

Practice Meets Theory: Using Moots as a Tool to Teach Human Rights Law

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Introduction

The international community, through the United Nations, strongly advocates that states must provide their people with human rights education (HRE). This is reflected in Article 26(2) of the Universal Declaration of Human Rights, Article 13(1) of the International Covenant on Economic, Social and Cultural Rights and Article 29(1) of the Convention on the Rights of the Child, to name just a few of the international law provisions relating to HRE. More recently, the international push for HRE has escalated with the General Assembly proclaiming the Decade for Human Rights Education (1995-2004) and the subsequent World Programme for Human Rights Education (2005-ongoing),¹ and adopting the Declaration on Human Rights Education and Training.²

These international commitments aside, empirical research has found that many educators struggle with *how* to educate students about human rights.³ This article explores how moots can be an effective tool to do that, and analyzes three successful human rights mooting competitions from around the world for the purpose of highlighting best practices. This is an important exercise, because, although there is a long history of moots being used as a

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1. The 1st Phase of the World Programme for HRE (2005-2009) was devoted to HRE in schools while the 2nd Phase (2010-2014) is devoted to HRE in the higher education sector and on human rights training programs for teachers and educators, civil servants, law enforcement officials and military personnel at all levels. Human Rights Council Resolution A/HRC/RES/12/4.
2. General Assembly Resolution 66/137, Dec. 19 2011.
3. See Paula Gerber, *From Convention to Classroom: The Long Road to Human Rights Education* (VDM Verlag Dr. Müller Aktiengesellschaft & Co. 2008).

tool to teach advocacy skills,⁴ the same cannot be said for the use of moots to educate students about human rights.

Mooting and the Law School Curriculum

There is already considerable scholarly exploration of the pedagogical value of mooting to the law school curriculum.⁵ However moots are often perceived in terms of a being solely a pedagogical model for teaching students the skills of courtroom advocacy.⁶ For example, 30 years ago, John Gaubatz wrote the “Moot Court in the Modern Law School,” in which he outlined the ways moot programs offer academic and clinical educational opportunities and explored the various elements of design and presentation of moots within U.S. law schools.⁷ Andrew Lynch discussed the use of moots in the Australian law school curriculum,⁸ while in the U.K., Alisdair Gillespie outlined the many skills and benefits of mooting for students, and considered the implications of mooting being part of the curriculum.⁹

More recently, Bolette Wolski wrote about moots as an opportunity for students to critically engage with ethical issues, and professional and personal values. The mooting program she described is a compulsory component of the curriculum in an Australian law school. This has the benefit of building in considerable formative and summative assessment, and carries with it an allocation of faculty resources that ensures consistency and coherence in the mooting program.¹⁰

The mooting literature identifies a broad variety of legal and practical skills that are enhanced by students’ involvement in moots, including advocacy, communication skills, critical thinking skills, self-confidence and teamwork.

4. Gavin W. Craig, Moot Courts as Part of a Law School Curriculum, 3 *Am. L. Sch. Rev.* 271, 271 (1911-1915).
5. *See, e.g.*, Michael V. Hernandez, In Defense of Moot Court: A Response to “In Praise of Moot Court—Not!”, 17 *Rev. Litig.* 69 (1998); Henry D. Levine, Evaluating the AMES Experience: Student Response to the First Year Moot Court Competition at Harvard Law School, 28 *J. Legal Educ.* 217 (1976); Jack M. Graves & Stephanie A. Vaughan, The Willem C. Vis International Commercial Arbitration Moot: Making the Most of an Extraordinary Educational Opportunity, 10 *VJ* 173 (2006); Mary E. Keyes & Michael J. Whincop, The Moot Reconceived: Some Theory and Evidence on Legal Skills, 8 *Legal Educ. Rev.* 1 (1997).
6. *See, e.g.*, Michael D. Murray & Christy H. DeSanctis, *Appellate Advocacy and Moot Court* (Foundation Press 2006); John Kearnes & Becky da Cruz, Mooting as Pedagogy, paper presented at the American Political Science Association Teaching and Learning Conference, Renaissance Hotel, Washington, DC, Feb. 18 2006, available at www.allacademic.com/meta/p_mla_ap_a_research_citation/1/0/1/3/6/pages101364/p101364-1.php.
7. John T. Gaubatz, Moot Court in the Modern Law School, 31 *J. Legal Educ.* 87 (1981).
8. Andrew Lynch, Packing Them in the Aisles: Making Use of Moots as Part of Course Delivery, 10 *Legal Educ. Rev.* 83 (1999).
9. Alisdair A. Gillespie, Mooting for Learning, 5 *J. Commonwealth Law and Legal Educ.* 19 (2007).
10. Bobette Wolski, Beyond Mooting: Designing an advocacy, ethics and values matrix for the Law School curriculum, 19 *Legal Educ. Rev.* 41, 81 (2009).

