

Pro Bono Practices and Opportunities in Egypt¹

I. Introduction

Egypt has a long and established legal tradition, with the country priding itself on a legal system that dates back to the early 19th century. Egypt’s case law and judicial institutions have served as a model for legal reform in the majority of the Arab countries. Historically, the Egyptian legal profession has played an important role in advancing law reform and advocating for independence, justice, and freedom of expression. Despite this proud history, the country does not have an established and formalized practice with respect to pro bono legal services. This is save for pro bono legal services offered by certain NGOs and legal assistance centers providing legal representation to indigent Egyptians and refugees, and the voluntary services offered by private practitioners to their families, friends, and acquaintances.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>The legal profession in Egypt is a ‘fused’ profession. Accordingly, a licensed lawyer has the right to appear before courts as well as to draft agreements and provide legal advice.</p> <p>Private practitioners can practice either as sole practitioners or through partnership with other lawyers.</p> <p>The legal profession in Egypt is self-regulated by the Egyptian Bar Association (“EBA”). It was established in 1912 and is considered one of the oldest Bar Associations in the Middle East and North Africa region. The EBA assumed its current form in 1956, after uniting three bar associations that previously represented lawyers with rights of representation before secular, religious, and mixed courts. Under Article 77 of the 2014 Constitution,² the EBA, along with other recognized professional syndicates, is tasked with regulating its membership and defending the rights, liberties, and independence accorded to the profession by law.</p> <p>The law no.17 for year 1983 governing the profession of lawyers (“Advocates Law”)³ is the main law governing the practice of the legal profession. It is centered on ideals such as duties of confidentiality, avoiding conflict of interest, and providing legal aid and pro bono services, in addition to requirements of ethics and integrity; it also sets out the admission and training requirements. However, the Advocates Law does</p>

¹ This chapter was drafted with the support of Aly Salem of Sarie Eldin & Partners Legal Advisers.

² <http://www.sis.gov.eg/Newvvr/Dustor-en001.pdf> (last visited on May 1, 2019).

³ <https://marsd.daamdth.org/archives/3258?lang=ar> (in Arabic) (last visited on May 1, 2019).

		not contain a clear articulation of ethical principles that should be followed by lawyers or clear disciplinary procedures. For instance, it does not provide a clear guidance on handling of client money, conflict of interest, and fiduciary duties of lawyers.
	2. Describe any licensure requirements governing the provision of legal services.	In Egypt, only registered lawyers are allowed to practice law and only Egyptian nationals with a law degree from an Egyptian university or a recognized and equivalent foreign university can be registered at the EBA. However, exceptions can be made for foreign lawyers in certain cases. ⁴
(b) Pro Bono Practice and Culture		
	1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.	Pursuant to the Advocates Law, lawyers are required to provide pro bono legal services to those unable to bear the costs. ⁵ They are to observe the same duty of care and diligence, avoid conflict of interest, and adhere to requirements of ethics and integrity. However, it is worth noting that, although the right to counsel and legal assistance (either in the form of legal aid or pro bono) is guaranteed and enshrined in the Constitution and affirmed by the Advocates Law, in practice, the concept of pro bono legal services is not recognized by the vast majority of lawyers in Egypt. Lawyers, generally, are not well paid, and, accordingly, they are not normally inclined to provide their services free of charge. ⁶
	2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Egypt are not required to work a minimum number of pro bono hours.
	3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?	Aspiring lawyers in Egypt are not required to complete a minimum number of hours of pro bono legal services to become a licensed lawyer.
	4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?	The main areas of law which require the provision of pro bono legal services in Egypt are in the fields of family law, violence against women, human trafficking, refugee assistance (to refugees or asylum seekers who are claiming asylum in Egypt or seeking relocation to third countries), training,

⁴ See the answer to question C-2

⁵ See Art. 64 of the Advocates Law.

⁶ IBA, the Legal Profession and the Rule of Law in the New Egypt, Para 82, 106.

