

2021

Annual Report of the Control Yuan

Taiwan, Republic of China





Preface

As the supreme supervisory body of the country, the Control Yuan (CY) maintains an independent and impartial position and handles people's complaints in the most proper way possible. The CY exercises constitutional powers of impeachment, censure, and audit and proposes corrective measures in overseeing government, effectively achieving good governance, protecting human rights, and fighting corruption.

For the whole of 2021, the exercise of the supervisory power was performed as follows: 14,403 people's complaints were received; 244 investigation reports were issued; 16 impeachment cases were passed, resulting in a total of 28 officials impeached; 1 censure case was passed, resulting in 2 officials censured; 78 corrective measures were proposed with 199 letters calling for improvement sent and a total of 56 officials punished by the relevant ministries and agencies; 10,326 cases of property declaration by public servants were handled; 1,238 cases of recusal for conflicts of interest were handled; and 118 accounting reports of political donation were handled.

The CY proactively and promptly responds to social issues while promoting digital transformation initiatives to diversify its services. For example, receiving people's complaints by videoconferencing enables petitioning without concern for distance and communication without barriers; cooperating with the Ministry of Justice to receive the first petition from inmates, marking a new era in the protection of the rights of inmates and the implementation of human rights conventions; and transferring impeachment cases to the Disciplinary Court through the online transfer system has

Preface

significantly improved administrative efficiency. The CY is also working to overcome the limitations of time and space through live streams and online systems to promote the Sunshine Acts and provide better, more convenient services to the public.

It is our mission to uphold justice and protect human rights. Building on universal values of human rights and international human rights conventions, the National Human Rights Commission (NHRC) is committed to realizing the constitutional protection of people's rights. For example, the NHRC organized the 2021 International Conference on Human Rights Development, the Forum on International Practice of OPCAT-NPM & Human Rights of Fishermen, and the Taiwan Human Rights PLUS series of events, the latter in celebration of International Human Rights Day.

The NHRC's achievements in human rights protection and promotion also include the release of the independent opinion on the Second National Report on the Convention on the Rights of Persons with Disabilities (CRPD), the first human rights investigation report on the unlawful administrative detention of Lin Shui-chuan, and the Migrant Fishers Human Rights Special Report. The NHRC has even cooperated with the Ministry of Education to jointly promote UN human rights education.

In the past year, as the world has continued to be affected by the COVID-19 pandemic, the CY nevertheless continued to actively participate in many activities to sustain its international visibility, including a videoconference with APOR Regional President Peter Boshier, the Taiwan-UK International Human Rights virtual meeting, the 33rd APOR Members' Meeting, the 12th World Conference of IOI, and the 4th EU-Taiwan Human Rights



Consultation. We also strengthened our cooperation with the Office of the New Zealand Ombudsman, reached a consensus on Taiwan-France cooperation and exchange, published the Chinese version of the “Research Handbook on the Ombudsman,” and received both a delegation from the French Senate and representatives in Taiwan of the United States, Canada, the United Kingdom, and Australia.

The year 2021 marked the 90th anniversary of the establishment of the CY. With pandemic response policy in mind, we organized a series of activities to celebrate, including the 90th Anniversary Symposium and the publication of the 90th Anniversary Special Issue. With an eye to the future, the CY and NHRC expect even greater exchange with all sectors of society as they continue their work to protect human rights, promote innovations in supervisory power, give voice to more disadvantaged people, and bring people together to realize social justice.

Chu Chen
President, Control Yuan
Chair, National Human Rights Commission
May 2022



CONTENTS

Preface	I
Part 1 2021 Highlights: An Overview of Work Performance	2
Part 2 R.O.C. Supervision System in Brief	4
Part 3 Our Performance	10
Handling Complaints and Assuring Good Governance	10
Receipt of People’s Complaints	10
Investigation	13
Impeachment, Censure, and Corrective Measures	15
Circuit Supervision	21
Audit	25
Sunshine Acts	28
Property-Declaration by Public Servants	30
Conflicts of Interest	32
Political Donations	33
Human Rights Protection	35
Control Yuan 90th Anniversary	45
International Exchange	48

Part 4 Case Summaries: Bringing Our Powers to Bear	58
Reducing Public Expenditures	58
Case 1: Tongxiao Seawater Aquaculture Zone Planning Delay: Miaoli County Government Receives Corrections from CY for Improvement	58
Case 2: CY Investigation into Betel Quid Management and Prevention Urges Government to Enact Special Law on Control of Betel Quid Hazards	59
Upholding Discipline	60
Case 1: Air Force Pilot Killed in Fighter Jet Crash Leads to CY Corrections and Impeachment	60
Case 2: CY Investigation into Sudden Death of Overworked Editor at Jinshan District Office: Basic Right to Health of Civil Service Personnel Must Be Protected	62
Safeguarding Human Rights	63
Case 1: Investigation into Disabled People’s Difficulties in Opening Accounts with Financial Institutions: CY Urges for Improvement	63
Case 2: Rights and Interests of Children in Placement Must Be Protected: CY Investigation into Child Abuse by Childcare Workers in Emergency Placement	65
Appendix	67



List of Tables and Graphs

• The Elements of the New Logo Design	6
• Control Yuan Functions and Powers	7
• Who Can We Investigate?	7
• How to Lodge a Complaint?	8
• Sources of Complaints in 2021.....	11
• Categories of Complaints Received in 2021	11
• Control Yuan Powers	13
• Classification of Completed Investigation Report in 2021	14
• Topics of Systemic Investigation Research in 2021	14
• Official Ranks of the Impeached in 2021	16
• Occupational Types of the Impeached in 2021	16
• Differences between Impeachment and Censure	17
• Disciplinary Case Online Transfer System	18
• Procedure after Proposing Corrective Measures	19
• Corrective Measures Proposed by CY Standing Committees in 2021	20
• Self-imposed Punishment by Government Organs after Receiving CY Corrective Measures	20
• Closed Cases of Corrective Measures in 2021–Actions taken by Organs	21

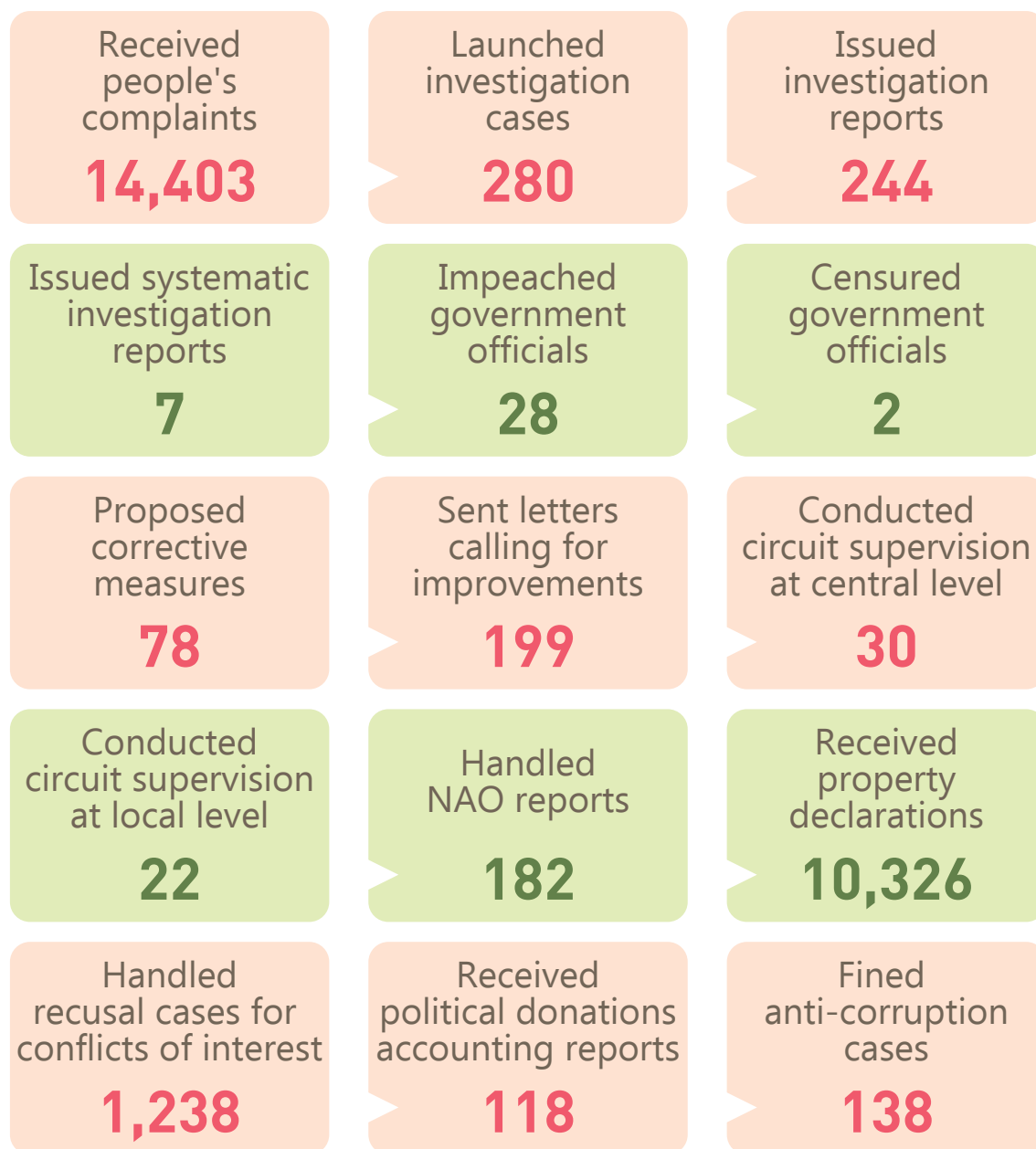
- 2021 Important Government Policies (Example) Inspected by CY
 - Members during Circuit Supervision at Local Level24
- Duties and Functions of Audit Power26
- Government Accountability System26
- Handling of Cases Reported by National Audit Office in 202127
- Reviewing the Audit Report on the Final Financial Report of the Central Government by the CY in 202127
- Reviewing the Audit Report on the Final Financial Report of the Local Government by the CY in 202127
- Timeline of Sunshine Acts28
- Who Shall Report Assets to the CY?31
- Penalty Cases of Property-Declaration by Public Servants in 202131
- How to Avoid Conflicts of Interest?.....32
- Penalty Cases of Conflicts of Interest in 202133
- Open Inquiry Platform for Political Donations34
- Penalty Cases of Political Donations in 202135
- Flow Sheet of Exercising Control Powers68
- Organization Chart of the Control Yuan70

Part 1

2021 Highlights: An Overview of Work Performance



2021 Highlights: An Overview of Work Performance



Part 2

R.O.C. Supervision System in Brief



R.O.C. Supervision System in Brief

Historical Background

Our supervision system has a long history of more than 2,000 years. Dr. Sun Yat-sen, the founding father of the Republic of China, drew from the Western separation of powers and added another two traditional Chinese government powers, examination and supervision (control), to propose the five-power constitution.

The Constitution of the Republic of China was enacted in 1947, which divides the central government into five branches, including the Executive Yuan, Legislative Yuan, Judicial Yuan, Control Yuan (CY) and Examination Yuan. The Constitution grants the CY the powers of impeachment, censure, corrective measures and audit. Thus, the CY serves as the highest supervisory organ of the state.

Previous Terms of CY Members

1947

The first-term CY members were elected by local councils, following the enactment of the Constitution.

The R.O.C. Constitution was drafted in 1946 and came into effect on Dec. 25, 1947. The CY was established on June 5, 1948. The R.O.C. government relocated to Taiwan in 1949 due to the Chinese civil war. After the amendment of the Constitution in 1992, the CY shall have 29 members. All members are no longer elected but shall be nominated by the President and approved by the National Assembly (NA) to serve a six-year term.