However, what is lacking in the scholarship is an in-depth analysis of moots as a tool for deep doctrinal learning. Typically, the literature concentrates on the *process* of mooting, but neglects the *content*.¹¹ An exception to this is Jack Graves and Stephanie Vaughan, who analyzed the well-known annual international commercial arbitration moot competition known as Vis Moot.¹² They discussed the educational and pedagogical value of a competitive moot, and highlighted some of the unique features that characterize this moot. In particular, they emphasized the doctrinal knowledge (of international commercial law and arbitration) that is promoted through the Vis Moot. While skills development is important and conducive to the general development of the participants, it is the exposure to the principles of the specific legal doctrines that is the underlying rationale of the Vis Moot.¹³

Mooting as a Tool for Teaching Legal Doctrine.

There is a vast difference between the knowledge of the man who knows about a thing and that of the one who knows the thing itself.¹⁴

The purpose of HRE is not that students learn about human rights, but rather that students know, understand and embrace the fundamental principles that are at the core of human rights. We argue that moots are an invaluable tool to help achieve this, that is, moots can play a pivotal role in assisting students to learn the substantive principles of human rights law, as well as their practical application. Thus in a human rights moot, not only do students develop clinical skills of advocacy, but they also significantly increase their knowledge of human rights law through undertaking the research and preparation necessary to cogently argue a human rights position in a moot court.

What makes mooting such a useful learning device when it comes to legal doctrine or subject matter, is that students must have comprehensive knowledge and a deep understanding of the issues and applicable law, so that they can respond to questions. Students participating in moots are generally terrified of not being able to answer a question put to them by the bench, and therefore tend to make sure that they have such an in-depth knowledge of the subject matter that they can answer any question that may be thrown at them. Thus, on one level, students are engaging with the material because of an extrinsic motivation: to avoid failure. But we also see a more positive perspective, as preparing and arguing a moot is fundamentally a learning experience that is the antithesis of the superficial learning that time-poor students often engage

11. See, e.g., the benefits listed in Jennifer Yule, Judith McNamara & Mark Thomas, *Mooting and Technology: To What Extent Does Using Technology Improve the Mooting Experience for Students?*, 20 *Legal Educ. Rev.* 137, 138 (2010).

12. Graves & Vaughan, *supra* note 5; Jeff Waincymer, *International and Comparative Legal Education Through the Willem C Vis Moot Program: a Personal Reflection*, 5 *VJ* 251 (2001).

13. *Id.*

14. Craig, *supra* note 4.

in. Mooting is one of the best forms of deep¹⁵ and experiential¹⁶ learning available to law students. Because the decision to moot is often a voluntary one, students who participate are embarking on a learning task that they are inherently motivated to complete, and hopefully enjoy. Thus, moots present a valuable and engaging learning opportunity, which is fundamentally different from the regular law school education.

One of the challenging aspects of teaching human rights law is that there is a dearth of cases where students can see a practical application of human rights in the legal system. Students learn subjects like torts and contract through studying how judges have applied the principles of law over an extended period. With human rights, students can see the legal principles set out in international instruments, such as the Universal Declaration of Human Rights and numerous human rights treaties, but there is not the same opportunity to analyse the practical application of those principles by the courts. Human rights mooting competitions seek to fill this void. Mooting competitions that focus specifically on human rights provide students with an opportunity to not just learn about the concept of human rights, but to actually play a part in the application of those principles to hypothetical cases. This moves human rights out of the realm of mere abstract concepts, and into the world of real and practical application of the law, which provides students with invaluable knowledge and skills. Indeed, it has been observed that human rights mooting competitions give “students the skills to contribute to the development of international human rights law in the international arena, and thus make them qualified advocates for human rights changes.”¹⁷

