

Government to respond to FLAC European Case

The European Committee on Social Rights has given the Irish Government until 15 June to respond to a complaint by FLAC and the International Federation of Human Rights (FIDH) over its failure to extend the free travel scheme to Irish pensioners living outside the State.

This is the first ever complaint against Ireland on an economic/social welfare issue under the Revised European Social Charter. The Charter is the economic and social equivalent of the European Convention on Human Rights and its implementation by member states is monitored by the Committee on Social Rights.

The complaint is over the Government's refusal to extend the free travel scheme for people aged over 66 to Irish pension holders who are not resident in Ireland during their periodic visits to this country. It was filed in February last and the Committee on Social Rights sent it to the Government to comment on its admissibility. The Government has now been given an extension of time until 15 June 2007 to respond. The Committee will then decide whether to admit the case and if it does so, it will go on to consider its merits.

The free travel scheme was introduced in 1967 for all holders of Irish old age pensions. Over the years it was extended to cover other persons over 66 living in Ireland but it was always inextricably linked to the Irish old age pension and free travel passes were given automatically to recipients of the Irish old age pension on reaching 66. However, people who have paid pension contributions and are in receipt of Irish contributory pensions, but who live abroad, are excluded from the scheme when they return on holiday or for family visits, etc.

This is a significant grievance, especially for Irish pensioners who live in Britain, many of whom are in poor circumstances and cannot afford the cost of internal travel here on top of the fare to Ireland. It is government policy to encourage emigrants and non-citizens who have lived in Ireland to return to visit family and friends and the 2002 Report of the Taskforce on Emigrants called as a matter of urgency for the free travel scheme to be extended to include them.

The Government has argued that if they extended the free travel scheme to Irish senior citizens living abroad, they would have to extend it to all senior citizens in the EU, which would bankrupt the public transport system. However, an EU Commission spokesman said recently that if the scheme was extended to holders of Irish contributory pensions, regardless of nationality, that would not cause any problems.

Complaints under the Social Charter must be lodged through a recognised international trade union or NGO, so the Paris-based FIDH joined with FLAC to lodge it and has provided valuable assistance and advice about the process.

This is an exciting development as access to the Committee on Social Rights is relatively cheap and easy. There is no provision for costs orders, so there is no risk of incurring a massive bill for the state's costs if the complaint is unsuccessful. And there is no requirement to go through the domestic courts before lodging a complaint, so it is a lot quicker than applying to the European Court of Human Rights. Hopefully, other groups which want to pursue social or economic complaints will also make use of this new mechanism in the future.