

2020

Annual Report of the Control Yuan
Taiwan, Republic of China





Preface

The Control Yuan (CY) shoulders the responsibility of protecting people's rights, handles citizens' complaints with its consistent prudence, oversees the government and rectifies its unlawfulness and inefficiency. To build up a closer relationship with the public, the CY has actively promoted its digital transformation strategies. For instance, people and inmates now can make complaints by videoconference to the CY, experiencing the convenience of submitting complaints in a diverse way.

Thanks to the CY members and staff's hard work, our performance last year was as follows: 13,153 people's complaints received; 306 investigation reports issued; 40 impeachment cases passed resulting in a total of 54 officials impeached; 85 corrective measures proposed with 272 letters calling for improvement sent; Moreover, ministries and agencies have made 1,709 improvements, amended and repealed 333 and 2 laws respectively.

Among the investigation reports issued in 2020, 208 reports (65%) are related to safeguarding human rights. After hard work by all sectors of the community and previous presidents of Taiwan, on Jan. 8, 2020, the "Organic Law of the Control Yuan National Human Rights Commission" was enacted and promulgated by the Presidential Order. The National Human Rights Commission, in accordance with the Paris Principles, was officially established on Aug. 1 of the same year, marking a new milestone in the promotion and protection of human rights in Taiwan.

Preface

Due to COVID-19, this year many international exchange visits have been suspended. Nevertheless, the CY still participated in several international activities, such as attending the 32nd APOR online conference, signing cooperation agreement with Ibero-American Federation of Ombudsman (FIO) and publishing the Chinese version of “Research Handbook on the Ombudsman”.

The CY, standing with the people, will continue to oversee the government, making the country clean and upright. Meanwhile, hopefully it will become the people’s supporter and the nation’s conscience, fulfil social justice, voice for the disadvantaged, and stay in line with international human rights standards.



Chu Chen
President, Control Yuan
Chair, National Human Rights Commission
May 2021



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Part 1

2020 Highlights: An Overview
of Work Performance



2020 Highlights: An Overview of Work Performance

Receipt of people's complaints

- Received 13,153 people's complaints.
- Among the complaints, judicial affairs accounted for the largest share (40.4%), followed by domestic affairs (30.2%) .

Corrective measures

- Proposed 85 cases with 272 letters calling for improvements sent.
- Domestic and ethnic affairs accounted for the largest share (32 cases).

Investigation

- Launched 343 investigations.
- Issued 306 investigation reports.
- Commenced 14 systematic investigation reports.

Investigation and recommendation achievement

- Saved the state coffers a total of nearly US\$2.2 billion, including US\$1.8 billion in reduced spending and US\$0.4 billion in additional government annual income.
- 1,709 improvements made by government ministries and agencies.
- 335 laws and regulations amended (333) or repealed (2) by government ministries and agencies.

Impeachment

- Established 40 cases.
- Impeached 54 government officials including 6 judges, 2 prosecutors and 9 military officers.



Circuit Supervision

- Conducted 37 supervisory visits at the central government level.
- Conducted 33 supervisory visits at the local government level with 348 people's complaints received on-site by CY members.

Audit

- Handled 145 cases reported by National Audit Office (NAO).
- 6 CY cases used NAO auditing reports as references.

Sunshine Acts (Anti-corruption business)

- Received 10,726 cases of property declaration by public servants.
- Handled 445 cases of recusal for conflicts of interest.
- Received 534 accounting reports of political donation.
- 49 cases were closed and fined.

Human Rights Protection

- 65% of investigation reports and 71.8% of corrective measures were related to human rights issues.
- The National Human Rights Commission was established on Aug. 1, 2020.
- Had an online meeting with APF.
- Held Taiwan Human Rights Upgrade event on human rights day.

CY International Exchange

- Attended the 32nd APOR Online Conference.
- Signed Cooperation Agreement with FIO.
- Published Chinese version of "Research Handbook on the Ombudsman".
- Submitted 22 articles to the IOI Newsletter and APOR E-News.

Part 2

R.O.C. Supervision System in Brief



R.O.C. Supervision System in Brief

Historical Background



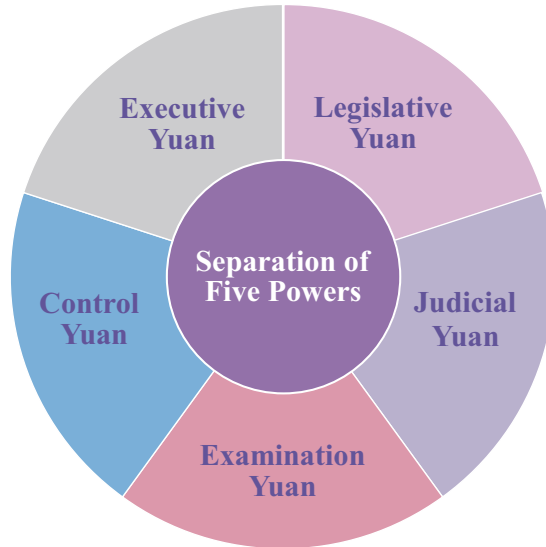
A statue of Dr. Sun Yat-sen,
erected at the CY main stairway

The Chinese supervision system has been functioning for more than two thousand years. The names and structures of the supervisory offices may vary from one dynasty to another. However, they share the same values. For centuries, these offices aimed to uphold justice, enforce discipline and supervise government ethics. To achieve the goals, government officials periodically investigated, conducted visits and reported cases of impeachment to emperors.

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



The Five-Power Constitutional System of Republic of China



History

- 1928** The Auditing Yuan was established.
- 1931** The Control Yuan (CY) was established and the Auditing Yuan was reorganized as a ministry under the CY.
- 1946** The R.O.C. Constitution was drafted, specifying a central government with five branches.
- 1947** The Constitution came into effect on Dec. 25, 1947. The first-term CY members were elected by the provincial, municipal, Mongolian, Tibetan and overseas Chinese representative councils.
- 1948** The CY was officially established on Jun. 5, 1948, following the enactment of the Constitution.
- 1949** The government relocated to Taiwan from mainland China due to the Chinese civil war.

- 1992** According to the amendment of the Constitution, the number of CY members was reduced to 29, including a president and a vice president. All members shall be nominated by the President of the Republic of China and approved by the National Assembly to serve a six-year term.
- 1993** The second-term CY members took office on Feb. 1, 1993.
- 2000** The National Assembly amended the Constitution and specified that the 29 CY members shall be nominated by the President of the Republic of China and approved by the Legislative Yuan.
- 2005** Due to the political stalemate at the end of 2004, the CY was unable to exercise its powers for three and half years.
- 2008** The fourth-term CY members took office on Aug. 1, 2008.
- 2014** The fifth-term CY members took office on Aug. 1, 2014. Only 18 nominees were approved by the Legislative Yuan.
- 2018** The Legislative Yuan approved the 11 CY nominees. The 11 CY members took office on Jan. 22, 2018.
- 2020** The sixth-term CY members commenced their term of office on Aug. 1, 2020. On the same day, the National Human Rights Commission was established.