Notwithstanding the demonstrated role that moots can play in promoting deep learning about human rights law, there are very few examples of human rights mooting competitions. The following seem to be the only established ones:

15. Deep learning can be explained as an approach to learning that engages in meaningful connections between ideas, examples, topics and subjects. Thus, the student develops intrinsic meaning from legal doctrine. *See, e.g.*, Paul Ramsden, *Learning to Teach in Higher Education* (Routledge 1992); *see also* Paula Diane Baron, *Deep and Surface Learning: Can Teachers Really Control Student Approaches to Learning in Law?*, 36 *The Law Teacher* 123 (2002).
16. Educational theorist David A. Kolb explained this as the knowledge gained through personal engagement in the learning process, and it requires motivation, self-reflection, analytical skills and decision making/problem solving skills. For example, *see* David A. Kolb & Ronald E. Fry, *Toward An Applied Theory of Experiential Learning*, in C. Cooper, *Theories of Group Process* (Wiley 1975). In legal education (at least in Australia) opportunities for experiential learning are highly valued as most assessment tasks are examination based and not “skills-intensive.” *See also* Pauline Collins, Toni Bracklin & Caroline Hart, *Rocky rhetoric and hard reality: the academic’s dilemma regarding assessment*, 20 *Legal Educ. Rev.* 158, 160, 163 (2010).
17. Claudia Martin & Diego Rodriguez-Pinzón, *Introduction: The Inter-American Human Rights Moot Court*, in *Advocating for Human Rights: 10 Years of the Inter-American Moot Court Competition 1* (Claudio Grossman, Claudia Martin and Diego Rodriguez-Pinzón, eds., Martinus Nijhoff 2008) [hereinafter *Advocating for Human Rights*].

- African Human Rights Moot and World Human Rights Moot both organized by the University of Pretoria in South Africa;
- Inter-American Human Rights Moot Court Competition organized by the Washington College of Law at the American University;
- Castan Centre Human Rights Moot organized by the Monash University Law School in Australia;
- René Cassin European Human Rights Moot Court Competition organized by the Council of Europe;
- Susan J. Ferrell Intercultural Human Rights Moot Court Competition organized by the St. Thomas University School of Law in Miami, Florida; and
- Competencia Internacional Eduardo Jiménez de Aréchega organized by the Costa Rican International Law Association.

We have selected the first three moots listed above for further analysis because they are well established and provide a useful geographic spread of regional competitions.

African Human Rights Moot

This human rights moot, established in 1992, is the most long-standing of the three competitions being analyzed here. In its 19-year history, 915 teams from 127 universities in 47 African countries have competed. Although the moot is organized by the University of Pretoria in South Africa, the competition is held in a different country each year. The moot takes place over six days and is open to students from any African law school. Participating students also attend a conference or course on international human rights law and go on a one-day excursion to a place of national interest to the host country. Past excursions have included trips to places of brutal police attacks in South Africa during the apartheid era and historical sites relevant to the slave trade. Thus, students have the opportunity to experience human rights issues and perspectives in a variety of ways over and above the doctrinal and practical knowledge acquired through their participation in the formal moot.

Teams consist of two students, and there is a stated preference for teams to have a gender balance—one man and one woman. Students participate in two preliminary rounds where they argue each side of the same case. The competition is conducted in English, French and Portuguese. The best teams from each language group advance to the final round where, by draw of lots, they are merged to form two new combined teams with English, French and Portuguese students on each side. Simultaneous translation is provided.

In recent years, the hypothetical problems used by the African Human Rights Moot have related to such diverse issues as HIV discrimination in employment; right to medical care; right to a fair trial; harmful cultural practices; conditions of work; freedom of expression; independence of the judiciary; right to development and self-determination; child soldiers; and

property rights.¹⁸ Thus, there has been great diversity in the human rights issues addressed, including coverage of both civil and political rights and economic, social and cultural rights.

