



2016

Annual Report of the Control Yuan

Taiwan, Republic of China



Preface



The constitutional system of the Republic of China (Taiwan) is a five-power system. To ensure clean, fair and effective governance, the Control Yuan (CY), one of the five branches in this system, provides better checks and balances against the administration among government agencies. The CY has the constitutional powers of impeachment, censure, corrective measures, investigation and audit in carrying out its mission. The CY always maintains an independent and impartial position and is meticulous in its approach to bringing overall improvement to government, protecting human rights, and promoting adherence to international human rights conventions.

Since taking office on Aug. 1, 2014, the fifth-term CY Members have

been actively carrying out their duties of supervising government with a high sense of mission and responsibility, effectively defending the rule of law, protecting human rights, and combating and preventing corruption. In 2016, corrective measures proposed by the CY against government ministries and agencies helped to save the government nearly NT\$1 billion (US\$32,906,754) in spending and to indirectly boost revenues by more than NT\$1.2 billion (US\$39,748,922). Also last year, the CY proposed a total of 836 concrete measures to improve government, as well as 190 revisions or additions to regulations, and four deletions of regulations.

During the year, the CY received and handled a total of 13,615 filed complaints by citizens, with 11,307 (83 percent) involving alleged human rights violations, and the largest number of these related to the right to judicial protection, the right to property or the right to work. Through the proper handling of such complaints and redressing of injustices, the CY actively protects human rights and is influential and effective in terms of promoting good governance.

The CY also continued actively engaging with the international community in 2016. We had the privilege of hosting many prominent visiting dignitaries, such as Mr. John Walters, president of the International Ombudsman Institute (IOI), Prof. Siracha Vongsarayankura, chief ombudsman of Thailand, and Ms. Alima Déborah TRAORE, head of



Médiateur du Faso. Meanwhile, the CY delegations attended the 11th World Conference of the IOI in Bangkok, the Australasia and Pacific Ombudsman Region (APOR) meeting and the Australian and New Zealand Ombudsman Association (ANZOA) conference in Melbourne, also the 2016 annual conference of the Federacion Iberoamericana del Ombudsman (FIO). The CY also signed a cooperation agreement with Burkina Faso Ombudsman Institution and a memorandum of understanding with the Office of the Ombudsman Namibia. We are confident that we can continue to improve the quality and effectiveness of our ombudsman work through such cooperative endeavors with related organizations around the world.

Through the active exercise of its supervisory authority, the CY has been effectively promoting good governance, social stability and human rights protection. Looking ahead, all members and staff will continue working diligently in support of the CY's ceaseless pursuit of excellence in government administration in keeping with the public's expectations.

Po-ya Chang
President of the Control Yuan
June 2017



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1. 2016 Highlights: An Overview of Work Performance

As the nation's top government watchdog, the Control Yuan (CY) continued throughout 2016 to utilize its authority to safeguard the rights and interests of the people and ensure honest and able government. In total, the CY received 13,666 petitions from citizens and issued 275 investigation reports during the year, with corrective measures carried out in 82 cases and impeachments in 59 cases.

Among the petitions received in 2016, those involving the administration of justice accounted for the largest portion, at 35.8 percent of the total, followed by those dealing with internal affairs, at 28.6 percent. Regarding the 275 investigation reports, 195 letters calling for improvements were



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

1. 2016 Highlights: An Overview of Work Performance

sent to administrative bodies. As for the cases of corrective measures, those involving internal affairs accounted for the largest share, at 28 in sum, while in the 59 impeachment cases, a total of 69 officials were impeached, including 16 judicial officials and military officers.

Resolving the grievances of citizens has always been one of the CY's most important tasks in dealing with petitions from the public. Therefore, most of the petitions that the CY handles and the investigations that it conducts are closely related to safeguarding human rights. Among the investigation reports in 2016, those involving the right to subsistence and the right to health accounted for the largest portion, at 23.7 percent of the total, followed by those involving the right to property rights at 20.2 percent, and the right to justice at 13.2 percent.

In addition, the CY is also responsible for various tasks aimed at promoting clean and honest government, including handling asset disclosures by the nation's high-level government officials, as well as contributions received by political parties and candidates, in order to ensure that officials are not involved in any conflicts of interest. As these tasks are enormously complex in nature, the CY has in recent years been vigorously establishing an online reporting and auditing system, and carrying out various computerization projects to provide more beneficial and effective reporting services. In 2016, there were a total of 4,897 cases of reporting assets online, with the savings in time amounting to 19,588 hours in sum if calculated at four hours per case. Furthermore, 98.7 percent of the individuals declaring their assets in this manner used the online platform to report information on unusual movements in their own jobs, thereby substantially improving the timeliness and accuracy of related data.



During 2016, the CY welcomed many prominent foreign dignitaries to Taiwan, including President of the International Ombudsman Institute Mr. John Walters, Chief Ombudsman of the Thai Ombudsman Office Prof. Siracha Vongsarayankura and the head of Médiateur du Faso Ms. Alima D. TRAORE. The CY also signed cooperative agreements with the Médiateur du Faso as well as the Office of the Ombudsman Namibia.

The CY had been also actively engaging with the international community, including participation in the 11th IOI World Conference, the 21st annual conference of the FIO (Federación Iberoamericana del Ombudsman), IOI International Training Workshop for Asian Ombudsmen, IOI APOR (Australasia and Pacific Ombudsman Region) meeting & ANZOA (Australian and New Zealand Ombudsman Association) conference.



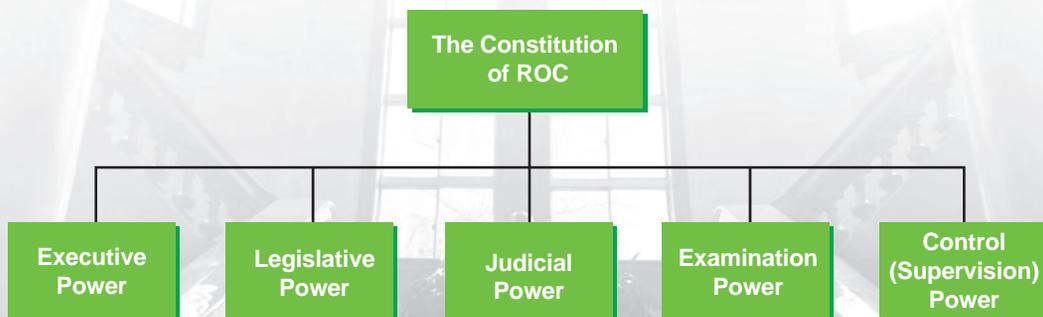
2. ROC Supervision System in Brief

The very original form of supervision system in Taiwan can be dated back to ancient China more than 2,000 years ago in the Qin (246-206 B.C.) and Han (206 B.C.-A.D. 220) dynasties, which 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 by the ROC founding father, Dr. Sun Yat-sen.