1993

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

1999

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

The NA amended the Constitution and transferred the power to approve the 29 CY members to the Legislative Yuan (LY, the Parliament). The CY was unable to exercise its powers for three and half years due to the political stalemate at the end of 2004.

2008

The **fourth-term** CY members took office on Aug. 1, 2008.

2014

The **fifth-term** CY members took office on Aug. 1, 2014.

2020

The **sixth-term** CY members took office on Aug. 1, 2020. The same day, the National Human Rights Commission was established.

Our Office

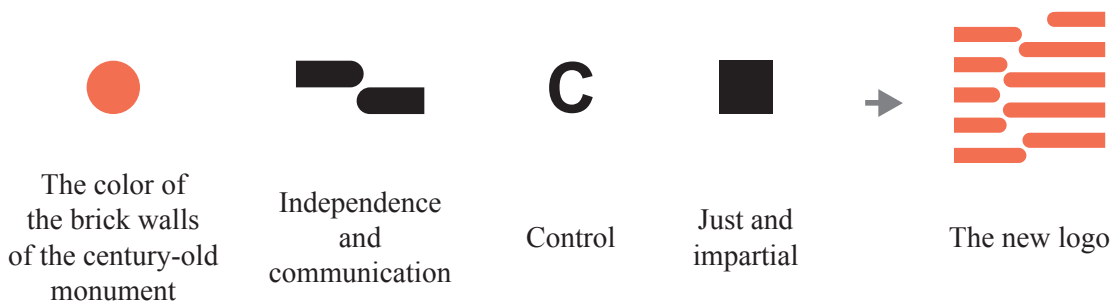
The CY, with nearly 500 employees, is composed of 29 members, 5 departments, 4 offices, 7 standing committees, 4 special committees and 4 task force groups. The CY also shoulders the responsibility of protecting human rights. The National Human Rights Commission was established on Aug. 1, 2020, consisting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

Our Functions and Powers

According to related regulations in the Constitution, Amendments of the Constitution and the Control Act, the CY is granted the functions and powers of impeachment, censure, and audit. It may also propose corrective measures to government agencies for administrative improvement. To achieve the aforementioned missions, CY members may receive complaints from the citizens, investigate, and organize circuit supervision at central or local authorities. The CY also handles reports, investigations, and declarations on properties of public servants, recusal of public servants due to conflicts of interest, political donations and lobbying cases. In accordance with the “Organic Act of the Control Yuan National Human Rights Commission,” the CY established the National Human Rights Commission to handle affairs regarding the promotion and protection of human rights.

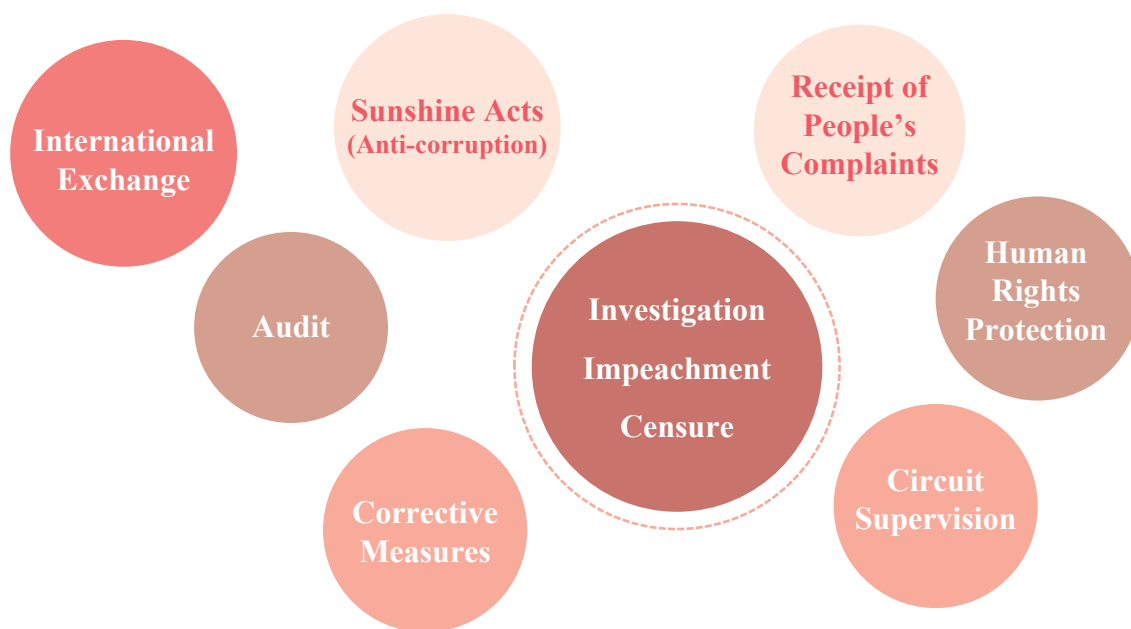
This year we launched a new logo, which is a simple and highly recognizable design that enhances the new image of the CY to the public. The logo design is based on three key concepts, namely, “the century-old historic monument,” “communication with the people and professionalism” and “the spirit of the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

The Elements of the New Logo Design

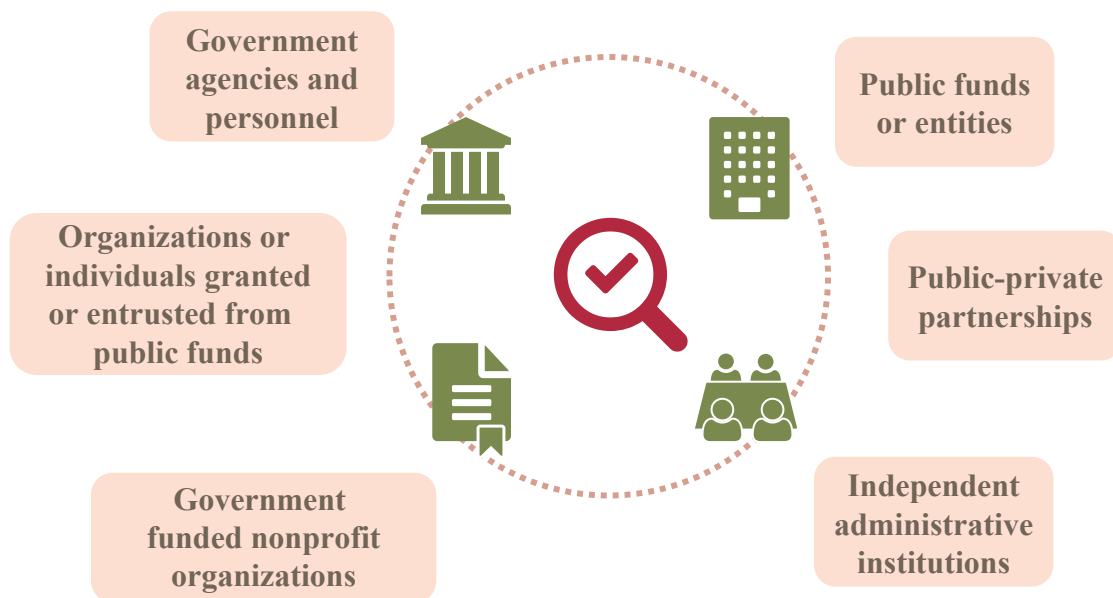




Control Yuan Functions and Powers



Who Can We Investigate?



How to Lodge a Complaint?



President Chen presides over the Control Yuan plenary meeting

Part 3

Our Performance



Our Performance

The CY aims to strengthen government ethics, clarify governance, protect human rights, and alleviate the people's grievances. To achieve the above goals, we have been committed to establishing diversified services and strengthening our communication with the public.

In 2021, some new works were accomplished. For instance, a pilot system accepting people's complaints via videoconference has been launched. Also, to speed up the delivery of documents and facilitate litigation procedures, impeachment cases are handled digitally through the use of the Disciplinary Case Online Transfer System.

Handling Complaints and Assuring Good Governance

Receipt of People's Complaints

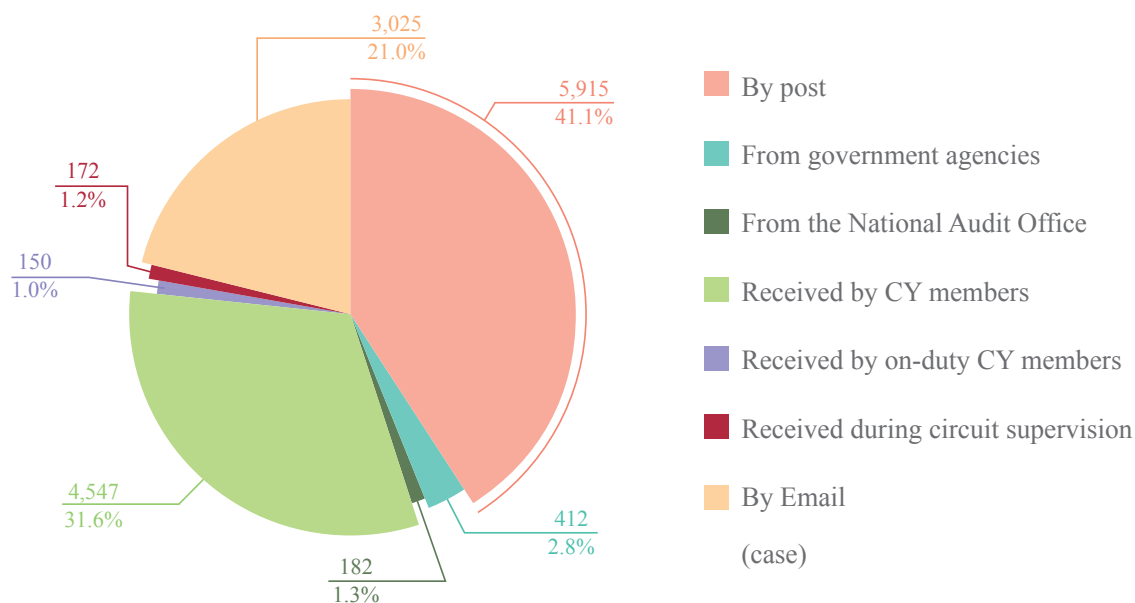
Fast Facts: In 2021, the CY received 14,403 people's complaints. Among the complaints, judicial affairs accounted for the largest share (40.2 %) and followed by domestic (26.7 %) and financial and economic affairs (8.9 %).

It is free to make a complaint. People, including citizens and foreigners, can lodge a complaint with the CY. 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.

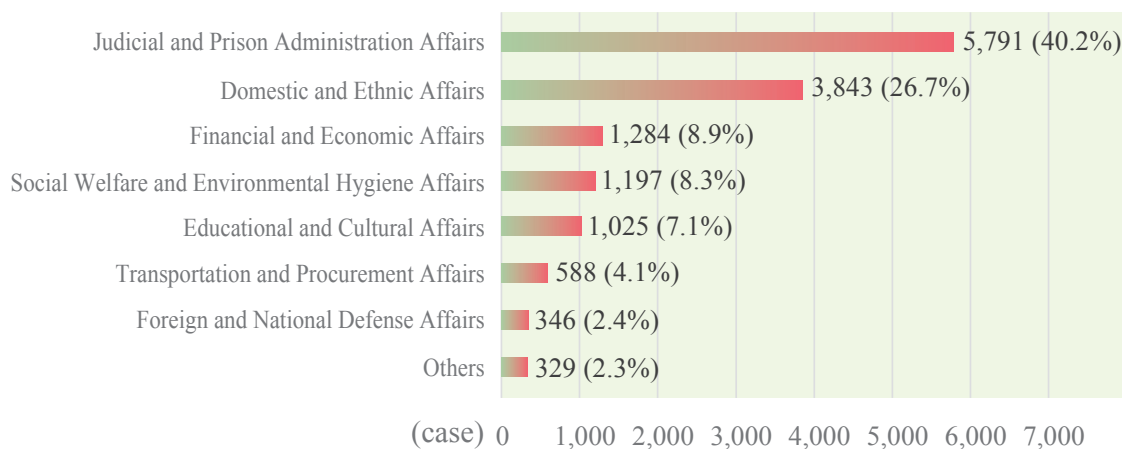
Moreover, to provide more convenient and accessible petition channels that meet the public's needs and expectations, the CY also conducted video conferencing submission of complaints. In 2021, a total of 30 complaints were submitted through videoconference, including a complaint from an inmate.



