

ARMENIA - GERMANY

Network East West 2019



Grußwort des Prof. Dr. Martin Heger



Liebe Studierende,

wir freuen uns sehr, dass auch das diesjährige Netzwerk Ost-West wieder erfolgreich durchgeführt werden konnte und somit vielen Studierenden die Chance eines rechtsvergleichenden Austausches geboten wurde. Zum ersten Mal konnten wir Projekte in sieben Partneruniversitäten in Mittel- und Osteuropa anbieten und somit 64 Studierende der Juristischen Fakultät, sowie ebenso vielen Studierenden der Partneruniversitäten, die Chance geben, sich wissenschaftlich zu beschäftigen und rechtsvergleichend auszutauschen. Für viele Beteiligte stellt das Netzwerk eine der ersten Möglichkeiten dar internationale Erfahrung zu sammeln und bietet daher wichtige Impulse für ihren weiteren Werdegang. Da unsere Studierenden den Gedanken der Völkerverständigung unmittelbar in praktische Arbeit umsetzen können, stellt es für uns Freude, wie auch Ansporn dar, an unserem Projekt festzuhalten und es bestmöglich umzusetzen.

Zu unseren diesjährigen Partneruniversitäten zählen, wie bereits im letzten Jahr, die Juristischen Fakultäten der Universität Lettlands in Riga, der Nationalen Taras Schewtschenko-Universität in Kiew, der Staatlichen Ivane Javakhishvili Universität in Tiflis, der Eötvös-Loránd-Universität in Budapest, der Karls-Universität in Prag sowie der Russisch-Armenischen Universität in Jerewan. Außerdem sind wir hoch erfreut dieses Jahr erstmalig auch die Universität von Bialystok in Polen zu unseren Partnern zählen zu dürfen.

Der diesjährige Austausch fand im Zeitraum zwischen dem 29.07.2019 und 11.08.2019 statt. Dabei reisten zunächst die deutschen Teilnehmerinnen und Teilnehmern in das jeweilige Partnerland, um dort gemeinsam mit ihren Austauschpartnerinnen und -partnern eine überaus spannende Woche zu verbringen. Anschließend machten sich alle Beteiligten gemeinsam auf die Reise nach Berlin, wo zunächst alle Gruppen bei einem gemeinsamen Empfang Willkommen geheißen wurden. Außerdem gab es die Möglichkeit für alle Teams ihre vergangene Woche mitsamt ihrer bisherigen wissenschaftlicher Erkenntnisse vorzustellen. Es folgte eine umfassende Projektwoche in Berlin, bei der den Gästen sowohl wissenschaftlich, sowie auch kulturell die Stadt gezeigt wurde. Insgesamt waren wir somit bestrebt eine länderübergreifendes Gesamtprojekt zu gestalten. Dieses Ziel wollen wir auch in der Zukunft noch weiter vorantreiben.

So gab es am Freitag der Projektwoche in Berlin die Möglichkeit sich bei einem gemeinsamen Grillabend im Innenhof der der Juristischen Fakultät der Humboldt-Universität über die gewonnenen Eindrücke auszutauschen. Ebenso waren Alumnae und Alumni des Netzwerks herzlich zu diesem Zusammentreffen eingeladen. Dies gab ihnen eine gute Gelegenheit sich mit neuen und alten Teilnehmenden auszutauschen und somit die Verbindung zum Netzwerk Ost-West zu erhalten. Gleichzeitig konnten auch die diesjährigen Teilnehmer und Teilnehmerinnen mit Ehemaligen ins Gespräch kommen.

Ich freue mich sehr, dass mit dem vorliegenden Projektjournal eine Publikation entstanden ist, die die Fachthemen des Seminars sowie die

Veranstaltungen des Rahmenprogramms vorstellt und festhält. Dieses Journal sowie alle weiteren Projektjournale sind auch in digitaler Form auf unserer Homepage www.netzwerk-ost-west.de abrufbar. Den Autorinnen und Autoren des Journals danke ich für ihre Arbeit.

Die einzelnen Projekte des Netzwerks Ost-West stellen von Beginn an eine studentisch organisierte Initiative dar und können bis heute nur durch das riesige Engagement der Organisatorinnen und Organisatoren, sowie der Tutorinnen und Tutoren durchgeführt werden. Ihnen sei an dieser Stelle herzlich für den großartigen Einsatz im diesjährigen Projektjahr 2019 gedankt!

Ein eben solcher Dank gilt auch allen Mitarbeiterinnen und Mitarbeitern der Humboldt Universität und aller Partneruniversitäten, durch welche das gesamte Projekt überhaupt erst durchgeführt werden konnte. In Berlin sind dies insbesondere die Mitarbeiterinnen der Stabstelle Internationalisierung der Humboldt-Universität sowie die Koordinatoren Nils Hauser und Karl Leonard Lenke, aber ebenso die ehemalige Koordinatorin Hannah Rainer und der ehemalige Koordinator Michael Jahn. Während des Projektjahres 2019 wurde die Koordination weitergegeben und ich bin allen sehr dankbar, die einen so reibungslosen Übergang möglich gemacht haben.

Wir freuen uns bereits auf das nächste Projektjahr 2020 und hoffen auf weiterhin hohe Beteiligung sowie Engagement bei der Planung und Durchführung des Projekts. Aus den diesjährigen Teilnehmerinnen und Teilnehmern konnten bereits motivierte Studierende für die Durchführung des folgenden Projektjahres gewonnen werden. Ihnen wünsche ich viel Erfolg bei der Planung und bedanke mich im Voraus für das Engagement.

Besonderer Hervorhebung bedarf auch der Dank gegenüber den fördernden Stiftungen, ohne deren Hilfe das diesjährige Projekt nicht zustande gekommen wäre. Zu den diesjährigen umfangreichen Förderern zählen zum einen die Meyer-Struckmann-Stiftung, sowie der Deutsche Akademische Austauschdienst (DAAD).

Herzlichen Dank!



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Sunday, 28th of July & Monday, 29th of July

GABRIEL PRITZ



At Schönefeld Airport



When we started our exchange on Sunday evening on the benches next to the Kamps bakery at Schönefeld Airport, most of us Germans knew each other already. At several get-togethers we had the chance to meet the other participants, the organisers and tutors. Nevertheless, we had a quick round of introduction. Looking back, it's fascinating how we barely knew each other's names back then but were really close after only two weeks.

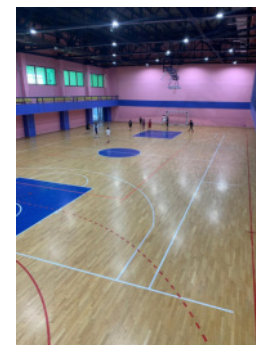
One sleepless night - From Berlin to Moscow to Yerevan



Shortly after midnight, we boarded the plane to Moscow. We arrived three hours later with a time difference of one hour. Envied were those who brought travel pillows and warm clothes, as Sheremetyevo airport was freezing, and we couldn't even go duty free shopping because of anti-EU sanctions. After sleepless hours in Moscow and another three-hour flight, we finally arrived in Yerevan, where we were warmly welcomed by the Armenian organisers. We then drove through the outskirts of Yerevan to our hostel listening to "La Bohème" by Charles Aznavour. Luckily, we then had some time to catch up on the lack of sleep.