		<p>and capacity building to lawyers, entrepreneurs, and small businesses.</p> <p>Given the fact that Egypt is one of the fastest growing startup hubs in the region, it is worth noting that the need for startup-tailored pro bono legal services is of the utmost importance.</p>
	<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The culture of pro bono is not developed in Egypt. The Advocates Law requires each regional branch of the EBA to form a legal assistance committee to coordinate the efforts of the membership to provide pro bono legal services to those who are unable to afford representation. However, in practice, this process does not appear to be fully functional, as lawyers are not normally inclined to provide free legal representation, except to family, friends, and acquaintances. Where lawyers do offer their services to people who cannot afford legal services, it is normally derived from a moral obligation more than a professional obligation.</p> <p>The majority of pro bono assistance is provided in the form of consultation and legal advice. This is most often offered by international law firms and medium- to large-sized law firms.⁷</p> <p>In the area of litigation, pro bono legal services is mainly undertaken by civil organizations⁸ and certain NGOs. Please refer to section (d)2 below for further detail regarding the organizations and NGOs involved.</p>
(c)	Obstacles to Provision of Pro Bono Legal Services	
	<p>1. Do lawyers require a license to provide pro bono legal services?</p>	<p>Apart from the license to practice law in Egypt, lawyers do not require any additional license to provide pro bono legal services.</p>
	<p>2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?</p>	<p>A foreign legal consultant regime is not established in Egypt; however, the Minister of Justice, in coordination with the EBA, could license⁹ a foreign lawyer to work in relation to a particular case or a</p>

⁷ See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791158/List_of_lawyers_Mar19.pdf (list of lawyers has been prepared by the British Embassy Cairo for the Convenience of British Nationals who may require legal advice and assistance in Egypt and their readiness to offer pro bono services) (last visited on May 1, 2019).

⁸ Egypt has passionate human rights organisations comprised of several NGOs and legal aid groups providing free legal assistance.

⁹ See Art. 13 of the Advocates Law.

		particular topic in Egypt, provided a reciprocal arrangement exists in the foreign lawyer’s home jurisdiction.
	3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers performing legal services in Egypt are not required to have professional indemnity insurance. Private practitioners and law firms’ professional indemnity are subject to the general liability obligations in the Egyptian law and the duty of care stated in the Advocates Law.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Save for the general rules in Egyptian law governing confidentiality and attorney-client privilege, there are no specific rules in Egypt that prohibit advertising of pro bono successes or soliciting new pro bono clients.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Egypt do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in Egypt.	<p>Access to the justice system and legal aid in Egypt are constitutional rights.¹⁰ The law guarantees the means for those who are financially unable to access justice. This right applies not only to the trial phase but also to the pretrial phase.¹¹</p> <p>Free legal support funded by the government takes the form of legal aid.</p> <p>In practice, legal aid in Egypt takes many forms as follows:</p> <ul style="list-style-type: none"> • In criminal proceedings <p>The right to free legal counsel is mandatory before criminal courts.¹²</p> <p>At the trial stage, for any offence punishable by mandatory imprisonment, an indigent defendant has</p>

¹⁰ <http://www.sis.gov.eg/Newvr/Dustor-en001.pdf> (last visited on May 1, 2019), Art. 98.

¹¹ It is worth noting that observers, including human rights lawyers and civil society activists, argue that a gap existed between the protection of due process rights under the law and their implementation in practice. For more details see https://www.ibanet.org/ENews_Archive/IBA_12December_IBAHRI_Egypt_Report_2011.aspx (The Legal Profession and the Rule of Law in the New Egypt) (last visited on May 1, 2019).

¹² Code of Criminal Procedure, Law No. 150 of 1950, Art. 124, <http://laws.jp.gov.eg/home/altshryat/alqwanyn-aljnyyte> (in Arabic) (last visited on May 1, 2019).