Sources of Complaints in 2021



Categories of Complaints Received in 2021



Part 3 Our Performance



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



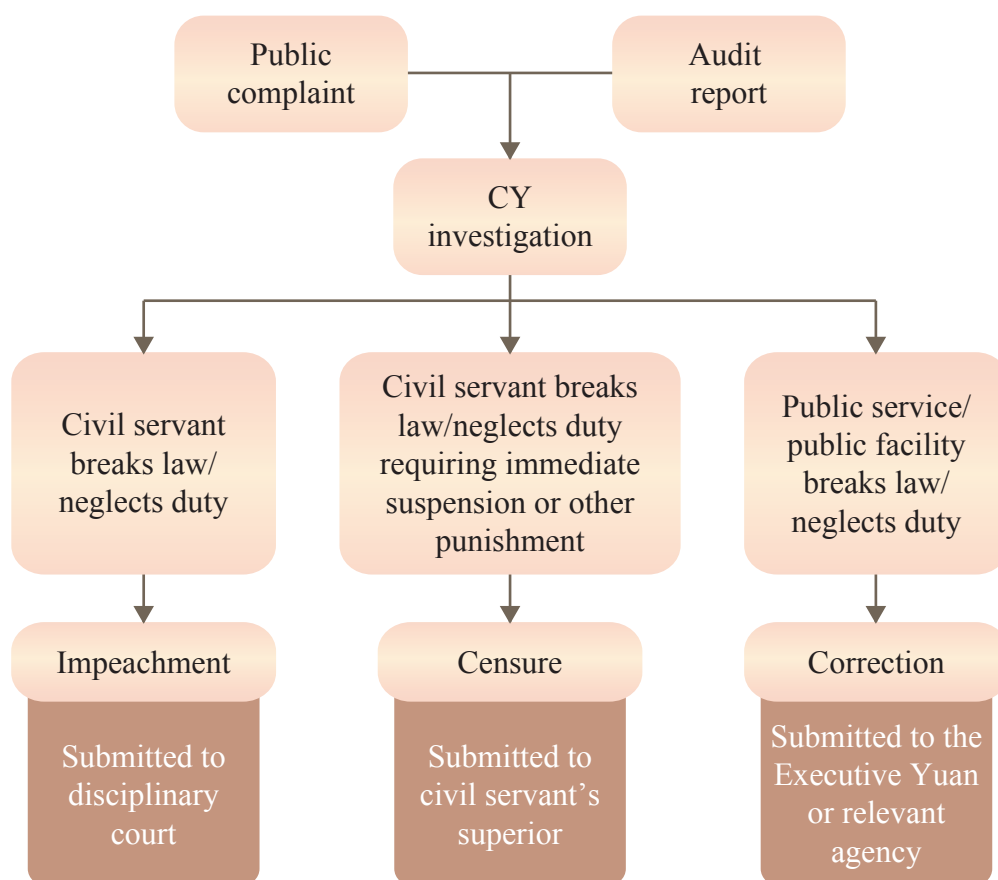
Submission of complaints through video conferencing conducted by an on-duty CY member at the Complaint Receipt Center



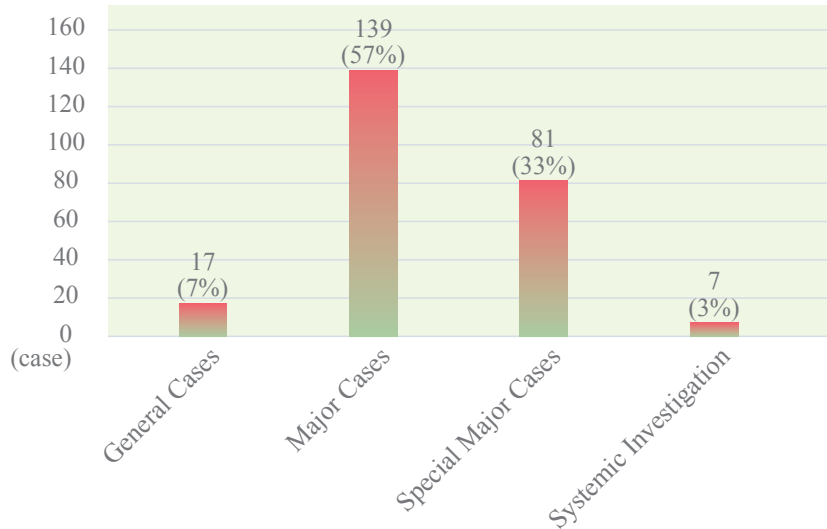
Investigation

Fast Facts: In 2021, the CY investigated 280 cases (10 assigned, 154 own-motivated and 116 commissioned); issued 244 investigation reports resulting in the passage of 16 impeachment motions, 78 corrective measures and 199 letters sent to government agencies calling for improvements. In addition, 7 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.

Control Yuan Powers



Classification of Completed Investigation Report in 2021



Topics of Systemic Investigation Research in 2021

-  Effectiveness of Minimum Security Prison
-  Effectiveness of Green Transportation Promotion
-  Current Situation and Problems of Talent Cultivation and Industry-academic Integration
-  Local Autonomy in Townships, Counties and Cities
-  Financial Evaluation and Analysis of National Health Insurance, and Investigation on How to Determine the Payment Basis and Coverage
-  Our Strategy in Response to a Multi-level Chinese Military Attack
-  Development and Utilization of Emerging Water Resources in Response to Extreme Weather



Impeachment, Censure, and Corrective Measures

Impeachment and Censure

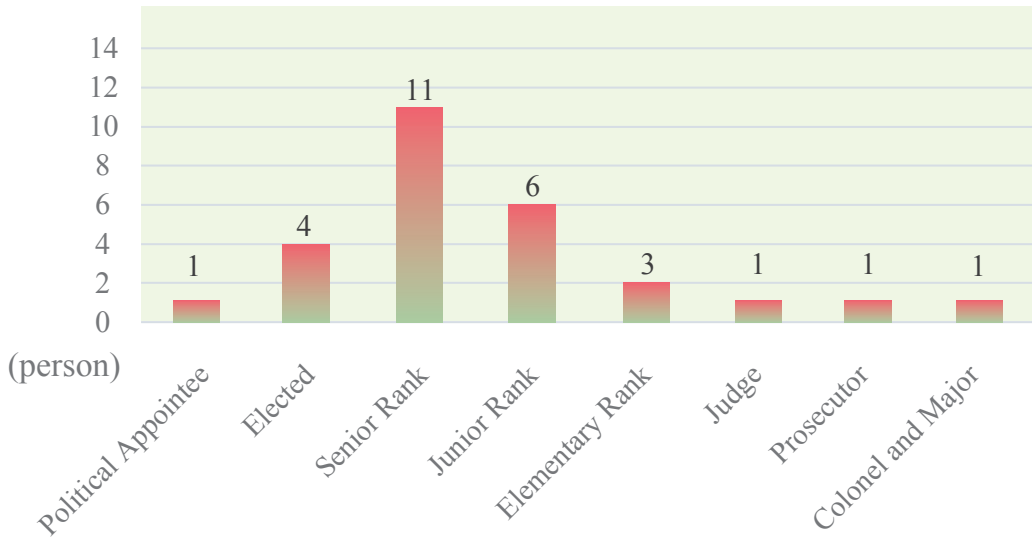
Fast Facts: In 2021, the CY passed: 16 impeachment cases and 28 government officials were impeached; 1 censure case and 2 government officials were censured. The power of censure is similar to the power of impeachment. Both emphasize the importance of sanctions for derelict public servants.

According to the Control Act, public servants of central and local government authorities are subject to impeachment if they are deemed to violate the law or neglect their duties; where the CY deems a public servant to violate the law or neglect duties, and believes that a suspension of duties or other immediate penalty is required, it may submit a censure proposal.

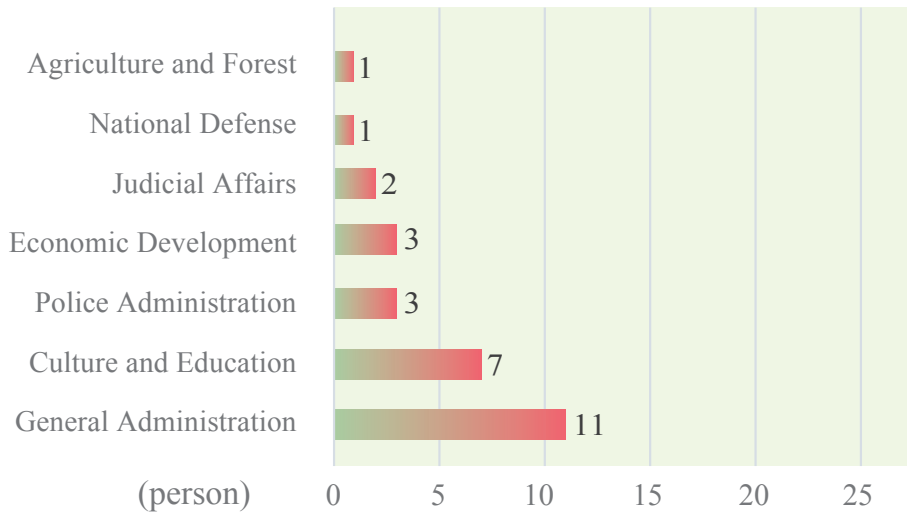


CY press conference on impeachment motion

Official Ranks of the Impeached in 2021



Occupational Types of the Impeached in 2021





Differences between Impeachment and Censure

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

Openness and transparency in censure and impeachment deliberation

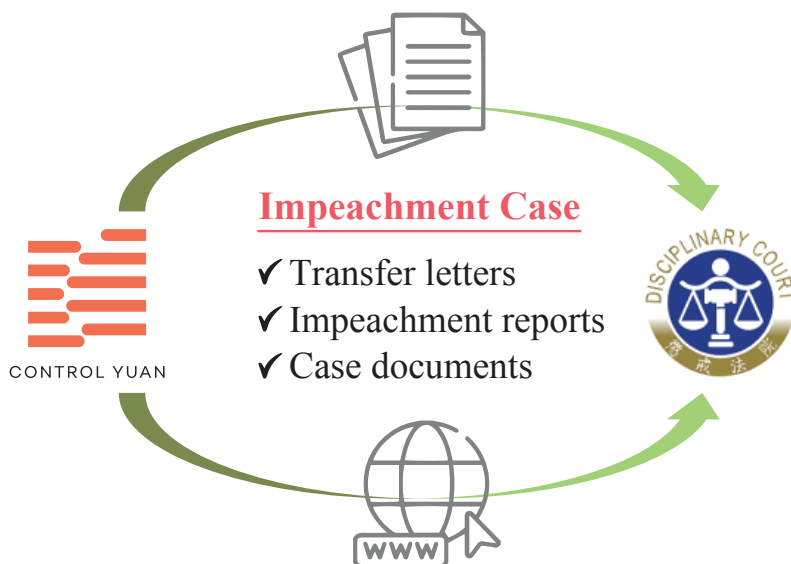
All CY members shall join, in rotation, the examination committee of impeachment cases. In addition, according to Article 8 and 13 of the Control Act amended and promulgated on June 19, 2019, all censure and impeachment cases shall be kept confidential before an examination decision is made. Secondly,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

Part 3 Our Performance

Once an impeachment case is passed, the case will be forwarded to the Disciplinary Court under the Judicial Yuan (JY). In January 2021, digital technology was adopted to speed up the delivery of documents and facilitate litigation. The CY and JY also reached consensus to jointly promote the online transfer of disciplinary cases. Once an impeachment case is passed after deliberation, with the exception of confidential documents, electronic files of the transfer letter, impeachment text, and other relevant documents and materials are transferred to the Disciplinary Court via the Disciplinary Case Online Transfer System.

