

Statement of interpretation on Article 19§7

The Committee considers that migrant workers residing or working lawfully in the territory of the states parties must benefit from both a treatment not less favourable than that of nationals, and a treatment which takes account of their specific conditions. To this end, the Committee considers that any migrant worker residing or working lawfully within the territory of a state party who is involved in legal or administrative proceedings and does not have counsel of his or her own choosing should be advised that he/she may appoint counsel and, whenever the interests of justice so require, be provided with counsel, free of charge if he or she does not have sufficient means to pay the latter, as is the case for nationals or should be by virtue of the European Social Charter. Under the same conditions (involvement of a migrant worker in legal or administrative proceedings), whenever the interests of justice so require, a migrant worker must have the free assistance of an interpreter if he or she cannot properly understand or speak the national language used in the proceedings and have any necessary documents translated. Such legal assistance should be extended to obligatory pre-trial proceedings.