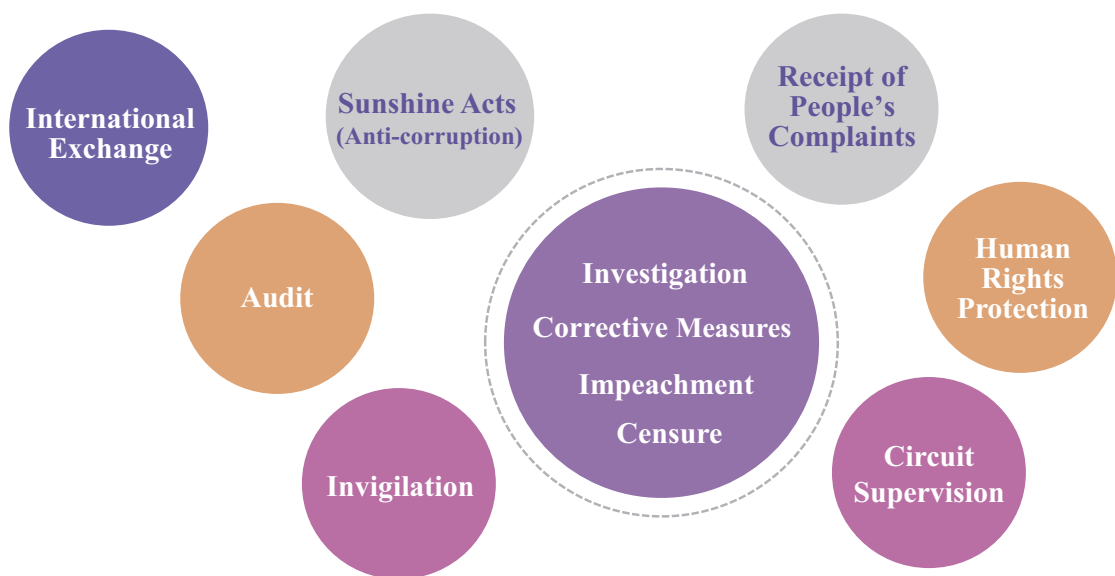


The sixth-term CY members inaugurated on Aug. 1, 2020

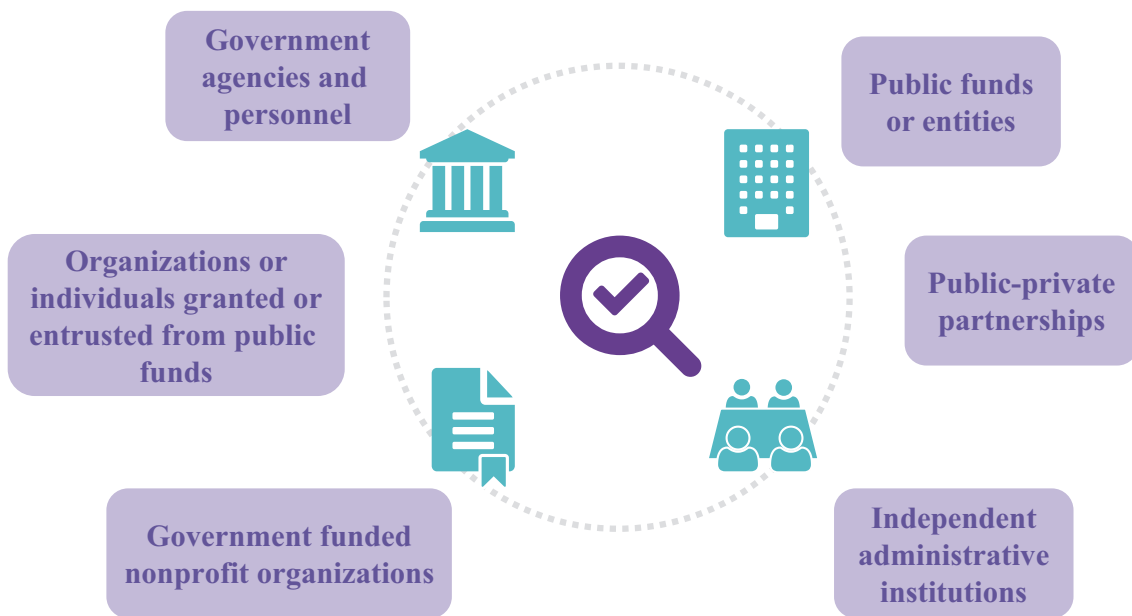
Organization

The CY, with nearly 500 employees, is composed of 29 members, 5 departments, 4 offices, 7 standing committees, 4 special committees and 4 task force groups. As the nation's ombudsman, the CY shoulders the responsibility of protecting human rights. The National Human Rights Commission (NHRC) was established on Aug. 1, 2020, consisting of 10 members and the CY president serving concurrently as the chair.

Our Functions and Powers (Jurisdiction)



Who Can We Investigate?



President Chen presides over a plenary meeting

Part 3

Our Performance



Our Performance

As the nation's ombudsman, the CY is responsible for investigating misconduct and violations by government agencies and officials. The CY also shoulders the responsibility of protecting human rights, upholding government ethics, promoting good governance and mitigating citizens' complaints. In 2020, the CY has accomplished various works and received wide recognition for its performance.

Handling Complaints and Assuring Good Governance

Receipt of People's Complaints

Fast Facts: In 2020, the CY received 13,153 people's complaints within our jurisdiction. Among the complaints, judicial affairs accounts for the largest share (40.4%), followed by domestic (30.2%) and financial and economic affairs (13.3%).

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

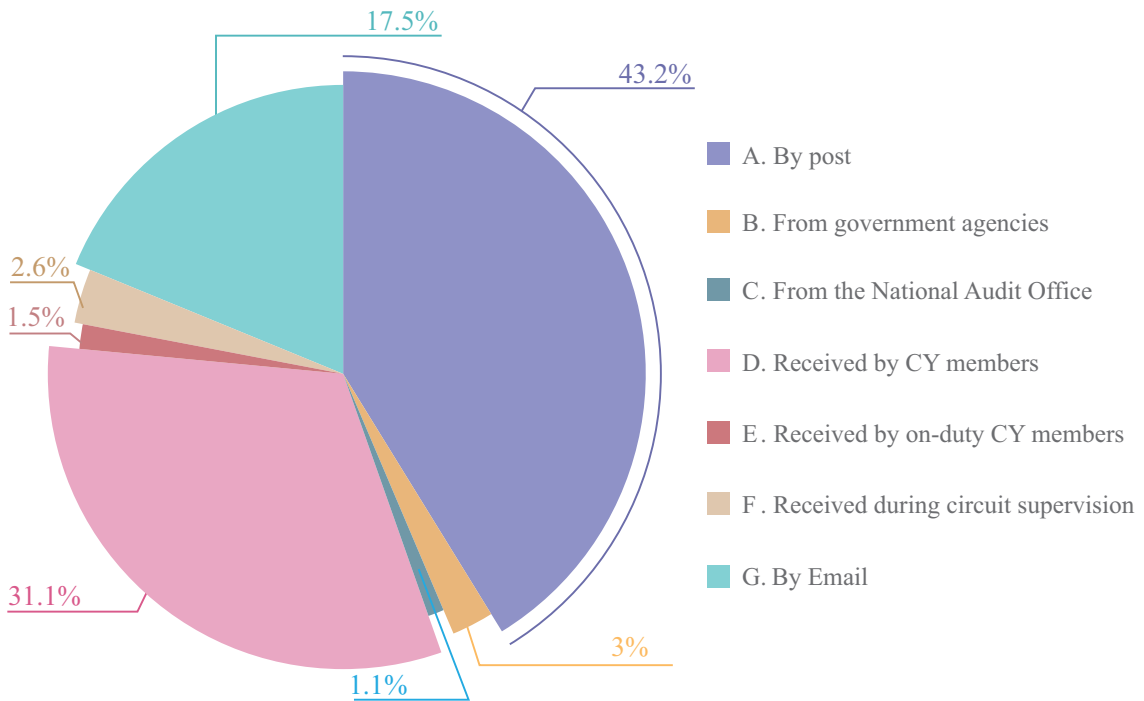
It is free to make a complaint. In addition, on daily basis, an on-duty CY member, assigned in rotation, at the Complaint Receipt Center is in charge of receiving and handling complaints submitted by the public.



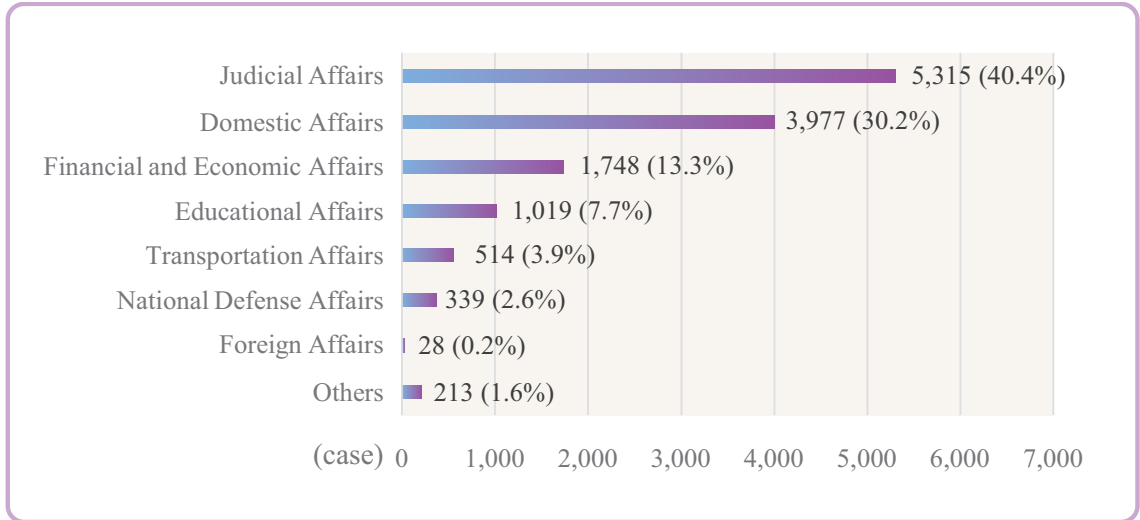
How to Lodge a Complaint?



Sources of Complaints in 2020



Categories of Complaints Received in 2020



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



◀ In 2020, CY launched its videoconference complaints system; people can experience the convenience of submitting complaints in a diverse way.



Investigation

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

Fast Facts: In 2020, the CY investigated 343 cases (64 assigned, 159 own-motivated and 120 commissioned investigation). Among the cases, most of them dealt with judicial and prison, economics, healthcare, national defense and conscription administration issues.

During the reporting year, the CY also proposed 306 investigation reports resulting in the passage of 40 impeachment motions, 85 corrective measures and 272 letters sent to government agencies calling for improvements.

In addition, 14 systemic investigation researches were also commenced by the CY members. These research reports have contributed to a much better understanding of many current important issues in Taiwan.

