

# Annual Report of the Control Yuan

Taiwan, Republic of China

## 2014



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# *Preface*



The ombudsman system of China can be dated back to two thousand years ago when a censor system was implemented in the Chin and Han dynasties. At that time, the job of the censor was to supervise government officials and redress people's grievances. When the founding father of the Republic of China (ROC), Dr. Sun Yat-sen, led the Chinese revolution, he advocated a five-power Constitutional system of checks and balances. In addition to the Western three-power system of legislative, executive and judicial powers, he added two powers—supervision (control) and examination in the constitution, supplementing the functions of the central government.

As one of the five Yuans at the central government of the ROC, the Control Yuan (CY) is the highest authority for the exercise of the powers of impeachment, censure, investigation, audit and proposing corrective measures.

We live in a time when the only constant is change and the CY has evolved with changes on all fronts. We not only supervise government administration, but also care for the people. Since taking office as the fifth CY president in August 2014, I and my colleagues at the CY have dedicated our energies to speaking and working for the people in the hope to protect human rights, uphold government ethics, promote good governance, and redress people's grievances.

I am pleased to present the 2014 Annual Report of the Control

Yuan. This report summarizes the CY's work in 2014 in the areas of handling complaints, assuring good governance, enforcing the sunshine acts, auditing, protecting human rights, and engaging in international activities. It also presents case examples highlighting the CY's investigations and performance.

In 2014, the CY impeached 22 government officials. It also proposed 114 corrective measures against the ministries or their agencies for negligence in carrying out policies. In the future, the CY will continue to exercise its ombudsman powers proactively so as to protect human rights and improve administrative efficiency. The CY will also take initiatives to keep abreast of public opinion and social trends, as well as supervise government authorities at all levels by investigating any illegal acts or unfulfilled responsibilities and rooting out corruption, illegalities, and ineffective administration.

A handwritten signature in black ink that reads "Po-Ya Chang". The signature is written in a cursive, flowing style with a large, sweeping flourish at the end.

Po-Ya Chang

President of the Control Yuan

May 2015

# Table of Contents

- 1. 2014 Highlights: Our Work at a Glance..... 1**
- 2. ROC Control (Supervision) System in Brief..... 3**
- 3. Our Performance..... 6**
  - A. Handling Complaints and Assuring Good Governance ..... 6**
    - I. Receipt of People’s Complaints ..... 6
    - II. Investigation ..... 9
    - III. Impeachment, Censure, and Corrective Measures ..... 11
  - B. Audit..... 15**
  - C. Sunshine Acts..... 18**
    - I. Asset Declarations by Public Functionaries..... 18
    - II. Conflicts of Interest..... 20
    - III. Political Donations ..... 22
    - IV. Lobbying Act..... 24
    - V. Online Declaration Service ..... 24
  - D. Human Rights Protection..... 25**
  - E. International Exchange ..... 29**
- 4. Case Summaries: Bringing Our Powers to Bear ..... 33**
  - A. Reducing Public Expenditures ..... 33**
    - I. Case 1
      - Stopping Pseudo Farmers, Helping Real Farmers  
CY Saves Treasury NT\$64.5 billion ..... 33
    - II. Case 2
      - CY Investigates Tax Arrears Recovers NT\$10.4 billion for  
National Treasury ..... 35

<b>B. Rectifying Discipline .....</b>	<b>36</b>
I. Case 3	
CY impeaches senior officials of the Taiwan Railway Administration for accepting contractor-paid dinners with female escorts .....	<b>36</b>
II. Case 4	
CY investigates police discipline to restore public trust in law enforcement.....	<b>38</b>
<b>C. Safeguarding Human and Civil Rights.....</b>	<b>39</b>
I. Case 5	
Ensuring safe elevator use, The CY proposes corrective measures and oversight of competent authority to strengthen management.....	<b>39</b>
II. Case 6	
CY investigates domestic violence against foreign nationals and mainland spouses and presses government to strengthen protections....	<b>41</b>
<b>5. Appendix.....</b>	<b>43</b>



# List of Tables and Graphs

The Five-Power Constitutional System of Republic of China .....	3
Categories of Complaints Received in 2014.....	8
Statistics on Cases Investigated by the Control Yuan in 2014.....	10
Statistics on Government Agencies Investigated by the Control Yuan in 2014 .....	10
Categories of Organizations with Personnel Impeached by the Control Yuan in 2014 .....	12
Official Ranks of the Impeached in 2014.....	12
Cases of Corrective Measures Proposed by the Committees in 2014 .....	15
Missions, Visions and Core Values of the NAO.....	16
Cases Reported by the National Audit Office to the Control Yuan in 2014 .....	17
The Sunshine Acts Establishment Timeline .....	18
Statistics on Cases of Asset Declarations by Public Functionaries in 2014 .....	20
Types of Interest and Common Violations.....	21
Conflicts of Interests: Violations and Penalties .....	22
Maximum Amount of Political Donations per year .....	23
Statistics on Political Donation Fines in 2014.....	23
Human Rights Complaints Handled by the Control Yuan in 2014.....	28
Human Rights Investigations Completed by the Control Yuan in 2014 .....	28



## 1. 2014 Highlights: Our Work at a Glance

In 2014, the Control Yuan (CY) handled 14,747 complaints and complete 382 investigative reports. Among the 14,747 complaints handled this year, 82.1% involved human rights abuse, while 52.1% of the 382 investigations completed were human rights-related. The number of human rights-related cases resulted in recommendation for corrective measures were 53 (46.5%).

In 2014, the CY approved 15 impeachment cases and impeached 22 government officials. The CY also proposed 114 cases of corrective measures against the ministries or their agencies for negligence in carrying out policies. Meanwhile, the CY continues to keep playing a loyal law enforcer of the Sunshine Acts to ensure a clean government.



The new CY President and members were sworn in at the presidential office

## 1. 2014 Highlights: Our Work at a Glance

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In 2014, the three main types of the cases investigated were for abuse of educational and cultural rights, economic rights, and judicial rights.

In 2014, the CY received several important international guests, including the chairperson of Federación Iberoamericana de Ombudsman (FIO), also Chief Commissioner of the National Human Rights Commission of Mexico, Dr. Raúl Plascencia and signed a Memorandum of Understanding of Bilateral Institution and Technical Cooperation between ROC and Guatemala with Ms. Hilda Morales Trujillo, deputy public defender of Guatemala Human Rights Ombudsman Office.



Plenary meeting of the Control Yuan



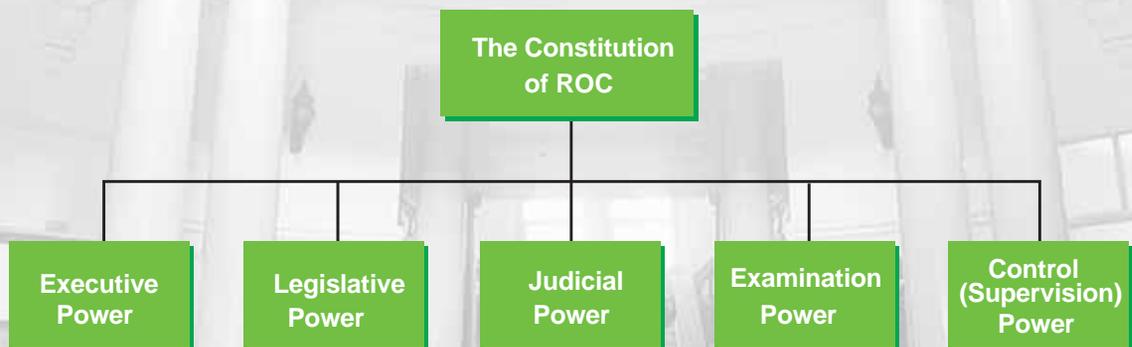
## 2. ROC Control (Supervision) System in Brief

The control (supervision) system originated more than 2,000 years ago in the Qin (246-206 B.C.) and Han (206 B.C.-220 A.D.) dynasties and served to uphold justice and ensuring government ethics. In the early 20th century, the system was transformed and modernized with the addition of the western constitutional concept.



