

DESIRED OUTCOMES

Everybody enjoys civil and political rights. Mechanisms to regulate and arbitrate people's rights in respect of each other are trustworthy.

Civil and Political Rights

INTRODUCTION

The enjoyment of civil and political rights is crucial to people's ability to participate in society, make choices about their lives and live with dignity.

Civil and political rights fall into two broad categories. The first requires that people are protected from interference or abuse of power by others. The second requires that society is organised in a way that enables all people to develop to their full potential.⁷²

Rights are defined in various international treaties and in domestic legislation. The New Zealand Bill of Rights Act 1990 sets out many of the rights New Zealanders enjoy. These include rights to life and security, voting rights, and rights to freedom of expression, peaceful assembly, association, thought, conscience, religion and belief. They also include rights to freedom from discrimination, and various rights relating to justice and criminal procedures. Other laws, such as the Privacy Act 1993, also provide protection for specific rights.

The relationship between Māori and the Crown is guided by the Treaty of Waitangi.

New Zealand has also signed six core United Nations treaties, covering: civil and political rights; economic, social and cultural rights; the elimination of racial discrimination; the elimination of discrimination against women; the rights of children; and protection against torture and other cruel, inhuman or degrading treatment and punishment.

Civil and political rights are important for wellbeing in many ways. At a fundamental level, they protect people's lives and their physical wellbeing (for example, by recognising rights to freedom from torture and arbitrary arrest).

Wellbeing depends on people having a sense of choice or control over their lives, and on being reasonably able to do the things they value. This is only possible if people can exercise the many rights referred to above.⁷³ People's ability to take part in society, and their senses of belonging and identity, also depend on the exercise of these rights.

INDICATORS

New Zealand is internationally recognised as having an excellent human rights record.⁷⁴ The court system is independent and courts can enforce the rights affirmed in the New Zealand Bill of Rights Act 1990, although there is no power to strike down legislation inconsistent with the Act. Other institutions exist to protect people from government power (examples include the Privacy Commissioner and the Ombudsmen) or to help people resolve issues of unlawful discrimination (such as the Human Rights Commission and the Human Rights Review Tribunal). New Zealand regularly reports to the United Nations on its record of protecting rights.

However, the direct measurement of civil and political rights is not a simple matter.

This chapter uses four indicators to show how New Zealand's formal commitments to civil and political rights are reflected in reality. They are: voter turnout, the representation of women in government, perceived discrimination and perceived corruption.

A fundamental right in any democracy is the right to vote. Voter turnout figures provide an indication of the confidence the population has in, and the importance the population attaches to, the nation's political institutions. High voluntary voter turnout rates show people see these institutions as relevant and meaningful to them, and they believe their individual vote is important.

An effective and relevant political system should broadly reflect the society it represents. The second indicator measures the proportion of women in elected positions in government.

Equality before the law and freedom from unlawful discrimination are fundamental principles of democratic societies. According to the Human Rights Commission, discrimination occurs when a person is treated differently from another person in the same or similar circumstances, although not all forms of discrimination are unlawful.⁷⁵ Measuring the extent to which New Zealanders actually experience discrimination is problematic. Research suggests a significant proportion of people who experience discrimination will not make a complaint.⁷⁶ Perceived discrimination is a subjective measure of people's views about the level of discrimination against different groups in New Zealand society.

Corruption undermines the democratic process and the rule of law. It is difficult to measure levels of corruption by reference to the number of prosecutions or court cases as this will, to some extent, be driven by the efficient functioning of the justice system. The fourth indicator measures the level of perceived corruption among politicians and public officials.

Voter turnout

DEFINITION

General elections: The proportion of the estimated voting-age population (aged 18 years and over) who cast a vote in general elections.

Local authority elections: The proportion of all enrolled electors (both resident and ratepayer) who cast a vote in contested local authority elections.

RELEVANCE

Voter turnout rates are an indicator of the extent to which citizens participate in the political process, and the confidence the population has in, and the importance they attach to, political institutions.

