

## 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.<sup>63</sup>

Rights are defined in various international treaties and in domestic legislation. The New Zealand Bill of Rights Act 1990 sets out many 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 (eg 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.<sup>64</sup> 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.<sup>65</sup> 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 the absence of 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.<sup>66</sup> 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.<sup>67</sup> 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 valid 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

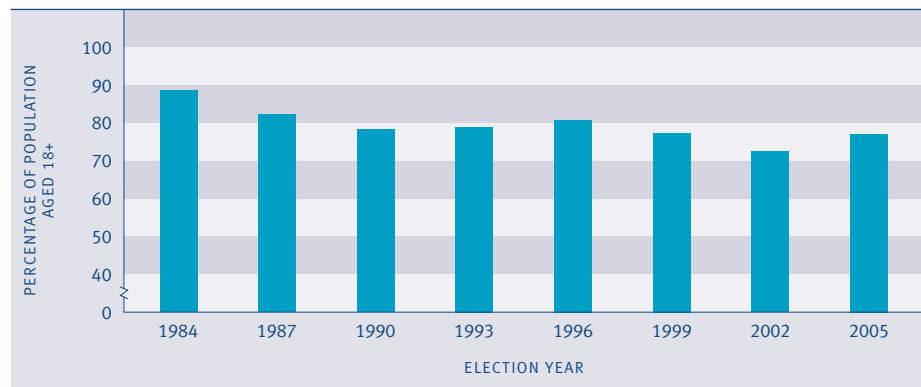
Voter turnout rates are an indicator of the extent to which citizens participate in the political process, and the confidence the population has in, and the importance they attach to, political institutions.

## 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

In 2005, New Zealand ranked eighth out of 30 OECD countries with a voter turnout rate, defined as the proportion of the registered population who voted, of 81 percent.<sup>68</sup> The New Zealand rate was higher than the OECD median of 70 percent for recent elections, but lower than that of Australia, where voting is compulsory (92 percent in 2004). Countries with lower voter turnout rates than New Zealand included Canada (65 percent in 2006), the United Kingdom (62 percent in 2005), and the United States (60 percent in 2004).

## CURRENT LEVEL AND TRENDS

### 2. Local authority elections

Voter turnout in the 2004 local authority elections was 46 percent. This was the lowest turnout since 1989 and the first time since then that overall turnout has fallen below 50 percent. A major restructuring of local government in 1989 was initially accompanied by a noticeable increase in voter turnout, peaking at 61 percent in 1992. Since then voter turnout has declined steadily, with the exception of the 1998 elections.

The drop in turnout between 2001 and 2004 was relatively constant across all types of local authorities. However, district councils registered the greatest decline, with the average turnout dropping from 57 percent in 2001 to 51 percent in 2004.

In 2004, there were 251 elected local authorities in New Zealand: 12 regional councils, 21 district health boards (established 1 January 2001), 16 city councils, 58 district councils and 144 community boards.

Table CP1.1

**Voter turnout (%) in local authority elections, 1989–2004**

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

Source: Department of Internal Affairs (2006) Table 3.3

The 2004 election results continued the trend of previous local authority elections, with small and South Island communities tending to register a higher voter turnout across all election types. The highest voter turnout in regional council elections was for the West Coast Regional Council (68 percent), followed by the Otago and Southland Regional Councils (each 56 percent). In all but two North Island regions less than half the population voted. The exceptions were Manawatu-Wanganui (54 percent) and Taranaki (55 percent). The regional council with the lowest voter turnout was Auckland (42 percent).

Local authority voter turnout is highest for district councils, with their more rural population base, especially those in the South Island. In the 2004 district council elections, turnout in the South Island was 57 percent, compared with 50 percent in the North Island. Smaller regional councils and small district health boards also attracted a higher turnout than larger local authorities. Voter turnout ranged from 58 percent for small district councils to 42 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.