Statue of the ROC Founding Father, Dr. Sun Yat-Sen, who initiated the five-power system

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



## 2. ROC Control (Supervision) System in Brief

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- 1911** The Republic of China (ROC), Asia's first democratic country, was established. The founding father, Dr. Sun Yat-Sen, advocated the five-power governmental system in which the two ancient Chinese government powers of examination and control (supervision) were added to the Western three-power structure (legislative, executive and judicial).
- 1928** The Auditing Yuan was established.
- 1931** The CY was established and the Auditing Yuan was reorganized as a ministry under the CY.
- 1947** The ROC Constitution was drafted, specifying a central government with five branches (Legislative, Executive, Judicial, Examination and Control Yuan).
- 1948** The Constitution came into effect and the CY was officially established. The members (ombudsmen) during the first term of the CY were elected by the provincial, municipal, Mongolian, Tibetan and overseas Chinese representative councils.
- 1949** The government relocated to Taiwan from the mainland China due to the Chinese civil war between the Nationalist Kuomintang (KMT) government and the Chinese Communist Party.
- 1992** According to the amendment of the Constitution, the number of CY members was reduced to 29, including a president and a vice president. All members were nominated and confirmed by the National Assembly.
- 2000** The constitutional amendment specified that the 29 CY members



shall be nominated by the President and confirmed by the Legislative Yuan to serve a six-year term.

**2005** The CY was unable to exercise its powers for three and half years due to the political stalemate at the end of 2004 when the legislators of the opposing party refused to approve the nominations of the fourth term members.

**2008** The fourth term CY members took office on August 1, 2008. Mr. Wang Chien-Shien, the former minister of finance, was the CY president and 7 out of 29 members were female. The members consist of scholars, judges, lawyers and former legislators with various professional backgrounds.

**2014** The fifth term CY members took office on August 1, 2014. Dr. Chang Po-Ya, the former Chairperson of Central Election Commission, is the incumbent CY president. She is the first female CY president and also the first female head of one of the five branches of the government. Their term is due to expire on July 31, 2020.



Members of the 5th term and CY staff

## 3. Our Performance

The CY aims to protect human rights, uphold government ethics, promote good governance and mitigate citizen complaints.

The CY actively exercised its powers to reach the above-mentioned goals, including the following work accomplished in 2014:

### A. Handling Complaints and Assuring Good Governance

#### I. Receipt of People's Complaints

According to Article 4 of Control Act, the CY and its members may receive people's written complaints. Anyone can lodge a complaint of malfeasance against any public official or against the government for a specific wrongdoing.



A CY member receives complainants in the Complaint Receipt Center



The CY receives complaints from:

- 1. Private individuals:** This is one of the major sources of the complaints we receive. A complainant can lodge a complaint by fax, mail, email, or in person to an on-duty member in the Complaints Receipt Center at the CY.
- 2. Government agencies:** Government agencies shall send all cases of misconduct or violation of laws by its staff (senior ranking above level nine) to the CY.
- 3. National Audit Office:** As a subordinate organization, the office reports relevant cases to the CY.
- 4. Organizations/Groups:** Any organization or group that is the victim of governmental wrongdoing can lodge complaints with the CY.
- 5. Circuit Supervision and Inspection:** A complainant can lodge a complaint to members who conduct circuit supervision of central and local government agencies; or members can initiate cases themselves when they discover governmental wrongdoing.
- 6. The media:** Complaints can originate in the opinions and concerns expressed in the mass media.

### 3. Our Performance



CY members conducted circuit supervision of the Ministry of Foreign Affairs

In 2014 the CY received 14,675 complaints from private individuals. Below are the types of complaints received:

<b>Categories of Complaints Received in 2014</b>		
Unit: Number of cases		
<b>Item</b>	<b>2014</b>	<b>%</b>
<b>Total</b>	<b>14,675</b>	<b>100 %</b>
Domestic Affairs	4,230	28.8
Judicial Affairs	4,947	33.7
Financial and Economic Affairs	2,428	16.6
Educational Affairs	886	6.0
Communication Affairs	638	4.3
National Defense Affairs	674	4.6
Foreign Affairs	54	0.4
Others	818	5.6



## II. Investigation

When the CY receives a complaint, it determines if the case should be investigated. It also exercises the power of impeachment and censure or takes corrective measures after investigating cases thoroughly.

Investigations can be categorized as follows:

- 1. Assigned investigations:** Members, in rotation, are assigned by either resolution of the CY plenary meeting or committee to conduct an investigation.
- 2. Self-initiated investigations:** Members may initiate investigations based on the contents of the complaint or other information.
- 3. Commissioned investigations:** The CY entrusts related organizations to investigate complaint cases.

In 2014, the CY investigated 255 cases. Out of this total, 161 cases were assigned investigations and 94 belonged to self-initiated investigations. Among the cases, 389 were investigated and investigatory reports were presented; 526 were completed with investigative suggestions passed by the committee and sent to related government agencies for improvement.

### 3. Our Performance

#### Statistics on Cases Investigated by the Control Yuan in 2014

Units: Cases

<b>Number of Total Cases</b>	<b>255</b>
Assigned investigation	161
-Assigned by Control Yuan plenary meeting	85
-Assigned by resolution of Committee	76
Self-initiated motion investigation	94

#### Statistics on Government Agencies Investigated by the Control Yuan in 2014

Units: Cases/ Persons

Government Agencies	Cases investigated	Persons Punished for Minor Misconduct by Their Agencies as Requested by the Control Yuan
<b>Total</b>	<b>849</b>	<b>419</b>
Presidential Office and its subordinate agencies	7	-
Executive Yuan and its subordinate agencies	605	311
Judicial Yuan and its subordinate agencies	48	1
Examination Yuan and its subordinate agencies	4	-
National Audit Office and its subordinate agencies	-	1
Local governments	164	106
Others	21	-



### III. Impeachment, Censure, and Corrective Measures

The CY shall propose impeachment, censure or corrective measures against the relevant agencies or public servants for maladministration if the investigation suggests clear evidence.

#### *1. Impeachment*

In impeachment cases, the CY ensures that the government conducts itself responsibly and that the ethics relating to governmental behavior are clear. Cases of impeachment must be forwarded to the disciplinary agency only after they have been proposed by at least two members, reviewed by more than nine others, and approved by at least half of those reviewing members.

If the case involves criminal code or military law, it shall be referred to the competent judicial or military organization for action in accordance with the law.

In 2014, the CY approved 15 impeachment cases and impeached 22 public officials.



Press conferences are held when an impeachment case is approved

### 3. Our Performance

#### Categories of Organizations with Personnel Impeached by the Control Yuan in 2014

Unit: Persons impeached

Item	2014
<b>Total</b>	<b>22</b>
Judicial Affairs	9
Communication Affairs	5
National Defense Affairs	3
Educational and Cultural Affairs	2
General Administration Affairs	1
Economic and Construction Affairs	1
Financial Affairs	1

#### Official Ranks of the Impeached in 2014

Unit: Persons

Item	2014
<b>Total</b>	<b>22</b>
Civil Official	
Elected	-
Politically Appointed	1
Senior Officer	15
Officer	3
Assistant Officer	-
Military Official	
Generals	2
Colonels and Majors	1
Captains and Lieutenants	-



## ***2. Censure***

The CY employs the power of censure when it deems that a public official has broken the law and must be suspended from duty or be dealt with through other immediate measures.

