

Defend independent living rights

An Independent Living Fund user

In April, Elaine McDonald, a former prima ballerina with the Scottish Ballet, took her fight to maintain her dignity and stop cuts to her care package to the Supreme Court.

Her local council, the Tory-controlled London borough of Kensington and Chelsea, had reassessed Elaine following a failed application to the Independent Living Fund (ILF) in 2007.

Instead of continuing to fund a personal assistant to stay with Elaine during the night to assist her with the toilet – help needed following three hospital admissions after separate falls at home – the council wanted her to use an incontinence pad or sheet although she is not incontinent.

Following a Court of Appeal decision last year to refuse Elaine a judicial review of this decision (see the Socialist, issue 646), the overnight element of her care package was finally withdrawn.

Legal arguments in support of Elaine's human rights and the discriminatory nature of the council's decision have so far failed.

While there is a statutory duty, under section 2 of the Chronically Sick and Disabled Persons Act 1970, on local authorities to provide or arrange services where someone has an assessed need, legal judgments in the 1990s weakened it considerably and it is now to be replaced with even weaker 'legal principles'.

Many of us who rely on personal assistance are following Elaine's case with a sense of dread. We fear a



Protesting against cuts in services outside Waltham Forest council photo Paul Mattsson

return to the days when funding for personal assistance was not available and the choice was residential care, reliance on family or volunteers or an unforgiving existence on one's own.

Few people remember that before the ILF (which supports 21,000 people) was set-up in 1988, funding of large care packages only existed for a small number. Sometimes people had a few hours of homecare support or access to a day centre, but it was insufficient to lead a full social, working or family life.

With the ILF's imminent closure, it is naïve to believe that in the 'age of austerity' local authorities will maintain current levels of funding for our care packages.

Elaine's case has arisen precisely

because her council is applying a financial 'cap'. This practice is unfortunately common, and is applied mostly to older disabled people when they are shunted into residential care rather than being supported in their own home.

Many disabled activists place faith in the human rights act and anti-discrimination legislation to protect their rights. The High Court decision in April, that it is unlawful for Birmingham council to raise its eligibility criteria from substantial to critical because it had failed during its decision-making process to consider properly the impact on service users, may reinforce this view.

This decision will offer short respite for 4,100 Birmingham residents who were set to lose all

their social services.

To support Elaine's and others' dignity and rights permanently, a Supreme Court decision will have to be prepared to make a ruling that reverses the current neoliberal dismantling of social care and local services.

But rather than rely on judges who defend the interests of the rich, the disabled people's movement needs to mobilise and coordinate with the trade unions and anti-cuts campaigns now to publicly support Elaine McDonald, defend our right to live in the community with full support, stop the closure of the ILF, and demand the extra billions needed by councils to meet the needs of all disabled people and family carers.

Con-Dems put squeeze on democratic rights

Documentary photographer Marc Vallée recently debated new emergency counter-terrorism stop and search powers on Radio 4's Today programme with chief constable Andy Trotter of the Association of Chief Police Officers. Below Marc makes the case why socialists, anti-cuts campaigners and trade unionists should be concerned.

Do you remember Section 44? Labour's draconian stop and search power that the European Court of Human Rights ruled against. Well it's back and has a new name.

In March the coalition government laid down a written ministerial statement to both houses of Parliament. The Orwellian sounding emergency measure: "Prevention And Suppression Of Terrorism – The Terrorism Act 2000 (Remedial)

Order 2011" brought back stop and search powers under the Terrorism Act 2000.

The bottom line is that the police asked for the powers and the Conservatives, with support from the



Marc Vallée photo Paul Mattsson

'civil liberties' loving Liberal Democrats, gleefully gave it to them.

Home Secretary Theresa May said that, "given the current threat environment" she had "concluded that the police do need the powers more quickly" and that "the most appropriate way of meeting the legal and operational requirements concerning the counter-terrorism stop and search powers exercisable without reasonable suspicion is to make a remedial order" in the "interests of national security".

The remedial order replaced Sections 44 to 47 of the Terrorism Act 2000 with the new Section 47A.

Under Section 47A a "constable in uniform" will have the power "to stop a pedestrian" in the specified area and to search them and "anything carried by them".

The timing should not go unnoticed, indiscriminate stop and search powers on the ground are a useful tool for the state. Especially when the state is confronted by strikes, protests and demonstrations against the enforced transfer

of billions of pounds from the public sector to the private sector and with cuts in jobs and services, all in the name of cutting the deficit.

My trade union, the National Union of Journalists (NUJ), condemned the new emergency powers. Photographers have been at the sharp end of stop and search powers. The union has campaigned against the threats from the state and harassment of NUJ members whose only 'crime' has been to document the social and political fall-out created by government policies.