		<p>a constitutional right to an appointed attorney, with no exceptions. However, if the offence is not punishable by mandatory imprisonment, it is optional for the court to appoint a lawyer for the defendant.¹³</p> <p>Victims of human trafficking have the right to legal representation and free legal assistance is guaranteed and safeguarded by the law.¹⁴</p> <ul style="list-style-type: none"> • In civil proceedings and before specialized courts <p>In family courts, all claims for alimony and support are exempt from litigation fees and charges. Furthermore, legal assistance offices and dispute settlement offices¹⁵ provide free legal aid services.¹⁶</p> <p>Similarly, legal aid offices provide legal assistance and advice to women who are victims of violence,¹⁷ and to labor litigants.¹⁸</p> <p>The Ministry of Justice has programs of legal aid that are financed through government and donor funds (e.g. UNDP¹⁹ and the ILO), with a focus on family law proceedings.</p>
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Egypt.</p>	<p>In practice, legal services are rarely given for free by private practitioners in Egypt. However, recently, a limited numbers of law firms have started to establish pro bono programs—mainly in the form of consultative advice to entrepreneurs and NGOs, and legal training for young lawyers. Some of the law firms that are involved in these efforts are:</p>

¹³ *Id.* Art. 237.

¹⁴ Law No. (64) of 2010 regarding Combating Human Trafficking, <https://perma.cc/W7N6-9LLP> (last visited on May 1, 2019).

¹⁵ As per Art. 5 of Law No. 10 of 2004 (Establishing Family Courts), the family court system introduced the concept of mediation (prior to initiating any litigation) through the establishment of Dispute Settlement Offices. The mandate of these offices is to mediate between the parties to reach an amicable settlement of their dispute before referring the conflict to the court.

¹⁶ <http://www.eg.undp.org/content/egypt/en/home/operations/projects/democratic-governance-and-peacebuilding/LegalAid.html> (last visited on May 1, 2019), Support to Legal Aid and Dispute Settlement in Family Courts.

¹⁷ See Mohamed M. Youssef, Access to Justice and to legal Aid https://www.loc.gov/law/help/access-to-justice/egypt.php#_ftn12 (last visited on May 1, 2019).

¹⁸ Ministry of Justice Decree No. 13637 of 2009.

¹⁹ <http://www.eg.undp.org/content/egypt/en/home/presscenter/articles/2016/march/in-egypt--poor-people-get-free-legal-aid.html> (last visited on May 1, 2019), In Egypt, poor people get free legal aid.

		<ol style="list-style-type: none"> 1. Shalakany Law Office²⁰ 2. Matouk Bassiouny ²¹ 3. Sharkawy Sarhan Law firm²² 4. Sarie Eldin & Partners Law firm²³ <p>In addition, several organizations are involved in providing pro bono legal assistance, mainly in the following forms:</p> <p>Refugee Rights²⁴</p> <ul style="list-style-type: none"> • Arab Council Supporting Fair Trial and Human Rights (ACSFT) • Egyptian Foundation for Refugee Rights • The Refugee Legal Aid Project, St. Andrew’s Refugee Services <p>Human Rights²⁵</p> <ul style="list-style-type: none"> • Hisham Mubarak Law Center • The Center for Egyptian Women’s Legal Assistance • The Egyptian Center for Economic and Social Rights • Cairo Institute of Human Rights studies <p>It is worth mentioning that, given the current legal framework governing NGOs and civil society in Egypt, there are many barriers to pro bono work undertaken by the aforementioned NGOs, including licensing and regulatory considerations and major restrictions on receiving cash or in-kind donations.</p>
	<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Currently, such a centralized organization does not exist, given the status of the pro bono practice in Egypt. However, attorneys looking for pro bono opportunities in Egypt can always follow refugee legal assistance clinics, which aim to help uniquely vulnerable refugees in Egypt. Examples include the Refugee Legal Aid Project, St Andrew’s Refugee Services. Such centers offer legal services free of charge, without legal aid or without receiving any financial support from the government, often</p>

²⁰ See www.shalakany.com (last visited on May 1, 2019).

²¹ See www.matoukbassiouny.com (last visited on May 1, 2019).

²² See www.sharkawylaw.com/our-essence/corporate-social-responsibility/pro-bono (last visited on May 1, 2019).

²³ See <http://www.sarieldin.com/homepage> (last visited on May 1, 2019).

²⁴ See <http://www.refugeelegalaidinformation.org/egypt-pro-bono-directory> (last visited on May 1, 2019).

²⁵ See http://hrlibrary.umn.edu/research/Egypt/NGOs-research_centers.html (last visited on May 1, 2019).

		relying on volunteers and donations. Pro bono services at the centers can vary from legal rights counselling to protection assistance and human care services.
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