Three or more CY members (not including the initiating members) shall review each case of censure, and at least half of the members reviewing it must give their approval. Each case shall be referred to the superior of the public functionary who has been censured for action.

If a case involves violation of the criminal code or military law, it shall be submitted directly to the competent court or military court for action.

If the public functionary's superior fails to act, or if two or more CY members deem the action taken improper, impeachment may be initiated.

If a censured public functionary is impeached, his or her superior shall be held responsible for negligence of duty.

In 2014, there were no censure cases.

## ***3. Corrective Measures***

In accordance with various subordinate agencies of the Executive Yuan, the CY established several committees to monitor whether or not any public officials had violated the law or had been derelict in their duties.

### 3. Our Performance

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The CY may propose corrective measures based on reviews and resolutions by various committees and forward them to the Executive Yuan and its subordinate agencies for improvement.

After investigating the work of Executive Yuan and its subordinate agencies, the CY may propose corrective measures once these proposals have been examined and approved by the relevant committees.

After receiving the proposed corrective measures, the Executive Yuan or its relevant agencies shall immediately make the appropriate improvements or take actions and reply to the CY within two months.

If the Executive Yuan or its relevant agencies fail to reply in a timely manner to the proposed improvements and actions, the CY may, upon resolution by its related committees, question in writing or notify the responsible officials to appear at the CY for questioning.

If the CY concludes that the reply of the Executive Yuan or relevant agencies calls further inquiry, it may request an explanation from the relevant agencies or ask members in charge of the original investigation or investigators to conduct an on-site investigation.

If it is confirmed through an investigation that an executive agency has procrastinated and refused to make the necessary improvements, the CY may initiate a proposal of impeachment against the head of the agency.

In 2014, the CY proposed 114 cases of corrective measures. The table below presents the cases of corrective measures in 2014:



## Cases of Corrective Measures Proposed by the Committees in 2014

Unit: Number of cases

Item	2014
<b>Total</b>	<b>114</b>
Domestic and Minority Affairs	32
Foreign and Overseas Compatriot Affairs	2
National Defense and Intelligence Affairs	10
Financial and Economic Affairs	31
Educational and Cultural Affairs	15
Transportation and Procurement Affairs	16
Judicial and Prison Administration Affairs	8

### B. Audit

The power of audit is one of the supervision powers stipulated in the Constitution and its Amendment. This power is exercised by the National Audit Office (NAO) under the CY. The NAO is headed by an Auditor-



The National Audit Office building

### 3. Our Performance

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General, who shall be nominated and appointed by the ROC President with the consent of the Legislative Yuan. Mr. Lin Ching-long had been the Auditor-General since 2007.

The main office of the NAO audits the central government and its subordinate organizations, while the local audit agencies inspect local governments and their subordinate organizations. These audit organizations are responsible for auditing the financial operations of governmental agencies at all levels.

<b>Missions, Visions and Core Values of the NAO</b>	
Missions	<ol style="list-style-type: none"><li>1. Fulfill the duties of the NAO</li><li>2. Enhance control powers</li></ol>
Visions	<ol style="list-style-type: none"><li>1. Provide high quality audit service</li><li>2. Maximize the value of audit function</li><li>3. Improve the performance of government</li><li>4. Facilitate integrity in public sectors</li></ol>
Core Values	<ol style="list-style-type: none"><li>1. Independence</li><li>2. Integrity</li><li>3. Professionalism</li><li>4. Innovation</li></ol>

The power of audit includes:

- Supervising budget implementation
- Approving receipt and payment orders
- Examining and approving financial receipts and final accounts
- Detecting irregularities and dishonest behavior regarding property and financial affairs
- Evaluating financial efficiency
- Determining financial responsibilities
- Fulfilling other auditing duties mandated by law



If auditors discover that officials have committed financial irregularities or behaved dishonestly in an organization, the following measures may be taken:

The NAO shall report the findings to the competent audit organizations and notify the organization heads to take action. They may also report the case to the CY through auditing organizations for handling according to the law.

If a criminal offense is involved, the NAO shall refer the matter to the judiciary and report to the CY.

If the auditing agency discovers that an organization has been seriously inefficient or neglectful of its duties, it shall notify the organization's supervising agency and report the matter to the CY.

If the cause of the problem is a lack of system regulations or acceptable facilities, suggestions for improvement should be made.

The following table lists the cases reported by the NAO to the CY:

<b>Cases Reported by the National Audit Office to the Control Yuan in 2014</b>							Unit: number of cases
<b>Method of Disposition</b>							
Total	Investigated	Forwarded to Other Agencies to Investigate	Merged	For Reference	Put on file	Other	
239	25	21	7	177	-	9	

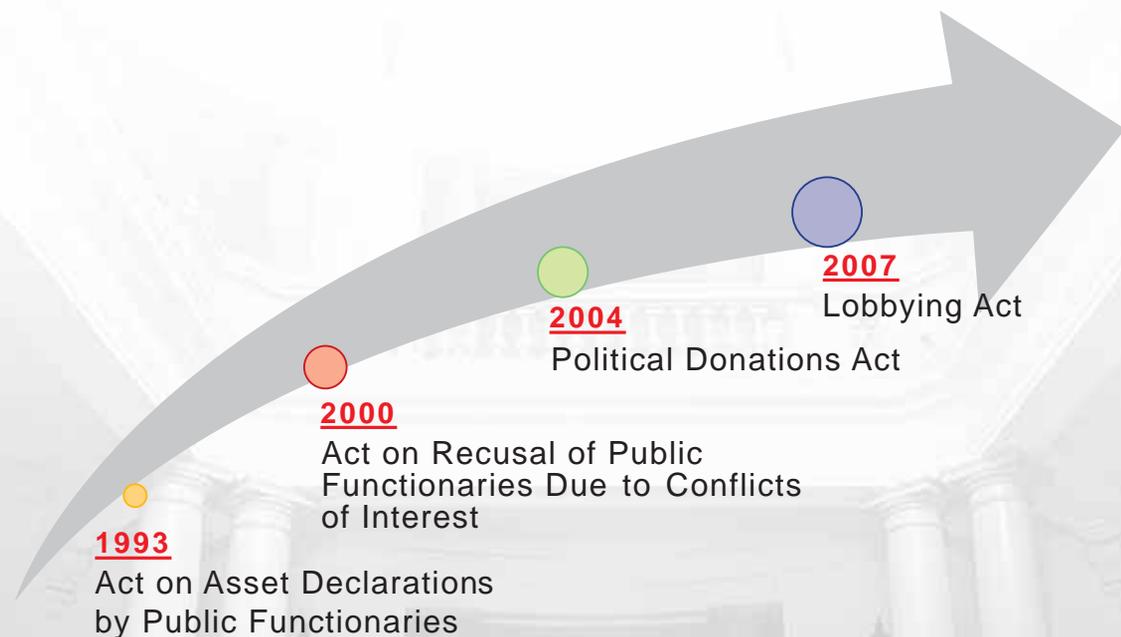
More information on audit powers and performance are available on the NAO website: [www.audit.gov.tw](http://www.audit.gov.tw).

## C. Sunshine Acts

In order to assure clean government, the CY serve as a loyal law enforcer for the following four acts:

- Act on Asset Declarations by Public Functionaries
- Act on Recusal of Public Functionaries due to Conflicts of Interest
- Political Donations Act
- Enactment of Lobbying Act

### The Sunshine Acts Establishment Timeline



### I. Asset Declarations by Public Functionaries

The purpose is to ensure proper ethics and integrity of conduct among public functionaries. The enforcement of the act provides transparency in public functionaries' personal finances for public perusal, examination and supervision.



