Captains & lieutenants	5	0	2	0	3	0
<b>Position classification:</b>						
General administration	18	1	6	3	6	2
Land administration	0	0	0	0	0	0
Financial administration	4	2	0	0	1	1
Economic development	54	4	8	4	13	25
Police administration	13	0	12	1	0	0
Culture & education	6	1	4	1	0	0
Transportation	16	2	0	5	0	9
Health	7	0	3	2	0	2
Environmental protection	7	0	5	2	0	0
Information	0	0	0	0	0	0
Foreign affairs	1	0	0	0	1	0
Overseas Chinese affairs	3	0	3	0	0	0
Judicial affairs	40	6	16	2	9	7
National defense	74	9	19	4	19	23
Agriculture and forest	2	0	0	0	0	2
Audit	0	0	0	0	0	0
Budget, accounting and statistics	0	0	0	0	0	0
Personnel affairs	0	0	0	0	0	0
Technical personnel	0	0	0	0	0	0
Others	0	0	0	0	0	0

## D. Censure

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

### Statistics on Censure Cases

Unit: person

Official ranks Censured agencies	Total	Elected	Specially appointed	Selected/ general officers	Recommended/ field-grade officers	Delegated/ junior officers	others
Hsinchu County Government & its subordinate agencies	2	-	-	-	2	-	-
Ministry of Education & its subordinate agencies	1	-	-	-	1	-	-
Keelung City Government & its subordinate agencies	1	-	-	1	-	-	-
<b>Total</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>3</b>	<b>-</b>	<b>-</b>



## **E. Corrective measures**

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

In 2003, the Control Yuan established a total of 154 cases of corrective measures, and all of them were sent to the Executive Yuan for action. Among them, 48 have been closed and 106 are still pending. The following is a tabulation of the cases of corrective measures between February 1999 and December 2003.

## Statistics on Cases of Corrective Measures

Unit: case

Item	Total	1999 <small>Feb.-Dec.</small>	2000	2001	2002	2003
Cases	817	157	195	154	157	154
Committees:						
Internal and Minority Nationality Affairs	249	52	59	46	46	46
Foreign and Overseas Chinese Affairs	12	0	3	1	7	1
National Defense and Intelligence Affairs	110	30	27	25	9	19
Financial and Economic Affairs	219	38	40	42	52	47
Educational and Cultural Affairs	73	15	19	15	17	7
Communication and Procurement Affairs	107	15	31	20	15	26
Judicial and Prison Administration Affairs	47	7	16	5	11	8
Organs sent to:						
Executive Yuan	594	114	135	101	123	121
Others	223	43	60	53	34	33



## F. Circuit supervision and inspection

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



By inspecting Taipei Feitsui Reservoir Administration, the Control Yuan members examine the maintenance of the water source, security measures and overall management.



Control Yuan members of the committee on judicial and prison administration affairs inspect Taiwan Yunlin Prison.



Control Yuan members of the communication and procurement affairs committee supervise the construction of Taiwan High Speed Rail.

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



Control Yuan members examine a tragic accident happened between a train of Taiwan Railway Administration and a tour bus.



Leaving for Lianjiang County, the Control Yuan members make an inspection of Dongyin Distillery and the Seawater Desalination Factory.



In Houli, the Control Yuan members visit a flower growing district to understand its production and marketing problems.



Control Yuan members of the two committees on internal and minority nationality affairs and national defense and intelligence affairs leave for Pratas Islands to supervise the Coast Guard Administration, Executive Yuan.



Control Yuan members arrive at Tainan City Government for accepting people's complaints in person and inspect Tainan Confucius Temple during this trip.



Caring about the construction and marketing problems, the Control Yuan members visit a public housing area in Kaohsiung.

basis.

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

In 2003, the various committees of the Control Yuan made 46 inspection



Control Yuan members examine the pump station of the Keelung River to understand its construction and suggest effective crisis management.

tours of the central government agencies, proposed 1,418 supervision opinions; conducted 64 district tours, and received 904 petitions from the people.

