

2022 ODIHR Disability Rights Law Moot Court Competition – Official Rules of Procedure

I. Aims and organization

1.1 The Disability Rights Moot Court is organized by the OSCE Office for Democratic Institutions and Human Rights (“ODIHR”) and the National University of Ireland Galway Centre for Disability Law and Policy (“the Centre for Disability Law and Policy”). A Moot Committee comprising representatives of both institutions will be established for the purposes of administration of the Moot Court.

1.2 The main contact point for the Committee is Ola Quarnstrom, email address: ola.quarnstrom@odhr.pl.

1.3 Persons with lived experiences of disability are particularly encouraged to register as part of a team. Any concerns or queries regarding accessibility can be raised with the main contact point at ola.quarnstrom@odhr.pl.

1.4 The Moot Court aims to promote awareness of international human rights law as a tool for advancing the rights of persons with disabilities across all OSCE participating States. It also seeks to showcase the advantages of including persons with disabilities in the justice sector.

1.5 The legal forum of the Moot Court is the fictional Disability Rights Court (“the Court”). The mandate of the Court is founded on the existing UN Convention on the Rights of Persons with Disabilities (“UNCRPD”). Accessible formats of the UNCRPD are available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

1.6 The fictional scenario of the Moot Court will highlight how the UNCRPD and other relevant international standards can be used to advance the rights of persons with disabilities. Teams will be assessed on the content rather than the form of their submissions, in order to reflect the wide range of legal traditions present across the OSCE region.

1.7 Any questions concerning the Rules should be directed to the Moot Committee contact point. Any answers given by the Moot Committee will be shared with all participants. The discretion as to whether or not questions can be answered rests with the Moot Committee.

1.8 The Moot Committee is ultimately responsible for the interpretation of the Rules. It is not possible to appeal against the Committee’s interpretation of the Rules.

1.9 The Moot Committee will make changes to the Rules where it is considered necessary, whether in the interests of fairness to improve accessibility of the Moot Court, or to respond to challenges caused by the COVID-19 pandemic or any other

circumstances considered relevant. All participating teams will be informed of any changes as soon as possible. Any changes to the Rules will apply equally to all teams.

1.10 Registration for the competition will be via an Internet link disseminated by the Moot Committee. Upon registration, teams should provide their region, institutional affiliation, full names of team members, full name and position of mentor, institutional email addresses, and any other information requested on the registration form. Registering teams should allocate a main contact person within their team.

1.11 The registration form requires teams to complete a brief statement of motivation of up to 1,000 characters (no spaces). The statement of motivation will not form part of a team's score in the competition.

1.12 The moot scenario will be sent to all participants at the same time after registration for the competition has been completed.

1.13 The deadline for submission of written pleadings will be communicated to all teams that complete the official registration process.

1.14 Failure to comply with the Rules of Procedure may result in disqualification of teams. Decisions on disqualification rest entirely at the discretion of the Moot Committee, and are not open to appeal. Any questions about the Rules should be raised with the Moot Committee contact point in accordance with Rule 1.7.

II. Eligibility

2.1 Any individuals currently enrolled in a programme of study in law in an OSCE participating State are entitled to enter as part of a team representing their institution. This includes both undergraduate and postgraduate (Master's level) study. Postgraduate research students (PhD level or equivalent) are not eligible to compete, but may act as team mentors (see rule 2.6).

2.2 Individuals enrolled in a mixed programme of study (such as Law and Sociology) are eligible to compete where study of the law forms at least 50% of their module content.

2.3 Individuals should ensure they have the authorisation of the institutions at which they are enrolled to participate in the Moot Court.

2.4 Teams should consist of between 2 and 4 persons.

2.5 Changes to the composition of teams after submission of written pleadings will only be accepted where appropriate extenuating circumstances (such as those related to illness) are presented. All decisions regarding whether to accept changes to the composition of teams rest at the discretion of the Moot Committee, and are not open to appeal.

2.6 Each participating institution may only register one team using the team registration form. All members of a team must be from the same institution.

2.7 Queries regarding eligibility should be addressed to the Moot Committee.

2.8 Decisions on eligibility rest entirely at the discretion of the Moot Committee, and are not open to appeal.

2.9 Teams progressing to oral round(s), should select two team members to deliver the oral pleadings. Other team members can assist in preparing the oral pleadings.