The following officials shall report their assets to the CY:

1. President and Vice President
2. President and Vice President of the five Yuans
3. Political appointees
4. Senior Advisors, National Policy Advisors, and Strategic advisors of the Office of the President on government payroll
5. Chiefs, Chief Deputies at all levels, 10th rank and above Chiefs of Staff and administrators; Chairpersons, Vice Chairpersons, equivalent 10th rank and above administrators of the headquarters and branches of the state-owned enterprises; directors and supervisors representing the government or the state-owned shares in private juristic entities
6. Principal and Vice Principal of public schools at all levels; Chairpersons and Vice Chairpersons of the subsidiary institutions of the schools
7. Chief officers, deputy chief officers, and administrators at all levels above the rank of colonel in the military
8. Governors at above village (town, city) level elected pursuant to the Public Officials Election and Recall Act
9. Legislators/councilors in the Legislative Yuan/councils at all levels
10. Judges, prosecutors, enforcement officers, and judge advocates

Public functionaries shall declare both domestic and overseas assets, including assets of all value (land, buildings, vehicles, insurance coverage),

### 3. Our Performance

properties with a total value up to NT\$1 million (cash, deposits, securities, debts), items with a value up to NT\$200,000 (jewelries, calligraphy and paintings, antiques) and other important statement.

If it is found that a public functionary has not declared assets in time or truthfully, the CY shall impose fines and have his or her name published in accordance with the law. In 2014, there were 39 cases closed and fined. The fines totaled US\$151,613 (NT\$4,700,000).

<b>Statistics on Cases of Asset Declarations by Public Functionaries in 2014</b>		
	<b>Case</b>	<b>Amount (NT\$1,000)</b>
Cases closed and fined	39	4,700
Cases closed	43	5,610
Cases not yet closed	47	6,570
Cases with fines imposed		
-paid by installment	2	1,170
-In the process of administrative execution	23	2,490
-others	8	610
Cases where fines have not yet been imposed		
-In the process of administrative appeal	-	-
-In the process of filing an administrative action	2	490
-others	8	900

## II. Conflicts of Interest

The aim of the act is to promote clean politics and integrity among public functionaries, and to effectively deter corruption. “Conflict of interest” refers to nonfeasance and malfeasance by a public functionary on duty that has resulted directly or indirectly in him/herself or relevant persons receiving favors. Public functionaries are required to recuse themselves in cases of potential conflict of interest.



If a public functionary fails to prevent the conflict of interest, then the affected parties shall, according to the position of the public functionary, apply for prevention of conflict of interest at the agency where the public functionary serves.

The CY shall investigate and impose fines upon those who violate the regulations. When cases of fine impositions are confirmed, they will be posted on the internet or government gazette.

In 2014, there were 30 fine cases with a total amount of US\$124,838 (NT\$3,870,000).

<b>Types of Interest and Common Violations</b>		
<b>Types</b>	<b>Items</b>	<b>Common Violations</b>
Assets	<ol style="list-style-type: none"> <li>1. Personal and real properties</li> <li>2. Cash, deposits, foreign currencies, and securities</li> <li>3. Obligatory rights or other property rights</li> <li>4. Other interests with economic value or that can be acquired through money exchange</li> </ol>	<ol style="list-style-type: none"> <li>1. Issuing a financial reward for performance</li> <li>2. Increased property prices as a result of urban planning or road rerouting</li> <li>3. Reduced or exempted rents, payments or transportation fees</li> <li>4. Meddling in land sales or ownership</li> <li>5. Delaying or canceling demolition of illegal housing</li> </ol>
Intangible Assets	<ol style="list-style-type: none"> <li>1. Employment, promotion and job transfers</li> <li>2. Other personnel arrangement</li> </ol>	<ol style="list-style-type: none"> <li>1. Contract workers</li> <li>2. Technicians, janitors, cleaning crews</li> <li>3. Temporary hourly worker</li> <li>4. Workers of staffing companies</li> <li>5. Performance assessment</li> <li>6. Temporary teaching assistants, staff, substitute teachers and additional teaching positions</li> <li>7. Other forms of violation</li> </ol>

### 3. Our Performance

<b>Conflicts of Interests: Violations and Penalties</b>	
<b>Violations</b>	<b>Penalties (NTD)</b>
Failure to recuse	From 1 million to 5 million NTD
Refusal to recuse	From 1.5 million to 7.5 million NTD
Abuse of power	From 1 million to 5 million NTD Restitution of the illegal profits
Inappropriate lobbying	From 1 million to 5 million NTD Restitution of the illegal profits
Financial transactions	A fine of up to three times the total amount of the transaction

### III. Political Donations

The act aims to regulate and manage political donations in promotion of fair and just political activities that contribute to a healthy democratic development.

"Political donations" refer to personal and real properties, disproportionate financial contributions, debt exemptions, or other financial gains given to a person or a group involved in political campaigns or other relevant activities.

A special account approved by the CY must be in place before political parties, groups and candidates receive donations. The CY is also responsible for handling candidates' disclosures of accounting reports and publishing these disclosures in publications or posting them on its website. Candidates' political donation account balances shall be sent to the CY for review. Violators will be fined.



## Maximum Amount of Political Donations per year

### Max. Donated Amount per Year (NTD)

Types of donors	To a single political party or group	To multiple political parties or groups	To a single candidate	To multiple candidates
Individuals	30,000	60,000	10,000	20,000
For-profit enterprises	3 million	6 million	1 million	2 million
Civil Groups	2 million	4 million	500,000	1 million

## Statistics on Political Donation Fines in 2014

	Cases	Amount (NT\$1000)
Cases closed and fined	212	35,403
Cases closed	275	51,170
Cases not yet closed	74	31,929
Cases with fines imposed		
-paid by installment	11	6,875
-In the process of administrative execution	20	13,135
-others	29	5,610
Cases where fines have not yet been imposed		
-In the process of administrative appeal	6	3,787
-In the process of filing an administrative action	3	1,397
-others	5	1,128

## IV. Lobbying Act

Lobbying refers an intentional interference by a lobbyist via verbal or written communication to affect the lobbied party or its agency about the formulation, enactment, modification, amendment or annulment of laws, government policies or legislation.

The lobbied parties include President and Vice President, people's representatives at all level, heads of municipal, county and city governments, directors and deputy directors of local offices, persons specified in Paragraph 1 under Article 2 of the Political Appointees Pension Statutes. In this regard, the CY president, vice president, members and secretary-general are considered lobbied party.

In 2014, there were no cases of lobbying received by our office.

## V. Online Declaration Service

To provide a better declaration service with convenience and efficiency, the CY established a user-friendly online system for declaration of assets and political donations. The system has handled 4,037 asset-declaration cases.



## D. Human Rights Protection

In May 2000, the CY established Human Rights Protection Committee (HRPC) to safeguard human rights. The HRPC is made up of nine to eleven members appointed by the CY president from amongst incumbent members. In 2013 the HRPC set up a taskforce overseeing all work on gender equality and women's rights. The regulations for the establishment of HRPC specifies that the committee shall discover and investigate cases involving violations of human rights; deliberate and advise on matters relating to human rights investigation reports propose changes to existing human rights acts; promote and monitor the domestic implementation of international human rights treaties; establish and maintain contact with human rights organizations in Taiwan and around the world; and promote human rights awareness.