Monday, 29th of July

GABRIEL PRITZ



While writing our seminar papers, most of us were already in contact with their Armenian partners, but now was the time to meet each other for the first time. Together, we walked around the neighbourhood and the Armenians showed us the closest supermarkets and banks and were happy to answer any question we had. This was the first of many times to experience their hospitality and openness. With bags full of local fruits, bread and cheese, we sat around a table outside of the hostel and had our first meal in Armenia, talking and getting to know each other.

Later in the afternoon, we left the hostel to go to the Russian Armenian University (RAU). In Yerevan, we enjoyed the luxury to take taxis wherever we wanted to go. After doing some energizers to bridge the waiting time, a whole convoy of cars arrived to take us to the university. We, the German participants, were a little shocked that it is unusual in Armenia to buckle up even in the front seats but got used to that in the course of the next days. Nevertheless, each taxi ride was a new adventure considering the racy driving style of our chauffeurs.

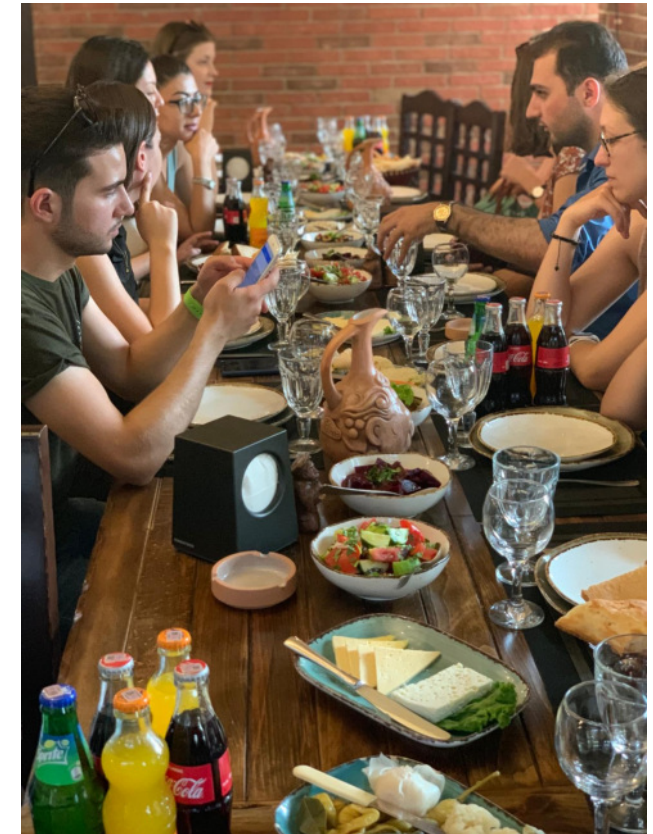
The RAU is one of the most renowned universities in Armenia, offering a wide range of study programs. Its main language of instruction is Russian and law students learn about both, the Russian and the Armenian legal system. Upon arriving at the campus, situated on a hill with a view of mount Ararat, we were shown around the premises. Unlike our faculty in Berlin, the RAU campus has sports facilities, beautiful gardens, fountains and appeals because of its calm atmosphere. In the main buildings we then had a first meeting, where we had another round of introduction and the Armenian organisers presented the diverse program for the following days.



From the campus we walked to a Georgian Restaurant where a table was already prepared for us with countless exotic dishes and local wine. In the course of the evening, the waiters always found space on the table to bring yet another fresh salad, potatoes in at least eight variations or famous Khachapuri and Khinkali.

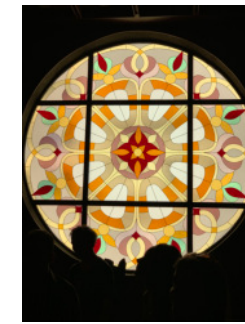
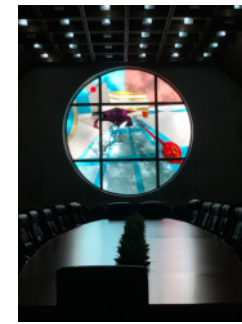
Rounding up this experience, a live band played traditional Georgian music and the Armenian tutors showed their dancing skills. Some of us joined in, others enjoyed a little digestion break.

After dinner, while we were introduced to the famous Armenian Brandy, many of the participants seized the opportunity to exchange host presents from Berlin and Yerevan. Still a little exhausted from the journey, we decided to walk back to the hostel and have some drinks there. We then enjoyed probably the only night with a full eight hours of sleep during the coming two weeks.



Tuesday, 30th of July

WRITTEN BY MANUEL



How the adventure began

After enjoying a good night's sleep and resting from the travels the first night in Armenia, we kicked off our first day with a joint breakfast at our hostel. Afterwards we headed to the Russian-Armenian University in order to work on our presentations and then had lunch together in the dining hall of the university.

In the afternoon we visited the Genocide Museum in Yerevan (Tsitsernakaberd). This was a very touching experience and broadened our understanding of the Armenian people and their history. We proceeded to the Cassational Court of the Republic of Armenia, which represents the highest authority in civil and criminal cases. There, we received a tour of the building and were provided an insight into the Armenian legal system by a legal expert working at the court.

After a short amount of free time in the afternoon we then ate dinner at the Dargett restaurant. As the restaurant is situated in the city-center and the weather was nice, we used this opportunity to take a walk around downtown Yerevan and gaze at the array of colorfully lit water fountains before going back to the hostel by foot.



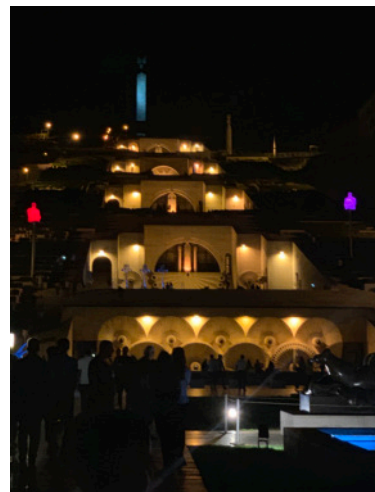
OUR FIRST DAY IN ARMENIA - CASSATION COURT



GROUP PICTURE OUTSIDE THE ARMENIAN GENOCIDE MUSEUM



YEREVAN BY NIGHT - REPUBLICAN SQUARE AND SINGING FOUNTAINS



Wednesday, 31st of July

WRITTEN BY MANUEL



How it continued - National gallery and Human Rights Defender

The beginning of the second day in Yerevan looked very much like the first one. We started with breakfast at the hostel and then prepared our presentations at University until lunch at the dining hall.

