

## 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>75</sup>

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 seven core United Nations treaties. These treaties cover: civil and political rights; economic, social and cultural rights; the elimination of racial discrimination; the elimination of discrimination against women; the rights of children; the rights of disabled persons; and protection against torture and other cruel, inhuman or degrading treatment and punishment.

Civil and political rights are important. 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.<sup>76</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>77</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 five 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, the representation of ethnic groups 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 and third indicators measure the proportion of women and the proportion of ethnic groups in elected positions in government.

Equality before the law and freedom from unlawful discrimination are fundamental principles of democratic societies. Under the Human Rights Act 1993, discrimination is prohibited in New Zealand on the following grounds: sex (including pregnancy and childbirth); marital status (including civil unions); religious belief; ethical belief; colour; race; ethnic or national origin; disability; age (from age 16 years); political opinion; employment status; family status; and sexual orientation.<sup>78</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>79</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 fifth indicator measures the level of perceived corruption among politicians and public officials.

HEALTH

KNOWLEDGE AND SKILLS

PAID WORK

ECONOMIC STANDARD OF LIVING

CIVIL AND POLITICAL RIGHTS

CULTURAL IDENTITY

LEISURE AND RECREATION

PHYSICAL ENVIRONMENT

SAFETY

SOCIAL CONNECTEDNESS

# 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

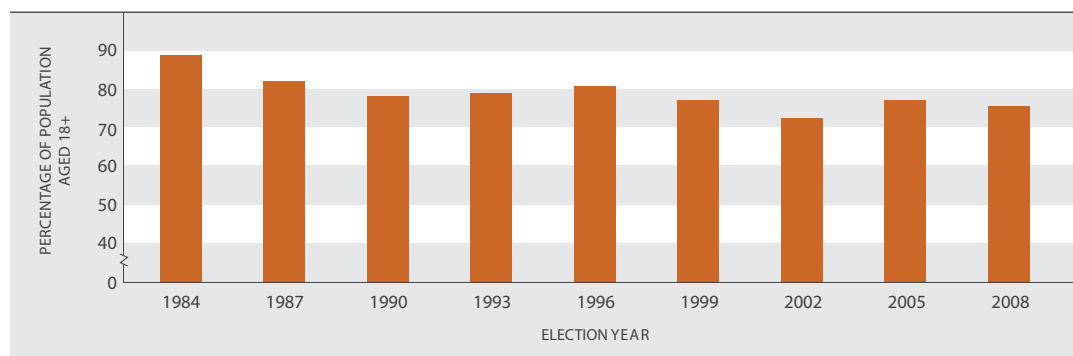
Voter turnout rates are an indicator of the extent to which citizens participate in the political process, and the confidence the population has in, and the importance they attach to, political institutions.

## CURRENT LEVEL AND TRENDS

### 1. General elections

Voter turnout of the eligible population in 2008 was 76 per cent, a slight decline from 77 per cent in 2005. Voter participation in general elections declined sharply from 89 per cent in 1984 to 78 per cent in 1990, increased slightly to 81 per cent in 1996, then declined again to a new low of 72.5 per cent in 2002.

Figure CP1.1 **Proportion of estimated voting-age population who cast votes, 1984–2008**



Sources: Electoral Commission (2002); Electoral Commission (2005); Electoral Commission (2008a)

Note: 1984, 2005 and 2008 figures were 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 10th out of 30 OECD countries with a voter turnout rate of 79 per cent in 2008.<sup>80</sup> This was higher than the OECD median of 74 per cent for recent elections. New Zealand's voter turnout rate was lower than that of Australia, where voting is compulsory (95 per cent in 2007), but higher than those of Canada (59 per cent in 2008), the United Kingdom (62 per cent in 2005) and the United States (62 per cent in 2008).