Through the system's response and query functions, the CY can also track case status in real time. This is a significant indicator of how far efficiency, resource sharing, and digitization of litigation procedures have improved. As of August 2021, seven cases have been transferred online. Of these, one case has reached judgement in the Disciplinary Court; the process from transfer to verdict took only more than a month. Compared with previous cases, which often lasted for years, this is a clear improvement in efficiency.

Disciplinary Case Online Transfer System



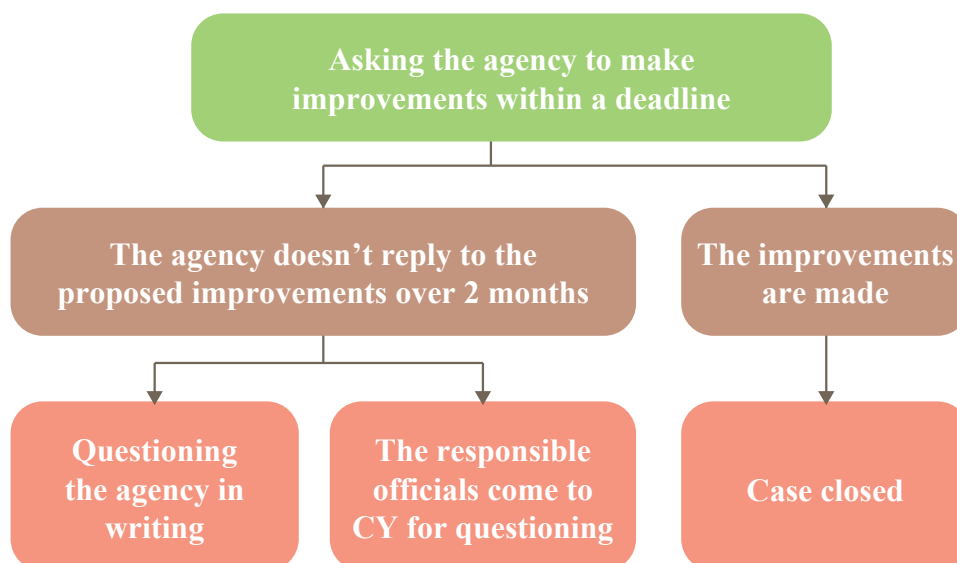


Corrective Measures

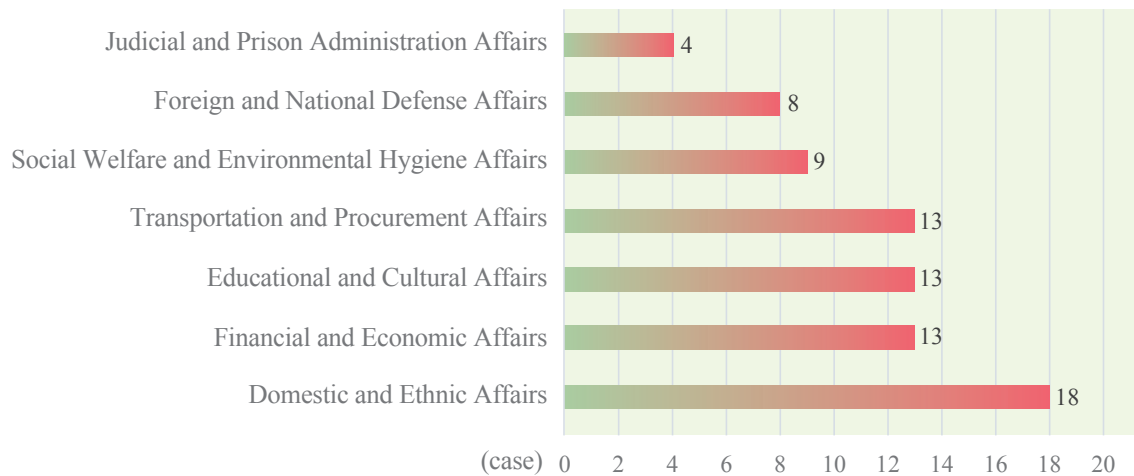
Fast Facts: In 2021, the CY proposed 78 cases to Executive Yuan and its subordinate organs; sent 199 letters calling for government agencies' improvements. The agencies have also punished 56 public servants, including 46 officials and 10 officers, after receiving CY corrective measures and letters.

According to Article 24 of the Control Act, the CY shall issue corrective measures to the Executive Yuan (EY) and its subordinate agencies. After investigating the work and facilities of the EY and its subordinate agencies and the examination and approval of relevant committees, the CY members may issue corrective measures to the EY or related authorities to call for improvements.

Procedure after Proposing Corrective Measures



Corrective Measures Proposed by CY Standing Committees in 2021



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

<i>Type</i>	<i>Person</i>
Major Demerit	1
Demerit	13
Admonition	29
Warning	7
Refer to discipline	5
Others	1
Total	56



Closed Cases of Corrective Measures in 2021 – Actions taken by Organs

<i>Actions</i>	<i>Case</i>
Improvement made	59
Improvement made & sanction or discipline	3
Refer to sanction or discipline	-
Researching	-
Judicial relief	-
No ground for extraordinary appeals	-
Without infraction or misconduct	-
Others	1
Total	63

Circuit Supervision

Fast Facts: In 2021, the CY conducted 30 supervisory visits at the central level. At the local government level, the CY members conducted 22 supervisory visits and on the spot received 172 people’s complaints.

According to Article 3 of the Control Act, CY members may conduct circuit supervision and inspection in different areas. This task is divided into circuit supervision of central and local governments. The circuit supervision at the central level is arranged by the standing committees related to their operations. Local circuit supervision shall be conducted in different groups, in charge of different districts divided by municipal or county (city) governments.

Part 3 Our Performance

Objectives of Circuit Supervision:

1. Learn about the administration plans and budget execution of all agencies.
2. Ascertain the implementation of government policies.
3. Verify whether public servants have violated the law or neglected their duties.
4. Ascertain the improvement of corrective cases.
5. Understand living conditions of the citizens and society.
6. Response to people's complaints and other related matters.



CY conducts circuit supervision of the Executive Yuan



CY members carry out circuit supervision at central level



CY members carry out circuit supervision at local level

2021 Important Government Policies (Example) Inspected by CY Members during Circuit Supervision at Local Level

- Overview of Kaohsiung Metro operation and construction of circular light rail, status of engineering work on Gangshan/Lujhu Extension
- Re-zoning development plan for Xinzhuang/Taishan Wenzhaishen District of New Taipei City and tenders for “Cinema City” project development
- Shimen Reservoir and Dahan River Watershed (Taoyuan) Spotlight Project
- Coastal waste removal and fishing harbor/wetlands environmental improvement in Xinfeng Township, Hsinchu County
- Status of Taichung Indigenous communities’ “Building Healthy Communities” project and Central Taiwan Science Park development
- Plan for building of long-term health and welfare location in Changhua
- Urban renewal, groundwater bank effectiveness, and green energy development policy and promotion in Pingtung
- Medical capacity, pandemic-safe tourism, local infrastructure, and marine revitalization effectiveness in Penghu
- Planning for North Wudu International R&D New Town Industrial Park and development of Qidu Warehouse in Keelung City
- Overview of Beinan Right Bank No. 3 Embankment Raising & Yongle Emergency Drainage Project and South Link Emergency Medical Care Service in Taitung





Audit

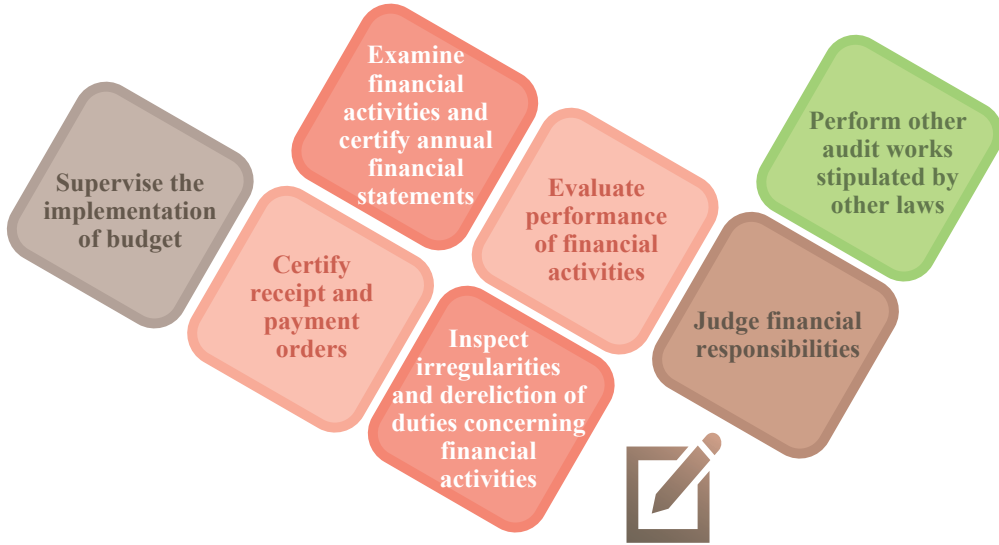
Fast Facts: In 2021, 182 cases of dereliction of duties or poor performance were reported by the National Audit Office (NAO) to the CY for review. In addition, 20 NAO cases were provided for the CY to exercise the power of control (e.g. as reference for CY corrective measure/censure/impeachment cases)

According to the Constitution and the Amendments of the Constitution, the power of audit is part of the supervisory powers. The government auditing is exercised independently by the NAO. The NAO is responsible for auditing the finances of the central government and its subordinate agencies. The NAO shall set up audit divisions or offices in different counties and cities for auditing the finances of local governments and their subordinate agencies. Where auditors discover any violation of laws or dereliction of duties committed by personnel of an agency in terms of financial operations, they shall report to the auditing authority and notify the senior officers of the agency to handle the violation. The auditing authority may also report the violation to the CY and request processing in accordance with the law.

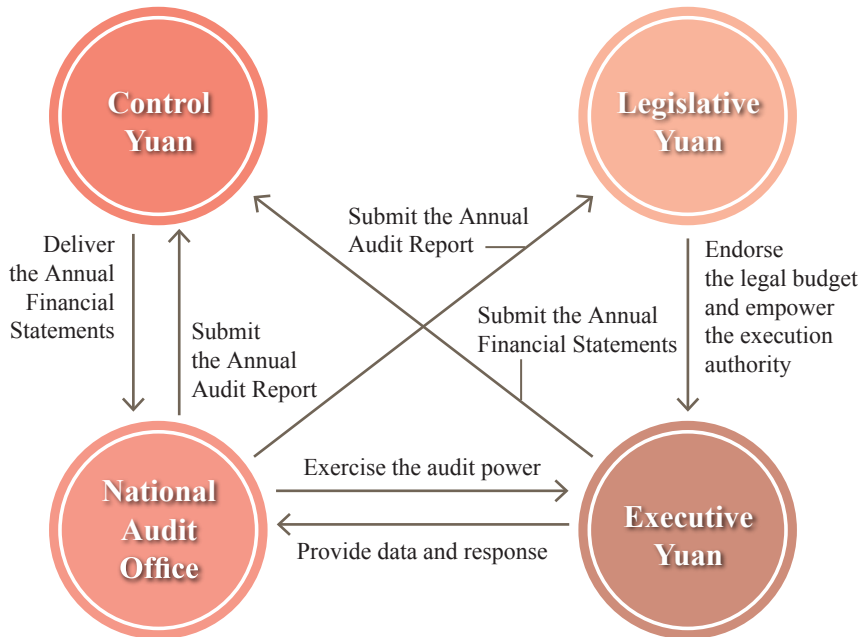
The CY shall have an Auditor General, who shall be nominated and appointed by the President of the Republic of China, with the consent of the Legislative Yuan. The incumbent Auditor General is Mr. Jui-min Chen.