In the afternoon we took taxis - which represented our usual means of transportation - to the National Gallery. The National Gallery of the Republic of Armenia is situated in the city center and is home to a large collection of Armenian art, mainly paintings. Here, we enjoyed the privilege of a guided tour throughout which we heard of the great Armenian artists out of the different periods of time like Aivazovsky, Saryan or Avetisyan.

We then continued to the Human Rights Defenders Office in Yerevan. The Human Rights Defender is one of the most important institutions in Armenia to secure the Human Rights of every person living in the country and even has a basis in the Armenian constitution. Here, we received a short presentation from the deputy director of the institution and then had the opportunity to talk to and ask questions to several experts with the longest discussion emerging with the expert on the issue of refugees.

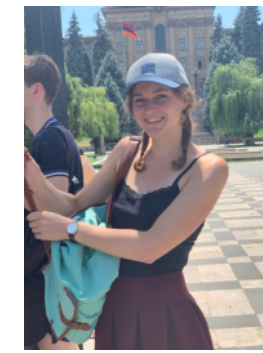
After this very enriching program, we prepared dinner ourselves at the hostel and spent the remaining part of the evening together in a bar in the city.

DAY TWO - AT THE HUMAN RIGHTS DEFENDER OFFICE



Thursday, 1st of August

WRITTEN BY LUCA



The third day - Visit at the National Assembly and Maternadaran

The first two presentations were held on Thursday. First, Garik and Julian spoke on "Exercise of state power in a modern democracy. Participative democracy using the example of referendums as an alternative or complement to representative democracy". Subsequently, the results of the legal comparison on the topic "New approaches to minority protection in a democratic state" were presented by Naira and Joel. After the daily meal in the university cafeteria, we went to the National Assembly, whose front garden has been open to the public since the 2018 revolution as a sign of proximity to the citizens. We went with visitor's cards and guidance first into a small exhibition space in which guest gifts of foreign countries were shown. In addition to many pieces from countries of the former Soviet Union, there was also a beer-bellied Berlin bear to marvel at. Afterwards we went with our guide, an employee of the parliament for many years, into the plenary hall in which we were informed about the Armenian parliament and were answered extensively questions. A visit to a negotiation room rounded off the visit. By taxi we went to the Maternadaran (Mesrop Mashtots Institute of Ancient Manuscripts). During the tour manuscripts as well as maps from past times were viewed and presented, which again showed the wide cultural-historical background of Armenia.

tasty filled dumplings and additional bread. The cozy sitting together was cheered up by bought as well as homemade wine during the wine tasting of the hostel. Around 22 o'clock we went together with the remaining Armenians on a one-hour walk (some would probably speak of a violent march) to a newly built well filled place in the city centre. This one trumped with several fountains. The main attraction was an approximately 10 meter wide fountain which formed a passage under which could be run dry. The dude was that the fountain stopped again and again and made people

under it wet. Large parts of the group took up the challenge and were able to go home afterwards (except one of the organizers who fell into the water at another well).



Friday, 2nd of August

WRITTEN BY LUCA



Day 4 - Brandy Tasting and Vernissage

On Friday Liliana and Manuel presented their results on "Hate speech vs. freedom of expression" and Tamara and Merle rounded off the lectures in Armenia with the topic "Freedom of press: rights and limits of media coverage regarding confidential state information". One last meal was served in the cafeteria and the basis was laid for the subsequent brandy tasting. We took a taxi to the Ararat Brandy factory and had a guided tour. Within the framework of the leadership a barrel for peace could be considered, which is to be opened after the solution of the conflict with Azerbaijan. The Azerbaijan flag in the room (besides the one from Armenia and the Republic of Arzakh) should be the only one in Armenia. Also numerous (well-known) politicians have their own barrel in the factory from which they can (theoretically) get brandy. The Brandy is sold in different ages, which results from the mixture of different old barrels. In the following tasting two different old brandys were tested. Since some of the older participants of the tour were particularly not impressed by the taste, we were able to enjoy older and numerous other tastings. Many bottles of the not quite cheap brandy were bought afterwards and a glass could be captured as a souvenir. By taxi we went to the Yerevan Vernissage market, where it was possible to buy some souvenirs. The next stop was an adjacent carpet knotting shop where everyone could try their hand at a knot before returning to the hostel. In the evening we dined in a quite good restaurant with its own room and many unintentionally opened bottles of green soda before Taron said goodbye (the first of three farewells), who unfortunately could not travel to Berlin due to a wedding. Afterwards a large part of the group went to celebrate.

BRANDY MUSEUM AND SOUVENIR MARKET



Saturday, 3rd of August

WRITTEN BY ANNALENA

On Saturday morning the whole group went on a road trip that led us to a picturesque scenery in the countryside of Armenia. Once we got off our little bus after a rather bumpy ride, we used our newly gathered energy to walk up a steep mountain path that guided us straight to an old monastery which we then entered to have a look around, light a candle and maybe find shelter from the burning sun for a second or two. The atmosphere inside these ancient walls was dominated by rather romantic candlelight, flickering shadows and exhausted Germans grasping for air. After we have all made a wish, we stepped back into the heat to find it has not been fulfilled. Bravely we started our route down south. On that familiar path we crossed again the view points that we had already stopped by on the way up, but again used them as an excuse to pause and take the selfies that we had already taken from a slightly varied angle. We found that this has also been the right time to line up everyone for a group picture. When all pictures have been taken, conversations have been held and buildings have been visited, we lifted our sunglasses and cleared our minds to just stand there, hands on our hips, and see what surrounded us: Water. This they called Sevan. We learned that Sevan was the largest body of water in Armenia. Full of exclusive knowledge, the group began to move further downhill, some rather sluggish, others driven by starvation. When we came to recognize the parking lot where the bus driver had dropped us off in the morning, we felt strong and somewhat proud. We let that sink in for a moment, then decided it was time to sit down again for a summery snack. So we went to get the butter-stuffed sugar bread. The twenty minute bus ride to the restaurant gave us time to digest the munchies we had spoiled ourselves with. Utterly perplexed, some still chewing, we then realized we were now walking straight up to the place where we were supposed to have lunch at. The atmosphere tensioned. Skipping lunch was not an option. We gave our tutors and organizers the mission to represent the common will of ours in front of the Armenian organizers, which was to delay lunch for an hour or two and go for a swim first. They succeeded. Cheerfully some of us got undressed and changed into their swim wear. Once in the lake, they soon reached a little island twenty meters from the shore. For the ones who laid by the beach and watched, this was very impressive stuff. So impressive that some fell asleep and woke up just in time for lunch with a proper severe sunburn on their legs, faces, ears, arms and other body parts that have not been covered by 50+ sun cream, clothes and a towel or a winter scarf. Eager to try and repair what damage can be repaired, the victims then went over to wind scarfs, towels and t-shirts around their heads and coat every inch of their skin with sun protection. With mixed feelings we trotted to the terrace where perfectly laid tables awaited us. In the following hour we ate. Some also got drunk of home-made schnapps, but they still ate. When we ate all the food on the table, we ordered more food for dessert. We ate it. Fine food, we thought. Mysteriously enough, many seemed to suffer under the consequences of a stomach infection the following days. Odd, we thought. It was time to go home eventually. At the hostel we had a rest and time to think of what we had experienced that day. But soon again it was time to eat dinner.

