

Spring School and Moot Court Vietnam

Human Rights and Fundamental Rights and their Impact on the Civil Law System
13 March to 23 March 2016

From 13 March till 23 March 20 Students from HTW Berlin, HU, Hanoi Law University and Hue Law University took part in the fourth Law Seminar between Germany and Vietnam – this year for the first time a spring school – including a Moot Court taking place in Hanoi and Ninh Binh. Topic of the seminar was “Human Rights and Fundamental Rights and their Impact on the Civil Law System”.

1. Preparation and arrival in Hanoi

The seminar was organized by Professor Michael Jaensch from HTW, being in charge of the four HTW Students and Alexander Tischbirek for the four HU Students. Further the Vietnam office of the Friedrich Ebert Foundation (FES) and Hanoi Law University (HLU) contributed to a good environment during the spring school.

After two short and formless meetings in Berlin where the German students got to know each other and topics for presentations in Vietnam were assigned, the participants were warmly welcomed by the FES Office in Hanoi on the first day of the seminar (14 March). Erwin Schweisshelm, head of the FES-Office in Hanoi, and his staff held introductory presentations on the political situation in Vietnam, including subjects such as: Freedom of Media, the Vietnam-China Conflict and the role of women in Vietnam. Later that evening, during a joint welcome dinner the German students were not only introduced to Vietnamese cuisine but also got to know their Vietnamese colleges.



The following two days the students attended various lectures at Hanoi Law University held by Vietnamese Professors and their German colleges. Including the following:

- "Introduction to the legal system and legal education in Vietnam/ Germany"
Vietnamese and German students
- "Protection of Fundamental Rights by the Vietnamese Constitution"
Mr. Dr. Trần Ngọc Định, HLU
- "Human Rights and Businesses"
Prof. Dr. Jürgen Simon, HLU
- "State liability for compensation under Vietnamese Civil Law in the context of protecting human rights in Vietnam"
LLM. Nguyen Minh Oanh, HLU
- "Human Rights Institutions"
Prof. Dr. Michael Jaensch, HTW

2. Ninh Binh

In the afternoon of the third day, the participants drove to rural Ninh Binh where most of the students' presentations on the individual human rights were held and the Moot Court should take place.

Students Presentations

Each student had to prepare a presentation on a chosen human right. The presentations included not only a depiction of the right's legal framework, but were also followed by debates on current and controversial human rights issues. Especially the discussion that followed LGBT-Rights and the freedom of opinion were vivid and of high value, not only comparing the countries legal systems but also sharing new and interesting opinions.



Moot Court

Once every participant had given his or her presentation, it was time for the Moot Court Competition. Prof. Dr. Jaensch and Alexander Tischbirek introduced the case *Hasan Yazici v Turkey* to the audience. It did not come as a surprise to the participants that this case dealt with the violation of human rights and its impact on the civil law applicable in this case.

The participants were then divided into four groups, each consisting of Vietnamese and German students. Two groups represented the applicant and two groups the defendant. But at first the groups had to prepare their arguments and write two memorials, one for each party. It then came to the actual pleadings in front of a panel of judges. The panel was composed of Prof. Dr. Jaensch, Alexander Tischbirek, Prof. Dr. Jürgen Simon and Dr. Nguyen Minh Oanh.

Both rounds started with pleadings of each party and ended with very lively legal debates. At the end of the day, the judges had to decide upon the winning team which was afterwards solemnly announced.



3. Behind the scenes & Excursion

Due to the remote location of Ninh Binh, the students were compelled to get used to each other very fast, resulting soon in gripping conversations not only between the students themselves but also with Prof. Dr. Michael Jaensch and Alexander Tischbirek.

Concerning the board: lunch and dinner, the participants mostly had joint group dinners. The variety of different Vietnamese food was stunning. In the evenings, two nearby restaurants gave the opportunity for gatherings in smaller groups, enjoying local schnapps and get to know each other better. The most fun event was definitely when the entire group assembled in the resorts karaoke room for a night of good and less good singing demonstrations.



On the last day in Ninh Binh, the participants went for an excursion to the Trang An Grottoes and Bai Dinh Pagoda. Trang An grottoes which is a gathering of 31 valleys, 50 cross-water caves, and home to 600 kinds of flora and over 200 kinds of fauna, was our breath taking scenery while rowing through the quiet, fresh air of the highlands, with only the sound of birds and the oars stirring the clear water and surrounded by magnificent forested mountains upon which white goats graze. Bai Dinh pagoda was not less astonishing being the biggest pagoda in Southeast Asia offering hundreds of Statues to see.

4. Back to Hanoi and review

After nine days it was time to go back to Hanoi where our spring school had once started. Looking back on the ten days of our spring school, we can say that we not only had the great opportunity to learn a lot about the countries' legal systems, but also had the pleasure to explore one of the most interesting countries in Southeast Asia. Furthermore, it was a unique event that allowed us a good understanding of the culture and the history of Vietnam. Certainly, we will come back to this amazing country one day and until then, we will tell anyone the mesmerising stories we experienced.

Therefore, we are very grateful to Friedrich Ebert Foundation, HTW Berlin and the German Academic Exchange Service (DAAD) for their generous funding that made our summer school possible.



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