CURRENT LEVEL  
AND TRENDS

## 2. Local authority elections

Voter turnout in the 2007 local authority elections was 44 per cent, down from 46 per cent in 2004.<sup>81</sup> This was the lowest turnout since the restructuring of local government in 1989. Voter turnout peaked at 61 per cent in 1992 and has declined steadily since then, except between 1995 and 1998 when it increased from 53 per cent to 55 per cent.

The drop in turnout between 2004 and 2007 was relatively constant across all types of local authorities, 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
<b>Regional councils</b>	56	52	48	53	49	45	43
<b>District health boards</b>	–	–	–	–	50	46	43
<b>Territorial authorities</b>							
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
<b>Community boards</b>	54	49	50	50	46	42	41

Sources: Department of Internal Affairs (2006) Table 3.3; Department of Internal Affairs (2009) Table 4.3

Notes: (1) DHBs were established in 2001 (2) Trusts are not included because they are not local authorities

The 2007 election results continued the pattern of previous local authority elections, with smaller 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 (57 per cent), followed by Taranaki (52 per cent). Turnout was lower than the regional council average of 43 per cent in Waikato (37 per cent) and Auckland (38 per cent).

Local authority voter turnout is highest for district councils, especially those in the South Island. In the 2007 district council elections, voter turnout in the South Island was 53 per cent, compared with 47 per cent in the North Island. Smaller local authorities and small district health boards also attracted a higher turnout than larger local authorities. Voter turnout ranged from 54 per cent for small district councils to 39 per cent 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.

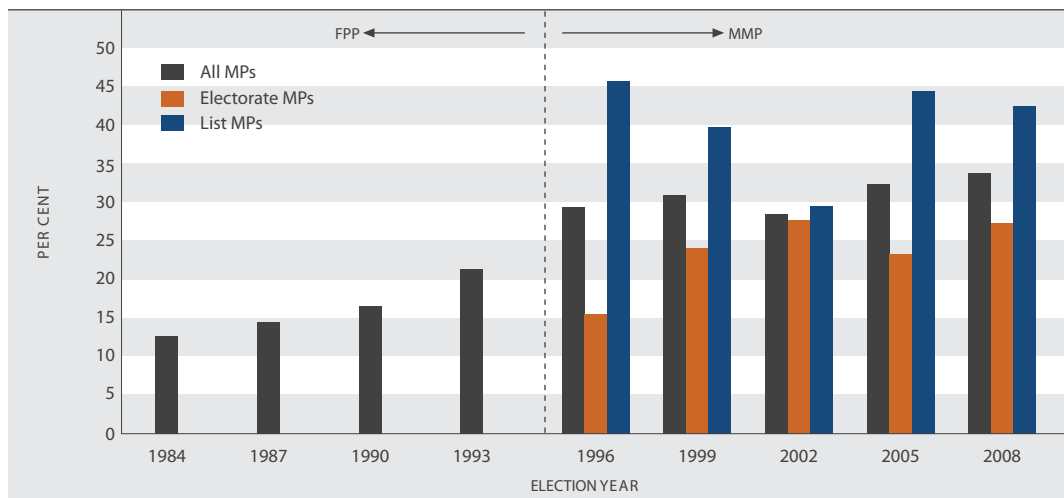
## CURRENT LEVEL AND TRENDS

### 1. General elections

As a result of the 2008 general election, women held 41 of the 122 seats in Parliament, or 34 per cent. This was up from 32 per cent in 2005. Under the first-past-the-post electoral system, women's representation in Parliament increased from 13 per cent in 1984 to 21 per cent in 1993, then rose sharply to 29 per cent in the first mixed-member-proportional election held in 1996. Since then, with the exception of 2002, there have been small increases in the proportion of women in Parliament at each general election. Women were first represented in the New Zealand Parliament in 1933.

In the 2008 general election, women made up a higher proportion of list MPs (42 per cent) than electorate MPs (27 per cent). Female representation has been higher among list MPs than electorate MPs in each general election from 1996 onwards except that of 2002, when the proportions of women in each category were similar.