A statue of the ROC founding father, Dr. Sun Yat-sen, who initiated the five-power system, erected at the CY main stairway.

The Five-Power Constitutional System of Republic of China





- 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 (National 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 ROC President and confirmed by the Legislative Yuan to serve a six-year term.

2. ROC Supervision System in Brief

- 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.



President Chang presides over the plenary meeting of the Control Yuan.



3. Our Performance

The CY obtains comprehensive powers and functions of supervision, which all aim to protect human rights, uphold government ethics, promote good governance and mitigate citizen complaints. By actively exercising its powers in 2016, the CY has accomplished various works, which are illustrated in order as follows:

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.



CY Member receives complaints at the Complaint Receipt Center.

3. Our Performance

The CY receives complaints from:

- 1. Citizens:** This denotes the major source of the complaints we receive. Citizens can lodge complaints by post, fax, via e-mail or CY's online complaint system. One can also visit CY's Complaint Receipt Center to make complaints.
- 2. Government agencies:** Government agencies shall send all cases of misconduct or violation of laws by its high-ranking staff (senior ranking above level nine out of fourteen) to the CY.
- 3. National Audit Office (NAO):** As CY's subordinate organization, the NAO is responsible for referring relevant cases to the CY for further investigation.
- 4. Organizations/Groups:** Any organization or group that fall victim to government wrongdoing or negligence can lodge complaints.
- 5. Circuit Supervision and Inspection:** Citizens who live in local areas can also submit complaints to CY members when they conduct circuit supervision at central and local government agencies. Meanwhile, CY members can initiate investigation by themselves when finding necessary.
- 6. The media:** Complaints can originate in the opinions and concerns expressed in the mass media.



CY members carry out circuit supervision to central and local agencies regularly.

In 2016, the CY received 13,666 complaints. Below are the types of complaints received:

Categories of Complaints Received in 2016

Item	Unit: Number of cases	
	Total	%
	13,666	100
Domestic Affairs	3,907	28.6
Foreign Affairs	47	0.4
National Defense Affairs	479	3.5
Financial and Economic Affairs	2,192	16.0
Educational Affairs	1,323	9.7
Transportation Affairs	743	5.4
Judicial Affairs	4,890	35.8
Others	85	0.6

II. Investigation

When receiving a complaint case, CY Member deems if it needs to be further investigated. A Member can also initiate an investigation case on his or her own motion. Once an investigation case is established, one to three investigators, judging from the case type, from the CY Supervisory Investigation Department would be assigned to assist in relevant work, including document inspection, inquiry, field survey, consulting, and so on.

Types of investigations can be categorized as follows:

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

In 2016, the CY investigated 270 cases. Out of this total, 181 cases were assigned investigations and 89 own-motion cases. Among these investigations, 275 were completed with investigatory reports; 195 were completed with investigative suggestions passed by the committee and sent to related government agencies for improvement.



Statistics on Cases Investigated by the Control Yuan in 2016

Unit: Number of cases

Total	270
Assigned investigation	181
-Assigned by resolution of CY plenary meeting	55
-Assigned by resolution of committee meeting	126
Self-initiated investigation	89

III. Impeachment, Censure, and Corrective Measures

As the highest supervisory organization of the country, the CY is entitled to take legally coercive actions including impeachment, censure, and corrective measures against civil servants or government agencies for dereliction of duty or maladministration. Measures of these kinds would only be proposed after a thorough investigation is completed.

1. Impeachment

The CY shall bring impeachment cases against civil servants at central and local governments whom it deems negligence.

An impeachment case shall be initiated by at least two CY Members, then reviewed and voted by absolute majority by no less than nine Members. Once the proposal is passed, the impeachment case would be referred to the Judicial Yuan for review and final judgment of punishment.

3. Our Performance



CY Members hold press conferences after impeachment cases are passed.

In 2016, the CY passed 59 impeachment cases, in which 69 government officials were impeached.

Official Ranks of the Impeached in 2016

Unit: Persons

Total	69
Civil Official	
Political Appointee	2
Elected	18
Senior Officer	36
Officer	5
Assistant Officer	-
Military Official	
Generals	1
Colonels and Majors	7
Captains and Lieutenants	-



Occupational Types of the Impeached

Unit: Persons

Total	69
General Administration Affairs	24
Educational and Cultural Affairs	19
National Defense Affairs	8
Judicial Affairs	8
Police Affairs	2
Agriculture and Forestry Affairs	2
Health Affairs	2
Environmental Protection Affairs	1
Accounting and Statistic Affairs	1
Financial Affairs	1
Economic and Development Affairs	1

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 (excluding 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. In addition, if a case involves violation of the criminal code, it shall be submitted directly to the competent court for action.

If the public functionary's superior fails to act, or if two or more CY

3. Our Performance

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.

3. Corrective Measures

All the investigation reports finalized by CY Members would be presented to CY standing committees, which are established in accordance with the ministries and agencies under the Executive Yuan (EY), for review.

CY Members-in-charge may propose corrective measures against the agency/agencies being investigated and ask for improvement. After receiving the proposed corrective measures, the EY or its relevant agencies shall immediately make the appropriate improvements or take actions and reply to the CY within two months.

If the EY 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 EY 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 its agency.



CY Members hold a press conference of a case of corrective measures.

Last year, the CY proposed 82 cases of corrective measures. The table below presents the cases of corrective measures in 2016:

Cases of Corrective Measures Proposed by the CY Standing Committees in 2016

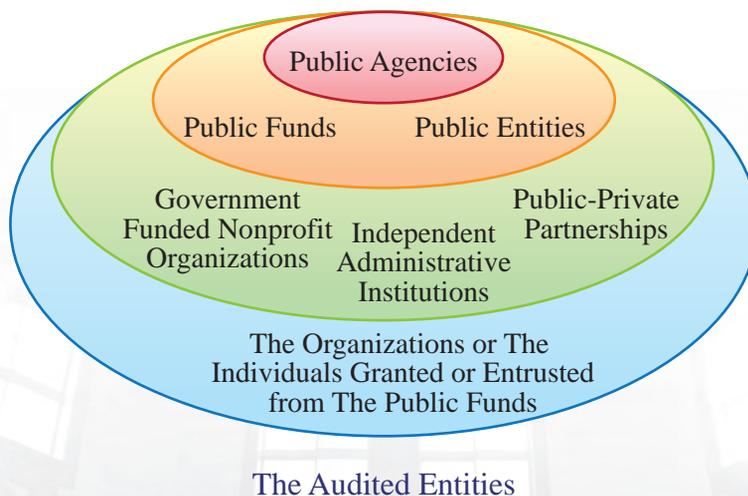
Unit: Number of cases

Total	82
Domestic and Minority Affairs	28
Foreign and Overseas Chinese Affairs	-
National Defense and Intelligence Affairs	10
Financial and Economic Affairs	16
Educational and Cultural Affairs	8
Transportation and Procurement Affairs	15
Judicial and Prison Administration Affairs	5

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-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.