Types of Investigations

Assigned investigation

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

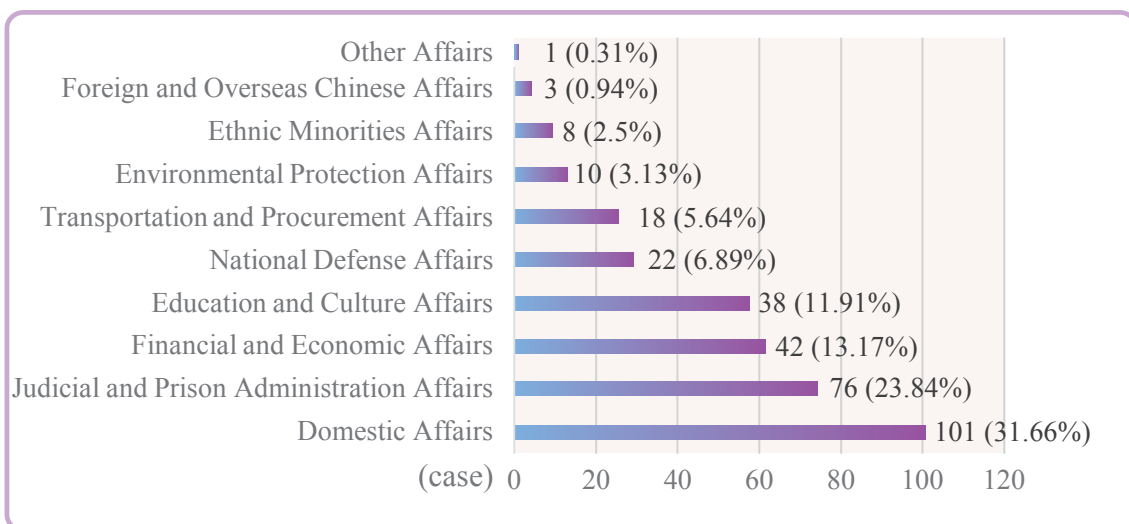
Self-initiated investigation

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

Commissioned investigation

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

Categories of Investigation Reports Reviewed in 2020





Topic of Systemic Investigation Researches in 2020

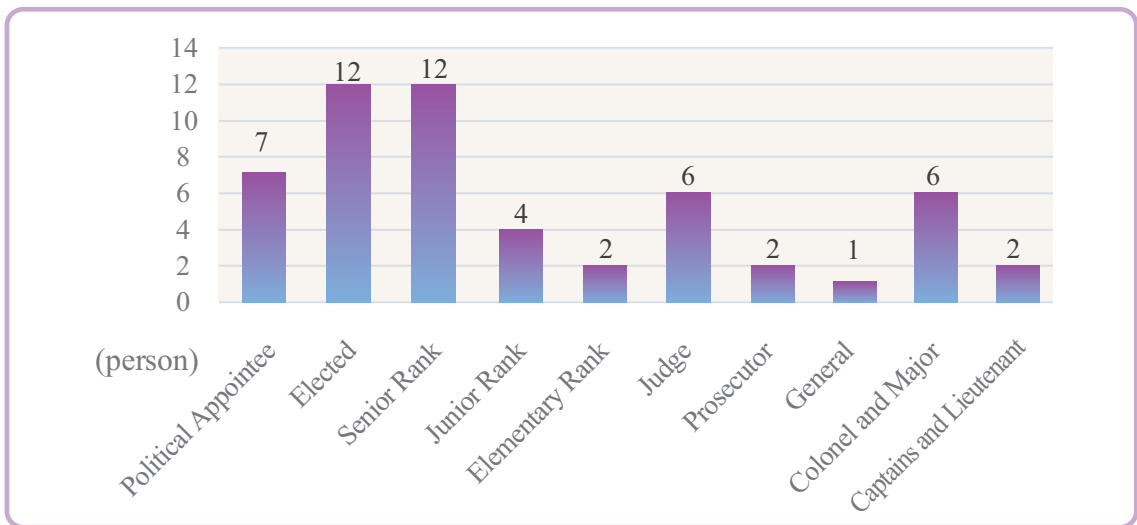
| CY Standing Committees | Topic |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Domestic and Ethnic Affairs | <ol style="list-style-type: none"> 1. Review of Government Assistance for Indigenous People in Employment 2. Discussion on Government's Effectiveness of Children Sexual Assault Prevention |
| Foreign and Overseas Chinese Affairs | <ol style="list-style-type: none"> 3. Review of Overseas Service-learning Promotion for College Students 4. The Impact of COVID-19 on the International Situation and Taiwan's Diplomacy |
| National Defense and Intelligence Affairs | <ol style="list-style-type: none"> 5. Strategy and Implementation of the NSB's Response to the Threat Posed by China's Cyber Warfare 6. A Probe into the Reserve Mobilization Mechanism and Enhancement |
| Financial and Economic Affairs | <ol style="list-style-type: none"> 7. Discussion on the Financial Imbalance between Municipal and County Governments 8. Legal and Implementation Analysis of the Total Social Cost on Nuclear Disaster Relief and Recovery |
| Educational and Cultural Affairs | <ol style="list-style-type: none"> 9. Analysis of the Brain Drain in Taiwan Due to Low Salary 10. Discussion on Taiwan's Talent Cultivation at the Doctoral Level and Unemployment among Doctoral Holders |
| Transportation and Procurement Affairs | <ol style="list-style-type: none"> 11. Revitalization and Innovation of Taiwan's Old Railways and Efficiency Enhancement of Branch Line Operation 12. Discussion on the Safety and Strategy of Bridge Structures Nationwide |
| Judicial and Prison Administration Affairs | <ol style="list-style-type: none"> 13. Research on the Custody of Stolen Evidence and Files in Criminal Cases 14. Review of Judges and Prosecutors Evaluation Approaches |

Impeachment, Censure, and Corrective Measures

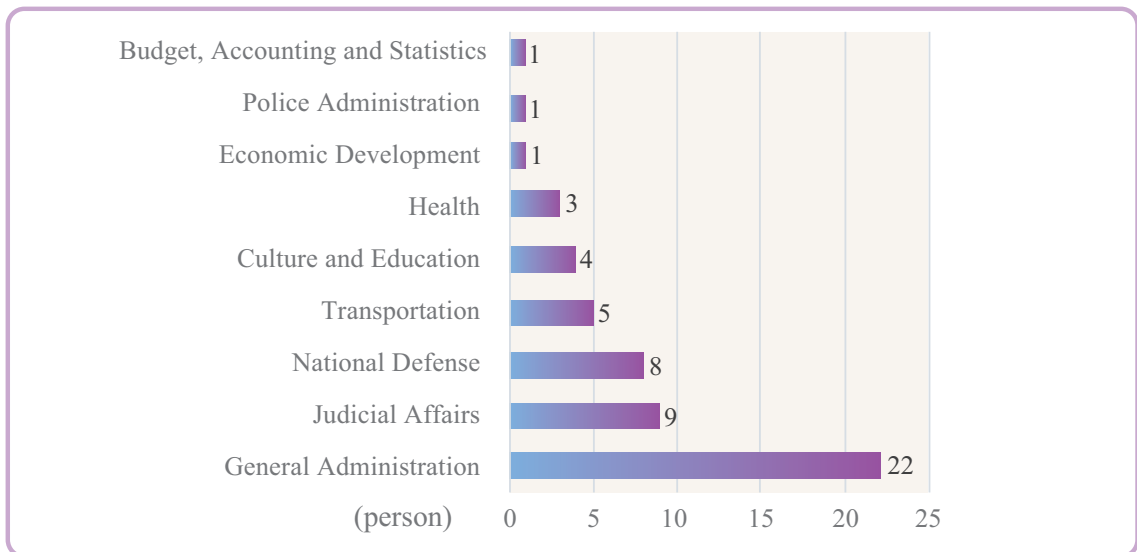
Impeachment

Fast Facts: In 2020, the CY passed 40 impeachment cases, in which 54 government officials (including 2 prosecutors, 6 judges and 9 military officers) were impeached.

Official Ranks of the Impeached in 2020



Occupational Types of the Impeached in 2020





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

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

Once an impeachment case is passed, the case will be forwarded to the Disciplinary Court under the R.O.C. Judicial Yuan.

The disciplinary actions public servants may face are as follows: relief from duties, dismissal from position, loss of or reduction in pension benefits, job suspension, demotion, salary reduction, fine imposition, demerit or admonition. In addition, for those who have been relieved from the duties or dismissed from positions shall never be eligible to serve as public servants.



CY press conference on impeachment motion

Censure

Fast Facts: In 2020, the CY members proposed no censure cases. The power of censure is similar to the power of impeachment. Both emphasize the importance of sanctions for derelict public servants.

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



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

Differences between Impeachment and Censure

| Impeachment | <i>V.S.</i> | Censure |
|------------------------------------------------|-----------------------------------|--------------------------------------------------------------|
| Public Servant | <u>Who</u> | Public Servant |
| Violation of law or dereliction of duty | <u>Why</u> | Violation of law or dereliction of duty |
| The disposition of disciplinary sanction | <u>Purpose</u> | Suspension of duty or urgently remedy |
| Two or more CY members | <u>Quorum to propose</u> | One or more CY members |
| Nine or more CY members, except the initiators | <u>Quorum to examine</u> | Three or more CY members, except the initiator(s) |
| Disciplinary Court under the Judicial Yuan | <u>Penalty organs referred to</u> | The superior or the official in charge of the public servant |

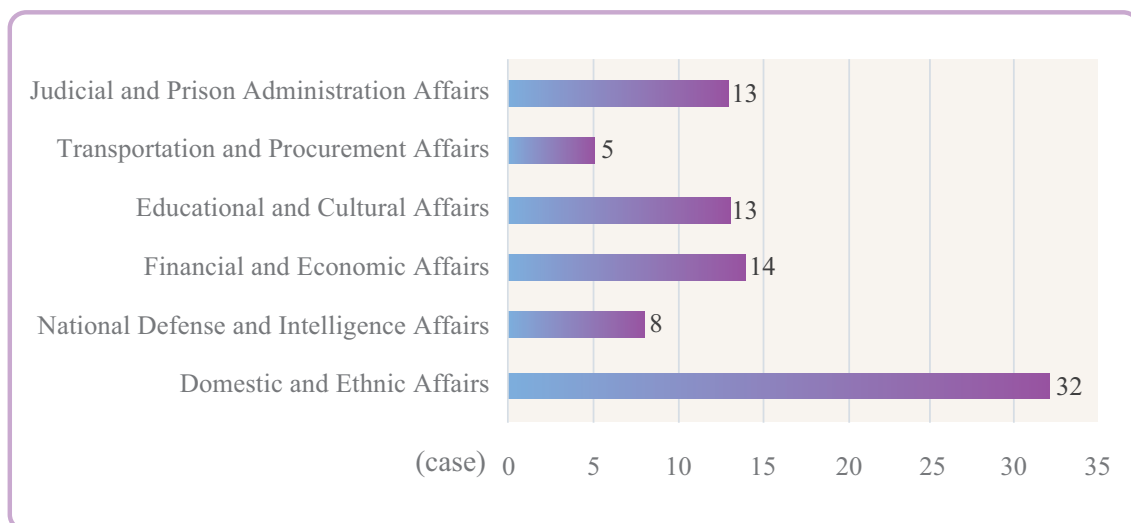
Corrective Measures

Fast Facts: In 2020, the CY proposed 85 cases to the Executive Yuan and its subordinate organs; sent 272 letters calling for government agencies' improvements. The agencies have also punished 257 public servants, including 227 officials and 30 officers, after receiving CY corrective measures and letters. Moreover, ministries and agencies have made 1,709 improvements, amended and repealed 333 and 2 laws respectively.

By exercising the power of corrective measures, the CY has saved the state coffers a total of NT\$62.7659 billion*, including NT\$51.12269 billion in reduced spending and NT\$11.64321 billion in additional government annual income. Many agencies have been urged to make improvements, including: Taiwan Sugar Corporation revitalizing unused assets; Taipei City Government increasing equity allocation in the Metro joint development project; Ministry of Interior and the Council of Agriculture preventing fake farmers from eroding farmers' health insurance resources.