DAY TRIP TO LAKE SEVAN



Sunday, 4th of August

WRITTEN BY MERLE



How our journey ended



Our last day in Yerevan began with an excursion to two sites of notable importance for the Armenian culture and history. After having taken a bus ride through Armenia's fascinating countryside, we arrived at our first destination: the Garni village and its famous temple complex. The village of Garni is one of the oldest settlements of Armenia, located only 28 kilometers east of Yerevan. Unfortunately, none of the Armenian participants were able to join us on the tour as they were already on their way to Berlin, flying over Riga, Istanbul, Moscow or Tbilisi. Luckily, we were accompanied by the organizer Anna, who gave us an impromptu tour of the Garni Temple and the surrounding complex, which originally served as summer residence for the Armenian royal family. The pagan temple was erected in honor of the god of sun, Mithra, in the first century and is the only remaining temple of pre-Christian origin in Armenia today. While it did survive the Christianization of the country during the fourth century, it was destroyed in a devastating earthquake in 1679. After having been rebuilt in 1970s, the Garni temple has become quite the tourist magnet. Situated at the foot of the Geghama mountains, the plateau on which the temple complex was built offers a beautiful view over the surrounding valley. It goes without saying that we did not miss this opportunity to take (some more) group pictures.



After enjoying some ice cream in the village of Garni, we continued our trip to the nearby Geghard Monastery. It was built in the fourth century and is famous for its architecture. The fact that its walls were partially carved out of the adjacent mountain and its location in the astounding Azat River gorge have earned the Geghard monastery its status as one of the three UNESCO World Heritage Sites of Armenia. As we entered the complex, Anna informed us of a small tradition at the monastery: if you managed to throw pebbles into one of the shallow shelves in the cliff right before the entrance of the monastery, one of your wishes would come true. Of course, many of the participants did not let this opportunity pass by and tried to throw rocks into these shelves. Although it was not as easy as it seemed in the beginning, every participant that attempted this endeavor was successful at some point. The dark rooms of the monastery were almost entirely illuminated by hundreds of candles that had been lit up by visitors, which created a special atmosphere. However, like the Garni temple complex, the monastery was crowded as well. Especially the spot where one light beam hit the ground was densely packed with tourists trying to take pictures in Christian poses. As fascinating as the architecture was, it was sad to see that the original atmosphere of the monastery was barely palpable due to the noisy crowd.

On our way back to Yerevan, we stopped by a traditional bread factory on the roadside. We were invited to watch how the women prepared the famous flatbread called Lavash that can be found in every Armenian restaurant. As a snack, we bought one piece of Lavash for every participant and enjoyed the bread, which we garnished with some goat cheese, on site. Afterwards, many participants used the rest of the bus ride back to the hostel to catch up on some much-needed sleep. Back in Yerevan, we used the rest of our time to relax, prepare for the flight and buy some pizza, wine, bread and fruits for our farewell picknick on the Cascades. This plan was almost frustrated by a thunderstorm that was coming up over Yerevan. Luckily, the storm passed by us by a hairsbreadth and so, we enjoyed our last evening in Yerevan with a windy dinner with a beautiful view of the illuminated city and emotional toasts raised by some participants. Lacking a corkscrew, we had to come up with a creative way of opening our bottle of wine, which ended with one participant being hit by the bottle stopper. As a farewell, some of the participants climbed up the Cascades all the way to the top to catch another glimpse of Yerevan at night. Afterwards, we returned to our hostel for the last time, before we had to head to the airport.



OUR LAST DAY IN ARMENIA



Berlin

...AND OUR TRIP CONTINUED



Monday, 5th of August

WRITTEN BY JOEL SPRINGSTEIN



On Monday morning the German group arrived at Berlin Schönefeld fairly early at about 10 am. A few Armenians took the same flight as us but the rest arrived during the day. This gave some the opportunity to get home and get some rest from the red-eye flight. Later on we all met again at Kottbusser Tor to have a really nice dinner at Südblock. We had the traditional German dish called „Curry Wurst“ that everyone enjoyed. After that a few went to the Kanal to feel the Berlin vibe there. The entire group was very tired and fall easily asleep.

Tuesday, 6th of August

WRITTEN BY JOEL SPRINGSTEIN

FREEDOM OF THE PRESS WORLDWIDE IN 2019

On Tuesday our program in Berlin was started properly. In the morning all NOW-Projects came together and were welcomed by our dean professor Heger. Then each exchange program quickly introduced itself. Afterwards Martha and Malena picked up our Lunch and brought kebab to the courtyard of our faculty. Even though we couldn't welcome the Armenians with up to 40° C it still was quite nice outside.

After Lunch we made our way to the underground by foot and then went to reporters without borders. There, at first the organization's work was presented to us. They told us that one of their main tasks is to provide help to journalists in need across the world. That help can range from sending money to recommending other individuals or institutions and exercise political power. Reporters without borders are perhaps most prominent for their ranking of the status of freedom of the press across the world. We were especially interested in the way the ranking is developed. We were told that RSF sends detailed surveys to journalists,

„ when the freedom of press dies, then democracy dies as well“

researchers and organizations with questions regarding freedom of the press in their country. Then this data is transformed into the ranking with a special formula. Then an Armenian journalist and participant in a scholarship-program of the RSF talked about freedom of press in Armenia. There, in a legal sense the country has made progress in the past in providing freedom of the press in the legal sense, but she talked about personal experiences in which this freedom remained on paper. She didn't experience any violence, but an investigative story can be killed without physical violence. She witnessed two cases in which her news organization is forced to pursue lengthy and expensive legal proceedings against the government because information it has a right on are held back without reason. This way both stories couldn't be made public when they were relevant. Afterwards we briefly talked about how in today's time news organizations can be financed and independent at the same time.

After our visit we went to the central station to meet the guide for the city-walking tour "Soviet Berlin". At first we walked across the Moltke bridge towards the Reichstagsbuilding. There, our guide told us about the last days of World War II and showed us the famous photograph of the soviet soldier with the soviet flag on top of the Reichstag. He then told us how a lot of soviet soldiers left messages or initials in the building and some of them can still be seen inside. Thereafter we walked through the soviet memorial towards the Brandenburger Tor and tried to imagine the Berlin Wall standing in front of us. Then we went past the embassy of the Russian federation which also was the embassy of the soviet union and talked about the political meaning of its architecture. Our tour concluded on the Gendarmenmarkt.

In the evening we met again at a nice Asian restaurant and nearly couldn't move after eating that much. However, we managed to finish the day in a nice bar fairly close to the restaurant.





