

Control Yuan could help repair trust

Written by Taipei Times Editorial
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All 11 new Control Yuan members are to report for duty by the end of the month after the Presidential Office in a notice on Wednesday last week announced their terms, which are to last until July 31, 2020.

Of the new Control Yuan members, Chen Shih-meng (陳希銘) has sparked the most discussion following his comments at the nomination hearings at the legislature on Monday last week. When fielding questions from lawmakers, Chen, who served as Presidential Office secretary-general under former president Chen Shui-bian (陳水扁), said he believes that Chen Shui-bian is a victim of judicial persecution and he would take action against judges who were “biased against members of the pan-green camp and lenient on members of the pan-blue camp.”

The remarks instantly drew ire from Chinese Nationalist Party (KMT) lawmakers, who said Chen Shih-meng is “biased against the judiciary,” and the Judges’ Association of the Republic of China condemned him for “undermining judicial independence through political interference,” but there is some truth to his words.

The judiciary must remain impartial and be free of political interference, and Taiwan, being a democracy, certainly needs to respect the rule of law.

However, Taiwan is not a normal country, as remnants of its past party-state still linger. It would not be an exaggeration to say that the nation’s judiciary has not entirely cast off its authoritarian mentality.

The public’s doubts about the judiciary are evident and verdicts over the past few years suggest that the system is not always unprejudiced in cases involving politicians.

A poll conducted in August last year by the Taiwanese Public Opinion Foundation showed that 57.5 percent of respondents were unsatisfied with judicial reform. A National Chung Cheng University Crime Research Center poll released in August 2016 showed that Taiwanese doubted the impartiality of the judiciary. It found that 83.2 percent of respondents did not believe that judges handle cases objectively.

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At the 2008 Global Forum on New Democracies in Taipei, Taiwanese leaders and five foreign former heads of state talked about their experiences of pushing democratic transitions, and addressed the challenges and achievements of emerging democracies.

Among the challenges facing countries that transition from authoritarianism to democracy that they identified were the hurdles to judicial reforms posed by resistance from the subordinates of former authoritarian regimes.

As Chen Shih-meng said at the nomination hearing, unjustified persecution by the judiciary was “due to manipulation and perversion of the justice system by leftovers from the old days of one-party authoritarian rule. The only way to fight these abuses in the judiciary is to exercise the power of the Control Yuan.”

The Control Yuan’s responsibility is to monitor the government’s actions, and censure illegal or inappropriate behavior by public officials and agencies. However, over the past few years there have been growing calls for the abolition of the body by critics who said that it has time and again failed to correct misconduct.

If Chen Shih-meng practices what he preaches and investigates who in the nation’s judiciary has been abusing their power for personal or partisan gains, perhaps there is a chance for the Control Yuan to redeem itself. However, more importantly, if Chen Shih-meng could weed out judicial officials who fail to observe impartiality in their rulings, perhaps he could help rebuild the public’s trust in the judiciary.

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