*2020 US Dollar to New Taiwan Dollar Exchange Rate: approx. 29 NT/1 USD

Corrective Measures Proposed by CY Standing Committees in 2020





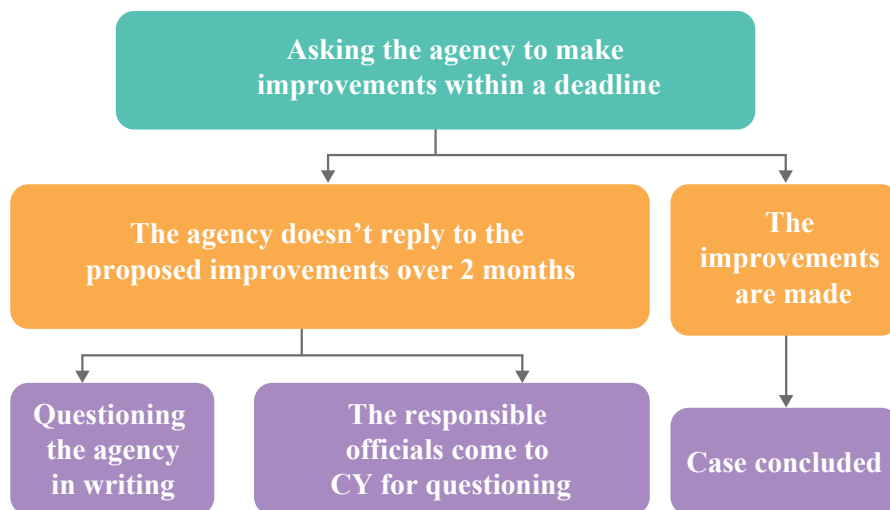
Self-imposed Punishment by Government Organs after Receiving CY Corrective Measures

| Type | Person |
|---------------------|------------|
| Major demerit | 8 |
| Demerit | 47 |
| Admonition | 142 |
| Warning | 25 |
| Take notice | 2 |
| Refer to discipline | 7 |
| Others | 26 |
| Total | 257 |

Cases of Corrective Measures in 2020 – Actions Taken by Each Organ

| | | Case |
|-----------------------------------------------------------|-------------------------------------------|------------|
| Established cases | Total | 85 |
| Closed cases – Actions taken by each organ | Improvement made | 178 |
| | Improvement made & sanction or discipline | 16 |
| | Refer to sanction or discipline | - |
| | Researching | 3 |
| | Judicial relief | - |
| | No ground for extraordinary appeals | - |
| | Without infraction or misconduct | 1 |
| | Others | 2 |
| | Subtotal | 200 |

Procedure after Proposing Corrective Measures



Circuit Supervision and Invigilation

Circuit Supervision

Fast Facts: In 2020, the CY conducted 37 supervisory visits at the central level. At the local government level, the CY members conducted 33 supervisory visits and on the spot received 348 people's complaints.

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



The supervision covers various tasks as follows:

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



CY conducts circuit supervision of the Executive Yuan



CY members carry out circuit supervision at local level

Invigilation

Fast Facts: In 2020, 20 national examinations, including senior, junior, elementary, special exams, were invigilated by the CY members. The CY members have been assigned to invigilate the exams 32 times.

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

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



Audit

Fast Facts: In 2020, cases reported to the CY by the National Audit Office (NAO) are as follows: 68 cases of dereliction of duties or poor performances; 4 cases submitted to prosecutor offices and in parallel reported to the CY; 9 cases reported to the CY to take actions; 10 cases provided for the CY to exercise the power of control.

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

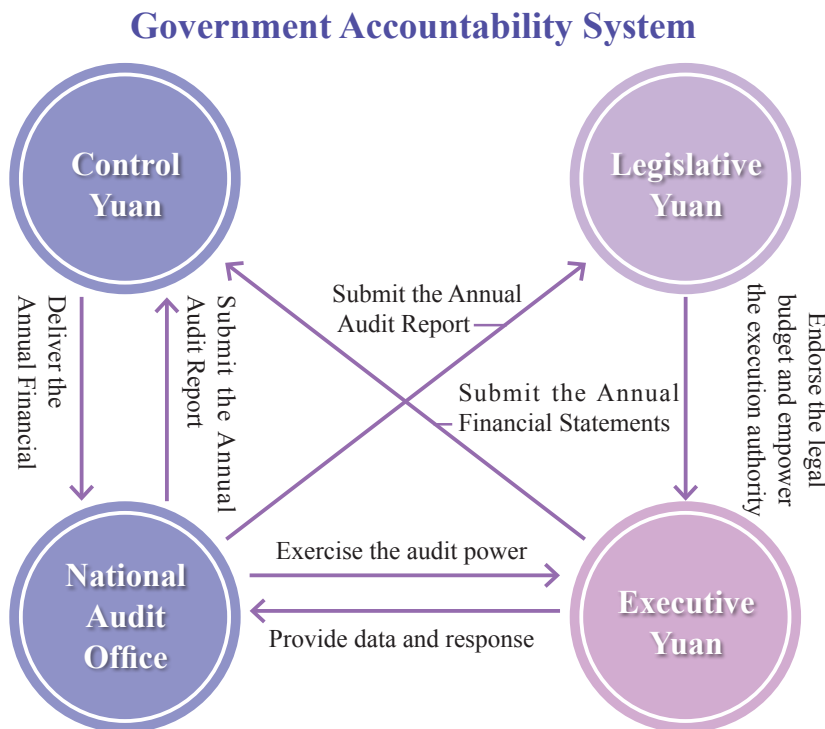
The CY shall have an Auditor General, who shall be nominated and appointed by the President of the Republic of China, with the consent of the Legislative Yuan. The incumbent Auditor General is Mr. Jui-Min Chen.

Duties and Functions of Audit Power



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

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



Source: NAO 2019 Performance Report, p.3



Handling of Cases Reported by National Audit Office in 2020

| Total | Disposition | | | | |
|-------|--------------|--------------------------------------------|--------------------------------------------------------|---------------------------------------------------------|--------|
| | Investigated | Forwarded to other agencies to investigate | Merged with other similar cases investigated by the CY | Recognize NAO appropriate handling and permit to record | Others |
| 145 | 6 | 6 | 10 | 120 | 3 |

*Unit: Number of Cases

Reviewing Audit Reports on the Final Financial Report of the Central Government by the CY in 2020

| Total | CY opinion or handling | | | |
|-------|------------------------|------------------------------------------|-------|--------|
| | Investigated | Forwarded to other organs to investigate | Filed | Others |
| 460 | 26 | 34 | 196 | 204 |

*Unit: Number of Cases

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

| Total | CY opinion or handling | | | |
|-------|------------------------|------------------------------------------|-------|--------|
| | Investigated | Forwarded to other organs to investigate | Filed | Others |
| 1,615 | 10 | 33 | 1,529 | 43 |

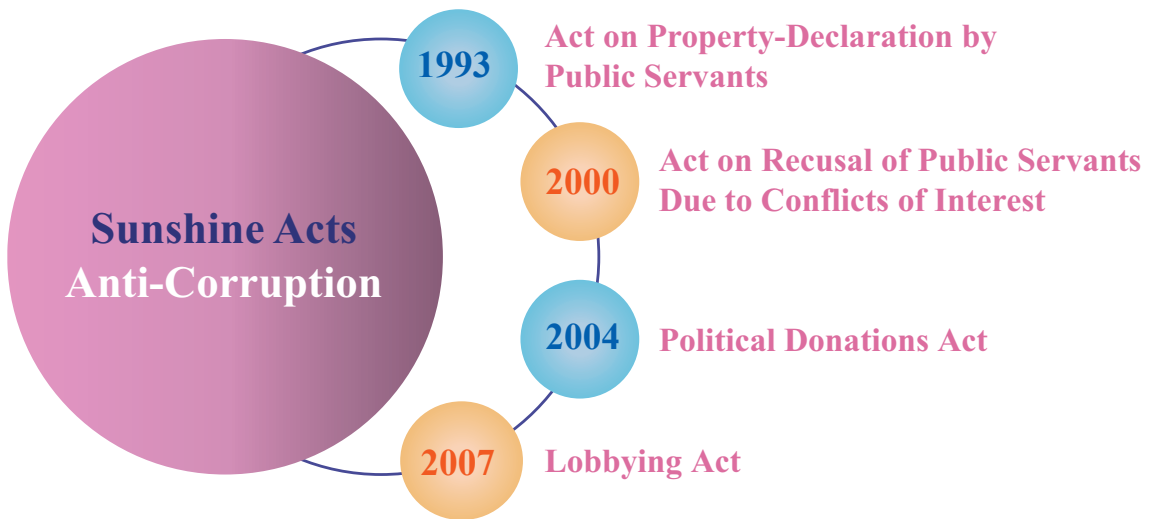
*Unit: Number of Cases

Sunshine Acts

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

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

Timeline of Sunshine Acts





The Committee on Anti-Corruption established by the CY is responsible for handling and monitoring matters related to property declaration by public servants, recusal of public servants due to conflicts of interest, political donations and other business related to government ethics. During the year, 671 anti-corruption cases, including cases of property declaration (535), recusal of public servants due to conflicts of interest (17), political donations (39) and others (80), have been handled by the Committee.

Property-Declaration by Public Servants

Fast Facts: In 2020, the CY received 10,726 property declaration cases and reviewed 9,092 ones; investigated 442 cases; proposed 492 investigation reports; imposed fines on 44 cases for noncompliance with law.

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

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

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

Who Shall Report Assets to the CY?

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

Penalty Cases of Property-Declaration by Public Servants in 2020

| | Case | Amount (NT\$1,000) | |
|------------------------|----------------------------------|-----------------------|---------------|
| Cases closed and fined | 44 | 11,500 | |
| Cases closed | 60 | 10,715 | |
| Cases not yet closed | Punishment determined | | |
| | -Paid by installment | 8 | 11,125 |
| | -Under administrative execution | 10 | 1,660 |
| | -Others | 7 | 1,135 |
| | Punishment pending | | |
| | -Under administrative appeal | - | - |
| | -Under administrative litigation | 5 | 13,420 |
| | -Others | 10 | 3,000 |
| | Subtotal | 40 | 30,340 |



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

In 2020, the system received 7,442 cases. If calculated at four hours per case, the traditional way to declare properties, the online platform can save time amounting to 29,768 hours in sum.