The African Human Rights Moot requires students to engage in deep learning of international and regional human rights laws. As Christof Heyns and his colleagues observed:

Successful analysis of the hypotheticals of the African Moot can only be accomplished by bringing a holistic and integrated approach to bear on the material.

Hypotheticals contain a number of dichotomies. Problems deal with procedural and substantive issues. Students are taught to appreciate the link between and interdependence of the admissibility and merits stages. Strategic choices have to be made, based on an overall view of the law, including the likelihood of success of a particular approach.

Regional and global human rights standards are also juxtaposed in moot problems. Sometimes these normative frameworks are at odds with one another, as is the case with aspects of the UN Convention on the Rights of the Child and the OAU/AU African Charter on the Rights and Welfare of the Child.¹⁹

The African moot competition is the largest human rights educational initiative in Africa. Its aims include “ensuring that international human rights, and in particular, the African regional system, are made part of the curriculum of law faculties in Africa,” and creating a network of young African human rights lawyers.²⁰ Thus, the focus of the moot competition is very much about furthering human rights knowledge and practices, rather than simply developing advocacy and courtroom skills.²¹

The African Human Rights Moot Competition is undoubtedly the flagship of human rights moots. It is estimated that in the 20 years since the competition was established, approximately 1,600 students have participated and an additional 9,000 students took part in knockout rounds at their own universities.²² As Nelson Mandela wrote in a 1995 letter to the organizers:

One could hardly think of a better way to advance the cause of human rights than to bring together students—who are the leaders, judges and teachers of tomorrow—from different countries, with chief justices and professors, to debate some of the crucial issues of our time in the exciting and challenging

18. Christof Heyns, Norman Taku & Frans Viljoen, Revolutionising Human Rights Education in African Universities, The African Human Rights Moot Court Competition, in *Advocating for Human Rights*, *supra* note 17, at 25–26.

19. *Id.* at 34.

20. See African Human Rights Moot Court Competition website, available at www.chr.up.ac.za/moot/documents/2008/material/mc%202008%20documents%20brochure.pdf.

21. Heyns, Taku & Viljoen, *supra* note 18, at 23.

22. *Id.* at 29.

atmosphere of a courtroom, where they can test their arguments and skills against one another in a spirit of fierce but friendly competition.²³

In part, because of its role in creating and maintaining the African Human Rights Moot, in 2006, the Centre for Human Rights at the University of Pretoria was awarded the prestigious UNESCO Prize for Human Rights Education. The award recognized the invaluable role that the moot competition played in deepening students' knowledge and understanding of the African Charter on Human and Peoples' Rights. Indeed, it has been noted that the African moot:

has revolutionised human rights teaching on the African continent. Its impact institutionalised as law faculties across the continent increasingly started developing human rights curricula, including, in particular, elements of the African regional human rights system. In this way, not only moot participants but generations of future students indirectly benefit from the moot.²⁴

There can be no doubt about the significance and long term impact of this moot in terms of HRE across Africa.

Inter-American Human Rights Moot

The Inter-American Human Rights Moot Court Competition is organized by the Washington College of Law and has been running for over 15 years.²⁵ Law students argue a hypothetical case before the Inter-American Court of Human Rights (IACHR). Ambassadors, international law experts, legal practitioners and academics act as Inter-American jurists, and the student teams represent either the state or the victim of the alleged human rights violation. Moot problems have focused on such issues as:

- state of emergency;
- freedom of speech;
- gender discrimination and rape;
- freedom of press;
- right to life;
- torture;
- fair trial;
- labor unions;
- indigenous rights;
- terrorism;
- environment and human rights; and
- migration.

23. See *supra* note 20.

24. Heyns, Taku & Viljoen, *supra* note 18, at 32.

25. The full text of the hypothetical cases, bench memoranda and winning memorials from the first ten years of this competition are set out in *Advocating for Human Rights*, *supra* note 17.