For the economic elite the view is a simple one, any photographer or journalist that gives the oxygen of publicity to those that fight cuts in jobs and services is fair game.

For socialists, anti-cuts campaigners and trade unionists defending hard-earned democratic rights - the right to freedom of assembly and association, freedom of expression and press freedom - should go hand in hand with the wider fight to defend jobs and services, the right to have a home and food on the table.

Fast news

Kazakhstan repression

Members of the Socialist Party staged a protest outside the Kazakhstan embassy in central London on Friday 6 May in support of trade union and socialist activists who are suffering repeated attacks and harassment by the Nazarbayev regime. In particular, the London picket demanded justice for Ainur Kurmanov, a leading member of Socialist Resistance who was beaten by police at the recent official May Day parade. Ainur, who has served many weeks in prison on trumped up charges, is again facing spurious charges by the Kazakhstan authorities as is fellow activist Dmitry Tikhonov.

A letter of protest was handed in to embassy officials, who claimed to know nothing about Ainur and the treatment of other political oppositionists. They also tried to portray the ruling clique in Kazakhstan as an 'enlightened democracy' following Nazarbayev's 'Soviet-style' 96% vote in April's presidential election. See www.socialistworld.net for background material

All pulling together

David Cameron's 'we're all in it together' slogan to justify savage spending cuts in jobs and services looks even more threadbare after the Sunday Times published its annual Rich List for 2011. The list showed that the richest 1,000 individuals in the UK had a combined wealth of £396 billion. In other words they could pay for chancellor George Osborne's £81 billion of cuts nearly five times over. Moreover, the number of billionaires in the country has risen from 53 to 73, with nine people seeing their fortunes increase by more than £1 billion in the last year alone.

Car thieves

The directors of MG cars – the Phoenix Four – that went bust in 2005 with debts of £1.3 billion have voluntarily agreed to a three to six year ban as company directors. This is a trivial punishment after the asset strippers bought the company for £10 from BMW and then paid themselves £42 million in pay and pensions while 6,000 MG workers lost their livelihoods.

Cuts walkouts

Public sector workers in Portugal and Italy staged walkouts and demonstrations on 6 May in protest at their respective governments' capitalist austerity measures. Transport banks and public services were all affected by last Friday's strike called by the CGIL union in Italy. The strikes in Portugal were in response to the caretaker government of Jose Socrates agreeing to deeper spending cuts following an EU bailout.

Unlawful killing

A coroner's inquest jury recently ruled that bystander Ian Tomlinson had been "unlawfully killed" by a policeman while trying to walk home past a police cordon which had 'kettled' protesters at the G20 summit in London in April 2009. Video footage of this assault had been widely shown. However, it transpires that other police had informed senior officers of the baton attack on Tomlinson some 48 hours later but that the City of London police did not report this to the coroner, the independent police complaints commission or Tomlinson's family.

Bahrain repression: Muted criticism of West's ally

The vicious regime in Bahrain has arrested and detained doctors and medical staff for treating injured protesters during recent clashes with security forces. 47 are to be tried in military courts.

The ruling Sunni royal family imposed martial law and thousands of troops from neighbouring Saudi Arabia and the United Arab Emirates were brought in to crush the protests last month.

Dozens of opposition activists have been killed. Hundreds have been detained, four sentenced to death. Four

have died in police custody.

Tory Foreign Secretary, William Hague, commenting on the situation in Bahrain, said: "The arrests of opposition figures, the reports of deaths in custody, allegations of torture and the denial of medical treatment, are extremely troubling."

Troubling indeed but not for the reasons he puts forward. Bahrain is regarded by the West as a key ally in the region and a "counterweight to aggressive Iranian designs" (Wall St Journal). The US navy's 5th fleet is based there.

The Wall St Journal spits out the truth when it goes on to explain that the US Obama administration needs to "distinguish between its friends and enemies in the region, urging reforms on the former and encouraging regime change with the latter. Bahrain falls into the camp of friends... The West has no interest in seeing an autocratic but friendly Bahrain replaced by a pro-Iranian, Islamist 'democracy'."

For Libya, regime change but for Bahrain, reform. And urging a monarchy to introduce it to boot!

The Western imperialist governments have little interest in whether Bahrain will "meet all its human rights obligations and uphold political freedoms, equal access to justice and the rule of law" (Hague). Their interests are overwhelmingly concerned with oil, arms sales and political influence, etc, ie the profits of big business.

For that they need governments that are "friends". The interests of workers and poor, and even the middle classes of Bahrain are a long way down the list of priorities.