

Pro Bono Practices and Opportunities in Morocco¹

I. Introduction

The Moroccan legal system has long provided for legal assistance to the indigent population of Morocco. However, this system suffers from structural loopholes and support for voluntary pro bono work among private lawyers has ample room for development.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	The legal profession in Morocco is regulated by Law No. 28-08, dated October 20, 2008. ² Since all pleas in Moroccan courts are made in Arabic, a high degree of fluency in the Arabic language is an additional prerequisite to practice law in Morocco.
	2. Describe any licensure requirements governing the provision of legal services.	Lawyers are required to obtain the equivalent of an LLB (Licence en Droit) (namely, an undergraduate degree in law), pass a professional examination and then intern with an experienced lawyer. The LLB can be obtained from any Moroccan University or from overseas universities (many of them French universities) whose diplomas are recognized in Morocco. Moreover, they are required to obtain a certificate of aptitude in order to practice as a lawyer in Morocco. Lawyers are individually registered with one of the 17 Bar Associations in Morocco. Each Bar is managed by an elected council, which is headed by a Bar President. The Bar Associations sit under a national umbrella, Association des barreaux du Maroc.
(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.	There are no specific rules related to the provision of pro bono legal services in Morocco.

¹ This chapter was drafted with the support of Rachid Benzakour of Benzakour Law Firm.

² Dahir No. 1-08-102 of October 20, 2008 enacted the Law No. 28-08, which modified the Dahir establishing the Law No. 1-93-162 of September 10, 1993.

<http://adala.justice.gov.ma/production/html/Ar/liens/..%5C154106.htm> (last visited on May 1, 2019) (Website in Arabic)

<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Lawyers in Morocco are not required to work a minimum number of pro bono hours.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Aspiring lawyers in Morocco are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
<p>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?</p>	<p>Since there is no specific application form for requesting legal aid, legal aid procedures are fragmented, and ultimately become complex and ambiguous. The criteria for assessing a person’s eligibility for legal aid is not centralized, which means that the process can be opaque and discretionary.</p> <p>There is a need for pro bono assistance for individuals or organizations seeking to obtain legal aid.</p> <p>There is an ongoing refugee crisis in Morocco. Most refugees are from sub-Saharan Africa and many are eligible for asylum. However, very few are represented by lawyers.</p> <p>Single unmarried mothers are also at particular risk of precariousness as they tend to be shunned by the main support networks in Morocco.</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>NGOs, such as the following, are the main providers of pro bono legal services in Morocco:</p> <ul style="list-style-type: none"> • Droit et Justice³ • AMAPPE - Association Marocaine d’Appui à la Promotion de la Petite Entreprise⁴ • Association Oum El Banine - OEB⁵ • Fondation Orient Occident (East-West Foundation)⁶

³ See <http://www.droitetjustice.org> (last visited on May 1, 2019).

⁴ See <http://www.amappe.org.ma> (last visited on May 1, 2019).

⁵ See <http://www.oumelbanine.net/> (last visited on May 1, 2019).

⁶ See <http://www.orient-occident.org/> (last visited on May 1, 2019).

(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	Lawyers in Morocco do not require a license to provide pro bono legal services.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	<p>Foreign lawyers may be admitted to practice in Morocco on equal terms with their Moroccan colleagues, provided that they are nationals of a country with which Morocco has an agreement containing a reciprocity clause on the right to practice. Recognition agreements have been signed by Morocco with France and Spain.</p> <p>To practice law in Morocco, a foreign lawyer must hold a certificate of aptitude to practice law, or provide evidence that he or she has practiced law for a minimum of five years in their home country. Failing that, they have to take an examination in Morocco to assess their knowledge of the Arabic language and Moroccan law. They must also be registered with one of the Moroccan Bar Associations.</p> <p>Foreign lawyers satisfying the above requirements may also provide legal services before the Moroccan courts, without seeking admission to one of the Moroccan Bars. In such case, they are required to establish domicile at the office of a Moroccan lawyer registered with one of the Moroccan Bars, and (unless this is waived by an aforementioned recognition agreement) be specifically authorized to practice there by the Secretary of Justice.</p>
	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 in Morocco do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Morocco 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 Morocco do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked.

