

Spring School with Moot Court Vietnam 2019

Fundamental Rights and their Impact on the Civil Law System

4 March 2019 until 13 March 2019

A. INTRODUCTION

The 7th Spring School on “Human Rights and Fundamental Rights and their Impact on the Civil Law System“ was held from 4 March until 13 March 2019 in Hanoi and Mai Châu, Vietnam. It was organised by the Friedrich-Ebert-Stiftung (FES Hanoi) in cooperation with HTW Berlin, Humboldt Universität and Georg-August-Universität Göttingen. This program offered 12 students from the aforementioned German universities along with 12 Vietnamese students from Hanoi Law School and Vietnam National University the unique opportunity to exchange know-how and to discuss and work together on human rights issues. An important part of this program was also the Moot Court that was held in the last days of the seminar.



Closing ceremony

B. HANOI

The trip led many of us via Moscow. The route is highly recommended both in terms of price and duration. At the airport in Hanoi you can get cash and a new SIM card directly, and you can also call a taxi. You have to get used to the city traffic. Crossing a street on foot will take a lot of courage. One could read this in every travel guide before, but the reality nevertheless surprises.



Traffic in Hanoi

After our arrival in Vietnam's capital and an initial culture shock, our program began on 4 March. With a lot of effort, several taxis were called to take us all to the FES. The Friedrich Ebert Stiftung is the most important local organizer of the program. There we received introductory lectures on the political situation in Vietnam. In the following political city tour, we visited the Ho Chi Min Mausoleum and the Temple of Literature. This gave us the opportunity to get to know the other German participants. In the evening, we all got together with the Vietnamese students for dinner.



Joint welcome dinner with the Vietnamese and German students

The next day we were transported to Hanoi Law University again with a lot of effort - against the Hanoi city traffic even the experienced taxi drivers are powerless. The vice-rector welcomed us and started therewith the teaching part of the program. First, the Berlin and Vietnamese students introduced their courses to each other. The Vietnamese students showed particular interest in the structure of the traditional law studies in Germany. Afterwards, we received lectures by Dr. Sina Fontana (Universität Göttingen) on the terminology of fundamental rights and institutions that play an important role in the protection of Human Rights as well as lectures on Vietnamese constitutional and civil law by two Vietnamese professors.

Before we went to Mai Châu the following day, we received another lesson in the morning and made a visit to the German Embassy. After a joint lunch, we boarded the buses. In full throttle and overtaking mode, we reached Mai Châu in a much shorter time than planned.

C. MAI CHÂU

I. Arrival

The group arrived in Mai Châu after a three-hour bus ride. On the way, the impressive nature of Vietnam was wrapped in dense fog. Mai Châu is a district in the northwest of Vietnam, which has only around 50.000 inhabitants. It offers beautiful landscapes, caves and rice fields. After the first days in the tight and bustling streets of Hanoi, the second place of the Spring School felt like a completely different world. As if you moved from a city to a jungle.



The Landscape of Mai Châu

II. Lectures

After the first lecture in Mai Châu "Human Rights and Fundamental Rights" which was held by Louis Rolfes (Humboldt University) the students' presentations began. Each of them took about 20 minutes and referred to a topic related to human rights, especially focused on the European Convention of Human Rights. The presentations covered "Freedom of assembly and association", "Respect for private life", "Personality Rights", "Freedom of arts and science", "Right to property", "Freedom of occupation – including the right to education", "Women's and children's rights", "Legal protection", "General principle of equality – in particular non-discrimination", "LGBT Rights", "Freedom of opinion" and "Minority rights". All presentations were followed by extensive and substantial discussions.



Student's presentation

The discussions showed even more as the presentations how different German and Vietnamese students think about the role of Human Rights in the world. Both sides learned a lot about the views of the foreign students and the general legal system of the other country. That made the presentations and discussions one of the most educational parts of the Spring School.

III. Moot Court

Before the Moot Court began, the group was prepared with the presentations "The Radiation of Fundamental Rights" and "Legal Methodology" held by Prof. Dr. Michael Jaensch (HTW Berlin). The basic legal knowledge of the students has been refreshed to allow efficient working on the upcoming case.

On the day before the Moot Court was held, teams composed of two German and two Vietnamese students were created. German and Vietnamese participants had to work together on the published case concerning the right to privacy of a political candidate and the related judgment of the European Court of Human Rights. Two memorials, one for the applicant and one for the respondent, were required from each team. It was necessary to deal with both sides, find arguments to refute the arguments from the other party and convince the court. The teams didn't know on which side they will be

pleading until a few minutes before. That ensured that no team neglected the arguments of one party.

The Moot Court was held in three rounds. Each round contained new arguments of the applicant and respondent side and showed how efficient the multinational teams worked together on both perspectives. Every team could find a clear structure in their pleadings and it was highly interesting to listen to the following rebuttals. Overall the Moot Court was the perfect event to practice working on legal problems in an international team, hence it was reviewed very positively.



The "ECtHR" during the Moot Court

IV. Last day at Mai Châu

On the last full day at Mai Châu, we went on a joint bicycle tour to get some final impressions of the impressive landscape around the village.



Excursion

We cycled past green rice fields in front of high mountains. We visited the villages of the ethnic minority groups and could take a look at the typical stilt houses. We also

drove past a lot of cute dogs. It was a perfect trip to close the Spring School with some very unique impressions of Vietnam.

D. RESUMÉ

Time flies – the next day we had to leave Mai Châu and travel back to Hanoi. This also meant to say Goodbye to all our new friends.

We want to give a big thank you to the organizers, supporters and sponsors of this special trip:

It gave us the unique opportunity to not only face challenging situations - regarding the presentations or the Moot Court - but also to work in intercultural groups and to try to overcome cultural and language barriers. We are of the opinion that we did a great job in learning a lot of new things on both, the German and the Vietnamese side. We all left Vietnam richer than we arrived: concerning knowledge and great experiences.

Thanks again to the FES, the participating universities and all the other great people who were involved in this program. Everyone played an important part in making this trip a special one.

And if YOU are reading this, thinking about signing in for this Spring School: DO IT!
You will never forget it!

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