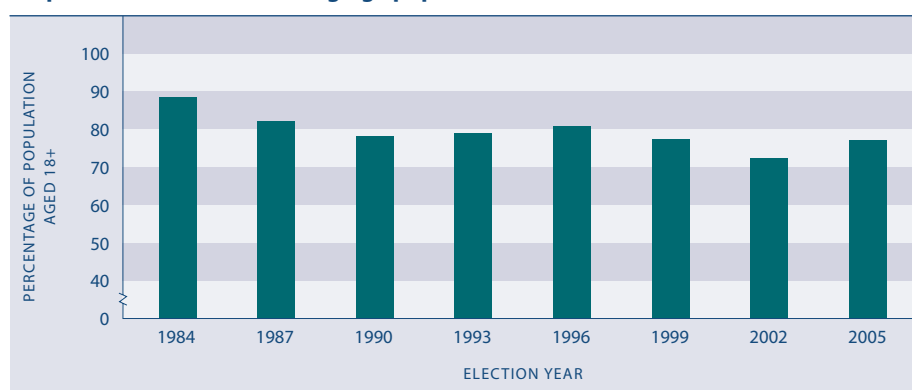
CURRENT LEVEL AND TRENDS

1. General elections

Voter turnout of the eligible population in 2005 was 77 percent. Voter participation in general elections declined sharply from 89 percent in 1984 to 78 percent in 1990, increased slightly to 81 percent in 1996, then declined again to a new low of 72.5 percent in 2002. In 2005, the turnout recovered to the level recorded in the 1999 election.

Figure CP1.1

Proportion of estimated voting-age population who cast votes, 1984–2005



Sources: Electoral Commission (2002); Electoral Commission (2005)
Note: 1984 and 2005 figures calculated by the Ministry of Social Development

AGE, SEX, ETHNIC AND SOCIO-ECONOMIC DIFFERENCES

Because of the nature of the secret ballot, information on differences in participation rates among various sectors of the New Zealand population is not directly available. Nevertheless, results from New Zealand election surveys over a number of years show non-voters are more likely to be people on lower incomes, younger people and members of Māori or Pacific ethnic groups. There are few differences in voter turnout rates between men and women.

REGIONAL DIFFERENCES

There are few discernible differences in voter turnout rates between rural and urban voters, although non-voting tends to be lowest in provincial cities.

INTERNATIONAL COMPARISON

Using a different definition of voter turnout (the proportion of the registered population who voted), New Zealand was ranked eighth out of 30 OECD countries with a voter turnout rate of 81 percent in 2005.⁷⁷ The New Zealand rate was higher than the OECD median of 71 percent for recent elections, but lower than that of Australia, where voting is compulsory (95 percent in 2007). Countries with lower voter turnout rates than New Zealand included the United States (69 percent in 2004), Canada (65 percent in 2006), and the United Kingdom (62 percent in 2005).

CURRENT LEVEL AND TRENDS

2. Local authority elections

Voter turnout in the 2007 local authority elections was 44 percent. This was the lowest voter turnout since 1989. A major restructuring of local government in 1989 was initially accompanied by a noticeable increase in voter turnout, peaking at 61 percent in 1992. Voter turnout has declined steadily since then, with the exception of the 1998 elections.

The drop in voter turnout between 2004 and 2007 was relatively constant across all local authority types, with falls of two or three percentage points.

In 2007, there were 249 elected local authorities in New Zealand: 12 regional councils, 21 district health boards, 16 city councils, 57 district councils and 143 community boards.

Table CP1.1

Voter turnout (%) in local authority elections, 1989–2007

	1989	1992	1995	1998	2001	2004	2007
Regional councils	56	52	48	53	49	45	43
District health boards	–	–	–	–	50	46	43
Territorial authorities							
City councils	52	48	49	51	45	43	41
City mayors	50	48	49	51	45	43	41
District councils	67	61	59	61	57	51	49
District mayors	67	61	59	59	56	52	49
Community boards	54	49	50	50	46	42	41

Source: Department of Internal Affairs (2006) Table 3.3 and unpublished data for 2007

Note: District health boards were established in 2001

The 2007 results continued the pattern of previous local authority elections, with small and South Island communities tending to register a higher voter turnout across all elected local authority types. The highest voter turnout in regional council elections was for the West Coast Regional Council (57 percent), followed by the Tasman District Council (55 percent). Turnouts tended to be lowest in regions with large urban centres – Waikato, Auckland, Wellington and Canterbury had the lowest voter turnout rates, ranging between 37 percent and 44 percent.