The HRPC keeps tracks of cases of human rights violation and publicizes statistics on a monthly basis. Among the 14,747 complaints received this year, 12,105 (82.1%) involved human rights abuse, while 199 (52.1%) of the 382 investigations completed this year were human rights-related. The number of cases resulted in recommendation for correction decreased from 96 in the previous year to 53 this year. Abuse of the rights to property and judicial protection made up the bulk of the investigation respectively, followed by the right to health and life, and education. In addition to investigative works, the HRPC promotes human rights throughout the year in the following ways:

### 3. Our Performance

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- 1. Lectures on international human rights norms:** In response to ratification of the Two Covenants and the CEDAW, the HRPC held four lectures during the year on human rights issues to inform the CY's staff members of international human rights norms and raise awareness of human rights protection and gender equality. A total of 215 CY members and staff participated in these lectures.
- 2. Publications on human rights work:** The 2013 Control Yuan Human Rights Annual Report includes 89 of the 534 investigations conducted in the same year. In terms of conformity to the CCPR, a majority of the investigations involve abuse of the right to judicial protection (25.8%) and the right to life (15.7%). As for investigating conformity to the CESCR, abuse of the right to property (15.7%) is the most common, followed by the right to health (12.4%) and education and environment (both tied at 5.6%). In addition to an annual report on the CY's human rights work, the HRPC published the Conference Proceedings of the 2013 Women's Right Workshop.
- 3. Exchanges with counterparts at home and abroad:** The HRPC actively takes part in human rights events. The HRPC delegates visited the National Human Rights Commission of Mongolia (NHRCM) that will host the APF's 20th Annual Meeting to gain insight into



the operation of the NHRCM. The HRPC also received delegates of the NHRIs abroad and representatives of local non-governmental organizations.



A delegation of the CY's Human Rights Protection Committee visits Mongolia to promote international exchanges

### 3. Our Performance

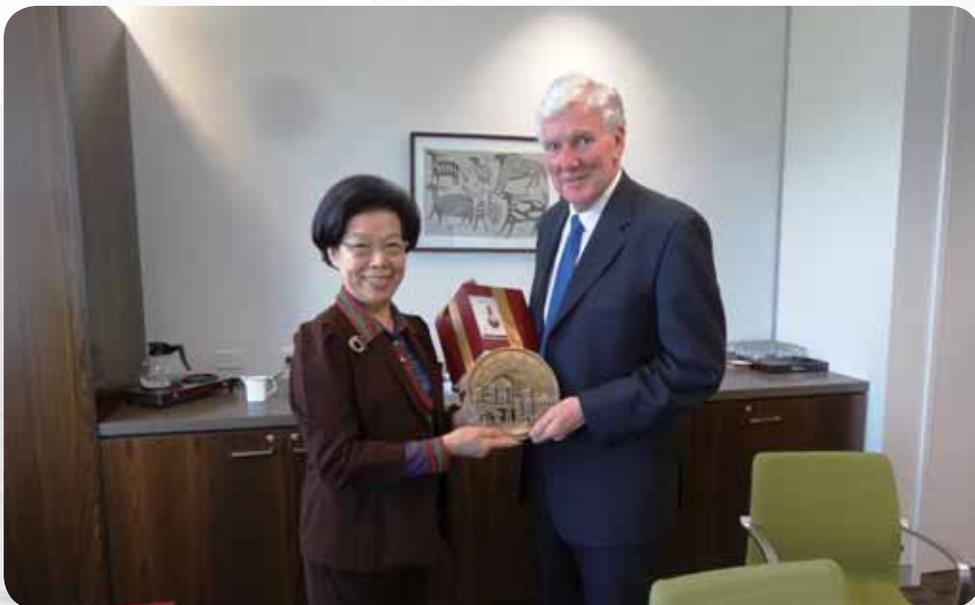
<b>Human Rights Complaints Handled by the Control Yuan in 2014</b>		
<b>Types of Violation</b>	<b>Complaints Handled</b>	
	Number of Cases	Percentage (%)
Total	14,747	100%
Non-human rights cases	2,642	18%
Human rights complaints	12,105	82%
1. Right to freedom	112	0.8%
2. Right to equality	64	0.4%
3. Right to health and life	395	2.7%
4. Right to work	1,248	8.5%
5. Right to property	3,117	21%
6. Political rights	526	3.6%
7. Right to judicial protection	4,654	31.6%
8. Right to cultural life	128	0.9%
9. Right to education	362	2.4%
10.Environmental rights	307	2.1%
11.Right to social security	387	2.6%
12.Other	805	5.4%

<b>Human Rights Investigations Completed by the Control Yuan in 2014</b>		
<b>Types of Violation</b>	<b>Investigations Completed</b>	
	Number of Cases	Percentage (%)
Total	382	100%
Non-human rights cases	183	48%
Human rights complaints	199	52%
1. Right to freedom	7	1.8%
2. Right to equality	7	1.8%
3. Right to health and life	29	7.6%
4. Right to work	15	3.9%
5. Right to property	42	11%
6. Political rights	1	0.3%
7. Right to judicial protection	37	9.7%
8. Right to cultural life	3	0.8%
9. Right to education	18	4.7%
10.Environmental rights	10	2.6%
11.Right to social security	15	3.9%
12.Other	15	3.9%



## E. International Exchange

The CY has been actively engaging in international ombudsman activities and communications. In 1994, it established the International Affairs Committee (IAC) and became the member of International Ombudsman Institute (IOI). Since then, the CY has regularly attended the world and regional meetings, conferences and workshops held by the IOI. In 2014, the CY attended the IOI Australasia and Pacific Ombudsman Regional (APOR) Conference and the IOI Communication and Publication Strategy Working Group Meeting. In addition, the fifth CY President Dr. Chang Po-Ya visited APOR President Mr. Colin Neave in Canberra after she took office, paving the way for future cooperation.



CY President Chang Po-Ya visits IOI APOR President Colin Neave

### 3. Our Performance

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The CY's main international activities in 2014 are as follows:

- 1. International Visitors to the CY:** In 2014, the CY received several important international visitors, including President of the Guatemala Constitutional Court Mr. Molina, Federación Iberoamericana del Ombudsman (FIO) Chairperson Dr. Raúl Plascencia, Transparency International's Defense and Security Programme Director Mark Pyman, a delegation from the Argentine Council for Foreign Affairs (CARI), and participants in the 2014 National Development Superior Course.
- 2. Staff Exchange Programs:** The CY held staff exchange programs with the ombudsman/human rights offices of the Asian-Pacific and African countries. The programs were joined by six participants from



Photo of the CY President Chang Po-Ya and participants in the 2014 National Development Superior Course



Fiji, Kiribati, Papua New Guinea, Swaziland and Vietnam in 2014. Participants learned about CY's powers and departmental day-to-day work. They also toured the National Audit Office and the CY Complaint Receipt Center, fostering mutual learning and international friendship.

- 3. International Conferences:** In 2014, the CY participated in the 2014 Australasian and Pacific Ombudsman Regional (APOR) Conference, held in Adelaide, Australia 19th annual FIO conference in Mexico City and the Working group on the IOI's communication and publication strategy in Vienna, Austria. The events provided important platforms for the CY to exchange information with overseas ombudsman and human rights counterparts.



CY members attended the 2014 APOR conference



CY's delegate attended the working group meeting held in Vienna and discussed IOI communication and publication strategy

### 3. Our Performance

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- 4. MOU with Guatemala Human Rights Ombudsman Office:** In October 2014, the CY signed a memorandum of understanding (MOU) with the Guatemala Human Rights Ombudsman Office in Mexico City, following similar agreements signed with Argentina, Panama, Paraguay and Nicaragua. The two sides agreed to officially sign a bilateral agreement in 2015, marking a new milestone in the CY's international exchanges.