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 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. More information on audit powers and performance is available on the NAO website: www.audit.gov.tw.

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

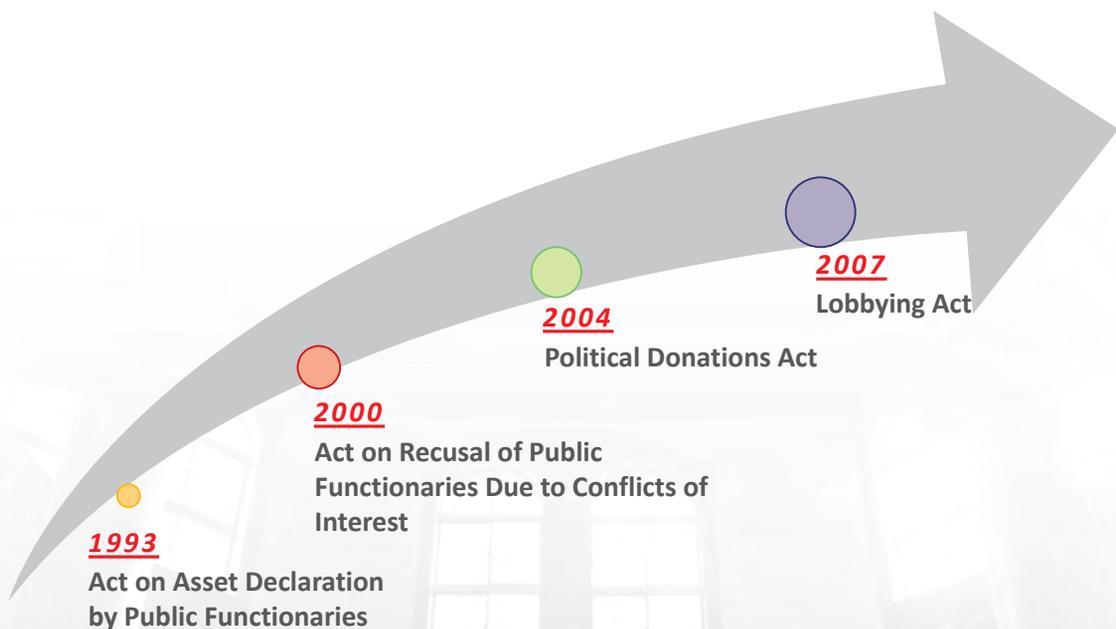
<i>Cases Reported by the National Audit Office to the CY in 2016</i>						
Unit: Number of cases						
Method of Disposition						
Total	Investigated	Forwarded to other Agencies to Investigate	Merged with other similar cases investigate by the CY	Approval of the handling by the NAO	Filed away for future reference	Others
218	22	24	17	154	1	-

C. Sunshine Acts

To ensure a clean government, the CY serves as a loyal law enforcer for the following four acts:

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

Timeline of The Sunshine Acts Establishment



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. Premier and Vice Premier of the Executive Yuan, and President and Vice President of the Legislative Yuan, Judicial Yuan, Examination Yuan, and Control Yuan;
3. Political appointees;
4. Senior Advisors, Policy Consultants, and Strategy Consultants of the Office of the President with gainful-positions;
5. Chiefs of governmental agencies at all levels at 12th rank and above, Chairpersons and Vice Chairpersons of the headquarters and branches of the state-owned enterprises, and directors and supervisors representing the government or the state-owned shares in private juristic entities;
6. Principals of public junior colleges and above, and subsidiary institutions of such schools;
7. Chief officers at all levels above the rank of Major General 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 and Prosecutors with the basic salary at 6th level and above.

Public functionaries shall declare both domestic and overseas assets, including assets of all value (land, buildings, vehicles, insurance coverage). 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, paintings, and antiques) and other important statement.

3. Our Performance

According to the law, if a public functionary fails to declare assets in time or truthfully, the CY shall impose fines and have his or her name published. In 2016, the CY received 10,031 declaration cases, and there were 48 cases closed and fined. The fines totaled NT\$15,890,000 (US\$529,912).

Statistics on Cases of Asset Declarations by Public Functionaries in 2016

	Case	Amount (NT\$1,000)
Cases closed and fined	48	15,890
Cases closed	46	9,130
Cases not yet closed	50	10,885
Cases with fines imposed		
-paid by installment	4	560
-In the process of administrative execution	18	2,625
-others	11	1,040
Cases where fines have not yet been imposed		
-In the process of administrative appeal	2	4,900
-In the process of filing an administrative action	1	60
-others	16	8,460

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 2016, there were 6 fine cases with a total amount of NT\$12,000,000 (US\$400,185).

<i>Types of Interest</i>	
Type	Item
Property Interests	<ol style="list-style-type: none"> 1. Movable and immovable properties 2. Cash, deposits, foreign currencies, and securities 3. Obligatory rights or other property rights 4. Other interests with economic value or that can be acquired through money exchange
Non-property Interests	<ol style="list-style-type: none"> 1. Appointment, promotion, job transfers and other personnel arrangement 2. Personnel measures in favor of a public servant or his related persons in the government organs, public schools or national enterprises.

Conflicts of Interests: Violations and Penalties

Violations	Penalties (NTD)
Failure to recuse	<ul style="list-style-type: none"> From 1 million to 5 million
Refusal to recuse	<ul style="list-style-type: none"> From 1.5 million to 7.5 million
Abuse of power / Inappropriate lobbying	<ul style="list-style-type: none"> From 1 million to 5 million Any property interests gained therefrom shall be pursued and confiscated
Inappropriate transactions	<ul style="list-style-type: none"> For the transaction amount not more than ten million, a penalty between ten thousand and five million shall be imposed. For the transaction amount not less than ten million, a penalty between six million and the amount of the transaction shall be imposed.