Conflicts of Interest

Fast Facts: In 2020, the CY received 445 recusal cases compiled and reported by government organs; handled 25 cases reported by the public, ethics units or media reports; followed up and managed 17 prosecuted corruption cases transmitted from Ministry of Justice; investigated 21 cases; proposed 17 investigation reports; imposed fines on 8 cases for noncompliance with law.

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

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

1. Movable property and real estate;
2. Cash, deposits, foreign currencies, and securities;
3. Obligatory rights or other property rights;
4. Other interests with economic value or that can be acquired through money exchange.

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

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

How to Avoid Conflicts of Interest?

Recuse

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

Prohibit seeking self-interest

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

Prohibit influence lobbying and request

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

Political Donations

Fast Facts: In 2020, the CY approved 27 political donations accounts (21 by persons planning to participate in campaign; 6 by political parties); received 534 accounting reports; investigated 181 cases; proposed 109 investigation reports; imposed fines on 5 cases for noncompliance with law.



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

Penalty Cases of Political Donations in 2020

| | | Case | Amount (NT\$1,000) |
|-------------------------|----------------------------------|-----------|-----------------------|
| Cases closed and fined | | 5 | 8,535 |
| Cases closed | | 13 | 3,141 |
| Cases not yet closed | Punishment determined | | |
| | -Paid by installment | - | - |
| | -Under administrative execution | 13 | 4,994 |
| | -Others | 30 | 9,151 |
| | Punishment pending | | |
| | -Under administrative appeal | - | - |
| | -Under administrative litigation | 2 | 6,485 |
| | -Others | 1 | 50 |
| | Subtotal | 46 | 20,680 |

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

The system can be accessed directly or via the Sunshine Acts official website. Users can type in key words or use the advanced search function to find the data on specific political parties, groups, candidates, donors, expenditure items, etc. They can also search by election and download the entire files for each of the election districts and candidates for a specific election for comparative research and analysis. In 2020, 577 accounting reports were released to the public. There are 183,019 queries and 43,305 downloads of the reports.

Lobbying

Fast Facts: In 2020, the CY did not receive any case by lobbyists or cases submitted by the lobbied government agencies.

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

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



Human Rights Protection

Fast Facts: Among cases investigated by the CY in 2020, 208 investigation reports (65.0%) and 61 corrective measures (71.8%) are related to safeguarding human rights.

As the nation's ombudsman, the CY is by nature tasked with the mission of protecting human rights. To comply with the Paris Principles and to advocate for human rights and handle cases involving alleged human rights violations by government agencies or public servants, the CY accordingly established Human Rights Protection Committee in March 2000.

After years-long research and planning, on Aug. 1, 2020, the National Human Rights Commission (NHRC) was established. The launch of the NHRC represents a significant change for the CY and a milestone for human rights development in Taiwan.



NHRC sign unveiling. (from left to right: former CY president Po-Ya Chang, Taiwan's President Ing-Wen Tsai, CY president & NHRC chair Chu Chen, and CY member Upay Radiw Kanasaw)

The NHRC shall: assist government agencies in signing or ratifying international human rights instruments and their incorporation; propose necessary and feasible recommendations to amend the Constitution, legislation and laws based on international human rights standards; and provide independent opinions for state reports submitted by the government in accordance with the provisions of various international human rights treaties.

Human Rights Investigations and Corrective Measures Completed by Control Yuan in 2020 – In the Category of Specific Groups

| Category | | Investigations | | Corrective Measures | |
|-----------------------|----------------------------|----------------|----------------|---------------------|----------------|
| | | No. of Cases | Percentage (%) | No. of Cases | Percentage (%) |
| Human rights cases | | 208 | 100.0 | 61 | 100.0 |
| Noninvolved | | 138 | 66.3 | 37 | 60.7 |
| Specific groups cases | | 70 | 33.7 | 24 | 39.3 |
| Type of human rights | 1. Women | 7 | 3.4 | 1 | 1.6 |
| | 2. Children and juvenile | 17 | 8.2 | 8 | 13.1 |
| | 3. Persons with disability | 13 | 6.3 | 6 | 9.8 |
| | 4. Elderly | 5 | 2.4 | - | - |
| | 5. Indigenous peoples | 9 | 4.3 | - | - |
| | 6. Migrant workers | 4 | 1.9 | 3 | 4.9 |
| | 7. Other specific groups | 27 | 13.0 | 8 | 13.1 |

Note:

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



Human Rights Investigations and Corrective Measures Completed by Control Yuan in 2020 – In the Category of Rights

| Category | | Investigations | | Corrective Measures | |
|------------------------|-------------------------------------------|----------------|----------------|---------------------|----------------|
| | | No. of Cases | Percentage (%) | No. of Cases | Percentage (%) |
| Total | | 320 | 100.0 | 85 | 100.0 |
| Non-human rights cases | | 112 | 35.0 | 24 | 28.2 |
| Human rights cases | | 208 | 65.0 | 61 | 71.8 |
| Type of human rights | 1. Right to freedom | 6 | 1.9 | 2 | 2.4 |
| | 2. Right to equality | 6 | 1.9 | 2 | 2.4 |
| | 3. Right to freedom from torture | 3 | 0.9 | 1 | 1.2 |
| | 4. Political rights | 1 | 0.3 | - | - |
| | 5. Right to judicial protection | 46 | 14.4 | 9 | 10.6 |
| | 6. Right to participation and to be heard | 1 | 0.3 | - | - |
| | 7. Right to life | 19 | 5.9 | 14 | 16.5 |
| | 8. Right to health | 37 | 11.5 | 7 | 8.2 |
| | 9. Right to work | 17 | 5.3 | 6 | 7.1 |
| | 10. Right to property | 32 | 10.0 | 9 | 10.6 |
| | 11. Right to adequate housing | 7 | 2.2 | - | - |
| | 12. Right to cultural life | 2 | 0.6 | 2 | 2.4 |
| | 13. Right to education | 11 | 3.4 | 3 | 3.5 |
| | 14. Environmental rights | 9 | 2.8 | 3 | 3.5 |
| | 15. Right to social security | 6 | 1.9 | 3 | 3.5 |
| | 16. Others | 5 | 1.6 | - | - |

Note:

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

During the reporting year, major human rights achievements have been made, as illustrated below.

Improving Human Rights Education for Civil Servants

On Oct. 27, 2020, the Control Yuan's National Human Rights Commission and the Examination Yuan's National Academy of Civil Service organized a "Discussion Meeting on Cooperation to Improve Human Rights Education for Civil Servants".

Considering that civil servants are the driving force of national progress, therefore, if they can recognize the importance of human rights and understand that these core values apply to everyone, then in their duties they will show more respect for people and empathize with the vulnerable.

The human rights education supplementary materials were developed from CY investigation and correction cases related to human rights. By using real cases in the context of international standards, the materials help transform human rights from abstract ideas to concrete provisions, and raise civil servants' awareness and sense of duty for human rights.



First inter-yuan partnership program on human rights education



Having an online meeting with APF

NHRC chair Chu Chen had an online meeting with Asia Pacific Forum (APF) representatives on Nov. 11, 2020. The two sides exchanged opinions on human rights issues, organizational matters, national reviews, raising civil servants' awareness about human rights, and other topics. They also reached consensus on continuing to strengthen APF's provision of expertise and cooperation on personnel training.

APF has a long history of close cooperation with Taiwanese human rights groups, and has followed the process of establishing NHRC with interest. APF director Kieren Fitzpatrick, APF consultant Rosslyn Noonan, principal advisor Pip Dargan, and legal and policy manager Phillip Wardle took part in the call.

Others joining the meeting included NHRC members Yung-Cheng Kao, Yu-Ling Wang, Jung-Chang Wang, Chiu-Chin Tien, Hui-Jung Chi, Ta-Hua Yeh, Upay Radiw Kanasaw and Chu-Fang Chang, CY secretary general Fu-Meei Ju and consultants Prof. Song-Lih Huang (Covenants Watch convener) and Prof. Jing-Sin Liu (former national policy advisor).



NHRC and APF video conference

Human Rights Day! Taiwan Human Rights Upgrade

On Dec. 10, 2020 NHRC held a Taiwan Human Rights Upgrade event. Taiwan's President Ing-Wen Tsai attended the event. In her speech, President Tsai praised NHRC in its first four months of existence for launching many human rights initiatives, including cooperation with the National Academy of Civil Service to produce human rights teaching materials for civil servants, attending Constitutional Court oral argument sessions, proposing suggestions on independent assessment of human rights covenants, making plans for a major national conference on human rights, and other tasks.

NHRC chair Chu Chen thanked various departments, groups, advisors and other forerunners and friends for their support of NHRC, ensuring it is not alone in working for human rights.



President Ing-Wen Tsai (third left) attends NHRC Human Rights Day event



Receiving International Visitors



◀ CY president Chu Chen meets British Representative Catherine Nettleton (third left); Oct. 5, 2020

▶ Czech HR lawyer Pavel Doubek delivers a speech at the CY on NPM and OPCAT; Nov. 23, 2020

▼ CY president Chu Chen meets French Office in Taipei Director Jean-François Casabonne-Masonnave (fourth left); Dec. 21, 2020



CY International Exchange

With the aim of increasing the world's understanding of our mandates, the CY has been actively developing and maintaining relations with different individuals and organizations dedicated to the promotion of ombudsmanship and protection of human rights. In 2020, our main international exchange achievements are as follows:

Attending the 32nd APOR Online Conference

CY International Affairs Committee (IAC) members Sheng-Fong Lin, Hui-Jung Chi, Sun-Lu Fan, Ting-Ming Lai and secretary general Fu-Meei Ju took part in the 32nd Australasian and Pacific Ombudsman Region (APOR) Conference on Nov. 4-5, 2020.

This was the first time for members of the sixth CY to join an APOR conference, which due to COVID-19 this year was held online. APOR president Peter Boshier and director Deborah Glass congratulated new members of the sixth CY and Taiwan's newly established National Human Rights Commission.

IAC chairperson Sheng-Fong Lin shared CY's achievements, Hui-Jung Chi spoke on "the ombudsman and its role in protecting women's rights in the aftermath of COVID-19", and discussed with other countries how the ombudsman could exercise its functions and powers during the pandemic.