Figure CP2.1 **Women as a proportion of elected Members of Parliament, 1984–2008**



Sources: Electoral Commission (2002) p 176; Electoral Commission (2006); Wilson and Anderson (2008)

The majority of women elected to Parliament in 2008 were list MPs (54 per cent). List MPs have outnumbered electorate MPs among women elected to Parliament in four of the last five general elections. In contrast, the majority of men elected to Parliament are electorate MPs.

INTERNATIONAL  
COMPARISON

At 34 per cent in 2008, the percentage of women in New Zealand's Parliament is considerably higher than the OECD median of 23 per cent in recent years. New Zealand ranks eighth out of 30 OECD countries. Sweden has the highest proportion of women MPs with 47 per cent, followed by Finland (42 per cent), the Netherlands (41 per cent), Denmark (38 per cent), Spain and Norway (each 36 per cent) and Belgium (35 per cent). New Zealand has considerably higher female representation in national government than Australia (27 per cent), Canada (22 per cent), the United Kingdom (20 per cent) and the United States (17 per cent).<sup>82</sup>

CURRENT LEVEL  
AND TRENDS

## 2. Local authority elections

In the 2007 local government elections, 579 women were elected to local authorities.<sup>83</sup> This represented 32 per cent of elected members. The proportion of women elected increased from 25 per cent in 1989<sup>84</sup> to 31 per cent in 1998 and remained at around that level in the two subsequent elections. In the 1990s and early-2000s, women were more highly represented in local government than in national government, but this trend has been reversed since 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 per cent of female candidates and 44 per cent of male candidates were elected. In 2004, the proportions were more even (48 per cent of female and 49 per cent of male candidates elected). In 2007, female candidates were again more likely than male candidates to be elected (50 per cent compared with 46 per cent).

In 2007, women's representation was highest on district health boards (46 per cent), followed by city councils (37 per cent). Between 2004 and 2007, the share of women increased in all types of local authority 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 (2009) Table 7.4

Notes: (1) District councils' 2001 figures revised by the Department of Internal Affairs (2) DHBs were established in 2001 (3) Trusts are not included because they are not local authorities

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. 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 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 <sup>(1)</sup>	6/59 <sup>(2)</sup>	9/59 <sup>(3)</sup>	12/59	15/59	8/58 <sup>(4)</sup>	10/58 <sup>(5)</sup>	10/57 <sup>(6)</sup>

Source: Department of Internal Affairs (2009) Table 7.5

Notes: (1) Includes Chatham Islands Council (2) Chatham Islands Council did not elect a mayor in 1989 (3) Invercargill has been a city council since 1992 (4) There was no election in Rodney District in 2001 (5) Tauranga became a city council in 2004 (6) Banks Peninsula District was abolished and included in Christchurch City in 2006

# Representation of ethnic groups in government

## DEFINITION

The proportion of elected Members of Parliament (MPs) who identify themselves as of Māori, Pacific peoples or Asian ethnicity.

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## RELEVANCE

The representation of different ethnic groups 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.

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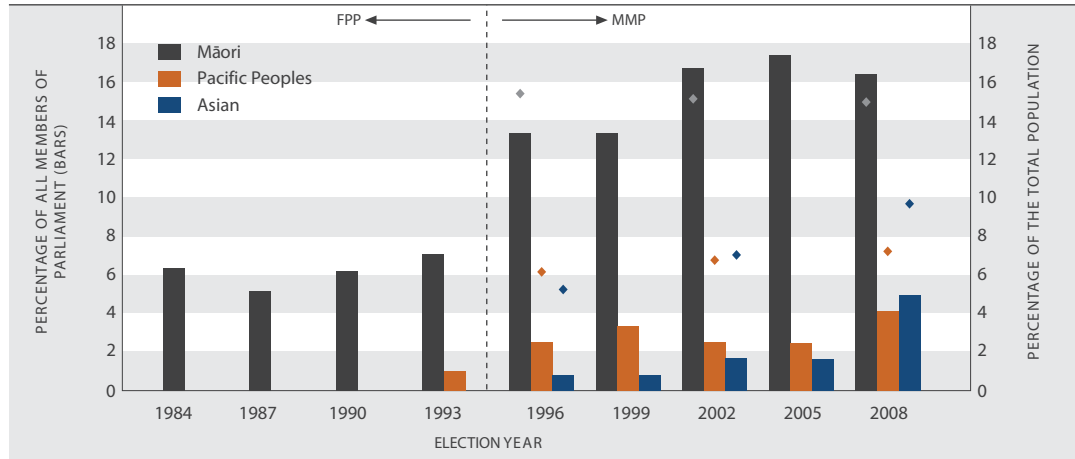
## CURRENT LEVEL AND TRENDS