The competition is open to law students from universities around the world, and is conducted in English, Spanish and Portuguese. While students from over 100 universities in 35 countries have so far participated, the overwhelming majority come from the Americas, with no participants yet from Africa or Australia, and only one from Europe. This is perhaps not surprising given that the stated aim of the moot is to “to train law students how to use the Inter-American human rights legal system as a legitimate forum for redressing human rights violations.”²⁶

Teams consist of two students and a coach, and each university may enter only one team. Whether coaches should play a part in a human rights moot competition depends on a number of factors, including the role they are permitted to play and the availability of academic staff to take on such a role. While coaches are common in moots which have as their aim the development of advocacy skills,²⁷ it is suggested, that the main purpose of the moot is actually for students to actively increase their knowledge of human rights law through the research they do into the substance and application of such laws.

Somewhat surprisingly, organizers of the Inter-American Human Rights Moot Court Competition impose stiff fees on participants. Teams must pay a registration fee of \$450; even observers are charged a \$200 registration fee. These fees, on top of travel costs, accommodation expenses, and medical insurance (mandatory under the moot rules), may well act as an obstacle to greater participation in the competition by students from outside of the United States.

The moot is conducted in two stages. The first is submission of a written memorandum not exceeding 30 pages. This is a sizeable piece of work, and suggests that this moot places a greater emphasis on the written arguments than the oral application of human rights law to the problem at hand. The memorandum is scored by three judges based on the ability of the team to identify issues, undertake research and use authorities, as well as the overall persuasiveness of analytical reasoning and argumentation. The memorandum counts for one third of the overall score, with the other two-thirds based on the oral argument. Both elements involve deep engagement in the various aspects of human rights law, and thus constitute HRE.

Oral argument is the second stage of this moot competition, which, common to many moots, is conducted in three stages: a preliminary round, where each team argues twice; a semi-final round; and a final round. Each team is allocated 45 minutes for their oral submissions, except in the final round, when they have up to one hour. This is sufficient time to allow a team to engage deeply with the human rights issues. In the authors' experience, each team member needs at least 15–20 minutes for oral presentation to have sufficient time to delve deeply into the issues and allow time for questions from the bench.

26. See Inter-American Human Rights Moot Court Competition website, *available at* www.wcl.american.edu/hracademy/mcourt/description.cfm.

27. See, e.g., the Jessup International Law Moot Court Competition rules, *available at* www.ilsa.org/jessup/jessup10/australia.pdf.

The semi-final round of competition consists of 16 of the highest ranked teams—eight representing the victim, and eight representing the state. These rankings are determined by the preliminary round scores in both the written memorandums and the oral arguments. However, the organizers aim to have roughly two semi-final teams (one for the victim and one for the state) for every 10 participating teams. Therefore, the eight teams referred to above, representing each side of the argument, would be the case if approximately 80 teams participate in the competition. The final round is a championship match between the highest-ranking team representing the victim and the highest-ranking team representing the state.

The Inter-American Human Rights Moot Court provides a useful model for a moot competition aimed at facilitating increased learning about human rights. However, it could be improved by making it accessible to more students, through the abolition or reduction of the registration fees and by reducing the size of the written submissions, which, at 30 pages, seems excessive. The size of the submissions could prove a disincentive to a considerable number of students, especially as this is workload above their normal curriculum requirements. In addition, it no doubt creates a tremendous workload for the coaches and judges. However, the authors have not located any evidence that this deters participation from students, coaches or judges.

This moot is an important component of the development of a broader human rights culture, particularly in the inter-American context. It has been observed that:

[T]he Competition has given hundreds of students the skills to contribute to the development of international human rights law in the international arena, and thus make them qualified advocates for human rights changes in their home countries and abroad. The Competition has opened the doorway for ... more lawyers dedicated to participating in an expanded notion of a human rights community.²⁸

Not only is the Inter-American moot an invaluable tool for teaching students about human rights, but it also addresses a number of other needs including increasing the recognition of human rights as a binding set of justiciable rules.²⁹

Christina Cerna concluded her review of the Inter-American system for the protection of human rights by commending the Washington College of Law for its continued support of the competition, noting it is “an excellent way for students to learn the [human rights] jurisprudence.”³⁰

28. Martin & Rodriguez-Pinzón, *supra* note 17.

29. *Id.* at 3.

30. Christina M. Cerna, The Inter-American System for the Protection of Human Rights, 16 Fla. J. Int'l. L. 195, 211 (2004).