Wednesday, 7th of August

WRITTEN BY JULIAN OLLECH

On Wednesday our day started with a birthday song for one of the Armenians. After that we had an academic session about gender and democracy. The presentation dealt with the phenomenon that in many democracies like Armenia or Germany most of the members of the parliaments are males. In that way we discussed that this gender inequality could be a problem for the democracies. Also, we tried to find out some solutions. Suitable for this we later had a meeting with Petra Vandrey who is a member of the Berlin state parliament. She talked about a new law which they discuss in the parliament recently. With this law they want to make sure that more women get a spot in the parliament. After that we had another academic session about constitutional courts as guardians of Human Rights. In that context we discussed about the power of constitutional jurisprudence. In the afternoon we made a boat cruise. During this one hour tour we got to see

many important government buildings and other historical parts of Berlin. The sunny tour was not only impressive for the Armenian but also for the German participants. In the evening we went to a Pizza restaurant in Prenzlauer Berg. To complete that nice day we went to a pub.



Thursday, 8th of August

WRITTEN BY LUZIE WIMMER



After using the morning for sleeping in or going shopping, at 1:30 pm the agenda for Friday started. Franziska and Vartan held the last presentation set for the seminar, their topic being “Human Dignity as the foundation of democracy”. At first, they gave some short insight in the history of the term and provided a tripartite definition, thereafter they talked about the development in international as Armenian and German law of Human Dignity. Main topics of the following discussion were human cloning, donation or selling of organs, the vagueness of the term and at the end the discussion about the German air security law.

Thereafter, the academic agenda came to an end, the participants got certificates of the Russian Armenian University Yerevan. While the certificates were handed out, the group was surprised by a Skype conversation with the Armenian organiser Taron, who could not come to Germany because of a short-term change of plans. In a long break, the participants either went shopping again or used the time for lunch in the university area.

Next item on the agenda was a guided tour through the Bundestag, the German parliament. After a successful security check the group entered the Bundestag through the main entrance at the Reichstagsbuilding and had to wait for their Guide in front of the plenary hall. As there was summer break, the plenary hall got renovated, there were no seats and the floor was covered in plastic. The guided tour had their focus point on the Reichstagsbuilding, but the underground passages were also part of it. As well as the artworks that were donated by the Allies, the French one in the basement and the American one at one of the entrances.

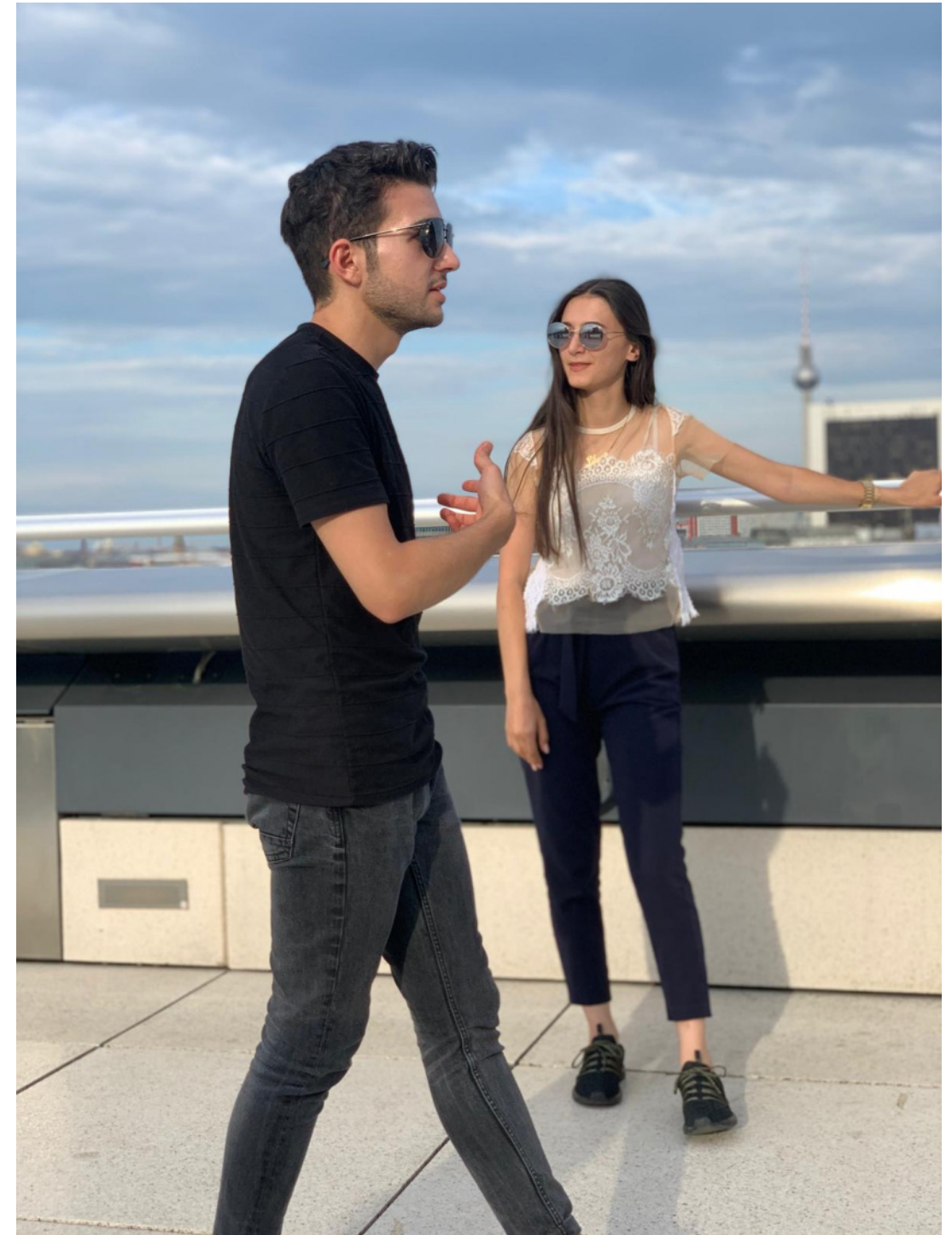


The Guide mainly talked about the history of the Reichstagsbuilding, how it became the center of the German power, how it got destroyed in World War II and rebuilt afterwards, also she talked a lot about the architectural special features.



For the Armenian participants the Russian letterings that were still visible on the inner walls of the building, were an interesting feature. Finally, the Dome was visited, pictures were taken in front of the skyline of Berlin and the view was enjoyed.

In the evening, there was a barbecue at the faculty of law on the occasion of the NOW exchange, where the official agenda was closed. In spite of occasional rain drops, most of the participants stayed until 22:00 and enjoyed the food and beverages. As most of the Armenians already went to the Hostel, the remaining Armenians and Germans decided to follow them and took a walk through the city at night. It resulted in waiting for over an hour at the hostel and trying to get to the Monbijoupark but at the end ending up eating Gemüsedöner at the Hackeschen Markt. After that, the ways separated and individual participants either explored Berlin further or went home to get some sleep.