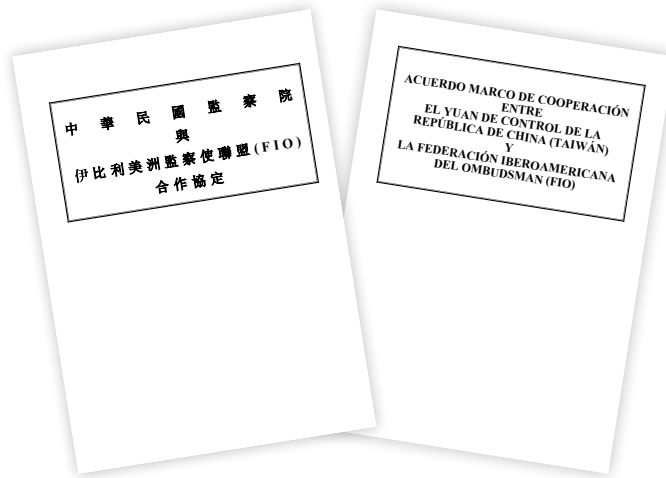
CY members and secretary general join the 32nd APOR online conference

Signing Cooperation Agreement with FIO

The Federación Iberoamericana del Ombudsman (FIO) is the main communication platform for the Spanish and Portuguese ombudsman offices. Since 1999, the CY has attended its annual conferences as an observer to expand exchanges of international ombudsmanship and maintain good cooperation and communication with influential figures in the region.

At the General Assembly of 23rd FIO Annual Conference on Nov. 28, 2019, all FIO members voted to pass the cooperation agreement between the CY and FIO. In response to COVID-19, with the assistance of the Ministry of Foreign Affairs and the Embassy of the R.O.C. (Taiwan) in Guatemala, the agreement was remotely signed and came into force on Jul. 11, 2020.

The cooperation agreement symbolizes that the relationship between the two parties has reached a new milestone and, in the meantime, will help enhance the cooperation and exchanges between the CY and ombudsman offices or organizations in Latin American.



The Cooperation Agreement between the CY and FIO

Receiving International Visitors

The CY has always spared no effort in international affairs. By receiving guests worldwide and sharing CY's ombuds-related experience, it allows foreign guests to understand Taiwan's supervision system.

Due to COVID-19 in 2020, however, many countries have adopted strict epidemic prevention and border control measures. Therefore, most international exchange visits have been suspended.

During the year, Charge d'Affaires of the Apostolic Nunciature in Taiwan, Msgr. Arnaldo Catalan and Guatemalan Ambassador Willy Alberto Gómez Tirado have visited the CY.



Chinese Version of “Research Handbook on the Ombudsman” Published by the CY

In order to broaden the ombudsman concept to a wider audience, the CY translated “Research Handbook on the Ombudsman” into Chinese, allowing the Chinese readers to understand international supervision system and its recent developments.

This book is co-edited by Marc Hertogh, Professor of Socio-Legal Studies, University of Groningen, the Netherlands and Richard Kirkham, Senior Lecturer in Public Law, University of Sheffield, UK. It is organized into four parts: fundamentals of the ombudsman; the evolution of the ombudsman; evaluation of the ombudsman; and the ombudsman office and profession.

Chapters of the book provide a comprehensive global perspective and help readers understand the role of contemporary ombudsman in the fields of public law, legal sociology, and Alternative Dispute Resolution. The Chinese version of “Research Handbook on the Ombudsman” has been published by the CY on Apr. 1, 2021.



Research Handbook on the Ombudsman – Chinese version

Submitting Articles to the IOI Ombudsman News

Based on an understanding of the general need to foster communication among members and to the world, the International Ombudsman Institute (IOI) publishes its weekly newsletter (Ombudsman News) every Friday. As a voting member of the IOI, the CY timely translates our performance and submits articles (in English or Spanish) to the Ombudsman News to effectively enhance CY's status in the international arena.

In 2020, 21 CY articles have been published on the IOI website. Topics include: Establishment of National Human Rights Commission; CY conducting annual review of Executive Yuan and urges various improvements; CY investigating the case of remote area students traveling afar for education; CY 2020 Performance Review Meeting; CY impeaching a negligent judge; CY investigating the case of seismic fortification of public buildings; CY giving close attention to COVID-19 response; CY protecting rights of the child and adolescent; CY requesting MOL to provide labor insurance coverage for all migrant fishers; CY investigating the case on number of firefighters, firefighting equipment and rescue training; CY proposing corrective measures to the Hsinchu City Government; CY requesting improvements on problems regarding preservation of evidence after conviction and laws on polygraph tests; The inauguration of the sixth Control Yuan; CY proposing corrective measures after inmate tortured to death; CY investigating the case of aiming at guaranteeing security in the environment of the accommodation of immigrant workers; CY protecting the rights of persons with disabilities; NHRC promoting human rights education for civil servants; CY supervising the MOL and defending the right of workers, etc.





International Ombudsman Institute
Institut International de l'Ombudsman
Instituto Internacional del Ombudsman

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Inauguration of sixth Control Yuan and establishment of National Human Rights Commission

The President and Members of the sixth Control Yuan (CY) were inaugurated on 1 August 2020, with Vice President Lai Ching-te presiding. The same day, the grand opening of the National Human Rights Commission (NHRC) was presided over by President Tsai Ing wen, along with NHRC Chair Chen Chu, former CY President Chang Po-ya, and Member Upay Radiw Kanasaw. The establishment of the NHRC marks a milestone in Taiwan's human rights development.

IOI publishes the news regarding the inauguration of the sixth CY and the establishment of the NHRC

Part 4

Case Summaries:
Bringing Our Powers to Bear



Case Summaries: Bringing Our Powers to Bear

Reducing Public Expenditures

Case 1: CY Prevents Fake Farmers from Eroding Farmers' Health Insurance Resources, Saving over NT\$97.6 Billion in Public Funds

Agriculture is fundamental to Taiwan, and the government is duty-bound to take care of honest farmers and support sustainable agricultural development. However, among those with farmer's health insurance, there are "fake farmers" who enjoy the benefits of this insurance and receive elderly farmers' allowances. Not only is this inconsistent with fairness and justice, it also eats into necessary government expenditures and erodes the national social welfare resources, causing severe harm to the interests of those farmers who genuinely need the care of the state.

After CY's Investigation and follow-up monitoring, the Ministry of the Interior has been urged to amend Article 5 of the Farmer Health Insurance Act, stipulating that those who have received the old-age benefits of other social insurances since Feb. 1, 2013, may not apply for farmer health insurance, effectively preventing recipients of military, civil service, teaching, or labor insurances from participating in unfair practices regarding farmer's health insurance. On Nov. 7, 2013, the Council of Agriculture (COA) and Ministry of the Interior amended and promulgated the Qualification Measures and Certification Standards for those Involved



in Agricultural Industry Work Applying for Farmer Health Insurance, adding that new applications shall be investigated on a case-by-case basis and that public sector personnel shall participate in the review mechanism. This has led to a substantial reduction in people covered by farmers' health insurance, from 1,454,000 in 2012 to 1,053,000 in October 2020.

Additionally worth mentioning is that the CY investigation prompted the COA to propose amendments to the Provisional Act Governing the Welfare Allowance for Elderly Farmers (Jul. 16, 2014) to extend the period of coverage by farmer's health insurance required to qualify for this allowance from six months to 15 years. According to COA estimates, over the 15 years following this amendment, a reduction in elderly farmers' welfare allowance expenditures of some NT\$46.3 billion can be expected, effectively preventing fake farmers from eating into farmers' welfare resources¹.

Furthermore, to ensure that those covered by farmers' health insurance are actually engaged in agriculture and eliminate fake farmers, on Dec. 30, 2015, the Ministry of the Interior amended Article 5 of the Farmer Health Insurance Act, adding being engaged in agricultural work as one of the criteria for insurance, further making sure the rights of real farmers are protected. The COA and Ministry of the Interior have also engaged in an inventory of those who have qualified for farmers' health insurance, including their household registrations; cadastral registrations; long-term residences abroad; records of incarceration; overlaps of greater than 180 days between farmers' and labor insurance; National Health Insurance Category 1, 2, or 4 coverage; and those aged 64 years four months or older. As of the end of September 2020, this inventory had resulted in some 160,800 people having coverage withdrawn, saving the country a remarkable NT\$51,314,600,000².

1. “Reforms to Funding for Elderly Farmers’ Welfare Allowances Provide Better Protection to the Interests of Farmers,” Council of Agriculture, Jan. 11, 2016 [Chinese only] https://www.coa.gov.tw/theme_data.php?theme=news&sub_theme=agri&id=5386
2. Source: Email dated Dec. 22, 2020, from the Farmers’ Health Insurance Office, Council of Agriculture.

Case 2: CY Monitors Council of Agriculture for Providing Low-cost Mining Leases of Protected Forest to Industry

This case has its origins in an investigation sparked by the November 2017 expiration of Asia Cement Corporation’s mining rights in Taroko National Park, looking at whether there were any contraventions of regulations relating to environmental needs, national land protection needs, or the public interest in the implementation of the Mining Act. In the course of this, it was found that such work touched upon a wide variety of laws and subsidiary laws, including the Mining Act, Forestry Act, Soil and Water Conservation Act, Drinking Water Management Act, Environmental Impact Assessment Act, National Park Law, and Spatial Planning Act, spanning several central and local government agencies including the Ministry of Economic Affairs, Council of Indigenous Peoples, and Forestry Bureau. The passing of documentarian Po-Lin Chi in a helicopter crash accelerated the focus being given to such issues, and thus to clarify and address points of concern among the public, an investigation into mining in “protected forests” was established.

This CY investigation found that in financial terms, as of the end of August 2017, 13 mining areas nationwide made use of land in protected forests, accounting for a total area of 131.7784 hectares of such forests. The Council of Agriculture (COA) calculates land rent for protected forests at



a 4% interest rate on the market rate. This is a low rate for land assigned to the function of preventing harm and protecting public interests. After the leasing of such land for mining purposes, it is subjected to mountaintop removal and deforestation, causing severe impacts on the ecology of the forests and altering the original topography, inflicting a high cost on the external environment. The rent collected by the COA is clearly out of balance with the environmental damage incurred, and the method by which it is calculated must be reviewed as soon as possible to reasonably reflect the ecological costs of mining spillovers.