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 2016

	Cases	Amount (NT\$1,000)
Cases closed and fined	448	68,141
Cases closed	304	44,051
Cases not yet closed	57	25,905
Cases with fines imposed		
-paid by installment	10	2,310
-In the process of administrative execution	25	13,052
-others	31	6,080
Cases where fines have not yet been imposed		
-In the process of administrative appeal	21	5,129
-In the process of filing an administrative action	1	1,000
-others	113	17,182

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 2016, the CY had not received any cases of lobbying.

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.

In simplifying processes of reporting asset declaration as well as political donation data, the CY has in recent years been vigorously establishing an online reporting and auditing system, and carrying out various computerization projects to provide more beneficial and effective reporting services.

In 2016, there were a total of 4,897 cases of reporting assets online, with the savings in time amounting to 19,588 hours in sum if calculated at four hours per case. Furthermore, 98.7 percent of the individuals declaring their assets in this manner used the online platform to report information on



unusual movements in their own jobs, thereby substantially improving the timeliness and accuracy of related data.

D. Human Rights Protection

The Human Rights Protection Committee (HRPC) keeps track of cases of human rights violations and publicizes statistics on a monthly basis. Among the 13,615 citizen complaints received by the Control Yuan in 2016, a total of 11,307 cases (83 percent) involved human rights violations. For the year, 114 investigation reports (41.8 percent) were completed and 43 corrective measures proposed in human rights-related cases. The bulk of corrective measures were for violations of the right to health and life, followed by violations of the right to property, and violations of the right to social security.

In addition to conducting investigative work, the HRPC promotes human rights issues throughout the year in a number of ways, including the following examples:

The 2016 Control Yuan Seminar on Protection and Placement Services for Children and Youths

On July 5, 2016, the HRPC held the 2016 CY Seminar on Protection and Placement Services for Children and Youths, with the aim of gaining greater insight into child and youth human rights issues, such as separation from parents. More than 160 people attended the daylong event, including representatives of international social welfare organizations, government officials, social workers and expert scholars. The seminar covered a range of issues related to policies and the current state of affairs regarding children's and youth's rights, with many real case studies being shared and discussed, as well as possible solutions for resolving ongoing challenges in order to improve protection of society's most vulnerable group.

Overseas Visits to Human Rights and Humanitarian Aid Organizations and Government Agencies

A CY delegation including Vice President Sun Ta-chuan and member Bau Tzong-ho visited various humanitarian aid organizations in the Vatican and in Rome, Italy, between Sept. 20 and 25, 2016, such as the Pontifical Council, the Sovereign Military Order of Malta, and Caritas Roma. During their trip, the delegation members also made a supervision visit to the Embassy of the Republic of China to the Holy See, as well as the Taipei Representative Office in Italy.



Vice President Sun Ta-chuan and Member Bau Tzong-ho visited humanitarian aid organizations in the Vatican and Rome, Italy.

Meanwhile, during a trip to Jakarta from Nov. 28 to Dec. 2, 2016, CY President Chang Po-ya and CY Members Chen Hsiao-hung and Wang Mei-yu paid visits to various human rights organizations and related government agencies to exchange views on human rights protection in Asia. These included the Ombudsman of the Republic Indonesia, the National Commission on Human Rights, the National Agency for Placement



and Protection of Indonesian Overseas Workers, and the Human Rights Working Group. The delegation also made a supervision visit to the Taipei Economic and Trade Office, Jakarta, in order to gain a better understanding of Taiwan's diplomatic work in the Southeast Asian nation. They also met with members of the overseas Chinese community, including local Taiwanese businesspeople and workers from the Indonesian branch of the Taiwan Buddhist Compassion Relief Tzu Chi Foundation.



Control Yuan delegation led by President Chang visited Indonesia.

Staff Training on Promoting International Human Rights Conventions

Following ratification of the U.N. Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and the Convention on the Elimination of All Forms of Discrimination against Women, the HRPC has held many training sessions to raise human rights awareness among Control Yuan staff. In 2016, the Committee held four training sessions aimed at further instilling knowledge of international human rights norms and standards in fellow staff members so they can

3. Our Performance

better assist CY members in overseeing the government's policy making and implementation. A total of 161 people participated in the training courses.

Engagement with human rights groups at home and abroad

The HRPC regularly receives visiting representatives of human rights groups to exchange views and practical experience related to human rights work. The Committee also participates in various human rights workshops and international seminars organized by the government and NGOs, in hopes of promoting exchanges and furthering engagement with civil society. In 2016, the Committee played host to various delegations, including from the National Human Rights Commission of Indonesia, the Polish Ombudsman, and the Warsaw Trade Office in Taipei. The Committee also takes part in human rights events organized by government offices and civic groups, such as workshops on sharing experience in human rights protection organized by the Ministry of Justice, and training programs on the U.N. Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities organized by the Ministry of Health and Welfare.

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. Meanwhile, the CY has also maintained a close relationship with ombudsman community in Latin American by regularly attending annual conferences of the Federación Iberoamericana del Ombudsman (FIO) as



an observer. During 2016, the CY also welcomed many prominent foreign dignitaries to Taiwan and had built many constructive connections with the international counterparts.

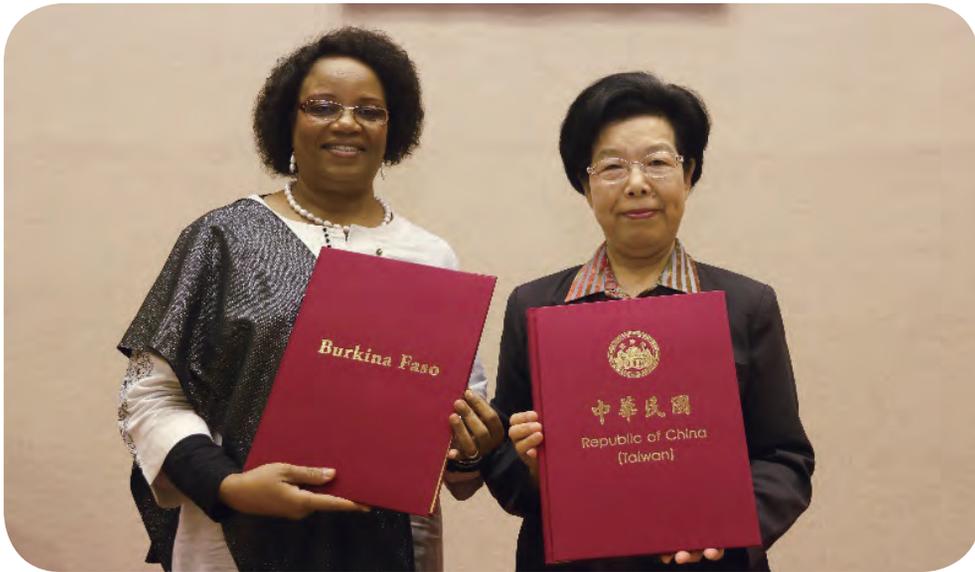
The CY's main international activities in 2016 are as follows:

1. An official delegation led by the head of Médiateur du Faso, Ms. Alima Déborah TRAORE visited the CY on March 8. They met with President Chang and the two sides signed a cooperation agreement at CY plenary meeting. Following the signing ceremony, Ms. TRAORE delivered a speech and thoroughly explained the legal structure and powers of Médiateur du Faso.



