

The Unpeople of New Zealand

Unpeople – those whose lives are deemed worthless, expendable in the pursuit of power and commercial gain.

Mark Curtis: *Unpeople: Britain's Secret Human Rights Abuses* 2004

Definition

Unpeople is a definition that is being used to describe people who are in the way of Western expansionism. The term relates to anyone whose life, if taken seriously, might create a barrier to that expansionism. By removing their humanity they remove their worth and their right to life.

Unpeople have no rights, no feelings, no sensitivity. Their lives are not worthy of remembrance. Principles of humanitarian concern do not figure in relation to Unpeople. Officials will systematically mislead the public in relation to Unpeople to cover up abusive treatment. The culture of lying to and misleading the public is systematic and normal.

It is understandable they were astounded, though their innocence was short-lived. (His) 'coldness' was but an authentic glimpse of the ruthlessness of established forces when ranged against ordinary people seeking justice for scandalous negligence and cover-up at the top.¹

Introduction

A major group of Unpeople in New Zealand today are the intellectually disabled whose rights have been removed through legislation and whose lives are used up in the creation of work for people who otherwise might never get a job. These are the Unpeople that Justice Action Group frequently works to support. Their lives are a tragedy inflicted upon them from outside. But because they are Unpeople their tragedy is unremarkable, not newsworthy.

New Zealand Unpeople

Like the Unpeople who stand in the way of the pursuit of Western power the lives of intellectually disabled Unpeople are seen in the same distorted lights. And similarly, those who stand with them in their oppression also become Unpeople and are subjected to similar treatment while they are engaged in that stance.

When they revert to another role, which unlike the intellectually disabled they have, they become people again. However if those people who stand with the Unpeople for a sufficient amount of time and do it strenuously then they may well become designated Unpeople permanently.

¹ Knightley P. *The Thalidomide Scandal: Where We Went Wrong*, 1997. In *Tell me no lies*, Ed John Pilger. Jonathan Cape: London 2004

Intellectually disabled Unpeople have no dignity and therefore no dignity to lose; they have no credibility and therefore are not to be listened to. Those employed to protect them do not for there is no reward for doing so, in fact the opposite is the case. Rocking the boat, bringing to the attention of the public the abuses that some intellectually disabled Unpeople sustain on a daily basis is not what government and its agencies or disability service systems wish to have bandied around.

Many of the people supported by Justice Action Group are treated as non-human. Many are kept under the influence of psychotropic drugs to ensure their compliance. Many have serious health issues that are not addressed by those who have control of their lives. Many are kept in a state of detention without recourse to effective legal remedy. Many are assaulted in service systems by their caregivers. Most have their lives totally controlled by service systems. Those who are under legislative control are, even more than other intellectually disabled people, completely invisible to people in the wider community, often even to their own families.

As with any situation where the powerful have control over the powerless abuse become endemic and systemic. Government, its agencies, and the human service systems know this but connive to keep it hidden. There is no value for government in the knowledge being made public since government sees only a funding sinkhole and an immutable problem where disabled people are concerned. For these Unpeople have no productive value and never will have. And, since they have no dignity, no intrinsic human value, they are useless except in terms of their being the raw material for human service industries.

Basic human rights do not apply to these people. They are Unpeople and therefore not entitled to those rights. Rights enshrined in various treaties are arbitrarily removed or ignored. The rights enshrined in the Universal Declaration of Human Rights regarding life, liberty and security (article 3), to the subjection to torture or cruel, inhuman or degrading treatment or punishment (article 5) are not made available to intellectually disabled Unpeople. The right not to be subjected to arbitrary detention (article 9) is routinely ignored. For those of us who see what happens in the courts and tribunals in New Zealand Article 10, relating to a, "fair and public hearing by an independent and impartial tribunal", does not happen. Freedom of movement (Article 13) for many people is routinely denied them.

The New Zealand Bill of Rights Act 1990 has the effect of making the above rights law in New Zealand. It adds in section 10 and 11 the rights not to be subjected to medical or scientific experimentation and the right to refuse to undergo medical treatment. The common practice of drugging intellectually disabled people to enforce compliance contravenes sections 10 and 11 if not in the precise legal definition then without doubt morally.

The United Nations Declaration on the Rights of Mentally Retarded Persons 1971 adds that, *"Whenever possible, the mentally retarded person should live with his own family or with foster parents and participate in different forms of community*

life. The family with which he lives should receive assistance. If care in an institution becomes necessary, it should be provided in surroundings and other circumstances as close as possible to those of normal life (4). Further that such a person has the right to a guardian to protect their personal well-being and interests. And should such a person need to have restrictions placed upon any of their rights there must be "proper legal safeguards against every form of abuse" (7).

