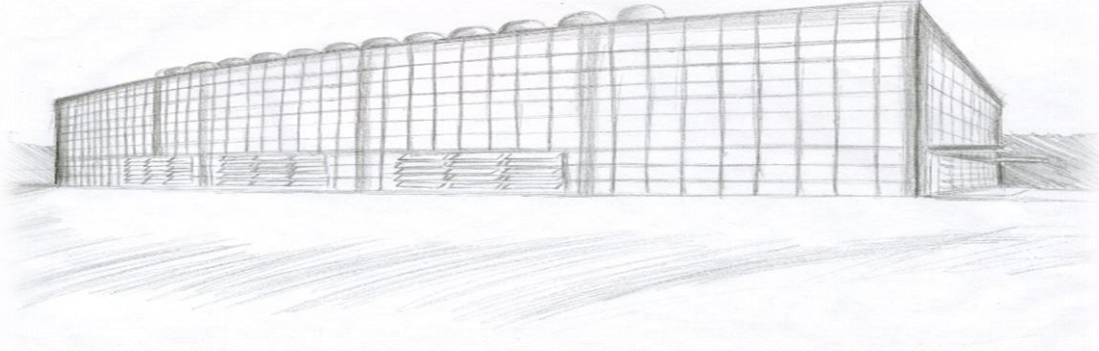


## UNIVERSITY OF HONG KONG

### **THE 2017 PAN-ASIAN HUMAN RIGHTS MOOT COMPETITION**



### **THE CLARIFICATION**

#### Submission Work

1. When is the deadline of submission of the written memoranda? 00:00 of 19 May or the close of business of 19 May?

As stipulated in paragraph 4.7 of the Moot Selection Rules, the finalized memos should be submitted by 19<sup>th</sup> May 2017. It is advisable that your memoranda reach the PANAHRM email account by 6pm on 19<sup>th</sup> May 2017 and the hard copies should arrive no later than within 72 hours of this, i.e. 6pm, 22<sup>nd</sup> May 2017. We need to receive BOTH electronic and hardcopy versions as stipulated in the rules.

2. Are written memoranda essentially the same as skeleton arguments? Are there any samples that we can refer to?

Memoranda or Memorials, as they are sometimes called, are essentially written submissions made to the court comprising legal arguments as applied to the facts before the court, urging a particular legal conclusion based on the claims in dispute between the parties. A sample of a well-written memorandum is attached [here](#). Other useful examples of memoranda, a guide to research, preparation and how to write them as well as various helpful resources are available [here](#).

Please note that the sample memoranda are only for reference and may have conformed to a separate set of rules pertaining to the submissions of these memoranda for the competitions for which they were prepared. Therefore, please note that for the purposes of THIS competition, the relevant instructions for the formatting of the written memoranda appear in paragraph 6.5 of the Moot Rules.

3. Do both of the issues (in bullet points) under "III. Brief" have to be addressed in each memorandum? Or are they to be addressed by the claimant and respondent respectively?

Written submission of the written memorandum should include arguments addressing all questions raised under III. Brief regardless of whether the memorandum is for the Respondent or the Applicant.

#### Content of the Moot Problem

1. Noting that the present case is based on an alleged violation of the Charter of Asian States on Human Rights (CASHR), can we be provided with the relevant provisions of the CASHR that have been violated?

Please refer to the European Convention of Human Rights which is to be treated as the equivalent of the Charter of Asian States on Human Rights.

2. For a better assessment of the extent to which relevant human rights are guaranteed and protected in Serenatia, can we be provided with the relevant provisions in the Constitution of Serenatia?

Please refer to the relevant laws available at this [link](#).

4. Is it assumed that the Equality Act 2005 and Race Relations Act 1989 are equivalents to the corresponding UK Acts?

Please refer to the relevant laws available at this [link](#).

5. Can we assume that Serenatia is also a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR)?

Please refer to the relevant laws available at this [link](#).

6. At [15], it is stated that, "Moreover, many previous Worple Road students have been unable to opt to sit for either of the Ministry of Education's Serenati language examinations. Due to the small number of students who transfer from ELI Primary to SLI Secondary schools, priority is given to existing SLI students taking the language exams at the point of transfer from SLI Primary to SLI Secondary schools". Regarding this statement, may we know:

- (a) What do "Ministry of Education's Serenati language examinations" refer to? How many tests on Serenati language are students (from SLI and ELI schools respectively) required to take in order to be admitted to public universities?

Students are required to take the Serenati language exam if they want to enter the SLI Secondary School. It is formal assessment of the Serenati language used as a metric to gauge language ability in Serenati.

Students need only take 1 test to be admitted to public universities.

- (b) Why does the Ministry of Education have to give priority of taking language exams to SLI students? What is the cause of the shortage of language exam places? Is there a quota for the number of students who can sit in the language exams?

As stipulated in paragraph 16, the reason is because there is no shortage of exam places but rather, a shortage of school places in SLI schools, hence a small number of students who transfer from an ELI to SLI school.

7. Can the Pan-Asian Court of Human Rights decide issues on breaches of conventions besides the Charter of Asian States on Human Rights, such as the convention on the rights of the child?

No.

8. Does Seranatia test for English proficiency in public universities?

No.

9. Is there a standardized language exam for English?

No.

10. In paragraph 9 of the Compromis, could you kindly expound on the meaning of “difficulties securing application forms for admission”?

When parents ask for the forms, they are not given these and turned away by the schools with the advice that the school is unsuitable for the child concerned and they should apply elsewhere to schools where these children are more likely to gain admission.

11. Are participants bound by the three (3) arguments raised by the Chodhury’s in paragraphs 19-21 of the Compromis?

No, but they must address at least these 3.