Following the 2008 general election, 31 out of the 122 Members of Parliament (25 per cent) self-identified as being of Māori, Pacific peoples or Asian ethnicity. This was up from 21 per cent in 2005. Under the first-past-the-post electoral system, representation of these ethnic groups in Parliament increased from 6 per cent in 1984 to 8 per cent in 1993, then rose sharply to 17 per cent in the first mixed-member-proportional election held in 1996. There was little change in 1999, but the proportion increased at each subsequent general election.

In 2008, 16 per cent of MPs identified themselves as Māori, down slightly from 17 per cent in 2005. The proportions of MPs identifying as Pacific peoples or Asian in 2008 (4 per cent and 5 per cent respectively) were the highest recorded. Pacific peoples and Asian ethnicities were first represented in Parliament in 1993 and 1996 respectively.

A similar proportion of Māori were elected to Parliament in 2008 as the Māori share of the New Zealand population (16 per cent of MPs identified as Māori compared with 15 per cent of the total population in 2006). The proportion of Pacific peoples in Parliament (4 per cent) was smaller than their share of the population (7 per cent), while the Asian ethnic group had the lowest representation (5 per cent of all MPs compared with 10 per cent of the population).

Figure CP3.1 **Members of Parliament identifying as Māori, Pacific peoples or Asian 1984–2008, and Māori, Pacific peoples or Asian share of the total population**



Source: Wilson and Anderson (2008); Statistics New Zealand, *Estimated National Ethnic Population, 1996, 2001, 2006*

Note: Ethnic group shares of the population for 2002 use 2001 ethnic population estimates; ethnic group shares for 2008 use 2006 ethnic population estimates

The majority of Pacific MPs elected in 2008 were electorate MPs (60 per cent) while the majority of Māori and Asian MPs were list MPs (55 per cent and 83 per cent respectively). Of the nine Māori electorate MPs, seven were elected to the Māori electorate seats.



# 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.

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## 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.

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## CURRENT LEVEL AND TRENDS

In November 2008, 74 per cent of respondents to the Human Rights Commission Survey 2008 thought Asian people were subject to a great deal or some discrimination, the highest proportion for any group. This was followed by people who are overweight (68 per cent), people on welfare (66 per cent) and recent immigrants (65 per cent). The level of perceived discrimination was higher in 2008 than in 2007 for a number of groups. The greatest increases were recorded for Pacific peoples (up by 9 percentage points) and for Asians, people who are overweight and gays and lesbians (each up by 6 percentage points). Over the same period, perceived discrimination decreased slightly for women and older people (by 3 percentage points and 2 percentage points, respectively).