### Statistics on Opinions Formulated during Central Government Inspections by Various Committees

Unit: case

Year	No. of tours	No. of supervision opinions formulated by various committees							
		Total	Internal and Minority Nationality Affairs	Foreign and Overseas Chinese Affairs	National Defense and Intelligence Affairs	Financial and Economic Affairs	Educational and Cultural Affairs	Communication and Procurement Affairs	Judicial and Prison Administration Affairs
1999 Feb.-Dec.	67	1,743	289	129	260	411	366	201	87
2000	57	1,239	181	92	206	145	370	109	136
2001	74	1,821	322	122	166	604	313	204	90
2002	65	1,431	256	175	202	205	247	273	73
2003	46	1,418	169	97	193	204	202	284	269
<b>Total</b>	<b>309</b>	<b>7,652</b>	<b>1,21</b>	<b>615</b>	<b>1,027</b>	<b>1,569</b>	<b>1,498</b>	<b>1,071</b>	<b>655</b>



## G. Invigilation

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

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



The Control Yuan members invigilate a national examination

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

## Statistics on Examinations Invigilated by the Control Yuan

Unit: case

Year	No. of Invigilators dispatched	Categories					
		Total	Senior exams	Junior exams	Elementary exams	Special exams	Others
1999 Feb.-Dec.	49	26	2	2	1	19	2
2000	50	26	2	2	0	15	7
2001	60	28	5	2	1	18	2
2002	85	37	6	4	1	23	3
2003	73	36	7	5	1	18	5
<b>Total</b>	<b>306</b>	<b>153</b>	<b>22</b>	<b>15</b>	<b>4</b>	<b>93</b>	<b>19</b>



## H. Acceptance of public functionaries' assets disclosures

The Public Functionary Assets Disclosure Law was promulgated by the President of the ROC on July 2, 1993, and put into effect on September 1 of the same year.



A briefing on public functionaries' property disclosure is held by the Control Yuan to the requested officials.

Accordingly, on

August 1, 1993, the Control Yuan set up a departmental task force to handle public functionaries' assets disclosures. On January 7, 1998, the President of the Republic of China promulgated a revised version of the Organic Law of the Control Yuan, under which the department of assets disclosures was formally established to handle assets disclosures by public functionaries. According to regulations governing various departments of the Control Yuan, the department of assets disclosures is divided into five divisions, in charge of acceptance, review, inquiry, punishment and publication of public functionaries' assets disclosures respectively. Following is a brief account on its operations:

### 1. Assets disclosure

According to Articles 3, 5 and 7 of the Public Functionary Assets Disclosure Law and Articles 10, 21 and 21-3 of its rules of enforcement, a public functionary covered in the law shall disclose his or her assets under

the following conditions: (1) taking office—a disclosure shall be made within three months; (2) regular disclosure—which shall be made once a year between November 1 and December 31; (3) property transaction disclosure—a disclosure of real estate transaction, exchange, or donation and stock trading exceeding 10 million NT dollars shall be made within the given time (two months); (4) property correction disclosure—a disclosure initiated by a functionary to correct his or her former one, in which some information is at fault; (5) supplementary property disclosure—a disclosure requested by a disclosure-receiving agency if it considers a functionary discloses his or her property with dishonesty. The case will be disposed according to Article 11. If not on purpose, the functionary will be informed to file supplementary reference before the deadline. Otherwise, the case will also be disposed according to the same Article. In 2003, the Control Yuan received assets disclosures as follows:

- (1) All the 175 officials who took office disclosing their assets in time.
- (2) There were 1,714 officials requested by the law to disclose their annual regular assets to the Control Yuan.

## **2. Review of assets disclosure**

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



### 3. Assets disclosure inquiry

According to stipulations of the review and inquiry about functionary assets disclosure, if a functionary is on suspicion of disclosing his or her property untruthfully, the case, on the base of the Public Functionary Assets Disclosure Law, will be reviewed item by item. To ensure the genuine disclosure, the Control Yuan has made regulations of addressing petitions and inquiry about public functionary assets disclosure. In 2003, the Control Yuan has inquired about 166 cases and found 545 cases are disclosed untruthfully.

#### **Statistics on Assets Disclosures of Public Functionaries Accepted and Reviewed by the Control Yuan**

January - December, 2003

Unit: person; case

Item	Number of functionaris			Case reviewd
	Requested to file	Disclosing in time	Delayed in disclosing	
Taking office	175	175	0	175
Regular disclosure	1,714	1,705	9	742
Transaction disclosure	20	20	0	20
Correction disclosure initiated by functionaries	17	17	0	17
Correction disclosure by request	42	42	0	42
<b>Total</b>	<b>1,968</b>	<b>1,959</b>	<b>9</b>	<b>996</b>

### 4. Punishment of dishonest disclosure

To punish those public functionaries who fail to disclose their assets in time or truthfully, the Control Yuan shall impose fines and publish their

names in accordance with the Public Functionary Assets Disclosure Law. In 2003, there were 46 cases fined 4 million and 50 thousand NT dollars .