That's not how it works in New Zealand. Justice Action Group has made many complaints to the Minister of Health, the Ministry of Health and to residential services set up under government auspices. These complaints have dealt with issues relating to restraints that have included broken bones, and punches in the face. Seclusion for days on end is used as punishment. In residences where there is no legal justification for detention people are being unjustly and unjustifiably detained.

Where a response has been forthcoming the matter has been either denied, or justified on the basis of law. However sometimes there is no response, the complaint drifts off into the ether and is never seen again. When we have time we follow up, make further complaints about the time taken to respond. Sometimes we don't have the time or the other resources necessary to do what is screaming out to be done. Government, it's ministries and human service organisations depend upon groups such as ours not having the resources to keep on to them. They know that they can continue to waste time and resources until we, and the few others like, us quit.

The dictum, "*Don't listen to what they say, watch what they do*", is an important rule when applied to the Unreal world of disability. The words never equate with the actions. New Zealand has it's Disability Strategy, promulgated by the government, which aims to remove the barriers to disabled people so that they will be able to say they live in, '*A society that highly values our lives and continually enhances our full participation.*'² The government says that it will take a lead in making the changes. An important part of the strategy is to ensure that disabled people have the full exercise of their 'rights' as other citizens have. But then they pass legislation that removes any opportunity to exercise those rights. Under the Protection of Personal & Property Rights Act 1988 and the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003, both seemingly benign laws, intellectually disabled people have had their rights removed.

It is said that the great wave of improvement in the lives of disabled people occurred because of the impetus for universal human rights after World War Two. It started with the signing of the Declaration of Human Rights. The horrors of that war generated an intention to arm all of the people of the earth with inalienable rights. That intention created a wave, which brought forth principles and theories and a host of international covenants in regard to disabled people as well as many other marginalised group. The Principle of *Normalization*

² NZ Disability Strategy, 2001, P7

propounded the belief that as far as was humanly possible intellectually disabled people should be able to live their lives as near as possible the same as their non-disabled fellow citizens. On this basis, over some decades, many large institutions were closed and people were moved into community homes. It was a first step. Very little has happened since then. The wave of change is ebbing. Human rights are being removed from people all around the world sometimes overtly but in many cases through hidden means.

One such hidden means in New Zealand is legislation that has been passed in recent decades in relation to intellectually disabled people. Always the legislation is claimed to be beneficial but the outcomes are often harmful. The Protection of Personal and Property Rights Act 1988 purported to protect incompetent people is commonly misused purposefully to gain the opposite end. The act that protects their rights actually removes them and places them in the care of someone else, who may or may not be in a position or have an interest in protecting that person.

The Intellectual Disability (Compulsory Care & Rehabilitation) Act 2003 is another piece of legislation that is harmful in its outcomes. It places people in different levels of detention but seldom does anything to rehabilitate them.

"Few of us can easily surrender our belief that society must somehow make sense. The thought that the state has lost its mind and is punishing so many innocent people is intolerable. And so the evidence must be internally denied."³

More distressing is the knowledge that those who know enough and are kind-hearted enough to be able to do something about the plight of the Unpeople usually choose to do nothing. The reasons are simple enough to understand. Mostly they are frightened. Frightened of almost anything. They are frightened to fail, frightened to stand above the crowd. They are frightened that pointing an accusing finger at government or service systems will result in some kind of retaliation and this is an understandable fear because retaliation will occur if those with the power to retaliate get the opportunity. But then standing with Unpeople is pretty well guaranteed to make you a target. That's why people don't do it. But mostly people are frightened of the unknown, of the scary shadows in their own dark nights: of things not known. Sadly in today's world "business" always comes before "ethics". So do "status", "income" and "personal comforts".

Those kind-hearted people who do nothing include many family members of the Unpeople; people paid to care for them; and in many cases other people who have impairments but who have made it out of the ranks of the Unpeople, at least temporarily. For family members who have tried to provide some protection against the ill winds exhaustion brought on by constant battling against the odds wears them down until they become compliant or they walk away from their loved one.

³ Arthur Miller, Playwright. 'Why I wrote *The Crucible*: An Artists Answer to Politics', New Yorker, October 21-28, 1996, pp. 163-4

The difficulty for all those who stand with intellectually disabled Unpeople is that the enemy keeps changing its face. Systems and government personnel move jobs regularly, sometimes at a bewildering pace. The family member who supports a loved one over a long period of time is often just one person, often without any outside supports at all.

