

Pro Bono Practices and Opportunities in Kuwait¹

I. Introduction

Kuwait’s population of approximately 4.3 million residents² is served by approximately 6,000 lawyers. Kuwait is a civil law jurisdiction, which acknowledges both the codified laws adopted through the Kuwait National Assembly and Sharia law. At present, the practice of providing pro bono legal services in Kuwait is not as widespread or institutionalized as in many western jurisdictions but there are practices in place to ensure that those without the financial means may access legal services.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	The Kuwait Lawyers’ Association ³ regulates all Kuwaiti lawyers in the provision of legal services, as established by System Statute of the Association of Lawyers Kuwait 1963. ⁴ All Kuwaiti lawyers must adhere to the Charter of Honor adopted by the General Assembly of the Kuwaiti Lawyers’ Association. ⁵
	2. Describe any licensure requirements governing the provision of legal services.	All Kuwaiti lawyers must hold a university law degree from a recognized university. Any degree issued by a university outside of Kuwait must be attested by both the Ministry of Foreign Affairs of the country of origin, and the Kuwaiti Ministry of Foreign Affairs. To act as a lawyer in Kuwait, a person must also be a registered member of the Kuwait Lawyers’ Association and pay the applicable monthly subscription fee. ⁶
(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	In criminal proceedings, Article 120 of Law No. 17/1960 ⁷ promulgating procedures in criminal proceedings, provides that in cases of felonies, there is an obligation on the court to appoint a pro bono

¹ This chapter was drafted with the support of Nadya Saleh and Bishr Alboukai of Al Markaz Law Firm.

² Central Statistical Bureau of Kuwait, available at: https://www.csb.gov.kw/Pages/Statistics_en?ID=64&ParentCatID=1 (last visited on May 1, 2019).

³ The Kuwait Lawyers Association is also known as the Kuwaiti Bar Association.

⁴ Kuwait Lawyers Association, ‘System Statute of the Association of Lawyers Kuwait’, available at: <http://kuwaitlawyers.com/page/1/%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%A3%D8%B3%D8%A7%D8%B3%D9%8A> (last visited on May 1, 2019).

⁵ Kuwait Lawyers Association, ‘Charter of Honor’, available at: <http://kuwaitlawyers.com/page/2/%D9%85%D9%8A%D8%AB%D8%A7%D9%82-%D8%A7%D9%84%D8%B4%D8%B1%D9%81> (last visited on May 1, 2019).

⁶ Ibid.

⁷ Available in Arabic at: <https://www.e.gov.kw/sites/kgoarabic/Forms/QanoonAlljraat.pdf>

	fees imposed on provision of legal services.	<p>lawyer to defend the defendant.</p> <p>There is no reciprocal regime for civil proceedings.</p> <p>There are no rules in place that limit or restrict the provision of pro bono legal services, by lawyers.</p>
	2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?	Lawyers in Kuwait 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 Kuwait are not required to work a minimum number of hours of pro bono legal services in order 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 or present opportunities for the provision of pro bono legal services include immigration advice and employment rights.
	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?	The main providers of pro bono legal services in Kuwait are private law firms, although, this is at the discretion of each firm and information on such services is not publicly known.
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	Lawyers do not require a specific license to provide pro bono legal services in Kuwait.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	<p>Foreign lawyers are not required to be registered with the Kuwait Bar Association. In addition, there are no requirements in terms of licenses to provide pro bono legal services in Kuwait.</p> <p>Foreign lawyers may only practice in Kuwait if they practice in an in-house role, or with a recognized Kuwaiti law firm.</p> <p>Foreign lawyers must hold a law degree from a recognized university. Any degree issued by a university outside of Kuwait must be attested by both the Ministry of Foreign Affairs of the country of origin, and the Kuwaiti Ministry of Foreign Affairs.</p>
	3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that	There are no requirements to have professional indemnity legal insurance for any pro bono legal

	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?	services provided in Kuwait.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Article 12 of the Charter of Honor ⁸ prohibits any local lawyers from advertising, or marketing their legal services (pro bono or otherwise).
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Kuwait 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 Kuwait.	Save for the attorneys appointed by the court in relation to felonies, there are no governmental sources of pro bono legal services and/or other legal services in Kuwait.
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Kuwait.	Many of Kuwait’s law firms provide legal advice on a pro bono basis. The Kuwait Humanitarian Centre founded by Mishari Al Ghazali provides pro bono legal services for the underprivileged.
	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?	There are no public or private organizations in Kuwait with which a local or foreign attorney can register in order to be made aware of pro bono opportunities.

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⁸ Kuwait Lawyers Association, ‘Charter of Honor’, available at: <http://kuwaitlawyers.com/page/2/%D9%85%D9%8A%D8%AB%D8%A7%D9%82-%D8%A7%D9%84%D8%B4%D8%B1%D9%81> (last visited on May 1, 2019).

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