2.10 Each team may benefit from the expertise of a mentor from their affiliated institution. The mentor must be a permanent member of staff or research student (PhD or equivalent) at the institution. The mentor must be formally registered as the team mentor at the point of registration.

2.12 Teams that have been unable to secure a mentor will be provided with a mentor by the Moot Committee. Any mentor provided by the Moot Committee will be subject to the same Rules as mentors obtained by participating teams.

2.13 Any mentors from participating institutions or provided by the Moot Committee will not in any way be affiliated with the Moot Committee or involved in the organization of the Moot Court. Judges and members of the Moot Committee and any other persons involved in the organization of the Moot Court cannot serve as mentors.

2.14 Team mentors can be present at team meetings and offer general support and guidance. Mentors may provide general feedback on the focus and structure of written pleadings but should not otherwise be involved in the drafting process or formulation of specific arguments.

2.15 No other party should be in any way involved in the preparation of a team's written or oral pleadings.

2.16 Each team should elect an official point of contact and note this information at the point of registration.

III. Written pleadings

3.1 The legal forum for the dispute is the fictional Disability Rights Court. The mandate of the Court is founded on the UNCRPD. The Court accepts individual complaints brought against States parties to the Convention.

3.2 The UNCRPD and jurisprudence of UN treaty bodies take precedence within this legal system. However, other persuasive sources may also be cited in support of a team's arguments. These may include: jurisprudence of the European Court of Human Rights and other regional human rights courts; General Comments, concluding

observations and State parties reports of UN treaty bodies; reports of UN Special Rapporteurs and regional human rights bodies; and any other sources that teams consider to be useful and persuasive within this context.

3.3 Teams should not rely on more than 25 sources in total (this includes treaties).

3.4 Written pleadings should be drafted in English.

3.5 The written pleadings for each team should include two sections. Section 1 should set out the arguments on behalf of the applicant. Section 2 should set out the arguments on behalf of the respondent government.

3.6 The overall word count for each section shall not exceed 2,000 words. Footnotes and the bibliography are not included in the word count). It is not necessary for each section to amount to 2,000 words exactly, though it is recommended that equal attention is paid to both sections.

3.7 In order to reflect the diversity of legal traditions present across the OSCE region, there are no particular requirements regarding the structure that written pleadings should take. Teams should however use their best judgement in presenting their arguments in a clear and logical manner, with regard to the marking criteria set out at point 3.15 below.

3.8 Sources should be cited using footnotes and applying the Oxford Standard for Citation of Legal Authorities (“OSCOLA”). Guidelines for citing international law sources using OSCOLA are available at: https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_2006_citing_international_law.pdf.

3.9 Teams should ensure that all referenced sources are duly cited, in order to avoid disqualification on the grounds of plagiarism.

3.10 Written pleadings should include a bibliography that lists all sources that are relied on within the pleadings.

3.11 Written pleadings should be submitted in one Microsoft Word or PDF document/two documents [depending on Rule 3.6 above]. The document should not contain any information other than the team number, written pleadings and bibliography.

3.12 In the interest of accessibility, there are no formatting requirements for written pleadings, such as font style or size.

3.13 Teams will be allocated a team number after registration has been completed. The team number should be the only identifying marker on the submitted document, which should otherwise be fully anonymised.

3.14 Teams may only ask questions to clarify the content of the factual scenario. The discretion as to whether or not questions can be answered rests with the Moot Committee. Any given answers will be communicated to all participating teams.

3.15 Written pleadings are scored out of a possible 25 marks. The allocation of possible marks is as follows: up to 10 marks for the quality of legal analysis; up to 5 marks for relevance of identified legal materials; up to 5 marks for identification and appropriate weighing of key issues; and up to 5 marks for overall flow and structure of written arguments. As per Rule 1.11, the obligatory statement of motivation included on a team's registration form will not be taken into account during the marking process.

3.16 Penalties will be applied to written pleadings that exceed the maximum word count. An automatic 2-mark penalty will be applied to pleadings that exceed the word count by between 1 and 500 words. An automatic 5-mark penalty will be applied to pleadings that exceed the word count by 501 or more words.