Friday, 9th of August

WRITTEN BY FRANZISKA DUDA



Garrik is preparing his presentation...

Thursday was a day full of presentations held by the German-Armenian partners. The day therefore offered a lot of academic input. It began with a presentation by Garrik and Annalena on the question rather or not democracies should ban radical parties. The pair presented an impressive overview on the situation in both countries. There was a longer discussion on if banning radical parties prevents populism and radicalism. The next topic we listened to was about “effective measures and best practices to ensure the promotion and protection of human rights in the context of peaceful demonstrations”. After an interesting debate on the issue it was time for lunch.

Our lovely organizers surprised us with so called “one - meter - pizza” that did not only serve to stave off our hunger, but - at least its packaging - also served as perfect camped. After lunch we had some time to spend on the grass in order to enjoy the sun, get some coffee and talk about our shared experiences from the past days. Subsequently, we listened to the last presentation of that day. Vera and Gabriel talked about religious liberty in democracy and emphasized the conflict between individual tolerance and democratic inclusion. The last session ended in a fruitful discussion within the group about religious minorities and their protection both in Germany and Armenia.

Once everyone finished eating, we hopped on to the Berlin Metro in order to get to the Kammergericht in Schöneberg. The ride offered a “real” Berlin experience with street music artists on the train that blasted the so loved and almost never heard song “despasito”. Once we arrived at the Court, we had some time to enjoy the beautiful park area around it. Then the guided tour started. It was not only interesting for the Armenian Students, but also for the Germans to walk around this old building that has such a complex history, filled with memories from the German jurisdiction during the Nazi regime, as well as current



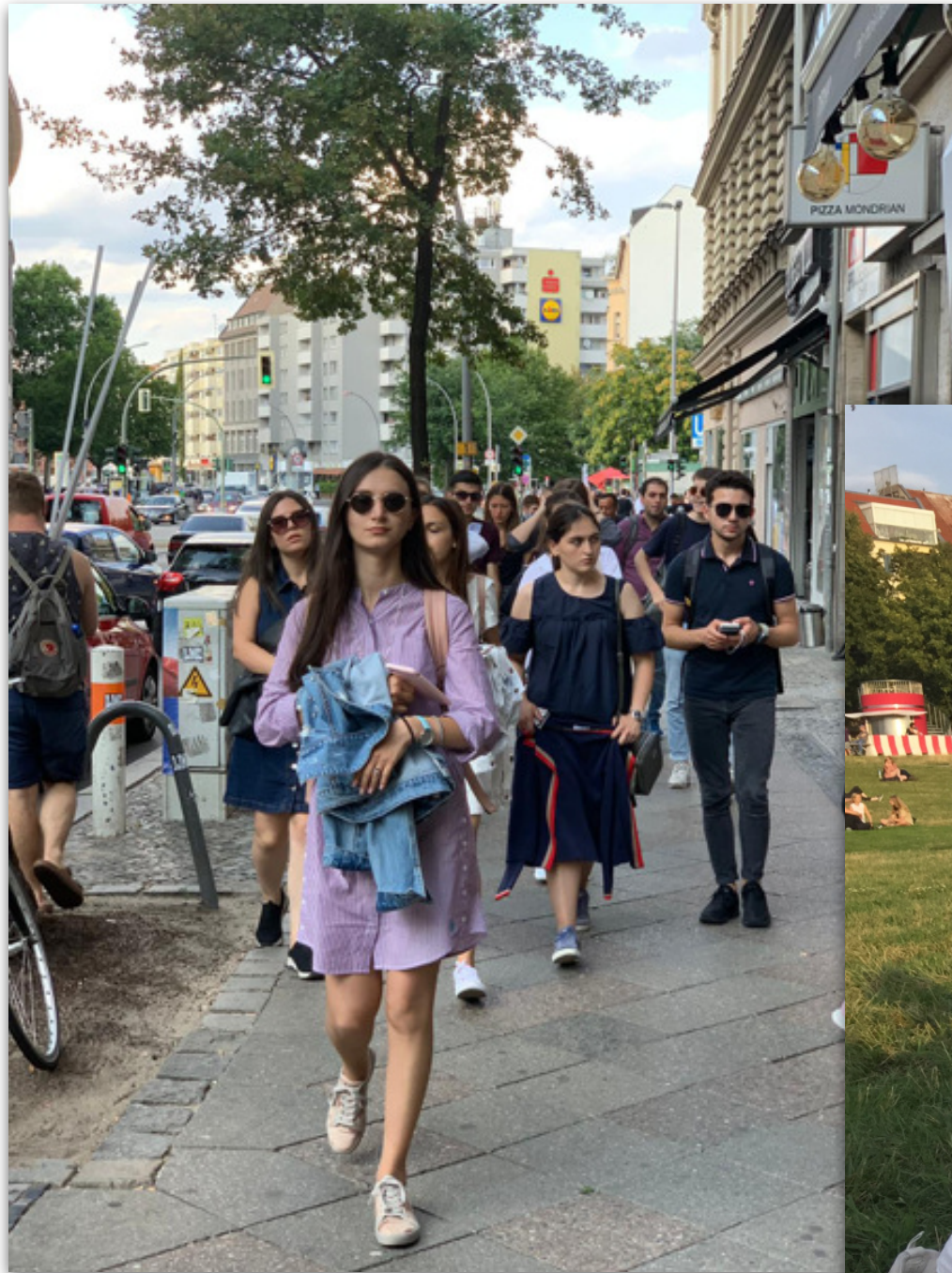
events such as the proceeding of IS-fighters that have returned to Germany. The tour ended with shots of processes during Nazi Germany

against Jews citizens that took place in the exact same Court room which gave some of us goose bumps and caught all of us with disbelief.

WRITTEN BY FRANZISKA DUDA

Leaving the Court House, a lot of interesting discussions about the role of jurisdiction within a state was broad to life and once again a lot of us felt reminded of the importance of memorizing the Holocaust and the significance of independent justice in democracies.





After the last agenda of that day the group went to the Tempelhofer Feld where we planned to meet the other NOW groups. There, we had a delicious picnic with an enormous selection of Turkish dishes that tasted incredible. While eating, we enjoyed the beautiful sunset and listened to music. There was a lot of laughter and positive vibes, so the day ended with smiles and motivation for the following day.



Saturday, 10th of August

WRITTEN BY NADJA BAUMERT



The beautiful Spreewald (near Berlin)

Sooner than we all had expected, the last day of our project had arrived. Many of our Armenian friends were already going to leave during Saturday night - but instead of feeling the end of our common journey and starting to say good bye to each other, we spend one of the funniest, exotic and most wonderful days together.

Our group met in the morning at the train station Alexanderplatz, heading together to the beautiful village Lübbenau in the south of Berlin. Many participants used the train ride to catch up some sleep from the last night, or just talked about the impressions from the week in Berlin. When we arrived in Lübbenau, the weather was great and our mood even greater: We were going to do a boat trip in the beautiful water streets of the Spreewald Region. These canals and the extraordinary landscape around them are one of the most visited destinations of Brandenburg.