Castan Centre Human Rights Moot (Australia)

The Castan Centre Human Rights Moot, which started in 2007, is the newest human rights moot. The competition is conducted over a two-week period in August/September each year, and was originally only open to law students from within the state of Victoria. However, due to its success and the keen interest from law schools outside of Victoria, the 2011 competition was opened up to teams from any Australian university.

Initially, universities each fielded two teams of three students. However, in 2009, due to student demand, universities were permitted to enter three teams of three students each. The students take on the role of senior counsel, junior counsel and instructing lawyer. No coach is allowed. This model maximizes opportunities for student involvement by having larger teams. Students are not confined to the same role throughout the competition, and often swap roles in different rounds.

Each team submits an outline of its arguments, highlighting the issues the team is focusing on, and a list of all cases, treaties, and other authorities/jurisprudence on which they will rely. The written submission is generally prepared by the student who acts as the instructing lawyer. It gives that student an opportunity to develop their skills in applying human rights arguments in the written form, while their teammates develop skills at verbally articulating human rights arguments. In stark contrast to the Inter-American moot competition, the written submission is capped at two pages and counts for only 5 percent of the overall marks, with most of the score coming from the students' oral presentations. This reflects the limited time that students have to prepare the written submission, and the weight that the organizers place on the oral argument.

Each team competes in two preliminary rounds. In the first round they argue for one side, and in the second round they swap and have to take the opposing position. Requiring teams to argue that there has been a breach of human rights, as well as that there has been no violation of human rights, gives them a more nuanced understanding of human rights law.

The four top teams progress through to the semi-final round, which is conducted a few days after the preliminary round, and is based on the same human rights problem. The use of a single problem throughout the competition maximizes the opportunity for students to engage in deep learning. By researching and arguing the same problem again and again, students' learning and knowledge increases, and as a result, the quality of their work and presentations improve.

To demonstrate the nature of the human rights issues being mooted by students in this competition, one of the past problems is set out below.

JRJ is a prisoner at the privately run prison in Sale Victoria. JRJ is a practising Sikh whose adherence to his beliefs requires that he wear a turban and precludes the wearing any other, or additional, head coverings. JRJ was recently moved from working in the woodwork section of the prison to metal

fabrication and welding work area. Working in this area requires JRJ to wear a helmet. JRJ refused on the basis of his religion. The guards did not accept this as an excuse and forcibly removed JRJ's turban in front of other prisoners. The guards argued that wearing the helmet was necessary in order to comply with workplace safety regulations and stated that there was no reason that JRJ should be subject to "special treatment" or "get out of" his work obligations just because he considered himself "different." JRJ was forced to go without his turban for two weeks until, after complaining daily to prison authorities, his turban was returned to him and he was placed in the woodwork area again where he was not required to wear any head protection.

JRJ felt humiliated and extremely distressed at being forced to remove his turban for a two-week period. He feels that his right to practice his religion has been severely compromised.

Since this event, the guards have subjected JRJ and other prisoners to frequent room searches in which private letters from his family have been opened and read in front of him, and are sometimes confiscated. JRJ also claims that letters from family and friends do not always reach him, that they were often already opened, and that sometimes pages were missing. JRJ has asked his family to stop writing to him as he feels that his communication with them is his last area of privacy and does not want the guards reading his personal letters.

The guards have stated that the room searches are not connected to the "turban incident" or directed at JRJ, but rather are part of a prison-wide crack down on security. This crackdown was sparked by a violent incident which occurred as a result of a knife which was smuggled in through arrangements made between a prisoner and outside friends. The guards state that it is in the interests of the prisoners that cell checks are held frequently and randomly to ensure that prisoners are not able to hide or destroy anything which the authorities need to be aware of or remove. They state that reading the letters sent by family and friends is part of the security crackdown.