After nearly three years of follow-up by the CY, the Ministry of Economic Affairs on Aug. 13, 2020, invited agencies including the COA to convene a meeting to discuss the imbalance between the COA's low rental charges and the resulting environmental damages, the pressing need for a review of the calculation of such rent for protected forest land, and methods by which such rent could reasonably reflect the environmental costs of mining spillovers. This meeting decided that the COA will use ecosystemic service value (water conservation, carbon sequestration, forest production, tourism/recreation, and biodiversity, calculated at approx. NT\$3.9/ha.) and real estate appraisers' assessments of the market value of forestry land as the basis for rental calculations, with such annual rent then multiplied by the rental rate. The per-hectare ecosystemic service value of this land has increased rent by approximately NT\$160,000/ha., with the COA also amending regulations pertaining to mining areas in protected forests to reasonably reflect the environmental cost of mining spillovers.

Upholding Discipline

Case 1: Former Head of Public Functionary Disciplinary Commission Violates Judges Act for Improper Contact with Parties Involved in Litigation

This case was initiated after media reports in Sep. 2019 revealed that former head of the Public Functionary Disciplinary Sanction Commission Mu-Chin Shih was suspected of providing legal advice to a friend involved in litigation between 1997 and 2014. As part of this, he was involved in numerous banquets and inappropriate contacts. The Judicial Yuan later confirmed the suspicions and announced that Shih had resigned, and advocacy groups including Saber Youth had called for a thorough investigation. To rectify official conduct and ensure government ethics, the CY launched an investigation on Sep. 18, 2019.

The CY investigation found that in the cases involving the abovementioned friend, Maw-Jang Wong, not only was former Public Functionary Disciplinary Sanctions Commission chair Mu-Chin Shih involved, so too were former chief prosecutor Wan-Fu Fang; prosecutors Hong-Yu Chu and Jung-Chien Lo; former Supreme Court justices Nan-Chuen Yen, Man-Tang Hua, and Chia-Ho Hsieh; former Supreme Administrative Court president Chi-Fu Lin; former Supreme Court chief justice Hsiung-Ming Wu; and former Investigation Bureau Taipei Field Station section chief Tai-Sheng Chin. Furthermore, Shih played golf and attended several banquets with Wong between 1997 and 2017, with neither advocates nor defenders recusing themselves as Shih provided legal advice. During Shih's tenure as Supreme Court justice, he also had improper contact and failed to recuse himself from cases involving Wong and appeals involving



him elevated from lower courts. In addition, while a case involving Wong was in litigation, Shih purchased shares in Wong's companies in a family member's name. On Aug. 14, 2020, the CY proposed that Shih be impeached, and on Sep. 9, the CY submitted the investigation report, requesting in writing that the Executive Yuan and Judicial Yuan investigate those involved, helping protect people's constitutional right to fair and just legal proceedings.

Case 2: CY Impeaches Township Mayor and Several Officials

For his secretary Chuan-Fu Tsai's involvement in accepting bribes around public construction projects, withdrawing bid envelopes, and leaking bids, and the failure of administrative supervision and responsibility entailed therein, the CY impeached Tien-Yu Tsai, 16th mayor of Liuqiu Township, Pingtung County, Chuan-Fu Tsai, who has also been impeached, was a secretary appointed by Tien-Yu Tsai as well as an officer of the Administrative Office. In this role, through eight public construction projects put to tender by the township, including phase two of the 2013 Liuqiu Township Xingzheng Road project, Chuan-Fu Tsai took commissions of 5%, 8%, or 10% from bidders for a total of NT\$2.15 million in bribes. Lung-Chin Chen, also impeached, served as the 17th mayor of Liuqiu Township and instructed Wan-Yi Hsu to allocate 11 public construction projects, including the 2015 Shangcai Jiaotou Yingwang Road Plaza Improvement Project. Bidders again provided commissions to Hsu, which were then passed along to Chen for a total of NT\$2.95 million in bribes. In addition, for the 2015 Pingtung County Triennial Yingwang Festival Environmental Improvement Project, Chen, together with others including Tzu-Chien Hung and Chih-Wei Huang, accepted a total of

NT\$3.6 million in bribes. Kuo-Jung Pai, former Infrastructure Section Chief, was also impeached, having confessed during the investigation to accepting bribes, returning all NT\$420,000 of the illicitly obtained funds.

The CY investigation found Tien-Yu Tsai to be responsible for improper supervision, while Lung-Chin Chen, Kuo-Jung Pai, Chuan-Fu Tsai, et al. were not only found in violation of the Criminal Code, but also of Article 1; Paragraph 1, Article 4; Article 5; and Article 7 of the Civil Servant Work Act, Point 4 of the Integrity and Ethics Direction for Public Servants, and Article 34 and Paragraph 4, Article 87 of the Government Procurement Act. With the clear evidence, the CY has impeached those involved per regulation, and the cases are currently being heard by the Disciplinary Court.

Safeguarding Human Rights

Case 1: CY Urges Government to Make Reasonable Adjustments to Exam Times for Students with Disabilities

For students with muscular dystrophy, visual impairments, special interpersonal needs, or other disabilities, limitations on physical function can mean they are unable to write for long periods, use their vision for long periods, or make use of standard examination rooms. However, for national university entrance examinations such as the General Scholastic Ability Test, the Training & Vocational Education Joint College Entrance Examinations, and designated subject examinations, students with special needs are granted an extension limited to 20 minutes (50 minutes for selected subject examinations). This is not in accordance with the United Nations Convention on the Rights of Persons with Disabilities or the R.O.C.



People with Disabilities Rights Protection Act and Special Education Act, which provide for reasonable adjustments to examination times based on individuals' level of impairment and particular needs and for the provision of a variety of adaptive assistance. As a result, those with mental or physical disabilities may be deprived of fair testing opportunities.

The CY submitted a report urging the Ministry of Education and test centers to conduct reviews and improvements focused on the needs of people with disabilities to provide them with reasonably adjusted examination times so as to not affect their access to fair examinations and opportunities for higher education.

After CY's follow-up monitoring, university test centers will adjust the extension time available to a baseline of 30 minutes as of the 2021 academic year, with further extensions available for students with needs that go beyond that time upon provision of relevant supporting documentation. The Ministry of Education further stated that in the future, it will continue to consult with and listen to opinions and suggestions from the community, adjusting testing standards as needed on the basis of accumulated practical experience.

The CY will continue to monitor improvements implemented by the Ministry of Education and other agencies, focusing on issues around the rights of students with disabilities to pursue further education and testing.

Case 2: Keelung Man's Only House Auctioned for Owing NT\$18,000 in Traffic Fines: CY Urges Government to Abide by Principle of Proportionality

Since 2006, a Mr. Chen of Keelung has been issued 15 fines for road traffic safety management violations for a cumulative total of NT\$114,000. Of these, three drunk driving fines were settled within the deadline, with the remainder remaining unsettled following adjudication. As per regulation, the Keelung Motor Vehicles Offices transferred these to the Yilan Branch of the Ministry of Justice's Administrative Enforcement Agency for enforcement. After multiple deductions and deadlines, the fines remained unsettled, and as some settled due to the end of their execution period, the obligor's only residential home was auctioned for two ongoing cases totaling NT\$18,000. After investigation by the CY, it was found that the Yilan Branch had not fully considered the balance between the obligor's legal interests and the interests of the public in the execution of a small-value property case. The principle of proportionality should govern the limits of enforcement execution.

After investigation, the CY has urged the Yilan Branch to conduct another review, finding that the actual conditions of Mr. Chen's property were inconsistent with the records of the seizure and the auction announcement. On May 15, 2020, the auction process was canceled, with the obligor settling the fines and having his property rights preserved. In follow-up monitoring, the Ministry of Justice has urged the Administrative Enforcement Agency to conduct a review and establish Principles for the Execution of Real Estate Inspections for Small-sum Cases by Branches