Delegation of Burkina Faso Ombudsman Institution visited the Control Yuan.

3. Our Performance



Control Yuan signed Cooperation Agreement with Burkina Faso Ombudsman Institution.

2. The CY staff, Ms. Yu Tsai-ying, was assigned to attend the IOI International Training Workshop held in Tokyo, Japan from March 8 to 10, in which they learned and shared guidelines and practice of complaint handling work.
3. A delegation of the Ombudsman Office of Thailand visited the CY for exchanges of practical experience on March 23. The delegation was led by Chief Ombudsman Siracha Vongsarayankura and included academics and investigators from the office. A meeting was held in the afternoon to allow the visiting delegates to engage in exchanges with several CY staff from various departments. The gathering was very productive, with the two sides sharing practical experience as well as ideas on ombudsman work.



- President Chang and Member Dr. Chen Hsiao-hung attended the IOI APOR (Australasia and Pacific Ombudsman Region) members' meeting and ANZOA (Australian and New Zealand Ombudsman Association) conference held in Melbourne, Australia from May 3 to 6. During the meetings, attendees shared information and exchanged views with delegates from Pacific and Australasia. President Chang and Dr. Chen also delivered a speech on "The Role of the Control Yuan Protecting Human Rights in Taiwan, Republic of China".



CY delegation attended the APOR and ANZOA conference held in Melbourne, Australia.

- International Ombudsman Institute (IOI) President John R. Walters, also Ombudsman of Namibia, visited the CY on May 18. Mr. Walters delivered a speech on the development of African ombudsman institutions and the challenges that they face. In the meanwhile, a Memorandum of Understanding on Cooperation between the Control Yuan and the Office of the Ombudsman Namibia was signed by

3. Our Performance

President Chang and Mr. Walters. The MOU aims to build on the relations between the two agencies as well as promote and safeguard human rights.



IOI President John Walters called at the CY and delivered a speech on the development of African ombudsman.

6. From November 13 to 20, President Chang, Members Dr. Bau Tzong-ho, Mr. Chiang Ming-tsang and Dr. Chen Hsiao-hung attended the 11th IOI World Conference in Bangkok, Thailand. The conference is hosted among participating countries every four years. This year the conference's theme is "Evolution of Ombudsmanship". Attendees are from 114 organizations from around the world. President Chang and Dr. Bau also delivered a speech on "Multiple Functions of the Control Yuan to Effectively Protect Human Rights". The delegation has productively exchanged experience and shared knowledge with participants worldwide.



CY delegation attended the 11th IOI World Conference held in Bangkok.

7. Members Dr. Teresa J. C. Yin and Dr. Jane Y.W. Chiang attended the 21st annual conference of the Federación Iberoamericana del Ombudsman (FIO) held in Tenerife, Spain on November 23, and exchanged views with 95 ombudsman from 12 countries on “Poverty, Dignity and Human Rights”. Dr. Yin and Dr. Chiang also introduced Taiwan’s achievements in national health insurance and related experiences in improving the childcare scheme.

3. Our Performance



CY delegation attended the 2016 FIO Conference held Tenerife, Spain.



4. Case Summaries: Bringing Our Powers to Bear

A. Reducing Public Expenditures

I. Case 1:

CY probe of cosmetic medicine sector tax evasion leads to NT\$1.15 billion in additional revenue

As incomes and living standards rise in Taiwan, there has been an increasing demand for cosmetic procedures. However, cosmetic surgery and related services are not covered by National Health Insurance, making regulatory enforcement difficult and tax evasion frequent in the sector.

In order to protect consumers' rights, the Control Yuan (CY) launched an investigation into the matter in 2013. The CY's investigation found that health management agencies had not been compelling local governments to fulfill their responsibility of auditing and determining related medical fee standards. In addition, it was discovered that most local medical clinics had not set up account books for cosmetic procedures as required by law and that tax agencies had failed to carry out accurate auditing of such services. The CY therefore proposed corrective measures for the Ministry of Health and Welfare (MOHW) as well as the Ministry of Finance (MOF).

After censuring the two ministries, the CY has continued to monitor the situation for two-and-a-half years. This supervision resulted in the MOF listing income earned from providing cosmetic procedures as a special auditing item. From 2013 to 2015, a total of 764 audits were carried out, resulting in more than NT\$1.15 billion (US\$3.83 million) in additional revenue from tax payments and the imposition of fines. The MOHW also

pressed local governments to formulate “Procedures for Evaluation and Determination of Standards for Medical Agency Fees” and “Standards for Cosmetic Procedure Fees.” By the end of October 2015, every local government had completed the task. In addition, for the period from 2013 to the start of December 2015, a total of 67 medical institutes applied with the Joint Commission of Taiwan (JCT) for cosmetic medicine certification, with 48 obtaining such certification. The names of the certified institutions were also posted on the websites of the MOHW and JCT for reference by the public.

II. Case 2:

CY probe into pseudo farmers’ insurance case saves treasury NT\$77.4 billion

Pseudo farmers’ participation in the agricultural insurance and farmer subsidy programs not only goes against the principles of fairness and justice, it also seriously erodes national resources and undermines the rights and interests of real farmers in need of government assistance.

The CY has investigated the matter and continued with follow-up monitoring of the situation, leading the Ministry of Interior (MOI) to amend Article 5 of the (farmers’ insurance regulations) to make individuals already receiving social insurance for seniors ineligible to also apply for farmers’ insurance as of Feb. 1, 2013, effectively blocking retired military personnel, government employees, teachers and laborers from unfairly collecting such benefits. On Nov. 7 of the same year, the Council of Agriculture (COA) and MOI jointly announced the revised “Regulations Governing Standards for Determining Eligibility for Applying for Farmers’ Insurance,” which includes additional clauses requiring on-site examinations of new applications and a review mechanism for participating government



personnel. This resulted in a decrease in the number of insured individuals from more than 1.45 million in 2014 to just over 1.23 million in November 2016.