The NAO and its subsidiaries conduct various audit work to perform audit functions. When auditors discover that government agencies or their staff conceal, refuse, postpone, act improperly, violate laws, discard their duties or lack performances, audit agencies should report those conditions to the CY for handling in accordance with the Audit Act or synthesize relevant information for the CY to exercise the power of control.

Duties and Functions of Audit Power



Government Accountability System



Source: NAO 2020 Annual Report, p.13



Handling of Cases Reported by National Audit Office in 2021

	<i>Disposition</i>			
Total	Investigated	Forwarded to other agencies to investigate	Merged with other similar cases investigated by the CY	Recognize NAO appropriate handling and permit to record
182	11	13	14	144

*Unit: Number of Cases

Reviewing the Audit Report on the Final Financial Report of the Central Government by the CY in 2021

	<i>CY opinion or handling</i>			
Total	Investigated	Forwarded to other organs to investigate	Filed	Others
734	26	41	266	401

*Unit: Number of Cases

Reviewing the Audit Report on the Final Financial Report of the Local Government by the CY in 2021

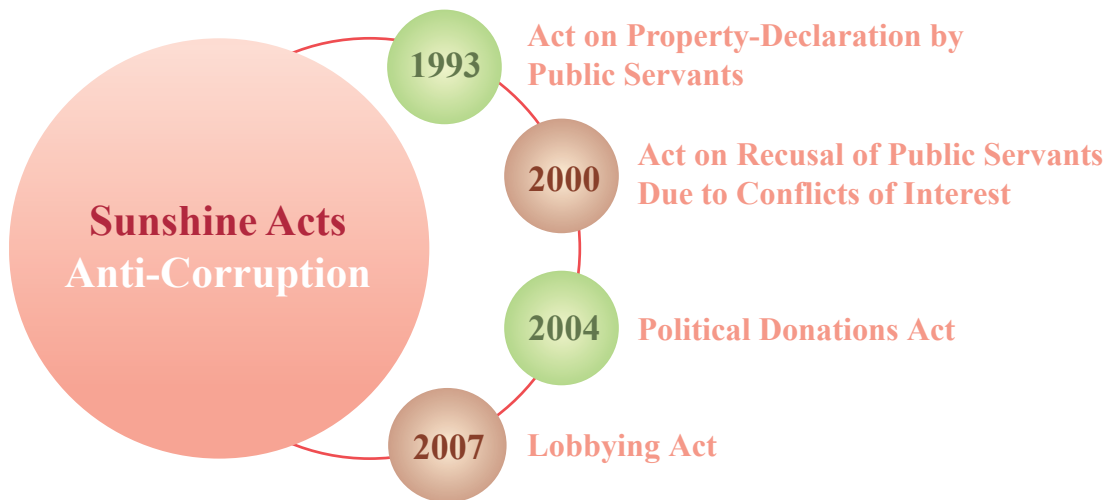
	<i>CY opinion or handling</i>			
Total	Investigated	Forwarded to other organs to investigate	Filed	Others
1,666	5	44	1,579	38

*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.

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, 882 anti-corruption cases, including cases of property declaration (466), recusal of public servants due to conflicts of interest (26), political donations (336) and others (54), have been handled by the Committee.



The CY is dedicated to the governance concepts of digital transformation and innovative services. Since December 2020, the CY has planned to promote the Sunshine Acts via video education, including through interactive livestream and fixed-point remote video. Education sessions regarding the Political Donations Act and to the Act on Recusal of Public Servants Due to Conflicts of Interest were conducted in March and May 2021 respectively and the response was enthusiastic. In the future, online promotion and education will be gradually expanded to the other laws within the Sunshine Acts, thus making it easier for the public to understand the Sunshine Acts.



“Sunshine Acts Come Alive” online education press conference

Property-Declaration by Public Servants

Fast Facts: In 2021, the CY received 10,326 property declaration cases and reviewed 10,279 ones; investigated 445 cases; proposed 467 investigation reports; imposed fines on 29 cases for noncompliance with law.

To enhance administrative efficiency and facilitate the processes of property declaration, public servants are also encouraged to declare their properties online through e-Declaration system. In 2021, the system received 7,613 cases. If calculated at four hours per case, the traditional way to declare properties, the online platform can save time amounting to 30,452 hours in sum.

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 the public servants are as follows:

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

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



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 2021

	<i>Case</i>	<i>Amount (NT\$1,000)</i>	
Cases closed and fined	29	13,580	
Cases closed	29	13,990	
Cases not yet closed	Punishment determined		
	- Paid by installment	8	15,475
	- Under administrative execution	9	1,040
	- Others	10	1,535
	Punishment pending		
	- Under administrative appeal	3	2,000
	- Under administrative litigation	1	4,500
	- Others	9	5,380
	Subtotal	40	29,930

Conflicts of Interest

Fast Facts: In 2021, the CY received 1,238 recusal cases compiled and reported by government organs; handled 28 cases reported by the public, ethics units or media reports; followed up and managed 14 prosecuted corruption cases transmitted from Ministry of Justice; investigated 31 cases; proposed 24 investigation reports; imposed fines on 20 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.

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, and published in 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 for his related persons by committing offenses through 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 for the said public servant by influence lobbying and request.



Penalty Cases of Conflicts of Interest in 2021

		<i>Case</i>	<i>Amount (NT\$1,000)</i>
Cases closed and fined		20	7,902
Cases closed		15	7,376
Cases not yet closed	Punishment determined		
	- Paid by installment	4	9,614
	- Under administrative execution	3	3,100
	- Others	3	1,622
	Punishment pending		
	- Under administrative appeal	1	600
	- Under administrative litigation	2	368
	- Others	5	1,379
	Subtotal	18	16,683

Political Donations

Fast Facts: In 2021, the CY approved 7 political donations accounts (5 by persons planning to participate in campaign; 2 by political parties); received 118 accounting reports; investigated 297 cases; proposed 334 investigation reports; imposed fines on 90 cases for noncompliance with law.

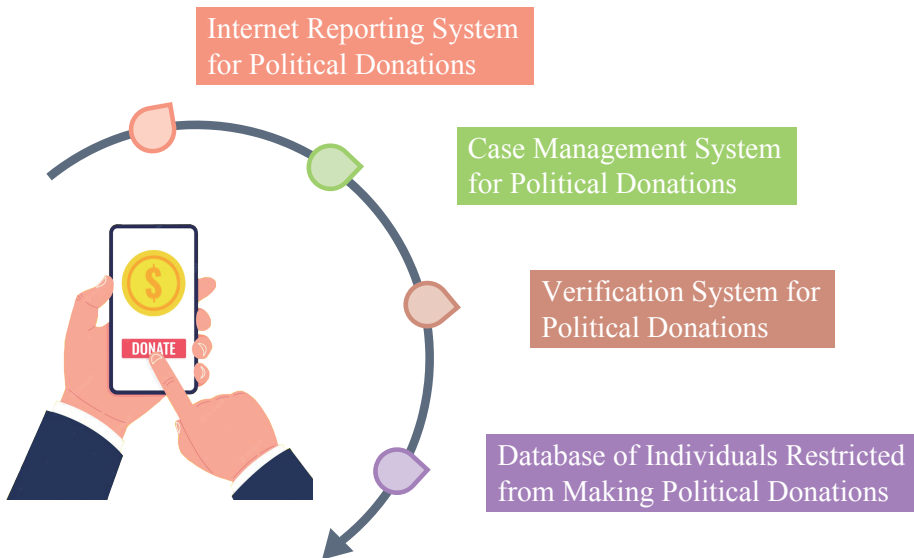
Following amendment of the Political Donation Act in 2018, the CY has established an online political donation records system. The general public can use the system to check the accounting reports (including income and expenditures of political parties, groups and candidates) without having to go to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

Part 3 Our Performance

which is in line with the goals of the Sunshine Acts. In 2021, 140 accounting reports were released to the public. There are 235,774 queries and 68,596 downloads of the reports.

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 donations accounts. Those who fail to comply with the law shall be fined or be sentenced to one to five years in prison.

Open Inquiry Platform for Political Donations





Penalty Cases of Political Donations in 2021

		<i>Case</i>	<i>Amount (NT\$1,000)</i>
Cases closed and fined		90	21,523
Cases closed		91	17,574
Cases not yet closed	Punishment determined		
	- Paid by installment	2	350
	- Under administrative execution	11	10,239
	- Others	23	6,931
	Punishment pending		
	- Under administrative appeal	-	-
	- Under administrative litigation	-	-
	- Others	9	7,109
		Subtotal	45

Human Rights Protection

Fast Facts: Among the investigation reports issued in 2021, 114 reports are related to safeguarding human rights. In the category of rights, the right to judicial protection (24) and the right to life (13) accounted for the largest share.

The CY aims to ensure the protection of people's rights enshrined in the Constitution, establish basic conditions that promote and protect human rights, ensure social fairness and justice, and establish values and standards for universal human rights that meet international standards. The National Human Rights Commission (NHRC) was officially inaugurated on Aug. 1, 2020, becoming the national human rights institution that meets the Paris Principles. Its establishment marked a brand-new era for human rights in Taiwan.

Holding International Conference on Human rights

On Nov. 23 to 24, 2021 the NHRC held the “2021 International Conference on Human Rights Development.” The conference was NHRC first international conference held both virtually and physically. International guests from Japan, South Korea, New Zealand, the United States, the United Kingdom, the Netherlands, France, and the Czech Republic were invited to make presentations. A total of eleven representatives of national human rights institutions from nine countries joined representatives of foreign missions in Taiwan and other human rights experts.

The agenda included six main issues on equality and development of ethnic groups, gender and human rights, development and strategies of national human rights commissions around the world, human rights protections during the pandemic, a case study of a systematic national inquiry, and human rights education. The conference was expected to produce constructive ideas and future cooperation for the promotion and development of universal human rights.



NHRC Chairperson Chu Chen (third from left, front row), CY members, foreign diplomats, and human rights experts



Holding International Forum on International Practice of OPCAT-NPM & Human Rights of Fishermen

June 26th is the International Day in Support of Victims of Torture. On June 23, 2021, the NHRC took the initiative to organize the “Forum on International Practice of OPCAT-NPM & Human Rights of Fishermen” to introduce professional, globally accepted practices and to engage both the public and private sectors toward enforcing human rights. The forum with a live stream comprised three separate conferences with different themes.

NHRC Chairperson Chu Chen pointed out that the term “torture” in a broader sense also includes inhuman treatment and is still a common human rights issue for fishermen at sea. For this reason, the NHRC hoped to share experience and exchange knowledge with international counterparts and explore effective preventive mechanisms for all forms of torture.



Forum on mechanism for the prevention of torture and human rights in the fishing sector

Launching Taiwan PLUS Events in Celebration of 2021 Human Rights Day

2021's Human Rights Day celebration was themed "Taiwan Human Rights PLUS." With the soft and positive power, NHRC aimed to make the concept of human rights truly take root and thrive.

"Taiwan Human Rights PLUS" included a series of commemorative events planned for the month. It started with the "Press Conference of Foreign Fishermen's Human Rights Special Report" on Nov. 30. In December, "Human Rights Storytelling in Image: Our Human Rights Film Festival," "Human Rights Torch Across Borders Poster Exhibition," "2021 Forum on Taiwan's Human Rights and Business Actions," "Photographic Exhibition: SHOAH-How Was It Humanly Possible?" and the "Textbook Content on Transitional Justice Conference" were successively held.



