

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 enables people to participate in decision-making, to be fairly represented, to seek redress for discrimination and to conduct business with public officials in an open and transparent manner, without fear of involvement in corrupt practices.

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.⁷⁶

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 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 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.⁷⁷

Indicators

New Zealand is internationally recognised as having an excellent human rights record.⁷⁸

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 people have in the nation's political institutions, and the importance they attach to them. High voluntary voter turnout rates suggest that 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. New Zealand law generally meets international standards for protecting the right to freedom from discrimination. 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.⁷⁹ Perceived discrimination includes two subjective measures: one is of people's personal experiences of discrimination; the other is of people's views about which groups are subject to discrimination. Research suggests that many people who experience discrimination will not make a complaint.⁸⁰

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 be driven, to some extent, by the efficient functioning of the justice system. The fifth 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.

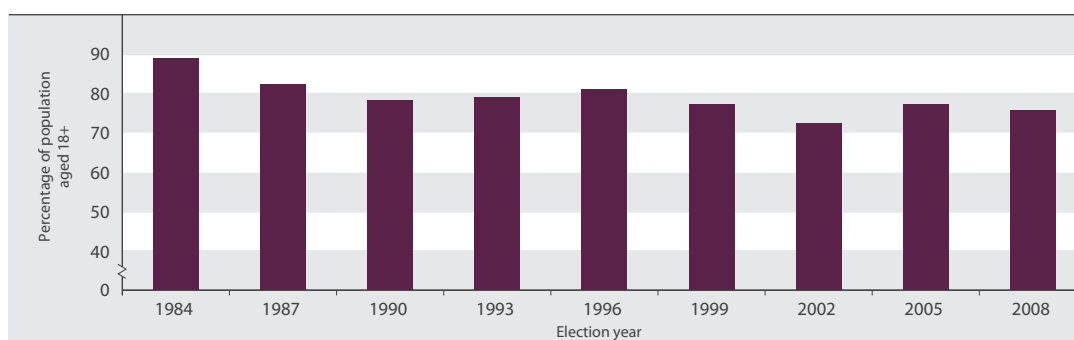
Local authority elections: The proportion of all enrolled electors (both resident and ratepayer) who cast a vote in contested local authority elections.

Relevance Voter turnout rates are an indicator of the confidence the population has in political institutions, the importance they attach to them, and the extent to which they feel their participation can make a difference.

1. General elections

Current level and trends Voter turnout of the eligible population in 2008 was 76 percent, a slight decline from 77 percent in 2005. Voter participation in general elections sharply from 89 percent in 1984 to 78 percent in 1990, increased slightly to 81 percent in 1996, then fell again to a new low of 72.5 percent 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 (2008)
Note: The 1984, 2005 and 2008 figures are calculated by the Ministry of Social Development.

Age, sex, ethnic and socio-economic differences

In the New Zealand General Social Survey conducted between April 2008 and March 2009, 80 percent of respondents said they had voted in the last general election. People aged 65 years and over had the highest reported turnout (94 percent), followed by people aged 45–64 years (89 percent) and those aged 25–44 years (77 percent). Fewer than half of 15–24 year olds (46 percent) said they had voted, but many were not eligible to do so on age and other grounds. Significant differences in voter turnout were found between the unemployed (68 percent) and the employed (79 percent); between Asian people (61 percent) and people in the mainly European group (82 percent); and between people with personal incomes of \$30,000 or less (75 percent) and people with incomes of \$70,001 or more (89 percent). There were no significant differences by sex or region.

International comparison

Using a different definition of voter turnout (the proportion of the registered population who voted), New Zealand ranked 10th out of 30 OECD countries with a voter turnout rate of 79 percent in 2008.⁸¹ This was higher than the OECD median of 72 percent for recent elections. Voter turnout in New Zealand was lower than that of Australia, where voting is compulsory (95 percent in 2007), but higher than Canada (59 percent in 2008), the United Kingdom (65 percent in 2010) and the United States (62 percent in 2008).

2. Local authority elections

Current level and trends

Voter turnout in the 2007 local authority elections was 44 percent, down from 46 percent in 2004.⁸² This was the lowest turnout since the restructuring of local government in 1989. Voter turnout peaked at 61 percent in 1992 and has declined steadily since then, except between 1995 and 1998 when it increased from 53 percent to 55 percent.

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
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

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 percent), followed by Taranaki (52 percent). Turnout was lower than the regional council average of 43 percent in Waikato (37 percent) and Auckland (38 percent).

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 percent, compared with 47 percent 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 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.