It is worth mentioning that the CY probe spurred passage of revisions to the Provisional Statute Governing Benefits and Subsidies of Elderly Farmers in July 2014. Under the amended statute, 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 previously stipulated. It is estimated the amendment will save the national coffers at least NT\$46.3 billion (US\$1.54 billion) over the next 15 years.

In addition, in order to eradicate misuse of the agricultural insurance system by pseudo farmers, the MOI proposed, on Dec. 30, 2015, another revision to Article 5 of the farmers' insurance regulations that would add the stipulation that actual engagement in agricultural work be a condition for eligibility for farmers' insurance. The COA and MOI also launched a thorough investigation of agricultural insurance qualifications. As of November 2016, insurance had been stopped for more than 117,000 ineligible insured persons, resulting in savings of more than NT\$31.1 billion. In total, the CY probe into the pseudo farmer case has saved the government NT\$77.4 billion in spending.

B. Upholding Discipline

I. Case 3:

CY impeaches Public Works specialist, upholds discipline of government officials

New Taipei City Government Public Works Department Senior

4. Case Summaries: Bringing Our Powers to Bear

Technical Specialist Guan-min Wang was suspected of receiving favors from representatives of a construction company, including employment in the firm for his daughter and entertainment outings, in exchange for speeding up the license issuance process. Such actions are not only in violation of the Anti-Corruption Act but also undermine discipline among government managers. After investigating the matter, the CY decided to impeach Mr. Wang.

The CY's investigation discovered that between 2013 and 2014, Wang had been entertained by construction company reps with golfing outings, banquets and other forms of entertainment in the mainland Chinese city of Shenzhen and in central Taiwan. During this period, Wang had approved the company's applications for various licenses, and also had not applied for permission for his two trips to mainland China as required by law. In addition, Wang, his daughter, and the company created a falsified salary account for business income tax application. And, in 2012, with the tax payment voucher and proof of employment, Wang applied for and obtained a mortgage loan at a preferential interest rate at Chunghwa Post Co. Ltd. Furthermore, in 2013, when Wang learned that one of his industry contacts had purchased land on which to build residential buildings for sale, he asked to buy shares in the contact's construction company and handed over the money for the stock purchase.

Wang's actions were in clear violation of the Public Functionary Service Act, the New Taipei City Government's employee ethics regulations, as well as regulations governing visits to mainland China by middle-ranking public servants and police officers. The CY therefore decided to impeach Wang. It is hoped this case will help compel all public servants and government agencies to abide by the law and uphold discipline in order to enhance the government's positive image of being honest and able.



II. Case 4:

CY probes judicial official's corruption, upholds discipline of judiciary

Chang Da-guang, the chief investigator at New Taipei District Court, violated the Anti-Corruption Act and the Public Functionary Service Act when he received reimbursement for filing false travel expense claims with the court on several occasions. After carrying out an investigation, the CY decided to impeach Chang in November 2016.

Judicial discipline is an issue of importance to the nation's citizens and essential to the judiciary's credibility. However, the CY's impeachment report shows that, from January 2014 to June 2015, Chang applied for and obtained remuneration totaling NT\$15,150 (US\$505.13) for travel expenses for case investigations on 33 different occasions when in fact he had remained in his office or had returned home.

Although the total amount received for false claims was small, Chang's violations were found to be frequent. In addition, as a long-serving judicial official of high rank, he had knowingly broken the law, thereby acting as a poor role model for his subordinates and seriously undermining the public's favorable perception of civil servants as being honest and able.

The CY utilized its power to impeach Chang as part of its continuing efforts to eliminate dishonest practices by public servants, uphold discipline in the judicial system, and enhance the government's positive image.

C. Safeguarding Human Rights

I. Case 5:

CY launches probe aimed at improving court system interpreter services

The CY received a group complaint about the sub-standard quality of interpreter services in the nation's court system which undermines the litigation rights of non-Mandarin speakers, such as foreign and aboriginal citizens. The CY therefore decided to launch an investigation into the matter and then issued a report in which it expressed the hope that courtroom interpreter services could be improved so as to ensure protection of human rights.

The report indicated that agencies under the Judicial Yuan (JY) and Executive Yuan (EY) were not using interpreter standards and procedure provisions in handling criminal cases, which went against the principal of due process in a modern country governed by the rule of law as well as against Article 14.3 of the International Covenant on Civil and Political Rights which stipulates that everyone should have the free assistance of an interpreter if they cannot understand or speak the language used in court. Moreover, the JY and the Ministry of Justice (MOJ) did not view the position of court interpreter as a high-level professional position, according to the report. In addition, although the Ministry of Interior (MOI) had set up a human resources database of interpreters, it lacked a credible skills assessment and certification mechanism, resulting in uneven quality in the provision interpreter services, which undermined the fair administration of justice.

The report also suggested that in order to ensure fairness and neutrality in the courts, the JY and EY should consider all the various practical possibilities in the use of courtroom interpreters and refer to advanced countries' court interpreter policies in working to improve interpreter services in Taiwan's courts, including formulating standards on conflict of interest, professional ethics, pay scales and so on for courtroom interpreters.



With the CY continuing with follow-up monitoring of the situation, the JY formulated the “Standard of Ethics for Courtroom Interpreters,” which stipulates that interpreters must give complete, accurate and faithful interpretations of court proceedings. The MOJ also formulated the “Principles for Prosecutorial Agencies to Observe in Utilizing Interpreters” and the “Rules of Ethics for Translation by Prosecutorial Agencies.” In addition, the MOI’s interpreter skills assessment mechanism matches that planned by the Ministry of Education, with the aim of improving the quality of interpreter services.

II Case 6:

CY obtains justice for deceased train operator’s family in wrongful cause of death case

In October 2008, a Taiwan Railways Administration train operator surnamed Lee died from electric shock due to ground fault while driving a train back to the Qidu Marshalling Yard. However, the Taipei City Labor Inspection Office (TCLIO) determined that Lee’s death was not the result of occupational hazard. The death certificate issued by the prosecution authority stated the cause was cardiogenic shock, and that the death was due to natural causes or illness.