CY signed a MOU with the Guatemala Human Rights Ombudsman Office



## 4. Case Summaries: Bringing Our Powers to Bear

### A. Reducing Public Expenditures

#### I. Case 1

#### Stopping Pseudo Farmers, Helping Real Farmers CY Saves Treasury NT\$64.5 billion

The participation of pseudo farmers in the agricultural insurance and farmer subsidy programs has seriously eroded national resources. It not only goes against the principles of fairness and justice, but also exacerbates the nation's fiscal woes and robs money needed for other government expenditures.



Status of Information on the Examination of Preparatory Agricultural Insurance and Elderly Farmer Allowances at the Gongguan Township Farmers' Association of Miaoli County

#### 4. Case Summaries: Bringing Our Powers to Bear

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A CY investigation resulted in the proposal of corrective measures for the Executive Yuan, Council of Agriculture (COA), and Ministry of the Interior (MOI), along with continued follow-up actions. These actions have prompted the COA and MOI to amend related laws and regulations. As a result, the number of new applications for agricultural insurance has significantly dropped, with the monthly average falling from 4,117 in 2012 to just 774 for the January to November period in 2014. In addition, the CY investigation spurred the passage of amendments to the Provisional Statute Governing Benefits and Subsidies of Elderly Farmers on July 16, 2014. Under the revised act, farmers may only qualify for subsidies after they have paid into the farmers' insurance system for at least 15 years, instead of just six months, as stipulated previously, caring for elderly farmers that have truly made a long-term contribution in farming. The COA estimates that the amendment will save the national coffers NT\$46 billion over the next 15 years.

The COA and MOI also launched a thorough investigation of agricultural insurance qualifications. As of December 31, 2014, insurance benefits had been stopped for 3,706 ineligible insured persons who were at least 64 years and four months old; 36,717 insured persons who were redundantly covered under labor and farmer insurance; 6,820 insured persons disqualified as long-term expatriates; 39,079 insured persons with ineligible households; 3,471 insured persons ineligible due to land registration; and 1,237 convicts. These inspections have effectively curbed the continued erosion of agricultural insurance resources by pseudo farmers. According to COA statistics, the measures will reduce national expenditures by up to NT\$18,597,150,000.



## II. Case 2

### CY Investigates Tax Arrears Recovers NT\$10.4 billion for National Treasury

The poor state of government finances in Taiwan has driven the national debt higher each year. The problem stems not only from the low domestic tax rate in Taiwan (about 13% compared to the OECD average of 24.6%), but also the government's failure to vigorously pursue recovery of tax arrears. The CY conducted an investigation into large cases of tax arrears. It found that the nearly all of the major tax dodgers announced by the Ministry of Finance (MOF) in recent years were old faces. Although the list has changed, the investigation discovered that the taxes had not been recovered and were written off after exceeding the statutory limit for recovery. This indicates that there is much room for improvement in tax agency efforts to collect taxes owed.

Following its investigation, the proposed corrective measures for the MOF and continued to follow up this matter. The Executive Yuan informed the CY in writing of improvements made, including: accelerating disposition of cases under review or pending appeal; formulating operating guidelines for formally requesting court sequestration, drafting and promulgating control operation principles for regional tax offices in serving covering warrants; and strengthening specific tracking measures for tax offices and administrative enforcement authorities.

As of the end of 2014, settlement of the 335 tax arrear cases investigated by the CY had recovered NT\$9.193 billion from 263 settled cases. In 2014, the MOF also implemented an "Estate and Gift Tax Select Audit Inspection

Operation," netting an estimated NT\$1.2 billion in recovered taxes and fines. The settlement of tax dodging cases involving military personnel, civil servants and teachers generated about NT\$16.7 million, bringing the total recovered amount to NT\$10.409 billion. These numbers highlight the success of the CY in using its control powers to urge the competent authority to recover a large amount of taxes for the treasury and promote tax justice.

## B. Rectifying Discipline

### I. Case 3

#### CY impeaches senior officials of the Taiwan Railway Administration for accepting contractor-paid dinners with female escorts

Deputy Director-general of the Taiwan Railway Administration (TRA) under the Ministry of Transportation and Communications Chung Chao-hsiung and four other high level head and deputy heads in charge of oversight for engineering and material procurement tenders of the TRA on numerous occasions attended banquets with female escorts paid for by contractors, seriously undermining regulations, discipline and the TRA's image. On April 8, 2014, the CY approved a motion of impeachment and transferred the case to the Committee for the Disciplinary Sanctions of Functionaries. Corrective measures were approved on May 13 of the same year.

A CY investigation found that the impeached parties abused their power for improper personal gain during the contract performance period of TRA



### CY impeached 5 senior officials of the Taiwan Railway Administration

procurement cases by unscrupulously accepting dinner parties with female escorts paid for by contractor personnel; or by attending drinking parties at bars with female escorts and then later asking contractor personnel to pay the bills. The TRA high-level officials attended as many as a hundred such dinners with female escorts over a period of more than two years without drawing attention or discipline from the TRA's Civil Service Ethics Office.

The TRA subsequently responded to the misconduct related to the corrective measures by conducting a thorough investigation and proposing the following 10 concrete improvements to prevent similar abuses: "strengthening staff supervision and routine assessment," "implementing radical reforms and encouraging self-discipline and self-respect," "establishing a morning bulletin system to deepen understanding of colleagues," "leveraging information systems to develop effective reminders," "continuing discipline advocacy to build a consensus on

honesty," "strengthening internal control mechanisms and implementing risk management," "building zone safeguards and early warning functions," "strengthening government ethics organizations and strengthening the human resource structure," "implementing government ethics supervision and communication of concepts and practices," and "reforming the procurement system to enhance procurement efficacy."

## II. Case 4

### CY investigates police discipline to restore public trust in law enforcement

A CY investigation found that the chief aide of the Criminal Investigation Bureau (CIB) Chief Secretary Hsu Jui-shan and the bureau's investigation corps team leader invested in and illicitly profited from a professional casino operation. As many as 16 officers of the CIB and New Taipei City Sanchong Police Precinct were found to be involved in the casino. Hsu was also found to have improper contact with an underground doctor; had asked friends to arrange bar hostess escorts; and erected a code-violating building for self use on state-owned land in a national park. This demonstrates how supervisors at all levels of the CIB failed to effectively perform their oversight duties and untruthfully evaluated the colleagues involved, showing a lack of administrative oversight functions. Moreover, the investigation system of the CIB failed to detect early warning intelligence to discipline the involved personnel and was clearly unable to verify the honesty of appointed officials. The Sanchong Police Precinct also failed both to verify the casino inspection, as well as shutdown and seize the casino according to the law. Additionally, many police officers were had



visited the casino, such as the "Police Officer Guest House." The New Taipei City Police Department was also deficient in its oversight.

The CY proposed corrective action for the CIB and New Taipei City Police Department. The National Police Agency subsequently compiled a report on specific improvements according to the deficiencies noted by the CY. Among them were implementing rules for police officers in contact with specific objects, strengthening internal management and police guidance and assessment work, enhancing investigation functions, verifying inspections of the honesty of senior officials, comprehensively verifying discipline incentives, establishing civil service ethics offices at all units, and selecting personnel with excellent capabilities in civil service ethics operations. Other measures included reprimanding police officers for misconduct, removing supervisors from their original posts, and adjusting non-supervisory positions. This case had considerable effect in admonishing police officials. However, maintaining police discipline requires long-term and sustained efforts. The CY will therefore continue to pay close attention to inspections according to the law in line with its constitutional monitoring functions.

