

## Spring School with Moot Court Vietnam 2018

### Fundamental Rights and their Impact on the Civil Law System

5 until 14 March 2018

An intercultural exchange on law, getting to know a foreign legal system and discussing current events in society – The Spring School 2018 on “Human Rights and Fundamental Rights and their Impact on the Civil Law System” offered 12 German students from the HTW Berlin, the Humboldt University Berlin and the Georg-August-University Göttingen along with 12 Vietnamese students from the Hanoi Law School and Hanoi University the chance to work together on human rights issues. The 6th law seminar between Germany and Vietnam was held from the 5th to the 14th March 2018 in Hanoi and Mai Châu.



Group picture after finishing the Moot Court on the last day

### A. First days in Hanoi

#### I. Preparation and arrival

Before going to Vietnam and for the purpose of preparation, the German students met twice in Berlin where the Berlin students first got to know each other and topics for the presentations were allocated. Then it was finally time and the German students traveled individually to Hanoi. Everyone was very excited and looked forward to the upcoming time.

## II. The program

On the first day of Spring School on Monday (5 March), the program started in Hanoi, after all the German students had arrived throughout Sunday. The first day started with a breakfast at the hotel, where the students from Berlin met the other German students from Göttingen for the first time. After breakfast the German group started into the program with a visit to the Vietnam office of the Friedrich-Ebert-Stiftung (FES), where the German students were warmly welcomed by Dr. Tieu Dung Tien, the deputy head of the Vietnamese FES-Office in Hanoi and his employees. After a short introduction on the work of the FES in Vietnam, Dr. Tieu Dung Tien started to explain the younger history and the present economic, social and legal situation in Vietnam. After the presentation, the students had the opportunity to ask questions and the first small discussion of the seminar began.

After a fresh Vietnamese lunch the program continued in the afternoon with a political walk around Hanoi. The group visited the Temple of Literature, a great symbol of education and the value of learning in Hanoi.



Temple of Literature, Hanoi

In the evening the FES had planned a welcome dinner, where all the German and Vietnamese students had the chance to meet each other for the first time and to get to know each other better. It was a very nice evening with interesting talks and everyone enjoyed the great selection of delicious Vietnamese dishes.

On the next day all students visited Hanoi Law University, where they were welcomed by the Vice Rector, Ms Vu Thi Lan Anh. This was followed by short presentations about the participating Vietnamese and German universities held by the students.



Opening Ceremony at the Hanoi Law University

After that, the students attended general introductory lectures held by German and Vietnamese Professors, such as “Protection of Fundamental Rights by the Vietnamese Constitution” held by Dr. Tran Ngoc Dinh (Hanoi Law University), “The Civil Code 2015 of Vietnam” held by Dr. Nguyen Minh Oanh (Hanoi Law University) and “Institutions” held by Dr. Sina Fontana (Georg-August-University Göttingen).

On the next early morning and also last day in Hanoi all students met again at the FES-Office, where they attended the lecture “Terminology and Legal Sources” held by Louis Rolfes (Humboldt University Berlin). After that interesting lecture the group went for a walk to the German Embassy, where they were invited. After a warm welcome of the General Secretary of the German Ambassador, the students had the opportunity to ask questions, followed by a discussion about current political topics. After a joint lunch that day it was time to say good bye to Hanoi and the group traveled together by bus to Mai Châu.

## **B. The time in Mai Châu**

### **I. Arrival**

After a four-hour bus ride through the impressive landscape of Vietnam, the group finally arrived in Mai Châu. Mai Châu is a rural district of Hòa Bình Province in the Northwest region of Vietnam and is located in a beautiful valley, surrounded by hills at about 160 km from Hanoi. It is a very different place than Hanoi, much calmer and pure nature. The noise, the hustle and bustle of Hanoi had disappeared and all the students were a little relieved and looked forward to the upcoming time.

## II. Lectures during the seminar

The seminar in Mai Châu began with the lecture “Human Rights and Fundamental Rights” held by Louis Rolfes (Humboldt University Berlin) and after a joint lunch the students’ presentations started and were also held in the following days. Each students’ group of two had had to prepare a presentation on a human right such as “Respect for private life”, “Data Protection”, “Freedom of Opinion”, “Human dignity”, “Freedom of assembly and of association”, “Women’s and children’s rights”, “Right to property including the freedom to conduct a business”, “LGBT rights”, “Legal protection”, “Minority rights”, “General principle of equality – in particular non-discrimination” and “Freedom of occupation – including the right to education”. Each presentation was followed by a discussion of the students.



A presentation held by a Vietnamese student

Both the presentations and subsequent discussions have made everyone think and helped to understand each other’s legal system a bit more. It was very interesting to hear the different opinions.

## III. Moot Court

After all presentations and discussions the students attended the lectures “The Radiation of Fundamental Rights into the Civil Law System” and “Legal Methodology”

held by Prof. Dr. Michael Jaensch. Both lectures completed the basis understanding of the students in purpose of preparation for the upcoming Moot Court.

The Moot Court, held in the last days of the seminar, offered the chance to not only discuss legal issues, but also work on them together. In binational teams with two German and two Vietnamese participants each, the students got to know a decision by the European Court of Human Rights (ECHR). During one day of preparation, the teams thought of arguments and interpretations of the relevant European and Hungarian laws for both the applicant, an internet service provider, and the respondent, the Hungarian government. During an intense Sunday, spent with balancing the right to freedom of opinion with the dignity of a third party, understanding different perspectives and constructing a solid line of argumentation, the groups grew together as a team. The results were presented in three mock trials on the following day, where each team surprised with a different focus and interpretation that made it not only interesting and exciting to present one's own results, but also gave the possibility to learn from another once more.



During the Moot Court

All in all, everyone has learned a lot from each other and it was a challenging but rewarding event.

#### **IV. Vietnam impressions**

On the last full day in Mai Châu the whole group had a joint bicycle tour through the breathtaking landscape of Mai Châu and the villages of ethnic minority groups.



Sunny day in Mai Châu



Bicycle tour through rice fields in Mai Châu

Everyone had fun and were curious to explore the area. The rice fields and the mountain landscape were beautiful.

## **V. Resumé**

Time in Mai Châu passed by so quickly and after that great time, the group traveled back to Hanoi together and everyone had to say good bye to their new friends and to beautiful Vietnam.

Looking back, it has been a great time and everyone has faced many challenging but also wonderful moments. It was not easy to overcome language and cultural barriers, different views and different legal systems. But we worked together as a team. The good cooperation and the Vietnamese hospitality has made the Spring School an unforgettable experience and in the end everybody had a better understanding of the Vietnamese culture, history and way of life.

We would like to express a big THANK YOU to our supporters and sponsors and everybody else who was involved in making this experience possible!

Margarita Alexejewa, Anne Daetz, Alina Erzmänn, Sophie Gereke, Antonia Inverardi, Ria Joshi, Lena König, Felix Kraul, Lorenz Lang, Lara Schmidt, Annika Werner and Ann-Christin Wessel