JRJ is suing the prison operators for assault and also for a violation of his rights under the Charter of Human Rights and Responsibilities Act 2006. He claims that his right to freedom of religion and belief has been violated, and that he has been treated in an inhumane and degrading way when deprived of his liberty. He also claims that the searching of his cell and opening of his personal mail constitutes a violation of his right to privacy. He also asserts that these actions have damaged his relations and communications with his family, undermining the protection of families offered under the Victorian Charter of Human Rights and Responsibilities.³¹

This problem provides enormous scope for students to engage deeply with a variety of fundamental human rights doctrines and how human rights law can be applied to the problem in a real and meaningful way. Through preparing and arguing this case (as with all moots), participants not only increase their understanding of complex doctrines surrounding rights such as

31. This, and other past moot problems, can be downloaded from the Castan Centre web page, available at www.law.monash.edu.au/castancentre/events/2009/moot.html.

freedom of religion, privacy and protection of family, but they also understand the limitations of human rights laws in practice.

Because the Castan Centre Human Rights Moot sits outside the law curriculum, students do not receive any academic credit for their participation. In order to ensure that there is an incentive to take on all the work involved in being part of a human rights moot, over and above their regular study commitments, monetary prizes are awarded to the winners and runners up. Of the three moots analyzed in this article, The Castan Centre Moot is the only one that provides prize money. While the opportunity to win prize money has proved a good incentive for students wanting to enter and perform to the highest standard, we wonder how this affects the intrinsic motivation and aim of deep learning for the students.

Students who have participated in the Castan Centre Human Rights Moot have benefited significantly from the intensive hands-on learning involved in preparing for, and participating in, this competition. As one mooter noted:

I learn[ed] a lot [from the moot]. I now know how the Charter [of Human Rights] operates, and will know for the rest of my career which is really valuable. Before entering the competition I was s[k]eptical about the Charter; I thought that it will have limited impact. After applying it, I feel pretty confident that it is going to make a real difference and be a cornerstone of Victorian law.³²

In 2010, the organizers of the Castan Centre Human Rights Moot surveyed participants on their perception of the moot and how it could be improved. The results reveal that the moot is meeting its aim of increasing students' knowledge of state human rights legislation, with 90 percent of students reporting that they felt more comfortable incorporating human rights into legal arguments than before they participated in the moot.³³ Thus, the moot is providing students with practical experience in using human rights arguments which is likely to make them more comfortable and knowledgeable about using such arguments once they enter practice. One student commented, "I think the moot is valuable in getting to terms with the machinery of the Act, learning about difficult issues with procedure and how it all fits together. I would certainly be more confident in using the Charter in practice."³⁴ Although this moot competition is barely five years old, this feedback demonstrates that it is having its desired effect of providing students with deeper knowledge, skills and confidence regarding human rights law and its application.

32. Email from a La Trobe University student to the Castan Centre, Sept. 30, 2009 (on file with authors).

33. Online survey conducted in September 2010 via Survey Monkey (results on file with authors).

34. *Id.*

Conclusion

The African, American and Australian human rights mooting competitions exemplify the way in which moots can be effectively used to provide human rights education through memorable and practical experiential learning. Educators wanting to teach students about human rights do not have to re-invent the wheel; for the three competitions analyzed above provide useful models that can be readily adapted. They demonstrate that mooting can be about much more than just learning courtroom skills and can, in fact, provide a useful tool for students to engage deeply with the substantive area of law on which the moot questions are based.

A human rights moot promotes experiential learning, giving law students the chance to translate theory into practice and apply human rights laws to real life problems. Students sometimes think human rights are an abstract concept articulated only in UN treaties and domestic human rights instruments. However, when a student who has volunteered (and even paid to participate) is presented with an actual problem that they have to work through using human rights principles, those laws quickly become real, and students relish the opportunity to use them to resolve the problems. The process of reasoning issues through, and answering questions, results in students truly engaging with, and experiencing human rights laws and jurisprudence, as opposed to just knowing about the abstract concepts.

The deep engagement with legal doctrine can play an important role in promoting increased knowledge of, engagement with and respect for human rights, as well as form a vital part of legal education and the preparation for legal practice. As Martin and Rodriguez-Pinzón noted, human rights moots have “contributed to expanding the methodological possibilities in legal education.”³⁵

Finally, it should be noted that a human rights moot can be organized on a smaller scale than the competitions discussed above. Teachers and lecturers can facilitate the opportunity for students to learn human rights in a dynamic and practical forum through organizing this kind of moot within their own classroom or school.

35. Martin & Rodriguez-Pinzón, *supra* note 17.