1. General elections

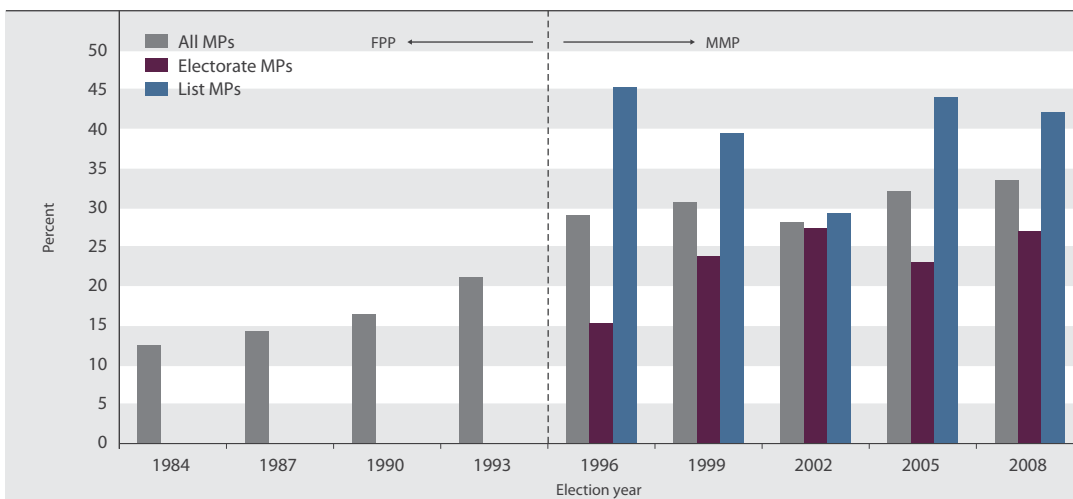
Current level and trends

As a result of the 2008 general election, women held 41 of the 122 seats in Parliament, or 34 percent. This was up from 32 percent in 2005. 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. 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 percent) than electorate MPs (27 percent). Female representation has been higher among list MPs than electorate MPs in each general election since 1996, except in the 2002 general election when the proportions of women in each category were similar.

The majority of women elected to Parliament in 2008 were list MPs (54 percent). 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.

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)

International comparison

At 34 percent in 2008, the percentage of women in New Zealand's Parliament is considerably higher than the OECD median of 24 percent in recent years. New Zealand ranks ninth out of 30 OECD countries. Sweden has the highest proportion of women MPs with 46 percent, followed by Iceland (43 percent), the Netherlands (42 percent), Finland and Norway (each 40 percent), Denmark and Belgium (each 38 percent) and Spain (37 percent). New Zealand has considerably higher female representation in national government than Australia (27 percent), Canada and the United Kingdom (each 22 percent) and the United States (17 percent).⁸³

2. Local authority elections

Current level and trends

In the 2007 local government elections, 579 women were elected to local authorities.⁸⁴ This represented 32 percent of elected members. The proportion of women elected increased from 25 percent in 1989⁸⁵ to 31 percent 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 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 women increased in all types of local authorities 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 ⁽¹⁾	6/59 ⁽²⁾	9/59 ⁽³⁾	12/59	15/59	8/58 ⁽⁴⁾	10/58 ⁽⁵⁾	10/57 ⁽⁶⁾

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.

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.