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During the trip, our tour guide explained the history of the canals and the people that lived and worked in the region. After the exciting weeks of our project, it was also the perfect opportunity to relax, have a chat with the neighbour, and enjoy the sights of the nature around. One of the highlights of this trip was the moment when we berthed near to a beautiful, historic house, which is a restaurant nowadays. The food was really tasty, and some of our Armenien guests enjoyed their first Gulasch with dumplings and red cabbage or the famous German dish „Spätzle“.



Of course „Spreewaldgurken“ - (famous regional pickles) needed to be tasted...

The canal tour continued, until we got back to the little harbour in Lübbenau. After giving everyone the possibility to buy some more pickles or Spreewald souvenirs, we went back via train to Berlin. The mood was still very good when we arrived in Berlin, even though the first Armenian students had to start thinking about their departure in the night. So, they all had some time in the afternoon to prepare their luggage and finish the last shopping of German souvenirs.

We all met again to our final dinner at 7 pm. It took place in the „Weltrestaurant“ in Kreuzberg, where a large table was reserved for us and we had the choice between Schnitzel and Spätzle. So, we finished our common journey with some really tasty traditional German food. While some Armenian participants could only come later to the dinner - since they needed more time to pack - we could still spend a very nice evening together.



A big thank you again to our great tutors and organizers!



It was the best chance to thank the organizers and tutors for the amazing work they had done in the past weeks. But it was also the time to say good-bye to the people we spend the last two weeks with, making sure that it was no good-bye forever, but instead a „see you soon“ in Berlin, or in Yerevan, or somewhere else in the world.

The Abstracts

NETWORK EAST WEST 2019



HUMAN DIGNITY AS THE FOUNDATION OF HUMAN RIGHTS

The presence of the concept of human dignity has been increasing worldwide and it seems to be a fundamental concept in democratic societies nowadays. This essay introduces the meaning of human dignity not only as a philosophical and legal concept but as the common ground of democratic political culture as well. By explaining Kant's theory and emphasizing the existence of the three dimensions of human dignity, it reveals the great significance of human dignity.

In this essay, I want to discuss three functions of human dignity: as a constitutional value, a human rights instrument, as well as a subjective right. Focusing on Germany as an example where human dignity is applied both as a subjective right and as a constitutional norm, the paper will give an overview of the development of human dignity as a constitutional value under German constitutional law. First it will provide a background to the German constitutional order and will then place the constitutional value of dignity within the framework of the Federal Constitutional Court's jurisprudence regarding dignity as a subjective right. It reflects on the function of Article 1 of the German Constitution as a supreme value and guide to interpretation, especially when regarding Article 1 as a basis for

the limitation of rights and freedoms, and a guide to the principled resolution of constitutional value conflicts.

This essay will underline the benefits and difficulties caused by its function as a fundamental right, as well as its special feature in the German constitution.

I will conclude by affirming that respect of human dignity is the foundation of democracy whereas its interpretation as a subjective right is controversial. This controversy is derived from the fact that the meaning of dignity is vague and therefore it has a variety of resulting legal consequences.

- Franziska Duda

PARTICIPATORY ELEMENTS IN A MODERN DEMOCRACY - REFERENDUMS

Many democracies are changing all over the world. Surveys show that more and more people are dissatisfied with their political system. They often think that politicians do not represent what the voters want. In addition to that radical parties are getting more successful and populism is increasing. In Germany elements of direct democracy can be a good opportunity to solve these problems.

Democracy basically means rule of the majority. In Germany there is the Bundestag which represents the voters will. Instead of being represented indirectly, within a direct democracy all eligible citizens have active participation in the political decision making. This active participation is usually shown by referendums and initiatives. During a referendum an entire electorate is invited to vote on a particular proposal. A referendum can be mandatory or voluntary or mandatory. During a mandatory referendum the voters have to decide about a certain law while during a voluntary referendum the parliament can decide if the people should decide or not. An initiative means that voters can force a government to choose either enact a law or hold a public vote in parliament.

In Germany there does not exist any direct democracy on the federal level. A reason for that is that direct democracy can

cause some disadvantages. One problem could be that citizens may not be able to assess the complexation of some issues. In addition to that the opinion of the voters can relatively easy be influenced by a few powerful people or organizations.

However, there are also advantages of direct democracy. For example people can be more involved in the political process. Also, they can get the opportunity to vote more often than only every fourth year. This can cause that political decisions get more attractive and more accepted. All in all direct democracy can make the people more satisfied with the political system. That is also why there are some countries like Switzerland where direct democracy has positive effects.

Even though direct democracy has side effects, it could be a good idea to complement the current political system in Germany with elements of direct democracy. Nevertheless it is important to note that it needs a special system which takes into account the desires of the citizens and the particularities of the political system. In Germany it could be positive to have compulsory referendums at the federal level. That is why scientists and politicians should think about changing the current system by implementing elements of direct democracy.

- Julian Ollech

As the highest German court, the Federal Constitutional Court has far-reaching powers. Among other things, it is responsible for the protection of fundamental rights and has a tool at its disposal in the form of the control of standards, which can declare laws invalid. As a result of its powerful position, the court is repeatedly accused of having too great an influence on politics. Also the influence of politics, in the form of the election of the judges of the Federal Constitutional Court, on the court is repeatedly part of the criticism. Both points are analyzed in the context of this seminar paper with the result that the court takes inevitably political influence, developed however instruments thereby, in order to limit this. This, however, is only partially successful, so that criticism of the judgments of the Federal Constitutional Court is and will continue to be stirred up. As far as the influence of politics on the court is concerned, it can be seen that this is very large due to state practice in the election of judges, but is only reflected to a limited extent in the decisions of the Federal Constitutional Court. In the protection of fundamental rights, the Federal Constitutional Court is (partly) in competition with the European Court of Justice and the European Court of

Human Rights, which conduct fundamental rights jurisprudence on the basis of the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights. On the basis of the international law-friendliness of the Basic Law, the Federal Constitutional Court has granted the European Court of Justice far-reaching competence in the examination of fundamental rights under Union law and has imposed on itself and German authorities and courts an obligation to comply with the European Convention of Human Rights and the Court. In both cases, however, the Federal Constitutional Court has created instruments which, in exceptional cases, may allow the Federal Constitutional Court to examine fundamental rights in contradictory ways.

- Luca Thomma

The paper reviews the conflict between the freedom of speech and hate speech and the underlying legal conflict between the legal concept of the freedom of expression and the personality right as well as human dignity. After defining what can be understood as free speech and hate speech, the first section deals with a short history of the freedom of speech starting in ancient Greece.

Then, the question to what extent the freedom of speech can be restricted is discussed examining the harm and the offence principle while also briefly addressing other approaches. Additionally, the paper deals with the best way to enact these principles through legislation in

today's society, also dealing with the difficulties in the way of that endeavor and proposing possible improvements that could be implemented.