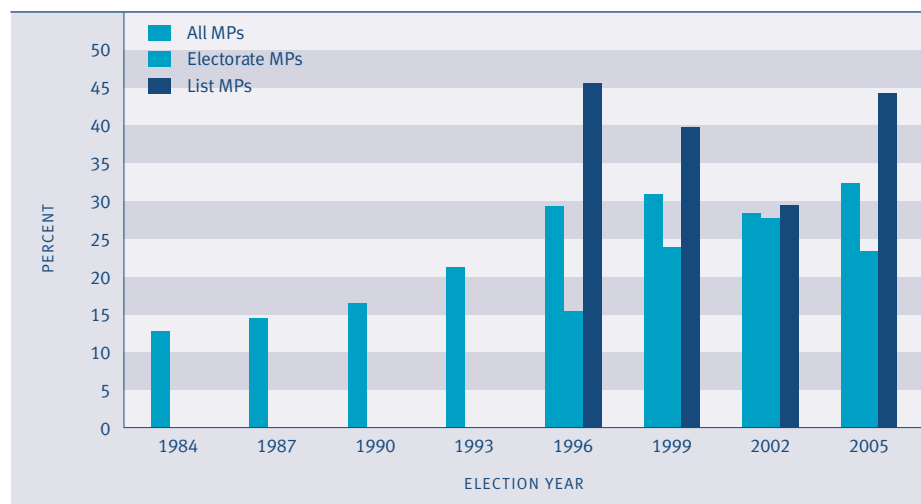
## CURRENT LEVEL AND TRENDS

### 1. General elections

As a result of the 2005 general election, women hold 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 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.

Figure CP2.1 **Women as a proportion of elected Members of Parliament, 1984–2005**



Sources: Electoral Commission (2002), p 176; Electoral Commission (2006)

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.

## INTERNATIONAL COMPARISON

At 32 percent in 2005, the percentage of women in New Zealand's Parliament is considerably higher than the OECD median of 22 percent in recent years.<sup>69</sup> New Zealand ranks 10th out of 30 OECD nations. Sweden has the highest proportion of women MPs with 45 percent, followed by Norway and Finland (each 38 percent), Denmark and the Netherlands (each 37 percent), and Spain (36 percent). Australia (25 percent), Canada (21 percent), the United Kingdom (20 percent) and the United States (15 percent) all have much lower female representation in national government than New Zealand.

## CURRENT LEVEL AND TRENDS

### 2. Local authority elections

In the 2004 local government elections, 566 women were elected to local authorities.<sup>70</sup> This represented 30 percent of elected members. The proportion of women elected increased from 25 percent in 1989 to 31 percent in 1998 and remained at around that level in the two subsequent elections. In the 1980s, women were more highly represented in local government than in national government but this was reversed in the 2005 general election.

Female candidates were more likely than male candidates to be elected in each election year from 1989 to 1998, but this was reversed in 2001, when 41 percent of women candidates were elected, compared with 44 percent of men. In 2004, 48 percent of female candidates were elected, compared with 49 percent of male candidates.

In 2004, women's representation was highest on district health boards (43 percent), followed by city councils (34 percent) and community boards (32 percent). Between 2001 and 2004, the share of women remained about the same in all local authorities except city councils, where it fell from 39 to 34 percent.

The number of women elected to city council mayoral positions has remained steady at four (out of 16) for most election years since 1989. 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 2004.

Table CP2.1

#### Proportion (%) of members who were women, by type of local body, 1989–2004

	1989	1992	1995	1998	2001	2004
Regional councils	22	25	29	28	26	25
District health boards	–	–	–	–	44	42
City councils	35	35	33	36	39	34
District councils	19	23	26	27	26	26
Community boards	29	32	33	35	31	32
Licensing and land trusts	–	–	–	–	–	30

Source: Department of Internal Affairs (2006) Table 6.4

Note: District Councils 2001 revised by Department of Internal Affairs

Table CP2.2

#### Women mayors, 1989–2004

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

Source: Department of Internal Affairs (2006) Table 6.5

Notes: (1) There was no election in Rodney District in 2001 (2) Tauranga became a city council in 2004

# 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 February 2006, just under three-quarters (72 percent) of respondents to the Human Rights Commission Survey 2006 thought Asian people were subject to a “great deal” or “some” discrimination, the highest proportion for any group. This was followed by recent immigrants (70 percent), refugees and people on welfare (both 63 percent). Perceived discrimination against all these groups has decreased since January 2004: by 6 percentage points for Asians, 2 percentage points for recent immigrants, 7 percentage points for refugees and 3 percentage points for people on welfare.