## C. Safeguarding Human and Civil Rights

### I. Case 5

Ensuring safe elevator use, The CY proposes corrective measures and oversight of competent authority to strengthen management

The opportunity for people in Taiwan to use elevators has grown with the

#### 4. Case Summaries: Bringing Our Powers to Bear

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increasing concentration, aging, and urbanization of the domestic population, widespread development of high-rise buildings, government assistance for the addition of elevators to old apartment buildings, and the promotion of long-term care policies.

An investigation conducted by the CY in 2014 found that improper maintenance and irregular safety inspection led to frequent elevator-related deaths, averaging 11 or more incidents and at least 13 deaths each year. It is conservatively estimated that at least 13,000 elevators in Taiwan are not regularly inspected for safety as required by law. High safety risk elevators are widely distributed and not carefully inspected, severely affecting public safety.



CY proposed corrective measures to ensure safe elevator use

Following the CY proposal of corrective action for the Ministry of the Interior (MOI) and ongoing follow-up, the Executive Yuan has urged the MOI's Construction and Planning Agency (CPAMI) to formulate oversight and examination mechanisms, require local authorities to keep a close eye on elevator inspection agencies and maintenance companies, and supervise and urge them to truly carry out their jobs. The Executive Yuan has also started to amend the "Certificate of Administrative Regulations on Installment and Inspection of Building Elevators" and "Practices for Sampling the Results of Building Elevator and Mechanical Parking Equipment Safety Inspections." The changes included the drafting of new



provisions on merit and demerit points, business suspension, and license revocation for elevator companies, inspection agencies, and inspectors. It also added new disciplinary mechanisms and requirements for local authorities to increase the ratio of randomly tested elevators. In addition, CPAMI began expanding its "Building Elevator and Mechanical Parking Equipment Site Inspection, Maintenance and Management System." The system will use a nationwide online exchange system to carefully inspect undeclared elevators with the aim to expose dangerous elevators and ensure public safety.

## II. Case 6

### CY investigates domestic violence against foreign nationals and mainland spouses and presses government to strengthen protections

A CY investigation found that foreign nationals and mainland Chinese spouses account for 12.47% of all domestic violence cases reported in Taiwan, with the ratio of foreign nationals and mainland Chinese spouses victimized by marital violence battery 3.77-fold and 1.6-fold higher, respectively, than the figures for citizens.

Under the current laws and regulations, foreign national and mainland spouses victimized by domestic violence normally must obtain permanent residency or have minor biological children domiciled in Taiwan in order to seek legal remedy. Lacking these conditions, they are likely to lose their residence status and be forced to return to their home country, with the effect that many such victims endure violence without seeking legal remedy. After ongoing supervision by the CY, the Ministry of the Interior

#### 4. Case Summaries: Bringing Our Powers to Bear

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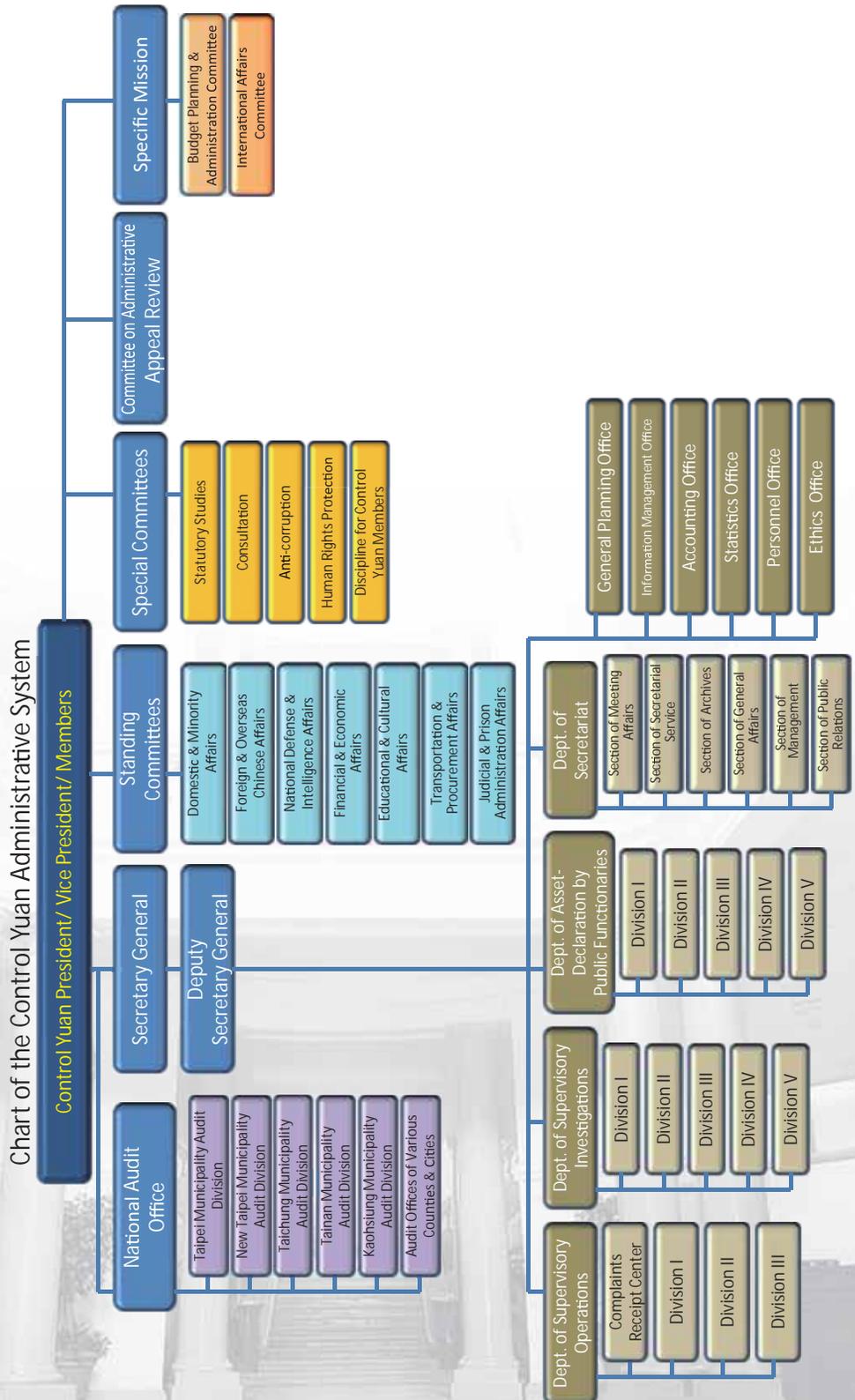
(MOI) drafted amendments to relevant laws and regulations and submitted them to the legislature for consideration.

Furthermore, in 2014, the Ministry of Health and Welfare began offering, through subsidized private organizations, employment services for battered women in seven counties and cities, including New Taipei City. Such services help battered women who have left their homes to have a steady source of income and adapt quickly to the workplace. Moreover, the Ministry of Labor offers personalized and specialized single-window case employment services. In addition, the Ministry of Education (MOE) will include "formulating incentives to encourage joint family participation," "including gender equality, domestic violence and multiculturalism advocacy," and other assessment items in annual integrated supervision of local educational affairs, as well as monitoring implementation by local governments to strengthen the life adaptation knowledge and family interaction of new residents. Moreover, under an amendment to Article 16 of the Open University Establishment Act enacted on January 23, 2014, foreign nationals and mainland spouses with Taiwan residence permits can study at the Open University. The CY will continuously monitor this matter to press the government to strengthen protection measures.

