

## Spring School and Moot Court Vietnam 2017

13 until 22 March 2017

The Spring School 2017 on “Human Rights and Fundamental Rights and their Impact on the Civil Law System” was held from 13 March until 22 March 2017 in Hanoi and Mai Châu, Vietnam. Four Business Law Students (LL.B/LL.M.) from HTW Berlin and four law students from Humboldt Universität Berlin (HU) as well as twelve Vietnamese Students from Hanoi Law University (HLU) and Vietnam National University (VNU) got the unique opportunity to participate in the 5<sup>th</sup> Law Seminar between Germany and Vietnam – including a Moot Court.



First group picture at the Hanoi Law University

### A. Introduction and arrival in Hanoi

The seminar was organised by Friedrich-Ebert-Stiftung (FES) Hanoi in cooperation with Professor Dr. Michael Jaensch from HTW Berlin and Linda Schneider from HU. The seminar for exchange between Vietnamese and German student is sponsored by FES, German Academic Exchange Service (DAAD) as well as by the German Law Centre at Hanoi Law University (HUL) and the HTW Berlin, for without these backers and organisations the exchange programme wouldn't exist.

For the German students' preparation, there were two prior meetings in Berlin where they first got to know each other and topics for the presentation were allocated. On the first day of the Spring School, the German students were warmly welcomed by Erwin Schweisshelm, the head of the Vietnamese FES-Office in Hanoi and his employees. They gave their German guests an insight into the political and economic situation as well as into the Vietnamese culture and the daily life in Hanoi by brief presentations followed by a sightseeing tour through Hanoi. During a joint welcome dinner the German students met their Vietnamese fellow students and enjoyed the varied and tasty Vietnamese food.



In front of the Temple of Literature, Hanoi

In the next two days, the students attended general introductory lectures at Hanoi Law University held by German and Vietnamese Professors. Including the following:

- “Introduction to the legal system and legal education in Vietnam/ Germany” by Vietnamese and German students
- “Terminology and Legal Sources” by Linda Schneider
- “Justice for Children in Vietnam” by Dr. Dao Le Thu, Director of Center for Comparative Public Law, Comparative Law Center, HLU
- “Implementing international commitments on the rights of the child labour in Vietnam”, by LL.M. Le Thi Anh Dao, HLU
- “Human Rights Institutions” by Prof. Dr. Michael Jaensch, HTW
- “Protection of Fundamental Rights by the Vietnamese Constitution” by Dr. Trần Ngọc Định, HLU
- “Human Rights and Businesses” by Prof. Dr. Jürgen Simon, HLU



At the Hanoi Law University

## B. Mai Châu

In the afternoon of the third day, the whole group went to Mai Châu, located in an idyllic valley, surrounded by hills. The Mai Châu area is a world away from Hanoi's hustle and it was a big relief for most of the German students. The small town of Mai Châu itself may be unappealing, but just outside a picturesque patchwork of rice fields rolls out, speckled by tiny villages of the Thai minority.



Beautiful landscape in Mai Châu

### **Student Presentations:**

In Mai Châu the schedule was rather tight. Ms. Linda Schneider highlighted the distinction between Human Rights and Fundamental Rights, which served as a preparation for the student's presentations on human rights issues. Each student had to prepare and give a presentation on a human right. The presentations were each followed by a debate.

### **Moot Court:**

The Spring School concluded with a Moot Court Competition. Prof. Dr. Jaensch introduced the case of *Barbulescu v. Romania* to the audience. The case dealt with the violation of human rights and its impact on the civil law applicable in this case.

The participants were split into four groups, each consisting of Vietnamese and German students. Each group had to prepare arguments and write down memorials for both sides, the applicant and the defendant. Only on the day of the moot court, the students learned which sides they are representing - either the applicant's or defendant's. The arguments were presented in front of the panel and the audience. At the end of the day, the judges had to decide upon the winning team.



During the Moot Court

Although, the time was rather short, all groups had interesting legal arguments and explained their point of view vividly in front of the court. It was a great experience for all participants reflecting on legal issues and reasoning from different perspectives and cultural backgrounds.

#### **Excursion:**

On the last full day, the students and professors had one final joint experience. On a bicycle tour we discovered the beautiful landscape of Mai Châu. The weather was amazing and the participants got to see many traditional silt houses, which are found in the area. In the evening everybody enjoyed a traditional “Hot Pot”-Meal together.

### **C. Review**

After a great time in Mai Châu, all the participants returned to Hanoi, and sadly the Germans had to say good-bye.

Looking back on the ten days of Spring School, we can all say that we learned much more than just facts about the country’s different legal system. We were challenged to reflect about our methods to approach legal issues, about explaining, discussing and question the material law we are familiar with. It was not always easy to overcome language and cultural barriers; however, we experienced great teamwork and conquered all upcoming difficulties.

More than that we had the chance to witness the outstanding hospitality of the Vietnamese people and the beauty of their country. We left the country with a better understanding of the Vietnamese culture and history. Also, we hope to have inspired the Vietnamese students by our stories about the German culture and history.



In the end, we would just like to express a big thank you to our supporters and sponsors and everybody else who was involved in making this experience possible!

Maria Jacob, Cindy Kasischke, Katharina Kuhn, Sebastian Biesel  
Friederike Grischek, Antonia Felber, Elisa Steinhöfel, Florence Stürmer