Chairperson Chu Chen delivers a speech at the 2021 Taiwan Human Rights PLUS press conference



Releasing Independent Opinion on the Second CRPD National Report

The NHRC held a press conference on Sep. 15, 2021, to announce the independent opinion on the Second National Report of Republic of China (Taiwan) on the Convention on the Rights of Persons with Disabilities (CRPD). The NHRC Chairperson Chu Chen declared that the NHRC will set up an independent monitoring mechanism as required by the Convention to build long-term cooperation between government agencies and representatives for disabled persons.

This independent opinion used special chapters to highlight the impacts on disabled persons facing challenges regarding medical treatment, schooling, employment, etc. Prior to the drafting of the independent opinion, 105 representatives for disabled persons and 39 disabled persons and professionals were consulted over the course of multiple seminars and focus interviews.



Independent Opinion press conference

Issuing First Human Rights Investigation Report on Unlawful Administrative Detention

The NHRC issued on July 14, 2021 its first human rights investigation report focusing on the government's unlawful detention of political dissidents for reformation training and other administrative measures without due judicial process during the authoritarian rule period. Victims were unable to seek compensation due to the current legislative framework for transitional justice.

The investigation report was finally completed in 2021 after an exhaustive 8-month investigation. It revealed that at least 25 political prisoners had been sent to Liuqiu Island for reformation training. The report has been forwarded to the Judicial Yuan for reference and the Transitional Justice Commission was urged to consider relevant amendments to existing legislation.



The first NHRC investigation report press conference



Releasing First Human Rights Special Report on Migrant Fishers Human Rights

On Nov. 30, the NHRC released the Migrant Fishers Human Rights Special Report. At the briefing, the film *The Course to Human Rights at Sea* was shown. The film records a true picture of the work and lives of migrant fishers.

The NHRC conducted onsite inspections of Chienchen and Suao Fishing Harbors and held numerous seminars with industry, government, and academia representatives. The report recommends that the Executive Yuan reviews the International Labor Organization's C188 Work in Fishing Convention and brings Taiwan's Labor Standards Act more in line with the global standard. Other recommendations include requiring a legal structure for inspections of labor rights on fishing vessels, establishing a direct payment salary system, and setting up a cross-agency platform for joint investigations.



Ceremony to "Light Up the Course to Human Rights at Sea"

Launching “Social Dialogue: Human Rights Hub”

On Mar. 5, 2021 at a forum with 25 representatives of women’s and LGBTQ groups, the NHRC launched its “Social Dialogue: Human Rights Hub” series of panel discussions. The NHRC expressed its hope that through the hub, it will continue to discuss and exchange with related organizations on issues such as children, the elderly, laborers, indigenous peoples, and new residents. A mechanism, which shall serve as a reference for engaging in various human rights causes in the future, for social dialogue would be established to listen to suggestions of NGOs on current government policies and regulations related to human rights issues.

Representatives expressed their demands and policy proposals, such as drafts of the “Digital Sexual Violence Prevention Act” and the “Stalking and Harassment Prevention Act,” which are in response to the Internet era. Other topics like immigrant labor rights, sex workers, male victims of domestic violence, and the rights of AIDS patients were also enthusiastically raised and discussed.



NHRC Chairperson Chu Chen with 25 NGO representatives



Creating Rights-based Campus Culture with the Ministry of Education

On Apr. 26, 2021 the NHRC and the Ministry of Education (MOE) jointly launched the Human Rights Education Partnership Sprout Project. NHRC Chairperson Chu Chen stated that the NHRC has completed translation and printing of the UN World Programme for Human Rights Education, in hopes of working together with educators to accelerate the coverage and impact of human rights education in Taiwan's schools. Education Minister Wen-chung Pan stated that the MOE has already established a Human Rights Working Group after the implementation acts for the five core human rights conventions were promulgated. The project could be a core foundation to protect human rights in Taiwan.



Attendees of the press conference hold up translations of the UN World Programme for Human Rights Education

Control Yuan 90th Anniversary

2021 marked the 90th anniversary of the CY. Under the premise of careful epidemic prevention, a series of Control Yuan 90th anniversary events, “The Legacy of Defending Justice for 90 Years,” was held. The events included the themed exhibition, the painting competition, concerts, and charity sale, the academic seminar on the practice and prospect of supervisory power, and the publication of the “Control Yuan 90th Anniversary Special Issue.” These events were held to present the achievements of the exercise of supervisory power in defending justice over the years, to pass on the mission of promoting human rights protection, and to admire the people and history of the CY for all these 90 years.

CY 90th Anniversary Exhibition

The exhibition was held from Jan. 29 to Apr. 30, 2021. At the opening, CY President Chu Chen said “The exhibition is not only a reflection on the past but an inspiration for the future. The CY will promote a digital transformation project to diversify its services, overcome the limitations imposed by geographic distance and the COVID-19 pandemic, and continue to proactively communicate with the public.”

The program includes a new system to accept complaints by videoconferencing. The system achieves petitioning without distance and communication without barriers. Starting Jan. 27, 2021, inmates can also submit complaints by videoconferencing in a first for the ombudsman and prison systems. To improve efficiency and transparency, the CY will also update its meeting system to allow videoconferencing and live streaming.



▲ Group Photo at the exhibition opening



◀ CY President and members tour the exhibition

▶ Zhong Zheng Junior High School String Orchestra performance



CY 90th Anniversary Symposium on Practices and Prospects for Supervisory Powers

On Apr. 30, 2021, the anniversary was celebrated with a symposium, reviewing current supervision practices and regulations, exploring new supervision systems and working practices that meet public expectations, and facilitating exchanges between different sectors of society.

CY President Chu Chen remarked that the establishment of the NHRC has served to further flesh out the functionality of the CY. She hoped that the wider public could more fully understand how the ROC's current system of supervision and audit arose through ensuring government's ethics, rectifying official conduct, protecting human rights, and redressing public grievances. President Chen also expressed her expectation that in the face of various institutional changes, the CY will continue to take heed of the people's voices and needs, ensuring the core values and concepts of human rights can be extended in society.



Control Yuan 90th Anniversary Symposium



CY 90th Anniversary Special Issue: A New Chapter in History

On July 29, 2021, the CY officially released “The Control Yuan 90th Anniversary Special Issue.” It covers the history of the CY, progress in the handling of human rights issues, important landmarks and the appearance of the building. This special issue selects major cases to show the hard work of previous presidents, members, and staff. With their efforts, the CY has effectively carried out its supervisory duties to protect the people’s rights and prevent corruption.

Over the past century, the CY has faithfully conducted its duties, and has never forgotten its responsibilities. The special issue aims to cultivate a better understanding of the agency. It also demonstrates the CY’s determination toward transparency and innovation. The final chapter “Inheritance and Transformation” showcases the direction of innovation of CY work as it has strived to be an institution that works for the rights of the people with professionalism, technological capability, and transparency.



Attendees of the press conference hold up the CY 90th Anniversary Special Issue

International Exchange

In the era of globalization, despite the severe epidemic, the CY as in the past actively continued to build up friendly relationships and exchange experiences related either to the exercise of supervisory powers or the achievements of human rights protection in Taiwan, with ombudsman agencies worldwide. Below are a few examples of our accomplishments in 2021.

Having a Videoconference with APOR Regional President

CY President Chu Chen spoke with Peter Boshier, the APOR president for the International Ombudsman Institute, by videoconference on Feb. 26, 2021. CY International Affairs Committee members Sheng-Fong Lin, Hui-Jung Chi, Sun-Lu Fan, Yung-Cheng Kao and Ting-Ming Lai also attended the meeting.

President Chen said it was a rare opportunity to exchange opinions. Regional President Boshier restated that the CY was an important IOI member. There was a lively discussion on issues including the establishment of the NHRC and potential areas of future cooperation.



CY President Chu Chen and APOR President Peter Boshier videoconference



Attending 33rd APOR Members' Meeting

CY member and Chairperson of International Affairs Committee, Sheng-Fong Lin, took part in the 33rd APOR members' meeting on Apr. 30, 2021. Topics such as the election of regional directors, participation in the 12th IOI World Conference, and APOR regional activities were fully discussed by all members.

Member Lin shared the CY's work performance of exercise of powers at the meeting, and further stated that to shorten the distance with the public, the CY has promoted many innovative services. For example, people and inmates can make complaints by videoconference to the CY, experiencing a more convenient and diverse way of submitting complaints. In addition, with the establishment of the NHRC since last August, the CY hopes to speak out for more vulnerable people to realize social justice and stay in line with international human rights standards.



CY member Sheng-Fong Lin attends 33rd APOR members' meeting

Attending 12th IOI World Conference

On May 25, 2021, CY members Sheng-Fong Lin, Wen-Cheng Lin, Chung-Cheng Pu, Ta-Hua Yeh, Yi-Jin Yeh, Chen-Chang Lai, Upay Radiw Kanasaw and Secretary General Fu-Meei Ju, together with more than 200 representatives from ombudsman institutions all over the world, participated in the International Ombudsman Institute 12th World Conference. As a voting IOI member, the CY took part in the World Conference to keep up to date with the latest policies and trends at the IOI and raise the CY's profile in the international ombudsman community.



Videoconference displaying new IOI President Chris Field briefing members on reforms the IOI is promoting

Receiving International Visitors

The CY has always spared no effort in participating in international affairs. To enable international figures to better understand Taiwan's supervision system and human rights protection, the CY receives foreign guests worldwide and shares our experiences with them.



Although many international visits have been suspended due to the COVID-19, in 2021 some important guest, including former AIT Director Brent Christensen, Australian Office New Representative Jenny Bloomfield, British Office Representative John Dennis, Canadian Trade Office in Taipei Executive Director Jordan Reeves, French Senate Delegation and AIT Taipei Office newly appointed Director Sandra Oudkirk have visited the CY.

Our Guests of 2021



◀ Former AIT Director Brent Christensen (3rd left) visits President Chen

▶ Australian Office Representative Jenny Bloomfield (3rd left) visits President Chen



Part 3 Our Performance



◀ British Office Representative John Dennis (3rd left) meets President Chen

▶ President Chen presents Canadian Trade Office in Taipei Executive Director Jordan Reeves with a wild lily porcelain cup



◀ French Senate Delegation visits the Control Yuan



◀
President Chen
with the
delegation of
AIT Taipei

Publishing Chinese Version of “Research Handbook on the Ombudsman”

The Chinese version of “Research Handbook on the Ombudsman” has been published by the CY on April 1, 2021. In order to better understand international supervision system and its recent developments, to attract new readers and to broaden the ombudsman concept to a wider audience, the CY translated “Research Handbook on the Ombudsman” into Chinese.

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.

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 in to four parts: fundamentals of the ombudsman; the evolution of the ombudsman; evaluation of the ombudsman; and the ombudsman office and profession.



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 2021, 22 articles have been published on the IOI website. Topics include: Human rights education starts with training of teachers; Publication of the first issue of the CY Newsletter; CY receives inmate videoconferencing petition; AOC violates ICCPR by not separating defendants from prisoners in detention; CY urges improvement; CY 90th Anniversary Symposium on Practices and Prospects for Supervisory Power; The CY publishes 2020 Annual Report; CY promotes Sunshine Acts, making e-Reporting convenient and providing information via teleconferencing; Second issue of the CY Newsletter published; 90th Anniversary Special Issue presents the legacy and evolution



of the CY; CY urges three-level prevention of sexual assault of children and youths; NHRC sets up independent monitoring mechanism for CRPD; CY passes draft amendments to provisions of Control Act, adds special chapter on human rights; President Chu Chen launches video conference complaint system; CY holds exhibition on the occasion of its 90th anniversary, actively promoting the digital transition; CY requested review of violations of overloaded vehicles circulating on national highways, an unresolved issue; The NHRC and the Ministry of Education work together to create a “human rights-based” culture in school spaces; NHRC holds a meeting with groups of workers, defending labor human rights; NHRC holds forum on torture prevention mechanism and human rights in the fishing sector; NHRC publishes first investigation report on human rights; The first anniversary of the founding of the NHRC, with the publication of the interim report on the human rights of foreign crew members on fishing vessels; The NHRC holds an exchange forum, focusing on fair housing issues for youth; CY and National Audit Office hold training workshop for technology and supervision professionals, etc.