Lee’s family did not accept the stated reason and filed complaints with the relevant government agencies but in vain. Legislators then referred the case to the CY. In its investigation, the CY discovered that although many of those questioned following Lee’s death stated they suspected that electric shock was the reason, the TCLIO did not as required by the law send personnel to the site to conduct occupational hazard inspection and check for possible electricity leakage. Instead, the TCLIO determined soon afterward, based on the autopsy certificate issued by the prosecution

4. Case Summaries: Bringing Our Powers to Bear

authority, that Lee's death was not the result of occupational hazard, and then handed over its flawed "disaster investigation initial report" to the prosecutors for their reference. As the TCLIO had evidently been negligent in its duties for not properly investigating Lee's death, the CY proposed corrective actions for the office.

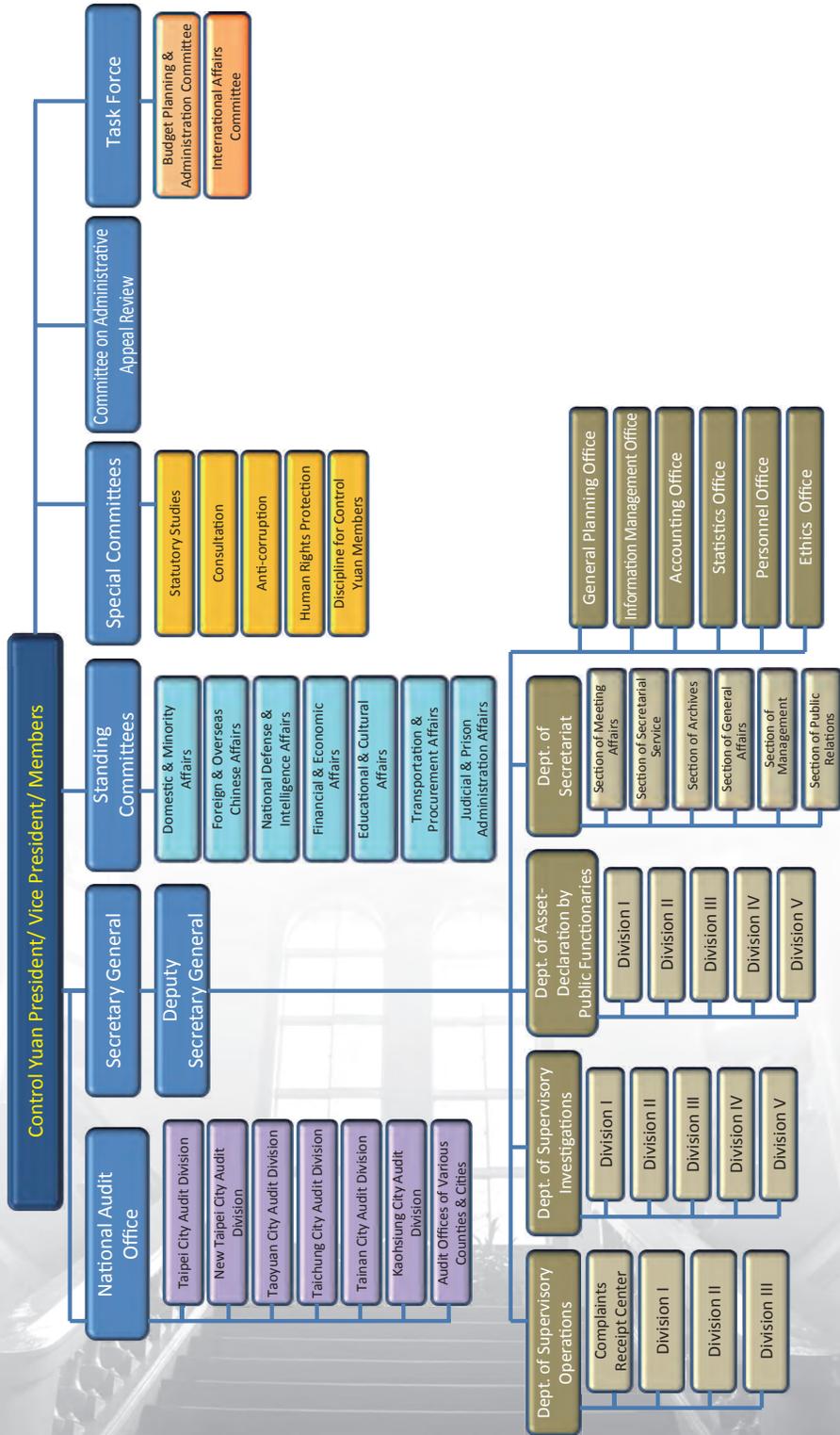
Following the CY's decision, the TCLIO revised the occupational hazard report. Lee's family, taking into consideration the statute of limitations for State Compensation claims and the facts uncovered by the CY's probe, decided to file a lawsuit. In the ruling, the TRA was ordered to pay Lee's family NT\$3 million (US\$100 thousand) in compensation. In addition, Lee's family received a total of more than NT\$7 million in occupational hazard compensation, State Compensation, solatium for civil servants for death or disability while carrying out official duties, and related insurance claim payments.

Through its investigation and four years of follow-up monitoring, the CY was able to assist Lee's bereaved family members in finally obtaining justice for their painful loss.