3.17 An automatic 2-mark penalty will be applied to pleadings that are submitted after the deadline. Written pleadings that are submitted more than 12 hours after the deadline will not be accepted unless prior permission is granted by the Moot Committee in the event of relevant extenuating circumstances (such as those related to illness). All decisions as to whether to grant a limited time extension rest entirely at the discretion of the Moot Committee, and are not open to appeal. Time extensions will only be granted in exceptional circumstances.

IV. Interim regional rounds

4.1 An interim regional round may be held at the discretion of the Moot Committee, where considered necessary to assist in the selection of the two teams proceeding to final rounds.

4.2 Regional rounds will be held orally in English and ESL.

4.3 A Chair of the Moot Court, assigned by the Moot Committee, will be tasked with ensuring that the Rules of Procedure are followed during regional rounds. Teams that repeatedly violate the Rules during the regional round will be subject to disqualification.

4.4 Teams selected to progress to regional rounds will be given 15 minutes to present an outline of their written arguments. Teams should select one team member as a speaker.

4.5 After each team's oral arguments, they will be asked one question by the judging panel.

4.6 Teams must select one team member to respond to questions from the judging panel (rebuttal). This does not need to be (but can be) the same team member

selected in accordance with Rule 4.4. The maximum time permitted for rebuttal is 5 minutes.

4.7 No person(s) other than individual team members selected for presentation and rebuttal should speak during the allocated speaking times. Interruptions of any other kind are similarly not permitted.

4.8 Regional rounds are scored out of a possible 15 points. The allocation of possible marks is as follows: up to 10 marks for the content of oral arguments, and up to 5 marks for the quality of responses to judicial intervention (rebuttal).

V. Oral rounds

5.1 Oral arguments must be based on the team's prior written pleadings.

5.2 Oral rounds will be held in English and ESL.

5.3 A Chair of the Moot Court, assigned by the Moot Committee, will be tasked with ensuring that the Rules of Procedure are followed during oral rounds. Teams that repeatedly violate the Rules during the oral round(s) will be subject to disqualification.

5.4 Prior to the oral rounds, further factual information will be added to the scenario. Teams will be expected to address the additional points during their oral submissions.

5.5 Each team will have 30 minutes to present their oral arguments. Teams should aim to divide this time evenly between two team members who are selected as speakers.

5.6 After each team's oral arguments, they will face up to a maximum of 3 questions from the judging panel. Teams will be asked an equal number of questions.

5.7 Teams must select one team member to respond to questions from the judging panel. The maximum time permitted for rebuttal is 10 minutes.

5.8 After each team has completed their oral arguments, including rebuttal, the opposing team will have 5 minutes to present any additional points arising as a result of the presenting team's oral arguments. Teams must select one team member to present additional points.

5.9 No person(s) other than individual team members selected for presentation, rebuttal and additional arguments should speak during allocated speaking times. Interruptions of any other kind are similarly not permitted.

5.10 The final score is awarded based on a possible 50 points (or 65 points where a regional round has taken place). The initial score out of 25 for the written pleadings (and out of 15 for regional rounds where relevant) will be carried forward. Oral rounds will attract a maximum of 25 points. The allocation of possible marks is as follows: up to 10 marks for the content of oral arguments; up to 10 marks for the quality of

responses to judicial intervention (rebuttal); and up to 5 marks for the quality of points made in response to the oral arguments of the opposing team.

VI. Judging panel

6.1 Written pleadings will be reviewed by a panel of three judges selected by the Moot Committee.

6.2 Written pleadings that score the highest marks out of 25 across each region will proceed to the interim round.

6.3 The oral rounds will be judged by a panel of three judges. Each team will be judged by the same panel.

6.4 Teams can request their score breakdown at all stages of the competition.

6.5 All decisions of the judging panels will be final. It is not possible to appeal against any decisions of the judging panels.

VII. Prizes

7.1 Winners will receive the 2022 Inaugural Disability Rights Moot Court prize certificate.

7.2 Finalists will each receive a certificate of final qualification.

7.3. An individual prize will be awarded for strongest oralist in the final.

7.4 Where interim rounds take place, all teams proceeding to interim rounds will be awarded a certificate of regional qualification. An individual prize will also be awarded for strongest oralist during interim rounds.