Local authority voter turnout is highest for district councils, with their more rural population base, especially those in the South Island. In the 2007 district council elections, voter turnout in the South Island was 53 percent, compared with 47 percent in the North Island. Smaller regional councils and small district health boards also attracted a higher voter turnout than larger local authorities. Voter turnout rates ranged from 54 percent for small district councils to 39 percent for large city councils.

Representation of women in government

DEFINITION

The proportion of elected Members of Parliament (MPs) and local government bodies who are women.

RELEVANCE

The representation of women in government can be seen as an indicator of political representation more generally. Representative political institutions engage a wide range of communities in the political process, draw on the talents and skills of the broadest group of people, and provide checks and balances on the use of political power.

CURRENT LEVEL AND TRENDS

1. General elections

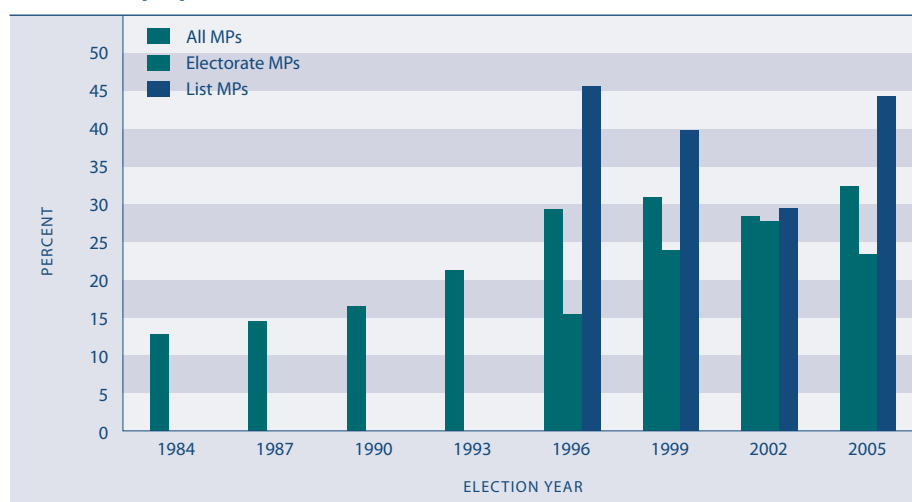
As a result of the 2005 general election, women held 39 of the 121 seats in Parliament, or 32 percent. This was up from 28 percent in 2002. Under the first-past-the-post electoral system, women's representation in Parliament increased from 13 percent in 1984 to 21 percent in 1993, then rose sharply to 29 percent in the first mixed-member-proportional (MMP) election held in 1996. There was a further small rise to 31 percent in 1999, followed by a decline to 28 percent in 2002.

In 2005, women made up a far higher proportion of list MPs (44 percent) than electorate MPs (23 percent). In the 2002 election, the female proportions were similar in both categories.

The majority of women elected to Parliament in 2005 were list MPs (59 percent). The proportion of female electorate MPs increased from 29 percent in 1996 to 56 percent in 2002, but fell to 41 percent in 2005.

Figure CP2.1

Women as a proportion of elected Members of Parliament, 1984–2005



Sources: Electoral Commission (2002) p176; Electoral Commission (2006)

INTERNATIONAL COMPARISON

At 33 percent in 2008, the percentage of women in New Zealand's Parliament is considerably higher than the OECD median of 23 percent in recent years.⁷⁸ New Zealand ranks ninth out of 30 OECD countries. Sweden has the highest proportion of women MPs with 47 percent, followed by Finland (42 percent), the Netherlands (39 percent), Denmark (38 percent), Spain and Norway (each 36 percent). Australia (27 percent), Canada (21 percent), the United Kingdom (20 percent) and the United States (17 percent) all have much lower female representation in national government than New Zealand.