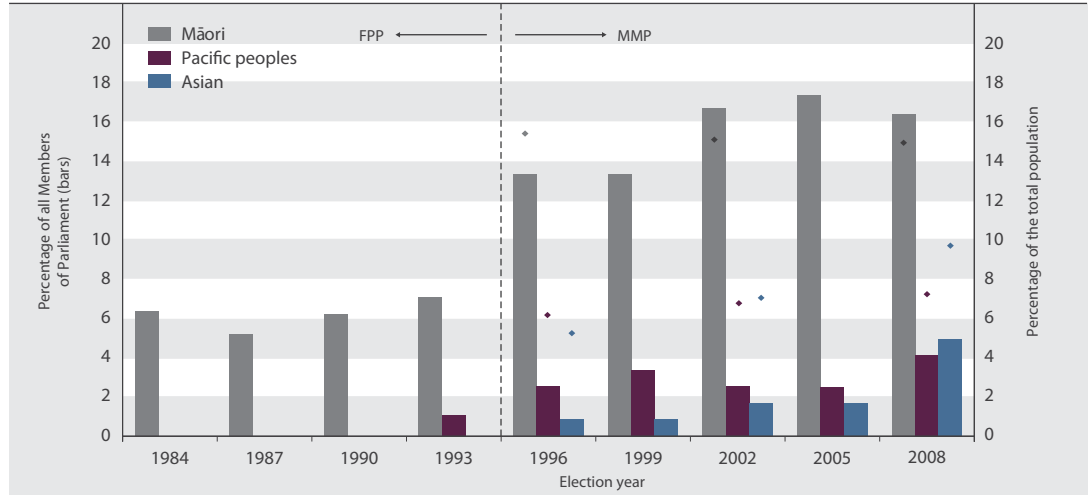
Current level and trends

Following the 2008 general election, 31 out of the 122 Members of Parliament (25 percent) self-identified as being of Māori, Pacific peoples or Asian ethnicity. This was up from 21 percent in 2005. Under the first-past-the-post electoral system, representation of these ethnic groups in Parliament increased from 6 percent in 1984 to 8 percent in 1993, then rose sharply to 17 percent 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 percent of MPs identified themselves as Māori, down slightly from 17 percent in 2005. The proportions of MPs identifying as Pacific peoples or Asian in 2008 (4 percent and 5 percent 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 percent of MPs identified as Māori compared with 15 percent of the total population in 2006). The proportion of Pacific peoples in Parliament (4 percent) was smaller than their share of the population (7 percent), while the Asian ethnic group had the lowest representation (5 percent of all MPs compared with 10 percent 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**



Sources: 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 percent) while the majority of Māori and Asian MPs were list MPs (55 percent and 83 percent respectively). Of the nine Māori electorate MPs, seven were elected to the Māori electorate seats.

Perceived discrimination

Definition

Personal discrimination: The proportion of people aged 15 years and over who had been treated unfairly or had had something nasty done to them because of the group they belonged to or seemed to belong to (hereafter called discriminated against) in the past 12 months, as reported in the New Zealand General Social Survey 2008.

Group discrimination: 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 Freedom from unlawful discrimination is a core principle of democratic societies. Discrimination limits people’s opportunities to participate fully in social and economic life and has negative effects on mental and physical wellbeing.

1. Personal discrimination

Current level In the 2008 New Zealand General Social Survey, 10 percent of people aged 15 years and over reported that they had been discriminated against in some way in the past 12 months.

Of these people who reported discrimination, the most common reasons given were their nationality, race or ethnic group (47 percent), or their skin colour (32 percent). Sixteen percent thought it was because of their gender while 15 percent felt it was because of their age. Other reasons cited included religious beliefs (10 percent), health issues (7 percent) and sexual orientation (3 percent).

For nearly half (45 percent) of those who reported discrimination, the discrimination had happened more than three times in the past year. The most common situations in which discrimination occurred were in public places (41 percent) and workplaces (39 percent).

Age and sex differences Younger adults were more likely than older adults to report being discriminated against. Fifteen percent of all people aged 15–24 years had experienced discrimination in the past year, compared with 12 percent of 25–44 year olds, 9 percent of 45–64 year olds and 3 percent of people aged 65 years and over. Males aged 15–24 years (20 percent) were twice as likely as females of that age (10 percent) to report being discriminated against, and this difference was statistically significant.

Although the overall rate of discrimination was similar for males and females, among those who reported they had experienced discrimination, females (23 percent) were more likely than males (10 percent) to cite gender discrimination as the reason.

Ethnic differences Asian people (23 percent), Māori (16 percent) and Pacific people (14 percent) were significantly more likely than people in the mainly European group (8 percent) to experience discrimination. Of those who had experienced discrimination, nationality, race or ethnic group was cited as a reason by 83 percent of Asian people, 63 percent of Pacific people, 56 percent of Māori, and 32 percent of people in the mainly European group.

Socio-economic and family type differences People in rented housing (16 percent) were twice as likely to experience discrimination as people in owner-occupied housing (8 percent). Unemployed people (19 percent) and people in one-parent families with dependent children (16 percent) had higher than average rates of discrimination. There was little variation by personal income level.

Regional differences

Proportions of people reporting discrimination were similar across the country: 12 percent in the combined regions of Northland, Bay of Plenty and Gisborne; 11 percent in the Auckland region and in the rest of the North Island (other than Wellington); 9 percent in Wellington and Canterbury and 7 percent in the South Island outside Canterbury. The difference between Auckland and the South Island outside Canterbury was the only statistically significant regional difference.

International comparison

In a 2009 European Commission survey, 16 percent of respondents reported personal experience of discrimination in the past year on one or more of the six grounds legally prohibited in the European Union (EU): gender, ethnic origin, religion or beliefs, age, disability and sexual orientation. New Zealand's rate of 10 percent in 2008 is similar to the EU survey's rate for Ireland (11 percent) but half the rate for the United Kingdom (20 percent). Age discrimination was the most common ground across the EU, reported by 6 percent of all respondents.⁸⁶

2. Group discrimination

Current level and trends

In December 2009, 75 percent of respondents to a Human Rights Commission survey thought Asian people were subject to a great deal or some discrimination, the highest proportion for any group. This was followed by people on welfare (70 percent), people who are overweight (65 percent) and recent immigrants (63 percent). The unemployed, included for the first time in 2009, were thought to be subject to discrimination by 60 percent of respondents.