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

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

According to Item 1 of Article 6 of the Public Functionary Assets Disclosure Law, the approved disclosures of each person shall be put in book form, numbered, and well kept for public examination and reference. In 2003, the Control Yuan published 7 issues of special gazettes containing 692 disclosures made by public functionaries.

### **6. Return and transfer of assets disclosures**

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



or her spouse or closest relatives.

According to Article 28 of the rules of enforcement for the assets disclosure law, if the competent agency that receives the assets disclosures has changed due to the officials' change of position, the original receiving agency shall transfer the original disclosures to the new receiving agency. In 2003, the Control Yuan:

- (1) Returned 531 assets disclosures to those public functionaries who left their positions.
- (2) Returned 9 assets disclosures for the reason of death.

## **7. Conflict of interest prevention cases**

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

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

## **I. Audit**

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



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

Unit: case

Year	Total	Methods of Disposition					
		Investigated	Forward to other organs to investigate	Merged	For reference	Put on file	Others
1999	102	19	5	0	76	0	2
2000	94	16	1	1	71	1	4
2001	122	15	4	4	88	3	8
2002	176	16	9	2	135	1	13
2003	211	32	6	13	143	2	15
<b>Total</b>	<b>705</b>	<b>98</b>	<b>25</b>	<b>20</b>	<b>513</b>	<b>7</b>	<b>42</b>

## J. Human rights protection

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

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

According to Article 4 of the Rules Governing the Establishment of



Control Yuan human rights protection committee members inspect an old folks home of Taipei City to realize related problems.

Human Rights Protection Committee, the HRPC is composed of nine to eleven members of the Control Yuan, all of whom shall

serve a term of one year headed by a convener appointed by the president of the Control Yuan. The functions and missions of the HRPC are listed as follows:



1. Discovering human rights violation cases and proposing to investigate;
2. Reviewing and studying human rights cases and offering suggestions;
3. Providing suggestions on human rights bills;
4. Communicating with domestic and international human rights institutions and collecting relevant information;
5. Researching the extension of human rights education;
6. Handling other matters related to human rights protection.



Control Yuan members of the human rights protection committee go to a private old folks home to assure good service for the elderly.

The HRPC often consults with domestic human rights organizations to better understand the human rights situation. It also maintains relations with international organizations. The Control Yuan has kept close relations with the Asia Pacific Forum of National Human Rights Institutions (APF). APF was planning to hold its 8th annual meeting in September 2003 in Kathmandu, Nepal, to promote exchanges and cooperation among human rights organizations in Asia Pacific region. However, owing to a security reason, the meeting was postponed until February 2004. By then, HRPC delegation will attend it to continue exchanges with international governmental or nongovernmental human rights organizations for better protection of human rights.

## Statistics on Cases Reviewed by the HRPC

Unit: case

Category	Total	2001	2002	2003
Politics	16	10	0	6
Judiciary	103	31	39	33
Military	38	21	13	4
Disadvantaged	4	0	0	4
Labor	6	1	1	4
Women	6	1	5	0
Aboriginal	7	0	2	5
Environment	8	1	0	7
Community	12	0	3	9
Culture & Education	19	2	11	6
Economic	26	0	14	12
Others	44	0	22	22
<b>Total</b>	<b>289</b>	<b>67</b>	<b>110</b>	<b>112</b>



### III. International Interactions

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



A Control Yuan member of the international affairs committee leaves for Canada to visit Mrs. Pauline Champoux-Lesage, Québec Ombudsman and Board of Executive Director, International Ombudsman Institute (IOI).

The purpose of the IOI is to promote the concepts of ombudsman and human rights protection, and to encourage their development throughout the world. Now, there have been 117 countries or regions participating in the IOI as its members.

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

The purpose is to strengthen exchanges and cooperation with

international ombudsman organizations, to actively participate in international activities and to raise our image in the international community.

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

1. To propagate the ideas and achievements of the ombudsman system of the Control Yuan;
2. to support and participate in the study of ombudsman jurisdiction worldwide;
3. to participate in international training programs for the ombudsman or its staff members;



Control Yuan international affairs committee members go to Panama to attend the 8th Annual Congress of Iberoamerican Federation of Ombudsman (FIO).