CURRENT LEVEL AND TRENDS

2. Local authority elections

In the 2007 local government elections, 579 women were elected to local authorities.⁷⁹ This represented 32 percent of elected members. The proportion of elected members who were women increased from 25 percent in 1989 to 31 percent in 1998 and remained at around that level in the two subsequent elections. Until the early-1990s women were more highly represented in local government than in national government. Since the first MMP election in 1996, women have had similar levels of representation in both Parliament and local authorities.

Female candidates were more likely than male candidates to be elected to local authorities in each election year from 1989 to 1998, but this was reversed in 2001, when 41 percent of female candidates and 44 percent of male candidates were elected. In 2004, the proportions were more even (48 percent of female and 49 percent of male candidates elected). In 2007, female candidates were again more likely than male candidates to be elected (50 percent compared with 46 percent).

In 2007, women's representation was highest on district health boards (46 percent), followed by city councils (37 percent). Between 2004 and 2007, the share of elected members who were women increased in all local authority types except community boards and licensing and land trusts

Table CP2.1

Proportion (%) of members who were women, by type of local body, 1989–2007

	1989	1992	1995	1998	2001	2004	2007
Regional councils	22	25	29	28	26	25	27
District health boards	–	–	–	–	44	42	46
City councils	35	35	33	36	39	34	37
District councils	19	23	26	27	26	26	28
Community boards	29	32	33	35	31	32	33

Source: Department of Internal Affairs (2006) Table 6.4 and unpublished data for 2007

Note: District councils 2001 data revised by Department of Internal Affairs

The number of women elected to city council mayoral positions has remained fairly steady at three or four since 1989. Between 2004 and 2007 the figure fell from four to three out of 16 mayoral positions. In contrast, the number of women mayors in district councils increased rapidly from six (out of 59) in 1989 to 15 in 1998, fell sharply to eight in 2001 and rose slightly to 10 in both 2004 and 2007.

Table CP2.2

Women mayors, 1989–2007

	1989	1992	1995	1998	2001	2004	2007
City councils	4/14	4/15	3/15	4/15	4/15	4/16	3/16
District councils	6/59	9/59	12/59	15/59	8/58 ⁽¹⁾	10/58 ⁽²⁾	10/57 ⁽³⁾

Source: Department of Internal Affairs (2006) Table 6.5 and unpublished data for 2007

Notes: (1) There was no election in Rodney District in 2001 (2) Tauranga became a city council in 2004 (3) Banks Peninsula District was abolished and included in Christchurch City in 2006

Perceived discrimination

DEFINITION

The proportion of people aged 18 years and over who perceived selected groups as being the targets of “some” or a “great deal” of discrimination, as reported in surveys commissioned by the Human Rights Commission.

RELEVANCE

The freedom from unlawful discrimination is a core principle of democratic societies. Surveys on perceived discrimination towards groups of people provide one indication of the level and type of discrimination in New Zealand. As they do not measure actual levels of discrimination, it is not possible to conclude whether levels of discrimination have increased or decreased.

CURRENT LEVEL AND TRENDS

In November 2007, 68 percent of respondents to the Human Rights Commission Survey 2007 thought Asian people were subject to a great deal or some discrimination, the highest proportion for any group. This was followed by recent immigrants, people on welfare and people who are overweight (all 62 percent). Perceived discrimination against Asians and recent immigrants has decreased since February 2006, by 4 percentage points and 8 percentage points respectively. There has been little change in perceived discrimination against people on welfare and a slight increase in perceived discrimination against people who are overweight.

Table CP3.1

Proportion (%) of survey respondents who perceived selected groups as being subject to a great deal or some discrimination, December 2000–November 2007

Group	Dec 2000	Dec 2001	Jan 2003	Jan 2004	Feb 2006	Nov 2007
Asians	73	73	79	78	72	68
Recent immigrants	–	68	77	72	70	62
People on welfare	75	70	68	66	63	62
People who are overweight	72	65	65	68	59	62
Refugees	–	68	72	70	63	56
Gays and lesbians	74	65	61	58	57	54
People with disabilities	61	55	53	55	53	52
Pacific peoples	71	65	65	57	54	51
Māori	70	62	57	53	51	48
Older people	53	48	49	46	44	46
Women	50	44	41	38	38	39
Men	–	–	–	–	30	29

Source: Human Rights Commission (2008)

Over half of the survey respondents in 2007 thought refugees, gays and lesbians, people with disabilities and Pacific people were the target of a great deal or some discrimination. Just under half thought Māori and older people were discriminated against.