Between 2008 and 2009, there was an increase of 4 percentage points in the proportion of respondents who saw people on welfare, Māori and women as subject to discrimination, and an increase of 3 percentage points in the proportion who saw people with disabilities, older people and children and young people as subject to discrimination.

Between December 2001 and December 2009, the proportion of people who thought that different groups were subject to some or a great deal of discrimination fell for seven of the 11 groups that had comparable data. The largest declines in perceived discrimination between 2001 and 2009 were for refugees and Pacific peoples (down by 7 percentage points), and Māori (down by 6 percentage points).

Table CP4.1

Proportion (%) of survey respondents who perceived selected groups as being subject to a great deal or some discrimination, December 2000 to December 2009

Group	Dec 2000	Dec 2001	Jan 2003	Jan 2004	Feb 2006	Nov 2007	Nov 2008	Dec 2009
Asians	73	73	79	78	72	68	74	75
People on welfare	75	70	68	66	63	62	66	70
People who are overweight	72	65	65	68	59	62	68	65
Recent immigrants	–	68	77	72	70	62	65	63
Refugees	–	68	72	70	63	56	61	61
Gays and lesbians	74	65	61	58	57	54	60	60
People with disabilities	61	55	53	55	53	52	57	60
Unemployed	–	–	–	–	–	–	–	60
Pacific peoples	71	65	65	57	54	51	60	58
Māori	70	62	57	53	51	48	52	56
Older people	53	48	49	46	44	46	44	47
Women	50	44	41	38	38	39	36	40
Children and young people	–	–	–	–	–	–	27	30
Men	–	–	–	–	30	29	27	26

Source: Human Rights Commission (2010)

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

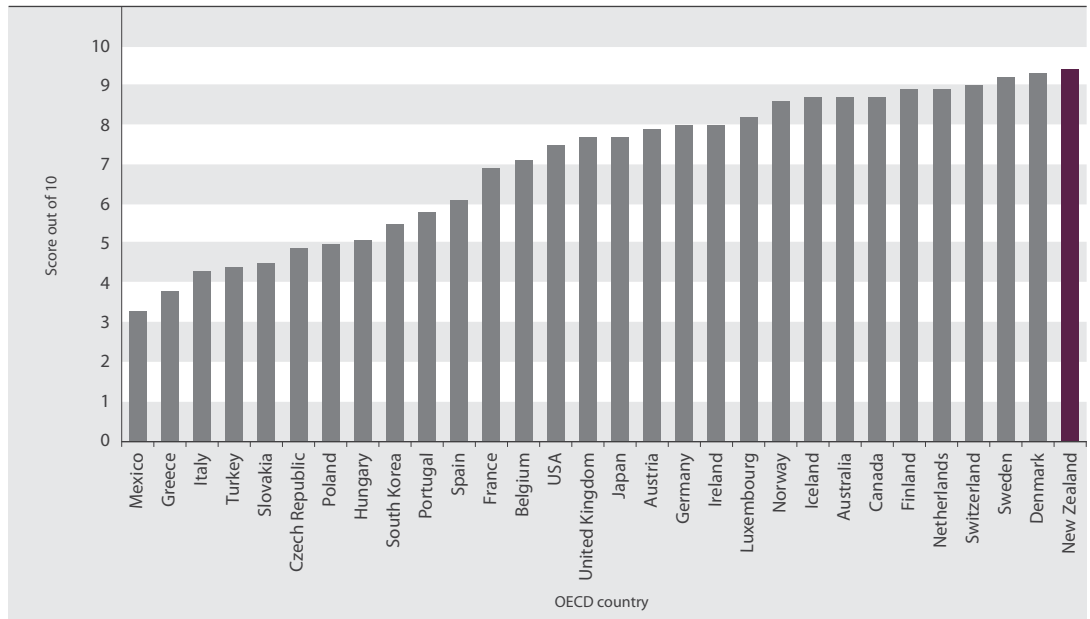
New Zealand’s score in the Corruption Perceptions Index 2009 was 9.4, similar to its scores of 9.3 in 2008, 9.4 in 2007 and 9.6 in 2004–2006. Since the index was first developed in 1995, New Zealand has consistently scored well, with more than 9 out of a possible 10 in each period reported.

International comparison

In the Corruption Perceptions Index 2009, New Zealand was ranked the least corrupt nation out of 30 OECD countries, followed by Denmark and Sweden (9.3 and 9.2 respectively). 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 and Canada (seventh equal, 8.7), the United Kingdom (15th, 7.7) and the United States (17th, 7.5).

Figure CP5.1 **Corruption Perceptions Index scores (0=highly corrupt, 10=highly clean), OECD countries, 2009**



Source: Transparency International (2009)