Besides the IOI Ombudsman News, the CY also makes its contribution to the Waka Tangata (APOR E-news), a semi-annual newsletter edited and published by the New Zealand Office of the Ombudsman. In 2021, two articles including “Chinese version of Research Handbook on the Ombudsman published by the CY” and “Conference on reviewing public petitions regarding judicial cases and convictions” were published in the Waka Tangata.



CY article published in the Waka Tangata

Part 4

Case Summaries: Bringing Our Powers to Bear



Case Summaries: Bringing Our Powers to Bear

Reducing Public Expenditures

Case 1: Tongxiao Seawater Aquaculture Zone Planning Delay: Miaoli County Government Receives Corrections from CY for Improvement

In 1984, the Miaoli County Government and the company Victor Taiwan signed a contract for cooperative development of new farmland in the Tongxiao and Haipu areas. However, due to the failure of the County Government to implement contract management, the company failed to complete the development and transferred the land to others without permission. Although the Miaoli County Government subsequently filed a lawsuit for the return of 80 hectares of occupied land, winning a judgment in 1991, it neglected to apply for distraint. The Forestry Bureau of the Council of Agriculture, Executive Yuan (hereinafter referred to as the Forestry Bureau) and the National Property Administration, Ministry of Finance (the National Property Administration) took over the land between 1992 and 1993. The recovery of the land through the distraint process took many years thereafter, with the process finally completed in 2013. However, due to the failure of the relevant authorities to perform their management duties properly, more than 39 hectares of land remain occupied.

Furthermore, the Miaoli County Government submitted the Miaoli County Tongxiao Seawater Aquaculture Zone Plan in March 2012, which was approved by the Executive Yuan, for usage of a portion of the land. However, due to the negative attitude of the County Government, National Property Administration, and Forestry Bureau, as well as the poor supervision by the



Fisheries Agency, the project has not yet been able to attract investment to start mariculture business.

After the CY issued corrections to the Miaoli County Government, National Property Administration, Forestry Bureau, and Fisheries Agency on Aug. 17, 2021, and continued to monitor relevant improvements, the Ministry of Finance approved a cooperative development plan and the National Property Administration took active measures to recover the occupied land, jointly promoting the development with the Miaoli County Government. The CY continues to monitor and track the progress of this plan.

Case 2: CY Investigation into Betel Quid Management and Prevention Urges Government to Enact Special Law on Control of Betel Quid Hazards

In 2003, the International Agency for Research on Cancer (IARC) issued a warning that betel quid is a Group I carcinogen and that chewing of betel quid presents a risk for oral and esophageal cancer. Furthermore, an investigation by the CY found that more than 10,000 Taiwanese suffer from oral cancer and esophageal cancer every year, leading to more than 5,000 deaths each year and increased medical expenses for the National Health Insurance system.

The Executive Yuan has been too passive regarding preventing and controlling the hazards presented by betel quid, having only held one central cancer prevention meeting each year to report on management efforts, so the prevention and control work has long been purely formal. In November 2021, the CY proposed correcting this negligence by promoting a special law to prevent and control betel quid hazards.

Part 4 Case Summaries: Bringing Our Powers to Bear

The investigation report points out that Australia and Turkey have classified arecoline, contained in betel quid, as a Schedule 4 poison. In Taiwan, the land area dedicated to areca nut cultivation is second only to rice, despite areca nut being neither an agricultural product nor a foodstuff. With the Ministry of Health and Welfare having obviously disregarded the safety issues relating to the consumption of betel quid and failed to address it thus far, this shows clear negligence on their part.

After the CY published the investigation report, the Taiwan Betel Nut Control and Oral Cancer Prevention Alliance held a press conference citing the report and calling on the Executive Yuan and competent authorities to confront the problem of betel quid management, and particularly promptly enact special laws for the control of it. The CY continues to follow up with the Executive Yuan and related organs to improve how this situation is handled.

Upholding Discipline

Case 1: Air Force Pilot Killed in Fighter Jet Crash Leads to CY Corrections and Impeachment

On June 4, 2018, the 41st Wan An 41 military exercise was being conducted in northern Taiwan when the Air Operations Center (AOC) made a provisional change to the disengagement heading and misperceived ground obstructions. As a result, when an F-16 pilot Major Wu approached the target at a low altitude, he was unable to see due to the cloud cover and made two requests to ascend. However, due to internal issues at the AOC, he received permission only 19 seconds after having passed the target, resulting in the aircraft being unable to climb sufficiently and colliding with a mountain, killing the pilot.



An investigation by the CY found that ROCAF interception officer Shih had failed to check the implementation plan before the mission, misperceived ground obstructions, and twice denied permission for ascent requests due to cloud cover when the fighter was approaching Keelung Harbor at low altitude, resulting in its inability to ascend until after having passed the land target.

Officer Lai, who was responsible for coordinating with ATC before disengagement, incorrectly coordinated with the aircraft, advising the maintenance of an altitude of 2,000 feet and then climbing upon reaching Guishan Island for disengagement due to misperception of the terrain and incorrect ATC chart information, violating the safety rule that stated that the process should not see flight below an absolute altitude of 2,000 feet.

Chief interception officer Lu failed to check the implementation plan and key orders, did not know the safety regulations during the mission, and did not listen throughout the process. When the situation emerged, he failed to take the initiative to take control or provide guidance, resulting in a Class 1 flight safety incident in which a fighter jet crashed into a mountain.

The CY filed a correction against the Ministry of Defense Air Force Command Headquarters and impeached the relevant officers for their misconduct, referring them to the Public Functionary Disciplinary Sanction Commission (now the Disciplinary Court), which sentenced all three to demotion on July 13, 2020. In addition, the victim's family filed a petition for state compensation based on the CY investigation report. After hearing the case, the Taipei District Court ruled that the Ministry of Defense Air Force Command Headquarters should compensate the family of the victim more than NT\$4.66 million after deducting compensation already paid by the government.

Case 2: CY Investigation into Sudden Death of Overworked Editor at Jinshan District Office: Basic Right to Health of Civil Service Personnel Must Be Protected

On the evening of Aug. 4, 2020, a 29-year-old editor for the New Taipei City Jinshan District Office surnamed Chen died suddenly at home. An investigation by the CY found that the Jinshan District Office had employed Chen as in the secretary's office since November 2017, and during his two years and eight months of employment prior to his passing in August 2020, he had been transferred four times and changed positions five times. However, due to Chen's long-term overtime work, his substantial number of duties for his minor authority, his excessive workload, and the failure of the Jinshan District Office to fulfill its occupational safety and health obligations as an employer, Chen died suddenly from overwork. Finding such, the CY proposed that the New Taipei City Jinshan District Office be subject to corrective action and that the New Taipei City Government be requested to punish the negligent personnel involved.

In addition, this case highlights the fact that the laws and regulations related to public service are not reasonable for all contract employees at the grassroots level and that the overall public service system focuses on post-incident compensation but neglects the prevention of occupational injuries and illnesses such as overwork. Therefore, the Examination Yuan and the Directorate-General of Personnel Administration of the Executive Yuan have been urged to give thorough consideration to reasonable working hour regulations for civil servants and contract employees based on the characteristics of the various government agencies and their operations, and to include them in the law to protect the fundamental human right to health and avoid the recurrence of similar regrettable incidents.



After follow-up by the CY, the New Taipei City Government has punished the two district directors of the Jinshan District Office at the time of the incident and required their units to improve their occupational safety protections. In addition, the Examination Yuan sent a draft amendment to the Civil Servant Work Act regarding office hours, the number of rest days, and other important issues of attendance and rest to the Legislative Yuan for consideration in October 2021 and is continuing to discuss with the relevant authorities whether personnel attendance and rest should be set up under a separate legal framework.

Safeguarding Human Rights

Case 1: Investigation into Disabled People's Difficulties in Opening Accounts with Financial Institutions: CY Urges for Improvement

For many years, people with disabilities have been hindered in opening accounts with financial institutions. An investigation conducted by the CY found that among 152 institutions working with those with disabilities that responded, 30% had encountered rejection when assisting people with disabilities to apply for financial accounts; more than half believed that financial institutions did not provide sufficient assistance measures. The investigation also asked the 22 city and county governments nationwide about their experience in assisting those with physical disabilities to apply for accounts, with 14 indicating that they had experienced difficulties in such efforts.

According to the “2016 Report on the Survey of Living Conditions and Needs of People with Disabilities” published by the Ministry of Health and Welfare,

people with disabilities encounter many difficulties in using accessible facilities in public spaces without other people’s assistance, with “applying for services or making inquiries with public agencies” being noted by 46.49% of respondents and “conducting business at banks and post offices” by 45.57% of respondents. For those with intellectual disabilities, over 50% having difficulty applying for services with or making inquiries to public agencies and banks.

The CY’s investigation found that authorities have long confused the concepts of legal capacity and mental capacity, resulting in financial institutions in Taiwan still giving priority to the property protection and transaction security of people with disabilities based on regulations including the Civil Code and the Money Laundering Control Act, while front-desk staff have decided to advise the disabled people to apply for declarations of guardianship or assistance, ignoring the Convention on the Rights of Persons with Disabilities, which states that government agencies should provide reasonable adjustments and necessary assistance to respect the personal autonomy and decision-making abilities of the disabled people.

The CY sent a letter to the Financial Supervisory Commission and the Ministry of Health and Welfare on Nov. 9, 2021, requesting them to improve the situation and make replies. The CY will monitor the follow-up by relevant authorities until the protection of the rights and interests of the disabled people is improved.



Case 2: Rights and Interests of Children in Placement Must Be Protected: CY Investigation into Child Abuse by Childcare Workers in Emergency Placement

The CY has investigated the suspected child abuse in emergency placement by home care workers commissioned by the Tainan City Government, finding that the government had failed to make good use of professional resources for child protection and that there were insufficient placement resources and a lack of specific regulations assisting home care workers in linking with placement care and professional foster care mechanisms. Additionally, home care staff are concerned with insufficient specialist knowledge regarding individual placement cases, resulting in the frequent occurrence of improper care incidents, which should be reviewed and improved upon.

After follow-up by the CY, the Ministry of Health and Welfare amended the Guidelines for Foster Care Services for Children and Young People via She-Jia-You Tze No. 1100601235 to include childcare workers in the eligibility requirements for professional foster care, to formulate the Draft Principles for Handling Placement Care by City and County Governments in Combination with Home Care Resources, and to consider regulating the education and training of childcare workers.

The findings of this case led the Ministry of Health and Welfare to plan support services such as respite care, counseling, and education/training for home care staff and incorporate them into the 2022 Child Out-of-Home Placement Resource Strengthening Program. Thus far, eight cities and counties—New Taipei City, Taoyuan City, Hsinchu City, Hsinchu County, Nantou County, Chiayi County, Taitung County, and Keelung City—have applied for such services.

Part 4 Case Summaries: Bringing Our Powers to Bear

The Ministry of Health and Welfare is also committed to supervising and urging local governments to strengthen referrals to medical resources to assist in assessments, supervising local governments' inclusion of home care workers in placement care resources, and strengthening and providing relevant professional training to protect the rights and interests of children in placement.

