

Judge reviews need transparency

Written by Taipei Times Editorial
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The long-standing problem of Taiwan's "dinosaur judges" finally saw some light in July last year when amendments to the Judges Act (法官法) allowed the public to directly request that judges' and prosecutors' competency be evaluated.

The amended act ordered the Judicial Yuan to establish the Judicial Evaluation Committee for judges, and the Judicial Personnel Review Committee to evaluate their appointments, removals and transfers.

Under the new system, which was hailed by some as a milestone in judicial reform, if the pertinent evaluation committee found that a punishment was warranted, the case would go straight to the Court of the Judiciary without passing through the Control Yuan. The law also increased the percentage of academics and neutral civilian representatives on each committee.

With further amendments passed last month, all such hearings, with some exceptions, would be open to the public. This makes sense due to allegations that officials were covering for each other behind closed doors.

All of this sounds great on paper — the public is empowered to push back against dinosaur judges — and people did take up the government's offer. Members of the public filed 622 complaints in the past year requesting evaluations of judges or prosecutors — 30 times more than in years prior to the amendments.

However, last week, the Judicial Reform Foundation said that not one of the complaints was successful.

Instead of reflecting on what to improve, the Judicial Yuan denied that the process does not work, saying that one year is too short to evaluate it. People have mistaken the evaluation system for a complaints platform, it said, adding that many people request to evaluate a judge's legal opinions instead of their conduct, while other petitions were groundless, repetitive, filed anonymously and so on.

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One problem with allowing people to freely request evaluations is that there will inevitably be invalid petitions filed — but all of them? That seems impossible. This news will definitely cause the public's low confidence in the judicial system to plummet more.

A survey in February by National Chung Cheng University showed that public trust in the nation's judges had dropped to 26.7 percent. At the time, the hot topics were the acquittal of the murderer of Lee Cheng-han (李正翰), a 25-year-old railway officer, and a corruption scandal involving former Supreme Court judge Shih Mu-chin (史慕勤) and businessman Weng Mao-chung (翁毛忠) that implicated 200 judicial and government officials.

With such mistrust and long-brewing resentment toward the justice system, people are unlikely to accept the Judicial Yuan's explanations. Transparency regarding what really happened with the 622 petitions is needed. For example, the Judicial Reform Foundation suggested that the Judicial Yuan compile all of the petitions and the evaluation proceedings in an annual report.

If so many people do not understand what constitutes punishable conduct by judges, the committees should increase public awareness and ensure that valid petitions are not simply dismissed due to some technical error.

Taiwanese have had to cope with incompetent judges and prosecutors for long enough, and the judiciary still faces a steep climb to regain public trust, despite the government's efforts to reform the system.

What is the point of opening judicial hearings to the public if none of the petitions was accepted? The problem needs to be fixed at the source, with transparency regarding what happened to the past year's petitions being just the start.

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