4. to search and collect relevant information and resources about international ombudsman organizations;
5. to exchange ombudsman experience and information in the international community; and
6. to support and participate in international conferences.

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

Up to now, the IAC has totally taken part in 18 international conferences and accomplished several circuit supervisions. Particularly the "International Symposium of the Ombudsman Concept" hosted by the Control Yuan in 1994 in Taipei. Three goals have been achieved through this symposium: Firstly, to promote better understandings of functions and operations of the ombudsman mandates among all participants. Secondly, to reconfirm the responsibilities of the Control Yuan members in the international ombudsman community. At last, to build close friendships with one another and make our international friends know that Taiwan boasts not only its outstanding economic fruit but also its democratic achievements.

In addition, the Control Yuan has successfully invited 13 honorable guests from different countries since 1999. International activities participated by members of the International Affairs Committee during the year of 2003 are tabled below.

### Conferences Attended and Visit Made in 2003

Conference	Place	Date
Visit Board of Directors of the International Ombudsman Institute (IOI)	Vancouver, Québec, Toronto (Canada)	25 Jul.-5 Aug. 2003
21st Australasian and Pacific Ombudsman Regional Conference (APOR)	Madang (Papua New Guinea)	27 Aug.-5 Sep. 2003
8th Annual Congress of Iberoamerican Federation of Ombudsman (FIO)	Panama City (Panama)	15-27 Nov. 2003

### International Guests Received in 2003

Distinguished Guest	Country	Date
Mr. and Mrs. Tejada Espino Panamanian Ombudsman	Panama	7-12 Oct. 2003
Mr. Ila Geno & Mr. Nemo Yalo Chief Ombudsman & Senior Legal Officer of the Ombudsman Commission	Papua New Guinea	8-11 Dec. 2003



## IV. Conclusion

The mandate of the Control Yuan is to promote government's actions comply with the Constitution. In 2003, the Control Yuan aimed at the government's work such as preventing disasters and contagion, carrying out substitute service of male citizens within conscription age for the police to ensure public security, enforcing Family Violence Prevention Law, reviewing foreign aid policy, preventing military intelligence divulging and the hi-tech brain drain, taking proper agricultural measures for coping with our accession to the World Trade Organization, assisting and managing broadcasting and television stations, examining public construction planning, evaluating the efficacy of after-care, reviewing parole and related cases for further supervision. Besides, the Control Yuan kept up with the follow-up actions of the government to the 921 Earthquake reconstructions hoping to improve the administrative defects.

From January to December 2004, the Control Yuan has received 17,734 complaint cases, investigated 585 cases, impeached 71 officials involved in 24 cases, censured 4 public servants for 3 cases, proposed 154 cases of corrective measures to the Executive Yuan and its subordinate organs in total 238 times (some organs were corrected more than once). After investigation, the Control Yuan deemed the 347 cases were not serious, and its related commissions have reviewed those cases and passed resolutions to send official letters recommending executive agencies to improve or to punish in total 522 persons.

The Control Yuan, the Executive Yuan and its subordinate organ, Research Development and Evaluation Commission have jointly developed

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

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



## V. Tabulation of Exercise of Control Powers

### 1. From February 1993 to December 2003

Unit: case

Item Year	Petitions received	Cases investigated	Corrective measures proposed	Impeachment cases initiated	Censure cases initiated
1993 Feb.-Dec.	12,335	569	41	8	0
1994	12,944	499	55	22	0
1995	14,823	622	111	40	0
1996	15,235	449	93	28	1
1997	17,912	561	143	32	1
1998	17,744	611	213	54	1
1999	17,073	758	185	14	2
2000	15,877	674	195	31	3
2001	16,670	514	154	15	1
2002	17,697	558	157	15	0
2003	17,734	585	154	24	3
<b>Total</b>	<b>176,044</b>	<b>6,400</b>	<b>1,501</b>	<b>283</b>	<b>12</b>