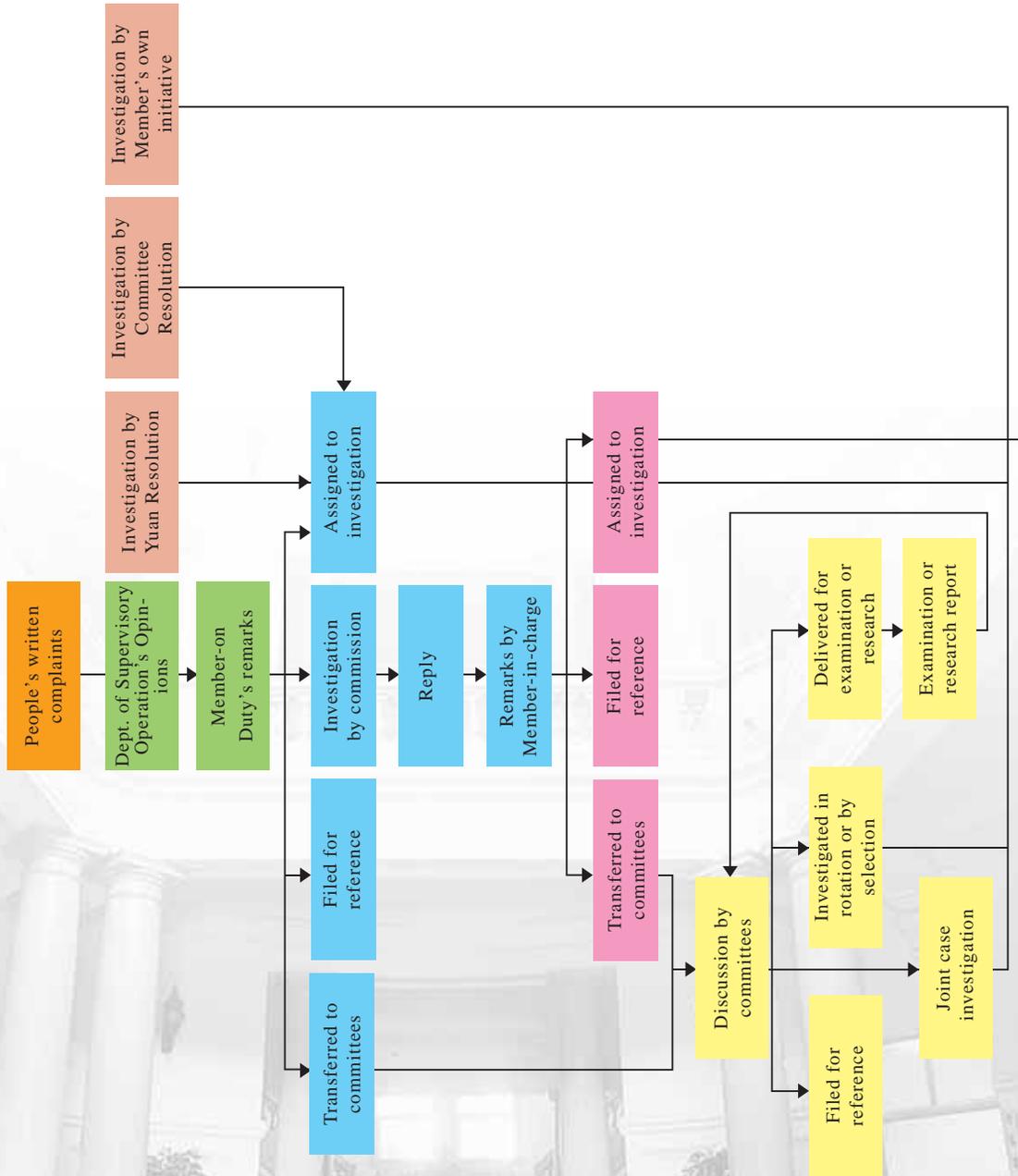


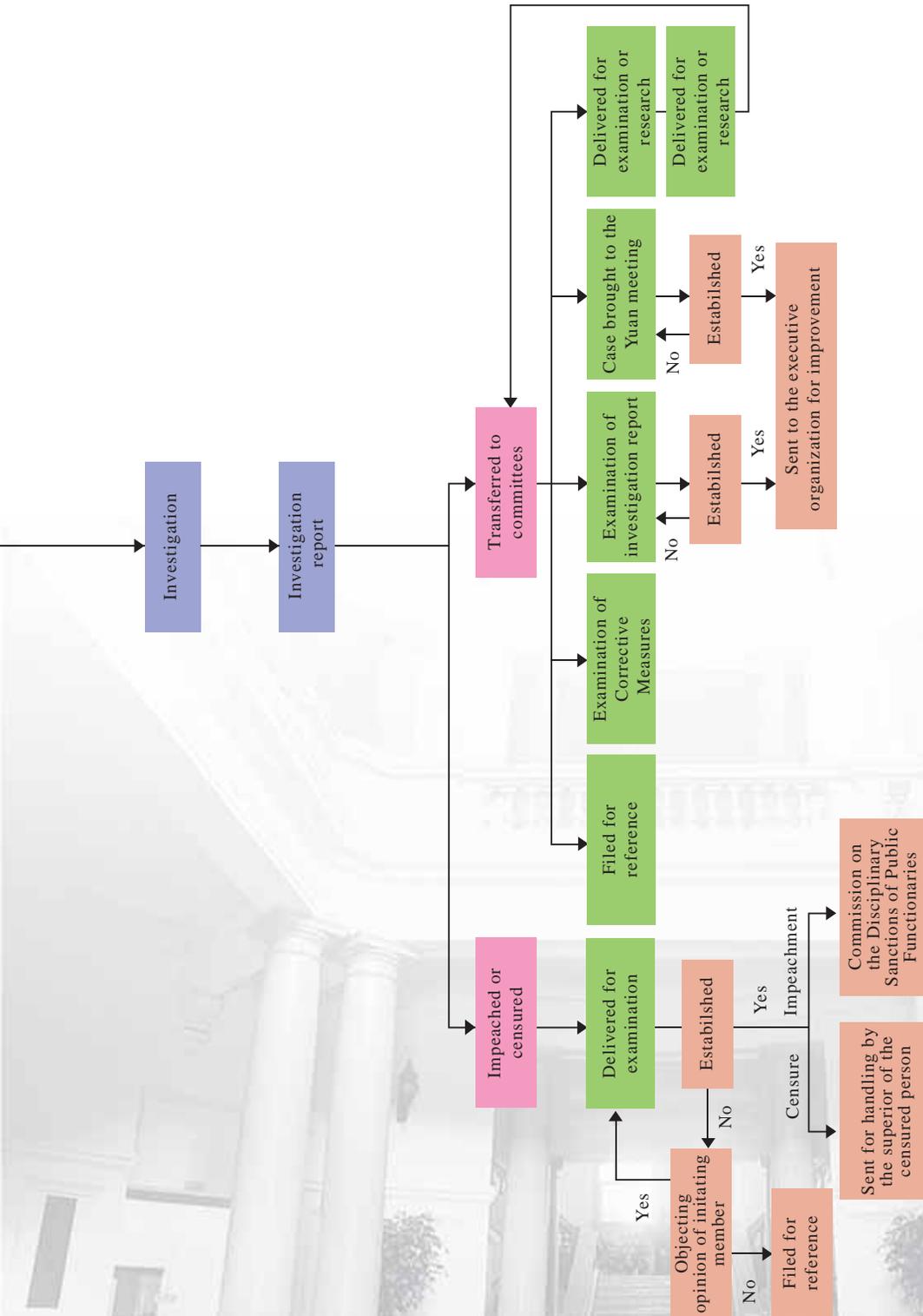
# 5. Appendix

## Organizational Chart of the Control Yuan



**Flowchart of the Exercise of the Control Yuan Powers**







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