Table CP4.1 **Proportion (%) of survey respondents who perceived selected groups as being subject to a great deal or some discrimination, December 2000–November 2008**

Group	Dec 2000	Dec 2001	Jan 2003	Jan 2004	Feb 2006	Nov 2007	Nov 2008
Asians	73	73	79	78	72	68	74
People who are overweight	72	65	65	68	59	62	68
People on welfare	75	70	68	66	63	62	66
Recent immigrants	–	68	77	72	70	62	65
Refugees	–	68	72	70	63	56	61
Gays and lesbians	74	65	61	58	57	54	60
Pacific peoples	71	65	65	57	54	51	60
People with disabilities	61	55	53	55	53	52	57
Māori	70	62	57	53	51	48	52
Older people	53	48	49	46	44	46	44
Women	50	44	41	38	38	39	36
Men	–	–	–	–	30	29	27
Children and young people	–	–	–	–	–	–	27

Source: Human Rights Commission (2009)

Over half of the survey respondents in 2008 thought refugees, gays and lesbians, Pacific peoples, people with disabilities and Māori were the targets of a great deal or some discrimination. Less than half of respondents thought that older people, women, men and children and young people were discriminated against.

Between December 2001 and November 2008, the perception that different groups were subject to some or a great deal of discrimination fell for 8 of the 11 groups that had comparable data. The largest decline in perceived discrimination between 2001 and 2007 was for Māori (down by 10 percentage points). There were also large declines in perceived discrimination against women and refugees over the same period (down by 8 percentage points and 7 percentage points, respectively).

# 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

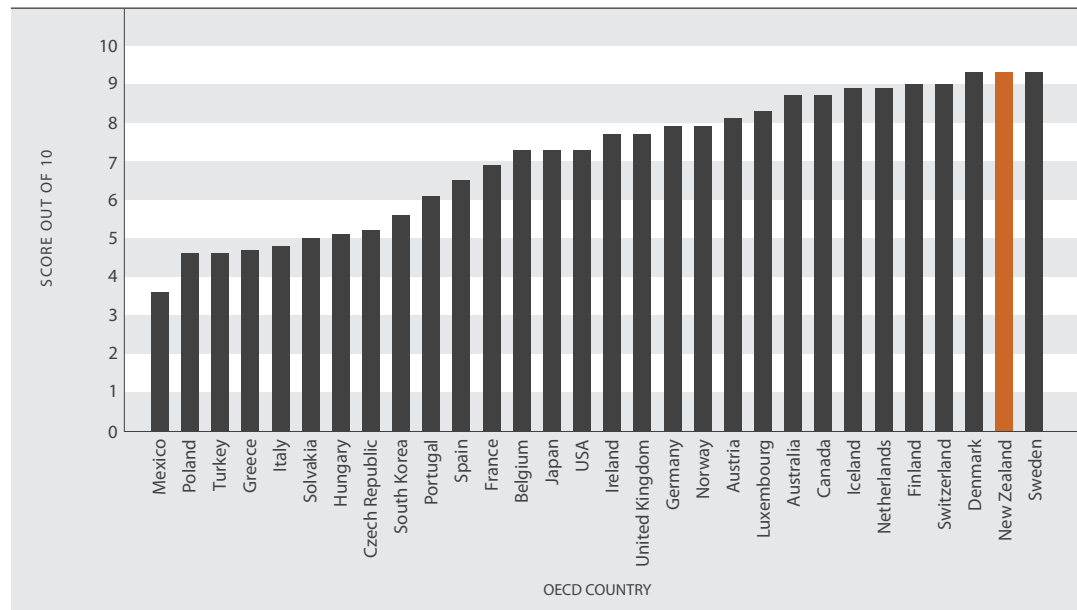
New Zealand’s score in the Corruption Perceptions Index 2008 was 9.3, similar to its scores of 9.4 in 2007 and 9.6 in 2004–2006. Since the index was first developed in 1995, New Zealand has consistently scored well, with more than 9 out of a possible 10 in each period reported.

## INTERNATIONAL COMPARISON

In the Corruption Perceptions Index 2008, New Zealand was ranked first equal with Denmark and Sweden 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 Corruption Perceptions Index than Australia and Canada (eighth equal, 8.7), the United Kingdom (14th equal, 7.7), and the United States (16th equal, 7.3).

Figure CP5.1 **Corruption Perceptions Index scores (0=highly corrupt, 10=highly clean), OECD countries, 2008**



Source: Transparency International (2008)