## 2. From January to December 2003

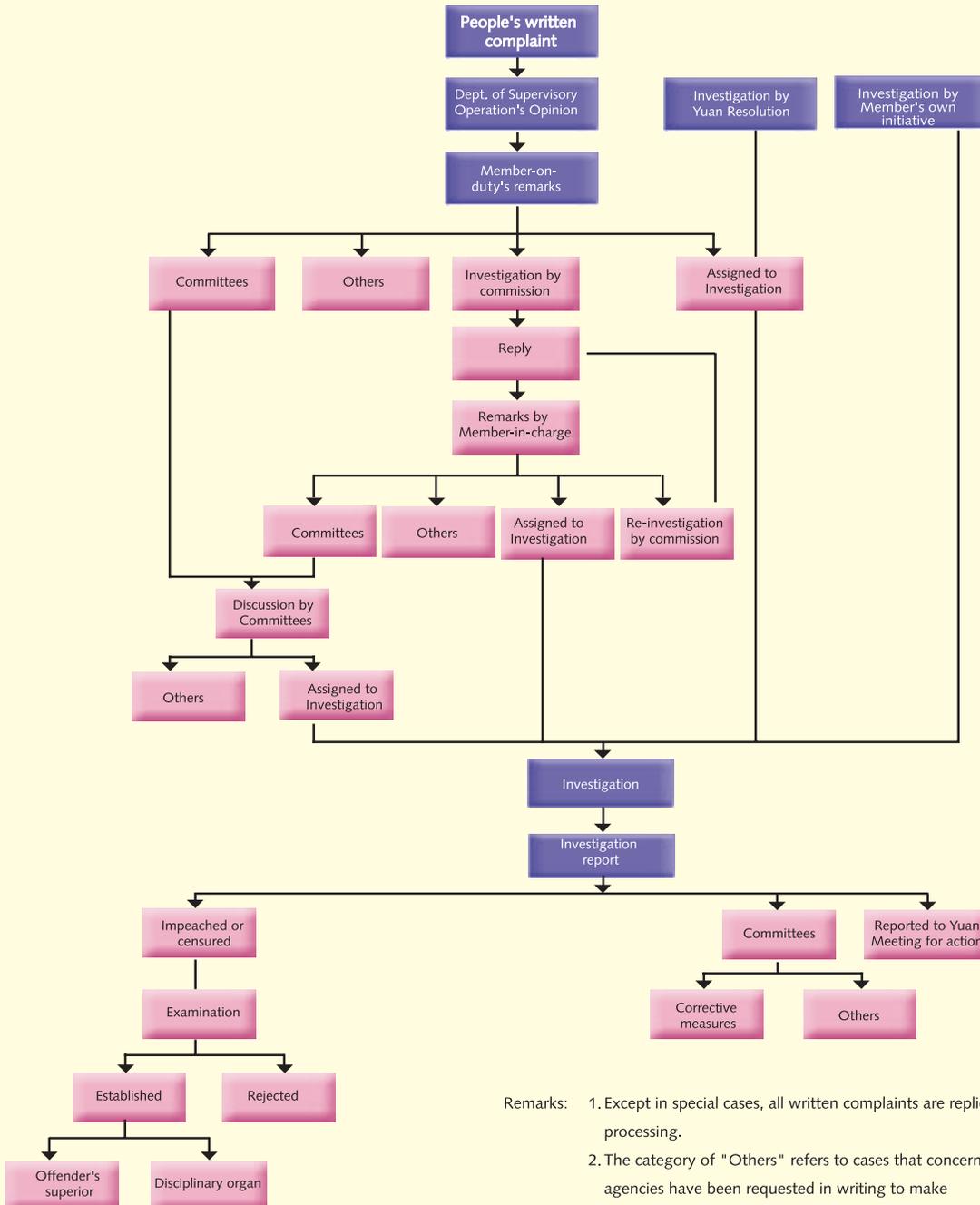
Unit: case

Item Month	Petitions received	Cases investigated	Corrective measures proposed	Impeachment cases initiated	Censure cases initiated
JAN.	1,528	55	16	3	0
FEB.	1,031	55	14	1	0
MAR.	1,438	59	6	4	0
APR.	1,532	38	10	1	0
MAY	1,672	44	12	2	0
JUN.	1,497	54	15	2	1
JUL.	1,717	50	12	3	1
AUG.	1,575	36	13	3	0
SEP.	1,526	51	17	0	0
OCT.	1,517	58	9	1	1
NOV.	1,201	38	14	3	0
DEC.	1,500	47	16	1	0
<b>Total</b>	<b>17,734</b>	<b>585</b>	<b>154</b>	<b>24</b>	<b>3</b>



## VI. Appendix

### Flow Sheet of Exercising Control Powers



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



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