People who are paid as caregivers for the intellectually disabled may well be kind-hearted though this is not a prerequisite of the work. Usually the most important prerequisite for getting a job in the disability sector is that they don't have a job and are willing to work for low wages. However, no matter how kind-hearted they are they soon learn about the high levels of inhumanity directed at the people they are supposed to care for and they quickly learn not to speak out about it, at least while they are working in that particular employment. They know that exclusion will follow if they do.

Justice Action Group advocates meet many of these people. Sometimes they talk to us after they have left the workplace.

From those who have a disability and the intellect to know exactly what is happening we often hope for or expect more support for the intellectually disabled, and, when it doesn't happen, as it usually doesn't we wonder why. But why should they do more than we, the so-called able bodied? Why should they put their livelihoods on the line when we don't?

End of story

But this is not the end of the story. The most important point is still to be made. "The Resistance", is alive and populated by heroes. They are not the celluloid heroes of the movies, or the popular heroes of the glossy magazines. These are the real people heroes. It is the only time when intellectually disabled Unpeople become real people. For those who can see, they are the real heroes. And beside them stand other miscast heroes. These are usually Family of Unpeople. Mostly they are the mothers, though sometimes they are the fathers and sometimes siblings. At other times they are ordinary citizens who still believe in justice and who also believe that justice comes about only when someone does something to make it come about, though the average hero doesn't usually think in such terms.

Heroes are never bureaucrats, are never found in government or its ministries. Heroes take on the moral responsibility to make a difference. They are everywhere, though few in number. They are not usually as smart as the clever people who inhabit the upper areas of government ministries and disability service organisations but they have clarity of vision. They see what is wrong and they act to make it right.

I know some heroes. I'll tell you about them, just a few and tell you why they are heroes. Some people who read this will get upset, not because of the stories, but because some people don't like to see people they have always viewed as 'beings' lesser than themselves painted in brave colours. Those same people like

to delude themselves that they are the good guys, helping the unfortunates. It's a lie to protect their vanity.

The Heroes

Heroes sometimes know from the beginning that the odds are stacked against them but they do what needs to be done anyway. Sometimes the costs to them become obvious only later, sometimes in a rush sometimes gradually. Often heroes don't even realise that they are heroes. They make a conscious decision to keep on, not always basing their decision-making on sound common sense, which is lucky because if they knew they might never start. Many think that as the struggle becomes more clearly defined others will join with them. The opposite is usually the case. As the struggle becomes more intense many fall away. That is why heroes are not groups of people but usually solitary folk. Sometimes the heroes are lucky enough to have family members who provide support for them, but there is no guarantee. The heroes learn that the society that deludes itself by claiming to be a caring community is not. The caring society does not exist.

The pain that they suffer is not all the same pain. For the supporters and advocates of intellectually disabled people, or family members, it may be the frustration of knowing that everything they do or try to do gets bogged down in the organisational system molasses. Every step takes an age every decision an eternity.

They will suffer some of the "*wounding process*"⁴ along with the people they love. They will suffer the pain of seeing someone they love deteriorate before their eyes though the deterioration is preventable. And they will know that there is little or nothing they can do. They may even be invited to be a part of the MDT⁵ and increase their frustration exponentially because they are unable to make any real difference. They will become a burden to the revolving membership of the unending multi-disciplinary-teams that spend endless hours achieving nothing because they, the family member, "*cannot see*" what the team is trying to achieve.

Another meeting comes around, another trip to town
While his life wastes away
The people sit around, and talk around, and talk around
For him it's just another day

The talk is pompous, its erudite, and clinical
While his life just wastes away
Decisions when they're made are always inimical
But for him just another day

The months and years roll around, and around
Gradually his life turns to hell

⁴ Wolf Wolfensberger (1992) A brief introduction to Social Role Valorization as a high-order concept for structuring human services.

⁵ Multi-disciplinary-team

And the meetings go on, and on and around
Soon perhaps we'll make him well

And all the time we talk, he waits, in purgatory
His own limbo, his own private hell
In our deliberations we create his life his story
A history of his life in hell

No peace, and no life, and no place to go
No fun, no family, only endless intrusion
He lies on the bed, there's no place to go
Just a life to live in confusion

And the meetings go on, do they remember who he is
A Man on a bed in a building
Once he was young with a life to kiss, but now
Just time to wait while it's ending

The multi-disciplinary-team meetings are the 'front line', where the battle for a better life for the intellectually disabled prisoners must be fought. Too few of the right people are there to stand against the tyranny of power and to confront the shopfronts, the illusions of quality lives created by disability service organisations, governments and government ministries. To tell them, we can see through your illusions.