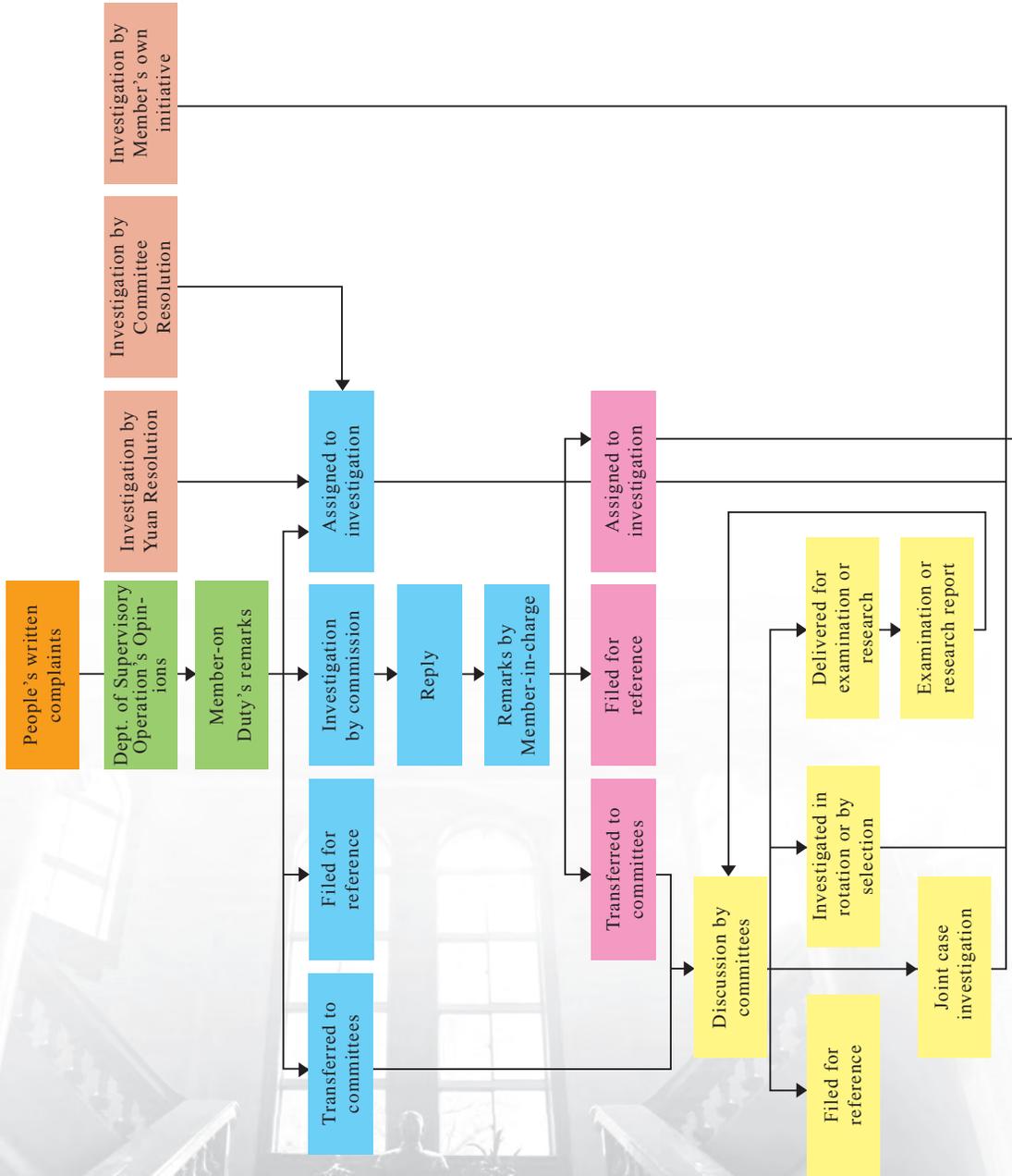


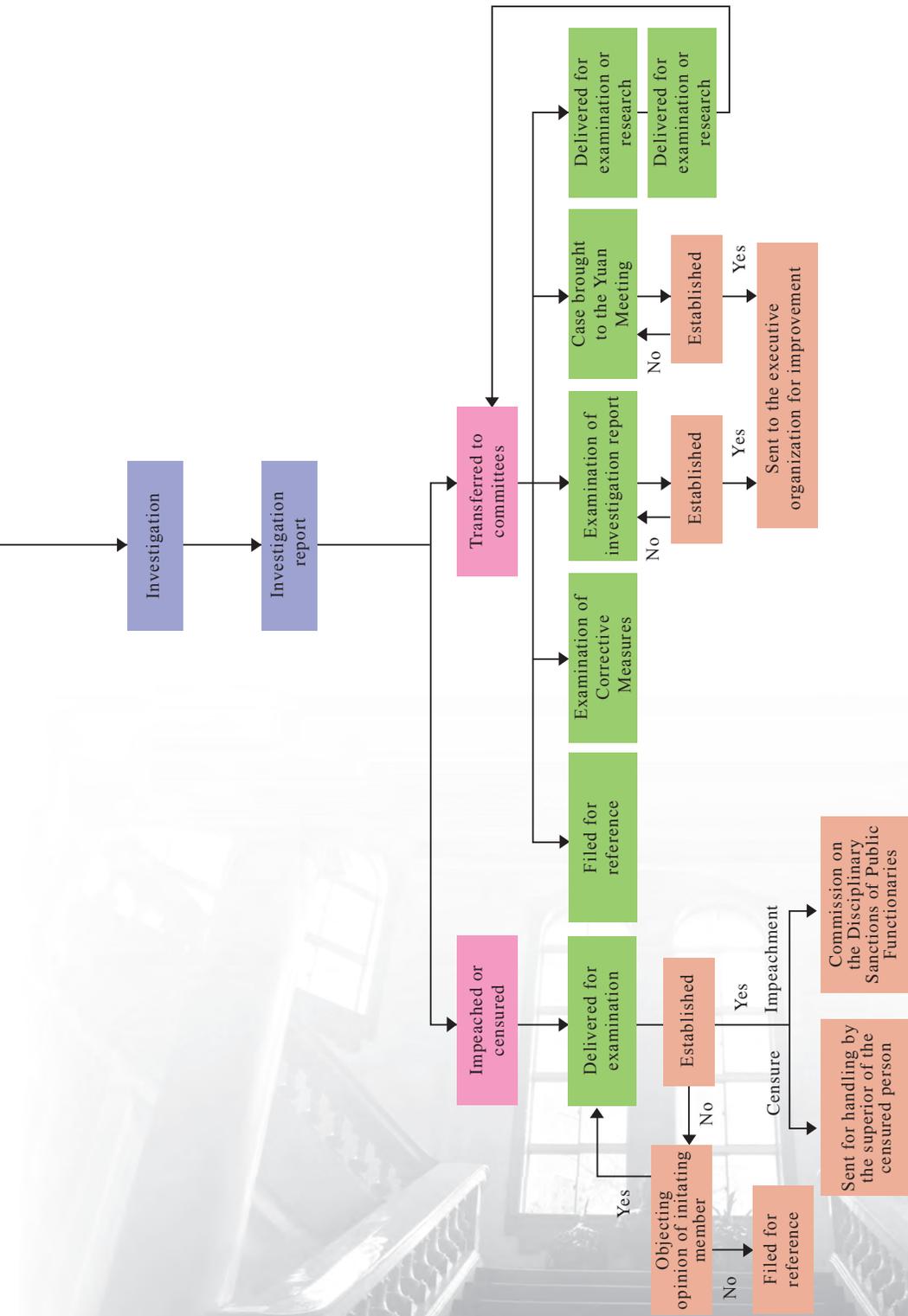
5. Appendix

Organizational Chart of the Control Yuan



Flowchart of the Exercise of the Control Yuan Powers







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