Between December 2001 and November 2007, the perception different groups were subject to some or a great deal of discrimination fell for all groups. The biggest falls in perceived discrimination were for Māori and Pacific peoples, both declining by 14 percentage points between 2001 and 2007. There was also a big drop in perceived discrimination against refugees and gays and lesbians over the same period.

Perceived corruption

DEFINITION

The perceived level of corruption – defined as “the abuse of public office for private gain” – among New Zealand politicians and public officials, on a scale of 0 (highly corrupt) to 10 (highly clean).

A country’s score in the Corruption Perceptions Index is derived by Transparency International from a number of different surveys of business people and country analysts.

RELEVANCE

Corruption undermines democracy and the rule of law and threatens domestic and international security. Corruption also has adverse social and economic consequences for a country. The Corruption Perceptions Index is a good proxy indicator of the values and norms that underpin public institutions.

CURRENT LEVEL AND TRENDS

New Zealand’s score in the Corruption Perceptions Index 2007 was 9.4, similar to its score of 9.6 in 2004–2006. Since the index was first developed in 1995, New Zealand has consistently scored well, with more than 9 out of a possible 10 in each period reported.

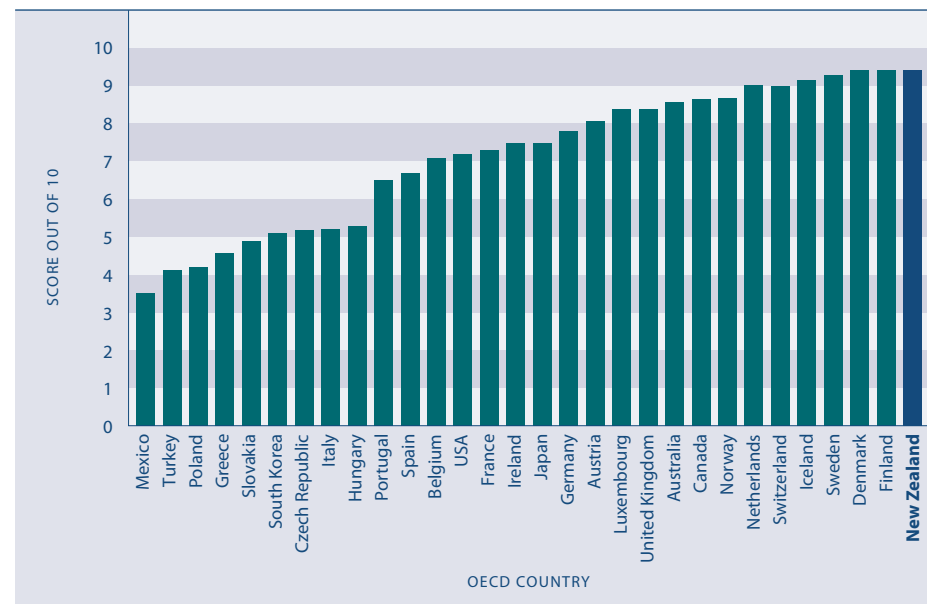
INTERNATIONAL COMPARISON

In the Corruption Perceptions Index 2007, New Zealand was ranked first equal with Finland and Denmark as the least corrupt nations out of 30 OECD countries. Since 1995, New Zealand has consistently been among the top four OECD nations perceived as highly clean.

New Zealand scored higher in the perceived corruption index than Canada (eighth equal, 8.7), Australia (10th, 8.6), the United Kingdom (11th equal, 8.4), and the United States (18th, 7.2).

Figure CP4.1

Corruption Perceptions Index scores (0=highly corrupt, 10=highly clean), OECD countries, 2007



Source: Transparency International (2007)