(d) Sources of Pro Bono Opportunities and Key Contacts		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top; padding: 5px;"> <p>1. Describe any governmental sources of pro bono and/or other legal services in Morocco.</p> </td> <td style="width: 50%; vertical-align: top; padding: 5px;"> <p>State-Subsidized Legal Aid</p> <ul style="list-style-type: none"> • Moroccan law enshrines a right for individuals, public-benefit institutions, and private associations (with a mission of assistance and legal personality), who do not have sufficient financial means to defend themselves before a court, to legal assistance.⁷ • This excludes legal counselling, i.e. consultation with legal professionals. • Legal aid is granted for the whole litigation process, from the legal representation of an individual before the court up to the stage of execution of a decision by the court. Such legal aid encompasses all the legal costs an individual may incur (e.g. appointment of a lawyer, experts, translators and execution costs) and excuses the individual from paying any taxes due in connection with the commencement of the proceedings. Legal aid, in theory, applies to all cases, whether criminal or otherwise. • Eligibility - The criteria under which legal aid is granted are as follows:⁸ <ul style="list-style-type: none"> ○ <i>Applicant's nationality</i>: Under Article 1 of the Law No. 514-65 on judicial assistance (save specific provisions in international treaties allowing foreigners to benefit from such aid) judicial assistance is reserved for Moroccan citizens. Such aid also benefits Moroccans living outside Morocco. ○ <i>Applicant's resources</i>: There are no standard ceilings, nor tables or models with an order of priority. Decisions are taken on a case-by-case basis. The financial situation of the applicant is assessed by a local government office, which </td> </tr> </table>	<p>1. Describe any governmental sources of pro bono and/or other legal services in Morocco.</p>	<p>State-Subsidized Legal Aid</p> <ul style="list-style-type: none"> • Moroccan law enshrines a right for individuals, public-benefit institutions, and private associations (with a mission of assistance and legal personality), who do not have sufficient financial means to defend themselves before a court, to legal assistance.⁷ • This excludes legal counselling, i.e. consultation with legal professionals. • Legal aid is granted for the whole litigation process, from the legal representation of an individual before the court up to the stage of execution of a decision by the court. Such legal aid encompasses all the legal costs an individual may incur (e.g. appointment of a lawyer, experts, translators and execution costs) and excuses the individual from paying any taxes due in connection with the commencement of the proceedings. Legal aid, in theory, applies to all cases, whether criminal or otherwise. • Eligibility - The criteria under which legal aid is granted are as follows:⁸ <ul style="list-style-type: none"> ○ <i>Applicant's nationality</i>: Under Article 1 of the Law No. 514-65 on judicial assistance (save specific provisions in international treaties allowing foreigners to benefit from such aid) judicial assistance is reserved for Moroccan citizens. Such aid also benefits Moroccans living outside Morocco. ○ <i>Applicant's resources</i>: There are no standard ceilings, nor tables or models with an order of priority. Decisions are taken on a case-by-case basis. The financial situation of the applicant is assessed by a local government office, which
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⁸ Law No. 514-65 on judicial assistance.

		<p>issues a “certificate of poverty” to be submitted to the judge⁹.</p> <ul style="list-style-type: none"> • Grounds upon which legal aid is requested: In non-criminal cases, legal aid may also be refused if there are no good grounds for the case (e.g. abuse of the process). <ul style="list-style-type: none"> ○ The Legal Aid Bureau is responsible for determining the allocation of legal aid to an individual. The composition of the Bureau depends on the court responsible for the case. However as a general rule, it is composed of one prosecutor (also the President of the Bureau), one representative from the tax department and a lawyer. The Bureau collects all information necessary to assess the applicant’s resources and may invite the applicant to present the details of his or her situation in person. The Bureau may also hear both litigants of the dispute for which legal aid is sought and in such cases, the Bureau will attempt to reach an amicable settlement. Applicants may appeal a decision of the Legal Aid Bureau within 15 days. • Legal aid may be withdrawn in the event that the aided party recovers sufficient resources from the proceedings (i.e. from a successful judgment), the parties settle, the case is withdrawn or the applicant’s inaction indicates a disinterest in pursuing the case. • Assignments to Legal Aid Matters and Legal Aid in practice: <ul style="list-style-type: none"> ○ Legal aid is in practice restricted to criminal matters. The reason for this is that the appointment of lawyers by criminal courts can be extremely slow and rather than adjourn the proceedings, the judge frequently ends up asking lawyers who are present in the court to
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⁹ Euromed Justice II Project, supra n. 11.

		<p>volunteer to defend the accused. In civil matters, there are no provisions for legal aid besides the general principles expressed in the law on judicial assistance dated 1966.</p> <ul style="list-style-type: none"> ○ Lawyers are required to accept matters assigned to them by the applicable legal aid scheme and are also subject to disciplinary measures if they refuse the assignment without a valid justification. <ul style="list-style-type: none"> ● In 2008, a new law expressly asserted the right of lawyers to receive financial compensation for legal aid assistance and referred to a future decree which would set out the procedures for the determination of this compensation.¹⁰ The decree did not however, bring the expected clarifications. It only provided that legal fees with respect to legal aid should be borne by the budget of the Secretary of Justice and that the Bar Associations should agree on the allocation of such budget amongst themselves. ● Recently, a new law has stated the principle that lawyers' assistance to an aided party shall be remunerated on a flat rate basis by decree and reviewed when necessary. By a decree dated February 26, 2013, the current applicable flat rates (approximately in €) are as follows: <ul style="list-style-type: none"> ○ €110 for proceedings before the Courts of first instance; ○ €140 for proceedings before the Court of Appeals; and ○ €190 for proceedings before the Supreme Court.
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¹⁰ Dahir No. 1.08.101 of October 10, 2008, enacted Law No. 28-08, which modified the Law regulating the provision of legal services.
<http://adala.justice.gov.ma/production/html/Ar/liens/..%5C154106.htm> (last visited on May 1, 2019). (Website in Arabic)