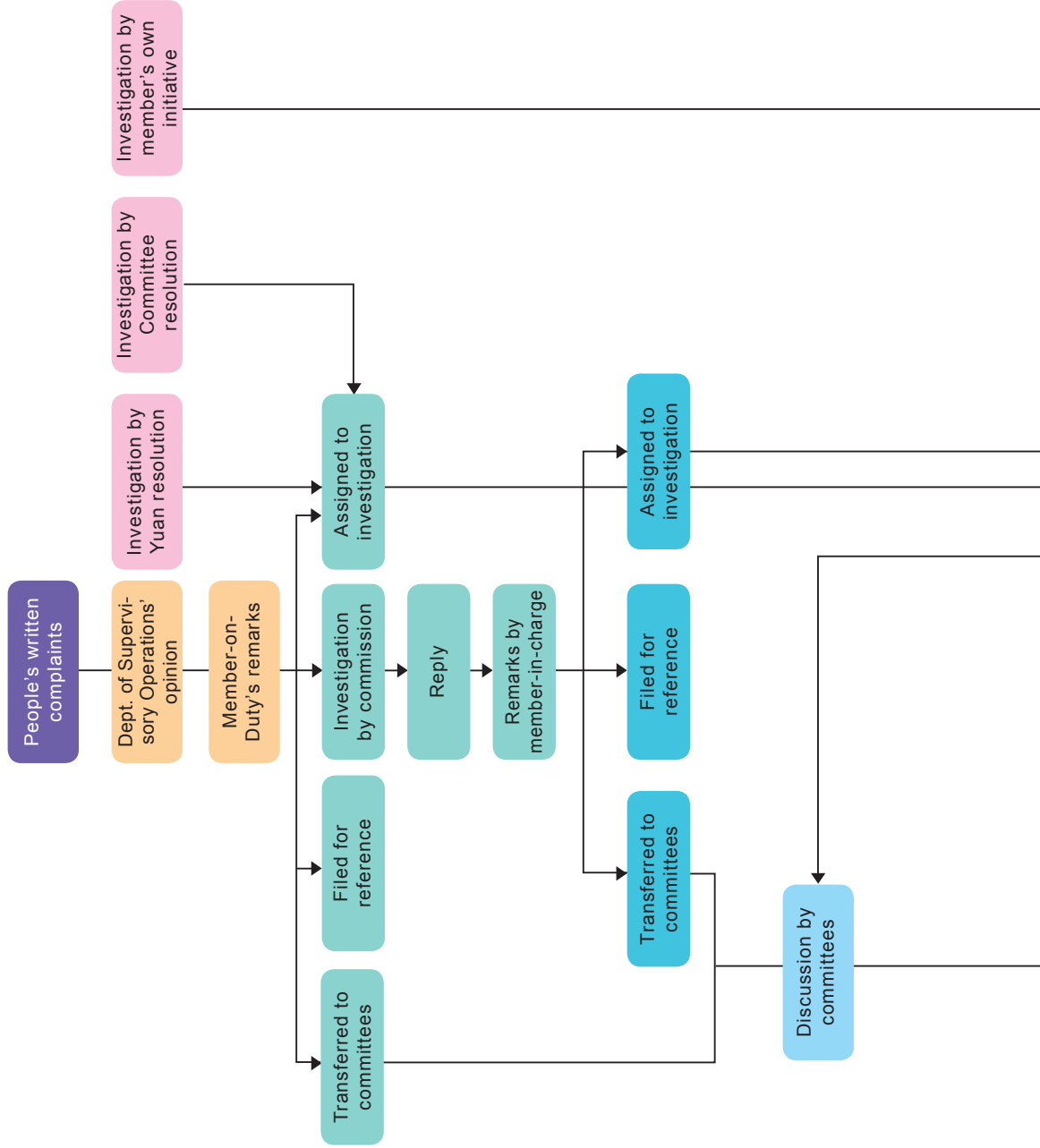


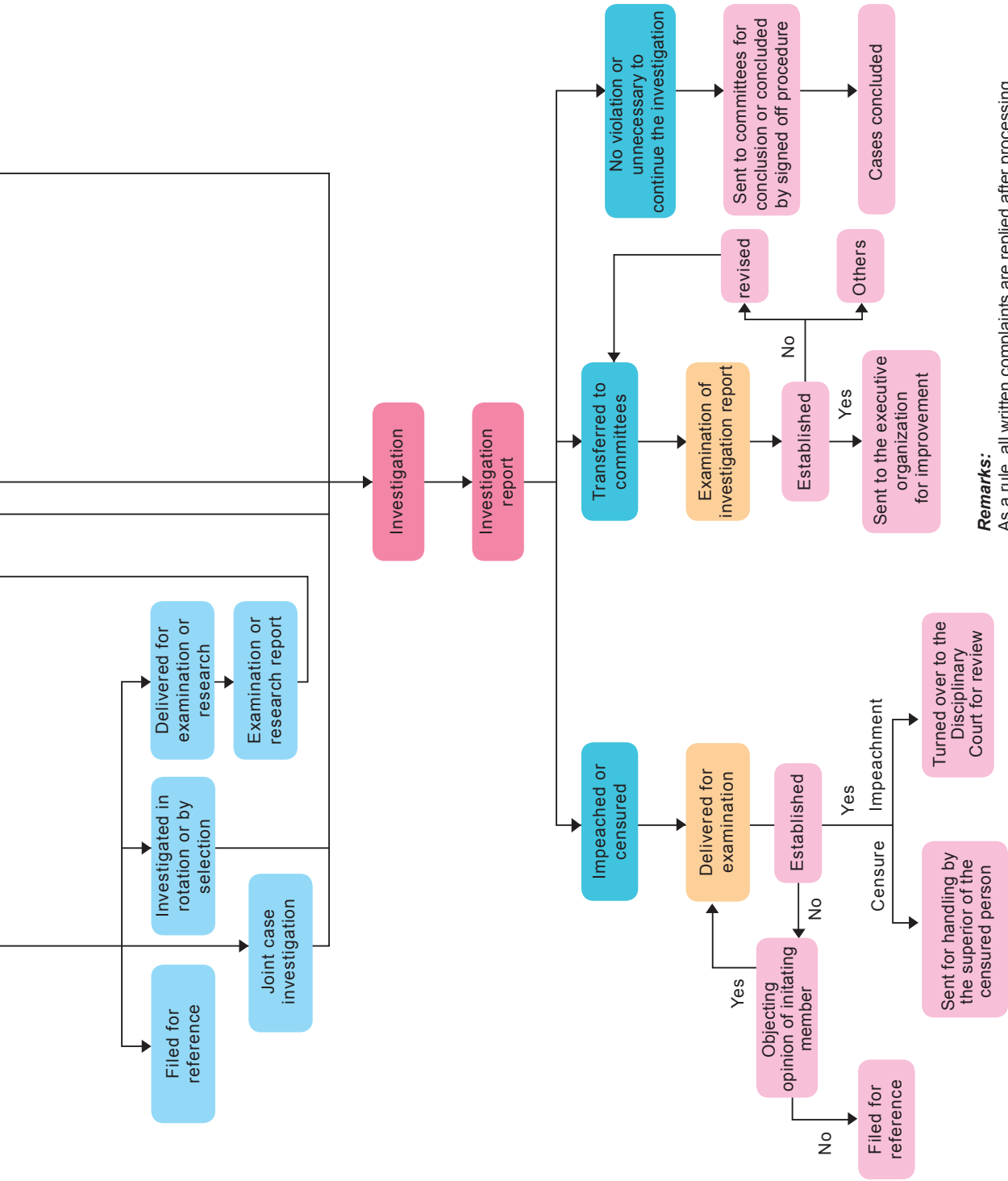
of the Administrative Enforcement Agency. This would clearly lay out the principles and procedures that would govern seizures and auctions of real estate property for small-sum cases and ensure their implementation is in adherence to the principle of proportionality as set out in Article 7 of the Administrative Procedure Act and Article 3 of the Administrative Execution Act. In the execution of public authority in the pursuit of justice, we must be mindful of the need to take care of the economically disadvantaged and avoid the recurrence of excessive and improper enforcement actions.

Appendix

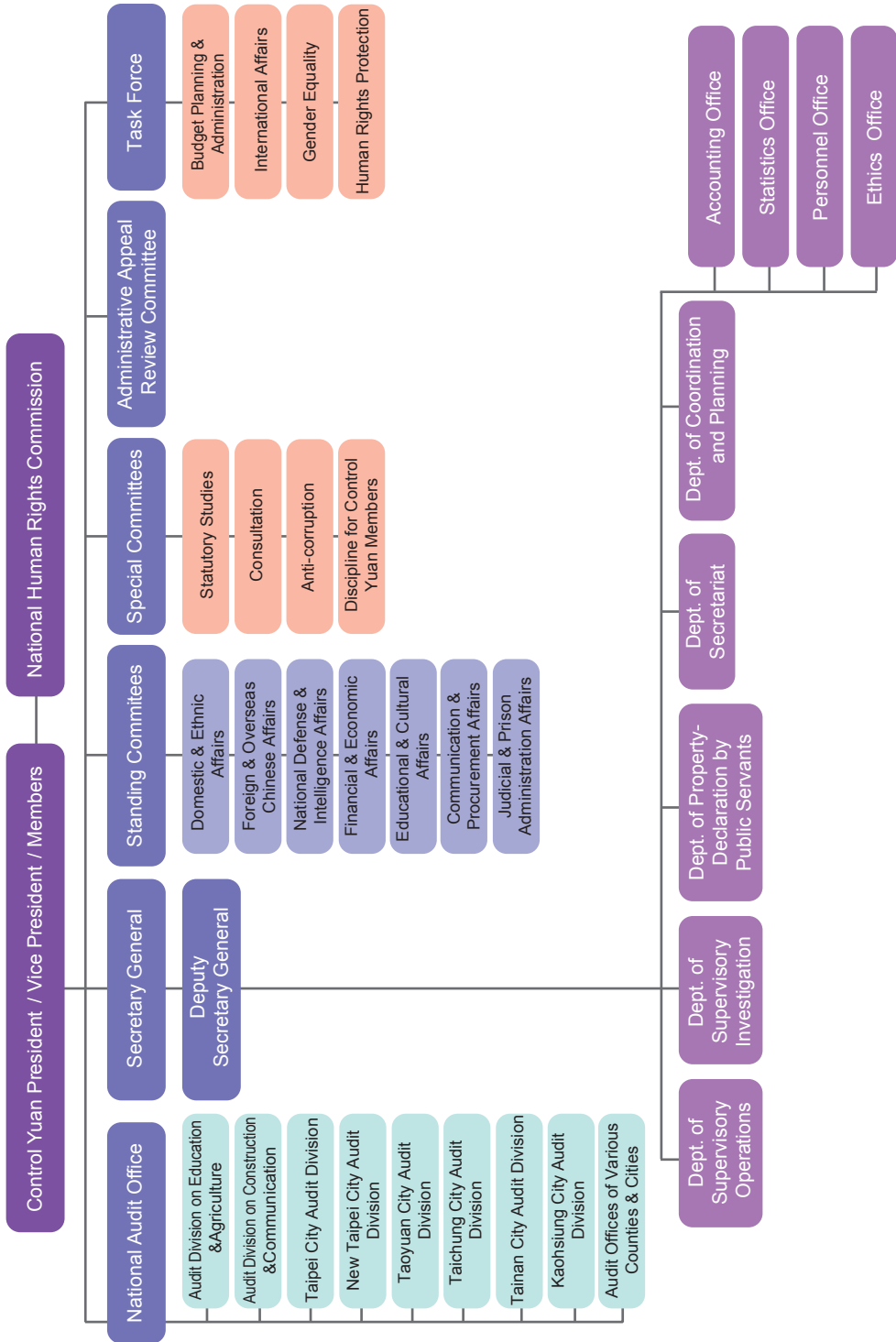


Flow Sheet of Exercising Control Powers





Organization Chart of the Control Yuan



Published by the Control Yuan, Taiwan, R.O.C.

No. 2 , Section 1, Zhongxiao East Road, Taipei 100216, Taiwan, Republic of China

- ◆ Tel:886-2-2341-3183
- ◆ Fax:886-2-2356-8588
- ◆ <http://www.cy.gov.tw>
- ◆ E-mail : iac@cy.gov.tw
- ◆ First Edition:May 2021
- ◆ Price:NT\$100
- ◆ GPN:1011000679
- ◆ ISBN:978-986-0724-11-0