Table CP3.1 **Proportion (%) of survey respondents who perceived selected groups as being subject to a “great deal” or “some” discrimination, December 2000–February 2006**

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

Source: Human Rights Commission (2006)

Around 60 percent of survey respondents in 2006 thought overweight people and people on welfare were the target of a “great deal” or “some” discrimination. More than half thought gays and lesbians, Pacific peoples, people with disabilities and Māori were discriminated against.

Between December 2001 and February 2006, the perception that different groups were subject to “some” or a “great deal” of discrimination fell for all groups, except recent migrants. However, there was a decline for this group over each of the last three years. The biggest falls in perceived discrimination were for Māori and Pacific peoples, both declining by 11 percentage points between 2001 and 2006. There was also a big drop over the period in the perception that gays and lesbians and people on welfare were subject to discrimination.



# 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.

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## 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.

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## CURRENT LEVEL AND TRENDS

New Zealand’s score in the Corruption Perceptions Index 2005 was 9.6, the same score as in 2004. 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.

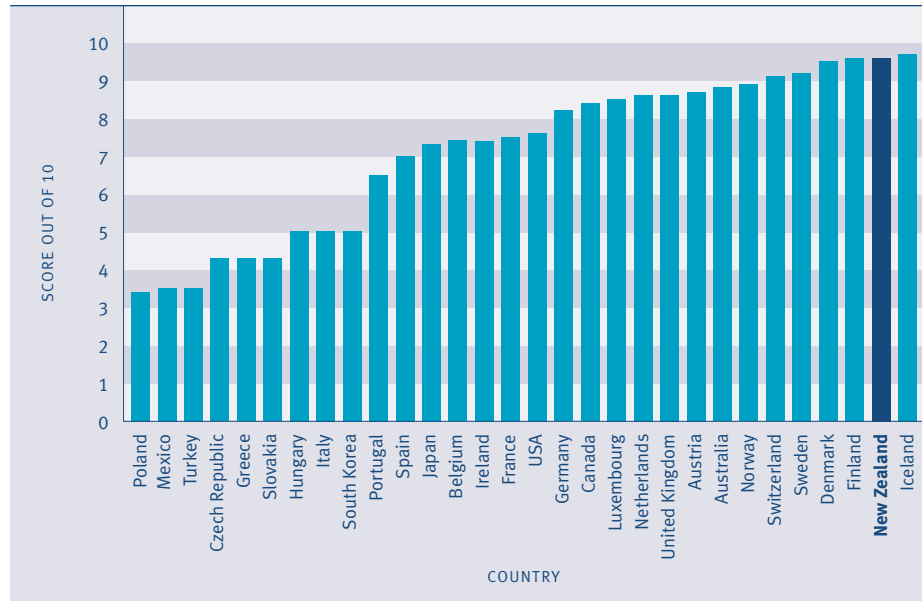
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## INTERNATIONAL COMPARISON

In the Corruption Perceptions Index 2005, New Zealand was ranked with Finland as the second equal least corrupt nation in the OECD. Iceland was perceived as the least corrupt country. 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 Australia (eighth, 8.8), the United Kingdom (10th, 8.6), Canada (13th, 8.4) and the United States (15th, 7.6).

Figure CP4.1 **Corruption Perceptions Index scores (0=highly corrupt, 10=highly clean), OECD countries, 2005**



Source: Transparency International (2005)