

Keeping justice reforms on track

Written by Taipei Times Editorial
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Taiwan's judiciary has long suffered from a malaise and a lack of public trust. The government's national conference on judicial reform that started on Monday is the first real effort at reform since the failure of the national conference in 1999.

Hopefully, viable proposals to improve the judicial system and its operational efficiency will be made this time, so that the judiciary can win back public trust.

Many of the reforms up for debate are issues that were not resolved 18 years ago. Taiwan has become a much more open and democratic society since then, and calls for meaningful reforms are much louder. A number of these issues are relatively easy to resolve, but systemic reform is another matter.

During former president Chen Shui-bian's (陳水扁) administration the will was there, but the Chinese Nationalist Party (KMT) controlled the legislature, and any bills geared toward reform that were sent to the legislature disappeared.

Chen made only modest progress during his two terms in office. His successor, Ma Ying-jeou (馬英九), despite having a law degree and having been minister of justice, was not committed to judicial reform, and his proposals were met with a tepid reception, despite his advantage in controlling the executive and legislative branches. For eight years under Ma, judicial reforms were ignored.

President Tsai Ing-wen's (蔡英文) administration is far better placed to initiate reforms. Judicial Yuan President Hsu Zhong-li (許宗力) and Minister of Justice Chiu Tai-san (邱太三) are Tsai's appointees. As convener of the national conference, Tsai is ultimately responsible for the success or failure of the reforms.

For now, the Democratic Progressive Party (DPP) is in the legislative majority and so there is unlikely to be resistance to draft proposals. This is a rare opportunity for judicial reform and it must be seized.

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The latest opinion polls show that about 40 percent of Taiwanese have confidence in the Tsai government delivering judicial reforms. That means a majority remain doubtful. Public confidence has dropped 7.9 percentage points compared with a poll taken in August last year, suggesting most Taiwanese are pessimistic about reforms.

The lack of public confidence could be because of the apparently hurried preparations for the conference and questions about committee members, as well as the opaque way in which committee meetings have been conducted. There is a suspicion that the conference is purely formal and that many decisions have already been made.

The 1999 reform attempt was handled differently. It was overseen by the Judicial Yuan and the Ministry of Justice, sought comprehensive debate on, and restructuring of, the system from within, using a three-phase triangulated review process.

The latest attempt is overseen by the Presidential Office, with opinions solicited from outside.

Although opinions have been sought and despite the majority of committee members being from outside the judiciary, and regardless of efforts to include society's input, judicial reform as a whole will rely on the judicial reform committee discussions to keep debates focused.

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