They will see their future hopes and dreams washed away with their loved one's hopes and dreams. They will be confused because they have been led to believe, and they want to believe that it is all being done in the best interest of the one they love.

For many who 'stand with' a family member the financial costs can become crippling. In a society where the good things in life are meant to be affordable, even for those who are on reasonable incomes, the costs of supporting a family member can push them close to the poverty line, sometimes over it. It is no wonder that family's walk away.

Exceptional is the person who works inside of service provider organisations who stands with the disabled Unperson and who pays the price of that commitment without selling out. One of the few that I know of is my friend Asta Osborne, who in her role as a child and family social worker for a large service provider reported a case of abuse. The organisation management did everything to stop the matter from going forward. As she continued on with her investigation the organisation put pressure on her to stop. To break down the barriers to justice she opted for media coverage. After many months of pursuing this matter resolution was reached, though justice did not happen. Afterwards her work situation was made very difficult by the same management that had tried to stop the investigation. It got to that point where the only option for her was to resign. She did. The cost was enormous, financially and emotionally. It always is.

Then there are those who are the least likely heroes. The intellectually disabled people held in detention. By detention I mean any situation where people don't have the freedom to go where they wish. That includes a lot of intellectually disabled people. One thing is for certain. Life has not been good to them.

One man I know well started off life living in a boarding house. His mother was intellectually disabled. As a youngster in foster care his foster father sexually abused him. In prison he was sexually abused on a regular basis by a number of prisoners. He learned that violence usually got you what you wanted. His problem was that he couldn't tell when not to use violence. He was locked away in institutions for intellectually disabled people and later for the mentally disordered. He has spent a great deal of time being drugged into compliance, yet he fought against it and seldom became compliant.

This was seen as a challenge to staff and clinical personnel who are supposed to have the answers. Their response is almost always the same. If it doesn't work the first time do it again but do it harder. He has been regularly restrained as well as drugged. He has spent a lot of time in solitary, though they call it timeout or seclusion. The residential service providers see him as a failure, but he is only a failure of their efforts. If he were a soldier in a prisoner of war camp his people would see him as a hero. Yet he doesn't seem to hate anyone and he doesn't ask for much. He is resigned to his place in life now, but only if he gets the little things he desires.

The greatest obstacle to discovery is not ignorance... it is the illusion of knowledge.

The story of his life.

Just recently there's been a cold snap, but then it's winter even in the warm South Pacific. And because we are all reasonably rich, compared to many, we can light the fire, turn on the heater, or the electric blanket and snuggle under the duvets and blankets piled high on the bed.

But not the man who doesn't speak.

For those of us who cannot afford to heat the home 24/7 there's always "The Mall". No cost involved, you don't have to buy, you can glance in the windows. Talk to people you know, and some you don't, and stay warm, the Mall is nicely heated.

But not the man who doesn't speak.

And if you're a prisoner, locked away in your cell, accused or convicted of murder or rape, there's no need to be cold. The radiators come on from winter til spring and you'll toast gently through the colder months until the sun is once again bold.

But not the man who doesn't speak.

You see, he's autistic, and he breaks things, so they gave him a room that cannot be broken, big windows no curtains, wooden floors, no carpets or mats, no heaters, few blankets, no warm clothes. His minders wear parkas and thick woollen clothing, while he shivers in his bed hoping, to be warm, to be loved, to be home.

He once knew he was loved, growing up in a big family. He was different, but accepted. He loved strawberries, horses and chainsaws, trips to the beach, birthday parties. He was known for his agility and strength, climbing rocks, buildings. He was healthy, tanned, a real outdoor boy. He was so affectionate, and never hurt people around him. His boundless energy and intelligence were employed in interesting ways during the years. He could dash into a shop and grab a chocolate bar as fast as lightening, somersault out of a car, and climb through windows.

His strange actions were a source of amusement often to those who knew him, but could sometimes annoy other people who didn't. What do you do when you have so much energy but nowhere to take it? When the world is such a confusing place? He begged to go to school but none would take him. As he entered his teens his childhood drew to a tragic close. The energy and intelligence that characterised him became the source of his downfall. He outgrew the only provision made for him, his home based teacher aide, and wanted more. He was taken from his home, his family, and everything familiar to him. His boundless energy was dealt with promptly using doses of heavy medication. Now he is characterised by his medicated lethargy. His pallor. His silent tears of anguish. His inability to leave his bed, his house, his prison.

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