		<p>Ombudsman</p> <ul style="list-style-type: none"> An Ombudsman was established in Morocco in 2011.¹¹ The Ombudsman is a constitutional authority, in charge of matters, complaints, conflicts arising between individuals, private entities or companies and the Government or administration. The Ombudsman does not intervene in disputes among private individuals. Although legal aid is not available for disputes before the Ombudsman, there are no costs for the filing of a claim with the Ombudsman.
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Morocco.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Morocco are:</p> <ul style="list-style-type: none"> Droit et Justice¹² In August 2013, with the support of the Euro-Mediterranean Foundation of Support to Human Rights Defenders, the British Embassy in Morocco and the Arab Human Rights Fund, the association launched a program of legal aid for asylum seekers in Morocco. The association trains a team of lawyers and jurists willing to provide pro bono legal services for asylum seekers by being assigned one case per year under the supervision of the Droit et Justice. The association also provides permanent legal support as well as ongoing training to the volunteer lawyers and jurists. These issues have gained so much importance recently that the Moroccan authorities have decided to establish a national refugee status determination system. Until recently, the United Nations High Commissioner for Refugees (“UNHCR”) was the decision-making body in this area. AMAPPE - Association Marocaine d’Appui à la Promotion de la Petite Entreprise¹³ This association runs a socio-economic

¹¹ Ministry of Justice of Morocco, “Réalizations au titre du processus de la réforme globale et profonde du système de la Justice” (August 2011).

¹² See <http://www.droitetjustice.org> (last visited on May 1, 2019).

¹³ See <http://www.amappe.org.ma> (last visited on May 1, 2019).

integration project in partnership with the UNHCR in Morocco. The association coordinates micro income-generating activities.

- **Association Oum El Banine - OEB¹⁴**

OEB works to support one of the most excluded groups in the Moroccan society: unmarried mothers and their children. OEB's main objectives are to prevent abandonment of the children, to support the mothers, to promote social reintegration in a familiar environment, to promote and campaign for legislation that protects the women, and to organize public awareness campaigns.

OEB provides the following services: temporary lodging of the mothers with their babies, rehabilitation in a familiar environment, financial, medical and psychological assistance, legal and administrative support when needed, support in the search for employment and housing, material assistance for social reintegration (clothes, groceries etc.), placement of children in OEB's daycare center to make it possible for the mothers to work and support themselves and their children, a follow-up of the babies during their first three years, and education in family planning, birth control and information about sexually transmitted diseases.

- **GADEM - Groupe Antiraciste d'Accompagnement et de Défense des Étrangers et Migrants¹⁵**

The GADEM association was established on December 18, 2006 and aimed at protecting the rights of foreigners and migrants in Morocco. It also ensures (within its means and ability to take action) general support and legal defense of foreigners who seek GADEM's help, regardless of status (i.e. this includes migrants, asylum seekers, refugees, or persons in regular or irregular

¹⁴ See <http://www.oumelbanine.net/> (last visited on May 1, 2019).

¹⁵ See <http://www.gadem-asso.org> (last visited on May 1, 2019).

administrative situations).

- **Fondation Orient Occident (East-West Foundation)¹⁶**

The foundation has a focus on the rights, well-being and integration of migrants, and carries out the following projects:

With UNHCR: social assistance and strengthening community services for urban refugees and asylum seekers in Morocco (all regions).

With EIRENE Foundation: promote a society of equality chances for different ethnic groups residing in Rabat; (for this purpose, creation of a web Radio).

With the Embassy of the Netherlands: support for the integration of migrants and rights to diversity, with the creation of an African intercultural center for the migrant population and for Moroccans (all ages). The project aims at making available psychological, social and professional services to migrants in order to develop their skills.

With the European Union: operation al Wassit for the rights of migrants (Mediator Operation). The overall objective of the project is contributing to the creation of a context favorable to the respect of the rights of migrants through the involvement of the civil society. The specific objective is to build the capacity of the civil society in the development and the setting up of strategies for improving the access to rights for migrants and the creation of spaces of tolerance and of interculturality.

With IOM: assistance and protection of female and male victims of human trafficking as well as counseling services in Morocco for migrants interested in the program of assisted voluntary return and reintegration.

With the UNHCR and DAFI: DAFI Scholarship Program. This project aims to enable refugees to pursue higher education.

¹⁶ See <http://www.orient-occident.org/> (last visited on May 1, 2019).

		<p>With CARITAS INTERNATIONAL: assistance and accompaniment of Moroccans who have made the voluntary return from Europe to Morocco.</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>There are no public or private organizations in Morocco with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.</p>

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