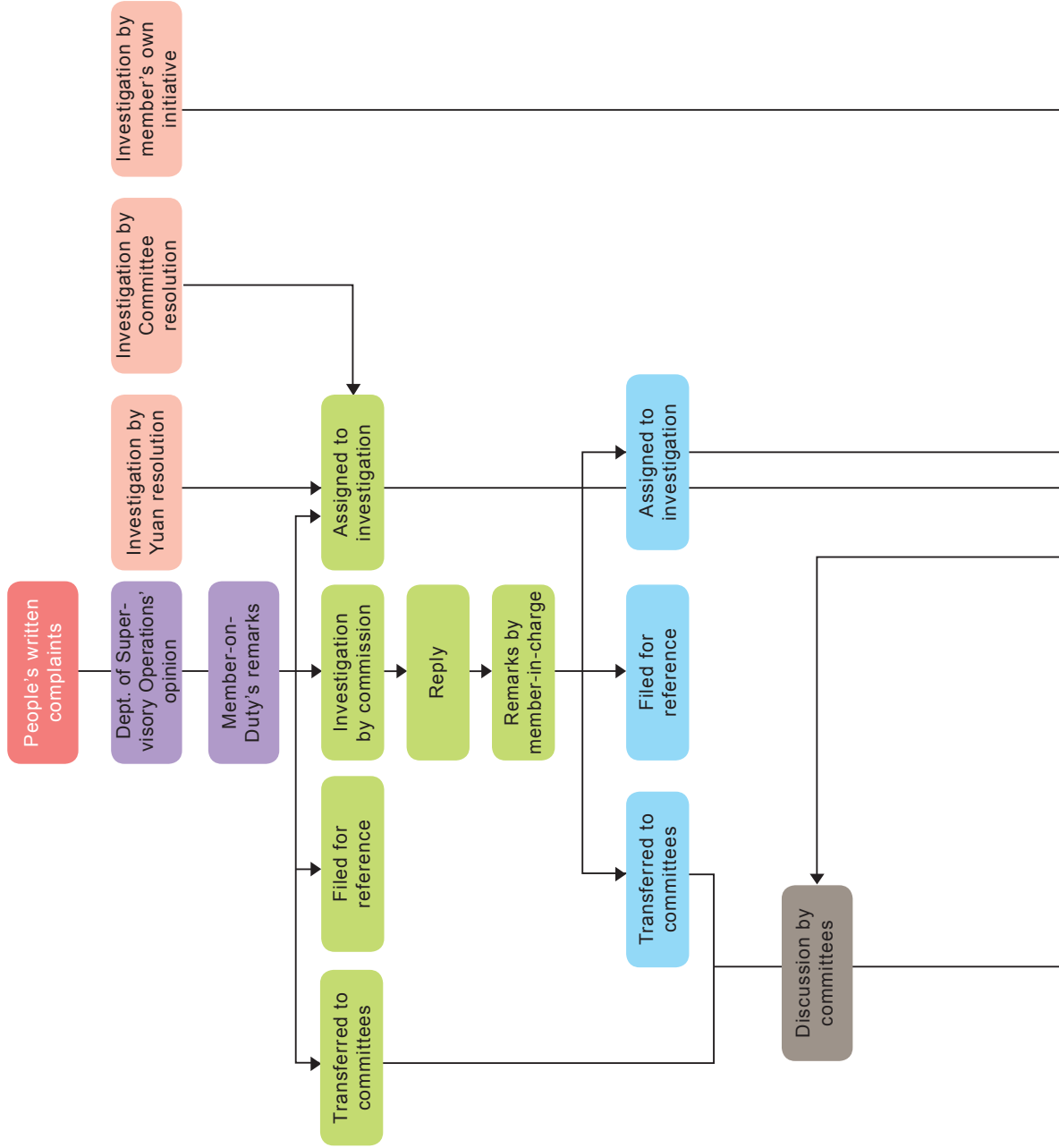
Appendix

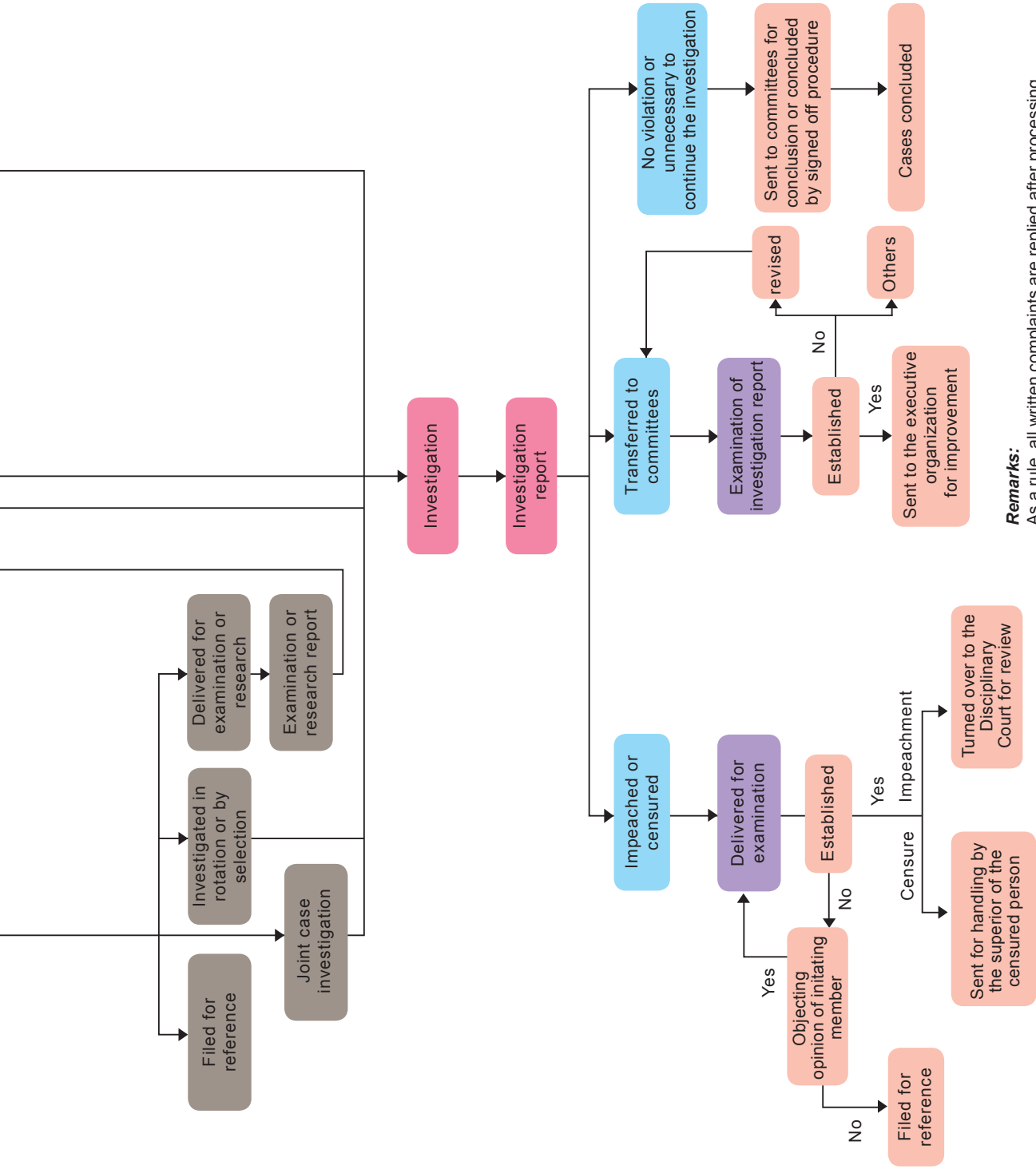


監察院今昔風貌

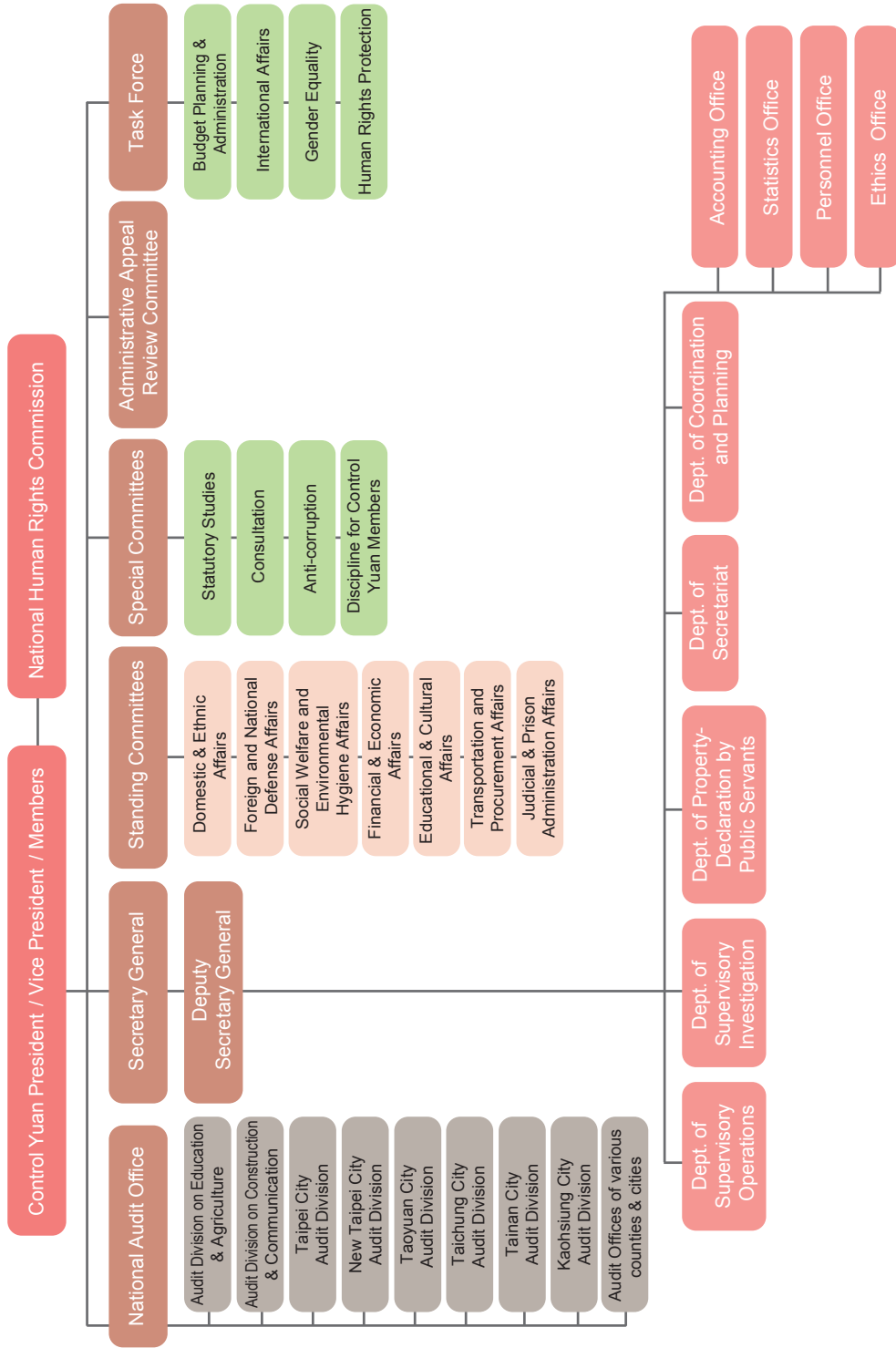
the Control Yuan from 1915 to present

Flow Sheet of Exercising Control Powers





Organization Chart of the Control Yuan





Published by the Control Yuan

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](http://www.cy.gov.tw)
- E-mail : iac@cy.gov.tw
- First Edition : May 2022
- Price : NT\$100
- GPN : 1011100611
- ISBN : 978-626-7119-29-7

Annual Report of the Control Yuan

Taiwan, Republic of China



www.cy.gov.tw

ISBN: 978-6267119297

00100



9 786267 119297

GPN:1011100611
Price:NT\$100