Finally, the problem of making private platforms responsible for hate speech on their networks is treated, taking the Network Reinforcement Act in Germany as an example.

- Manuel Plonsky

The freedom of press and its ability to function are essential for the existence of a democracy. The press has both an information function vis-à-vis the population and a control function vis-à-vis the state. If a journalist exercises these functions, it may be that interests of state security and, in particular, of secrecy are affected. Investigative proceedings and coercive measures in criminal proceedings, for example on the suspicion of aiding and abetting the betrayal of secrets, which are intended to protect these interests of the state, also constitute a sensitive interference in the freedom of press. The aim of this paper is to examine the importance accorded to the freedom of press in these constellations and how the protection of the freedom of press has developed. It asks in particular what role the Federal Constitutional Court, the legislator and the law enforcement authorities have played in this development.

For this purpose, the legal situation before and after the enactment of the "Law to Enhance the Freedom of Press in Criminal and Criminal Procedure Law" of 2012 will be compared. In addition, the discussion of a number of exemplarily selected decisions of the Federal Constitutional Court will be used to examine the significance of the

freedom of press in the judicial balance between investigative journalism and state security interests. In the process, the practice of law enforcement authorities is repeatedly taken into account.

The result of these studies is that the "Law to Enhance the Freedom of Press in Criminal and Criminal Procedure Law" and, above all, the case-law of the Federal Constitutional Court have fundamentally contributed to strengthening the freedom of press. The results also indicate, however, that there is still a need for action in the practice of law enforcement authorities with regard to the implementation of the highest judicial requirements and room for improvement regarding the elimination of protection gaps by the legislature.

- Merle Iffert

THE PROHIBITION OF RADICAL PARTIES

In this essay, I will examine whether party bans are an appropriate constitutional instrument to build and maintain democratic states.

First of all, I will explain the role of political parties in a parliamentary system. In this context, I will deal with the free foundation of parties and their democratic internal order. Furthermore, I will explain the function of political parties in democracies, in particular their meaning for the decision-making process and their influence on state affairs. Afterwards, I will deal with the principle of the party privilege which is laid down in Article 21 GG as well as with types of party financing, i.e. public and private funding.

Following this general part, I will discuss various parties in Germany. All of the parties that are currently represented in our Parliament will shortly be mentioned and addressed, but I will only go into detail on two parties, the AfD and the NPD, as they have a history of constitutional protection and are relevant to the subject of my essay. After having outlined the AfD's rise to power in Germany, I will briefly discuss the first NPD Prohibition Proceeding launched in

2001, which was ended because of procedural obstacles. Moreover, I will go into a detailed presentation of the second NPD Prohibition Proceeding starting in 2013, both as part of my explanations on the NPD. The second prohibition proceeding, however, will be used at the same time to illustrate the instrument of party bans. Specifically, I will discuss the requirements for banning a party, the procedure, and the purpose of party prohibitions., always referring to the second NPD case.

At the end, I will comment on the initial question about whether democracies should ban radical parties, from my point of view and I will set out what I think of the constitutional instrument of the party prohibitions.

- Annalena Horn

Even seventy years after the adoption of the German Constitution, its promise that men and women shall be equal did not fully become reality. Many legal measures are taken in order to fight against the discrimination of women, but their actual situation is often still marked by disadvantages. Many laws are passed concerning the status of women in private law, but the last federal election in 2017 showed that women are also underrepresented in the public institutions. Only around 31 % of the mandates were given to female candidates. The numbers from passed elections and the votes on the local and municipal level show: Men are elected a lot more often for political positions than women. In the beginning of this year, the regional parliament in Brandenburg reacted to this concern: It passed a law called the Parity Act, which prescribes that all political parties have to present lists with an equal representation of male and female candidates for parliamentary elections, giving every second spot to women. The reactions to this law were very different. While some see it as a possibility to strengthen the democracy by a higher female representation, others see it as a danger to the freedom and equality of vote. Thus, this essay examines the dynamics behind the Parity Act, its impact on our understanding of democracy and its conformance with the Constitution. The aim of the analysis is the assessment of the Parity Act as one example of a measure that can be taken in order to foster the actual gender equality in public institutions.

The examination of the constitutional norm on gender equality (Art. 3 par. 2 of the German Constitution) shows that it contains a mission for the legislation to take active measures in order to foster the actual, factual equality of men and women. While Parity is not itself an aim of the Constitution, it can be used as an operational mechanism in order to achieve equal chances for both sexes. On the other hand, the analysis of the impact of the quota on our understanding of democracy is more controversial. It cannot be said that the underrepresentation of women renders the system undemocratic, since it is the idea of a representative democracy to detach the identity of the electorate and the parliamentarians. Still, the women quota on the election lists is an adequate means with the aim to ameliorate gender equality in parliaments, since it is suitable to reach this aim and since other mechanisms have already proven to be less effective. The appropriateness of the Parity Act and the question if it outweighs other constitutional norms, as the freedom of vote, is not very evident. A change in the text of the Constitution foreseeing the possibility of parity rules for elections could be a good solution to this debate – as it has been in other states like France.

- Nadja Baumert

Ever since there has been a large Muslim minority in Germany, public debates have been revolving around the relationship between Muslims and Islamic communities and the Christian or secular majority society. Especially the catchword "Sharia" is used again and again to fuel fears and resentment. One of the problems here is that often no distinction is made between the religious and legal components of Sharia.

In the first part of this paper, I will describe those components of the debate that concern religious practice, giving an overview of German religious constitutional law as a cooperative, religion-friendly model and religious freedom as its central idea. Taking corporate practice of religion as an example, I will then show how the coinage of religious organisational law by the two predominant Christian denominations leads to the exclusion of Islamic communities from certain state privileges. Finally, the question is raised whether and how the legislator should react to this problem.

In the second part, Islam and Sharia will first be explored from their legal side. The history and main features of

Islamic law are presented with a special focus on the internal discussion about state models and democracy. Starting from the historical ideal of the Islamic state, modern and more progressive opinions are outlined as well. Finally, German international private law provides a point of contact between Islamic law in its dimension as state-incorporated law and the German legal system. The focus here is on the idea of "ordre public", according to which foreign legal norms are not applied if they lead to results incompatible with the principles of the German legal system.

Looking at both parts of the paper, I conclude that Islam poses new challenges to the German legal system, but by no means in the sense of an impending "Islamization". Rather, the question arises whether legal or even constitutional framework conditions need to be changed in order to facilitate the integration of Muslim communities.

- Gabriel Pritz

The paper is about the freedom of assembly; its incorporation in the German constitution in Article 8 Grundgesetz, the restriction of the demand for peacefulness and the term violence regarding constitutional principles and personal freedoms.

At first, the features of Article 8 GG are explained, a definition of assembly is given and the basic discussion points are described; like is the freedom of assembly a political fundamental right, what is the common intention that is mentioned in the definition and should demonstrations be treated as assemblies. In general, this paragraph is about the dogmatic classification of Article 8 and its particular features.

The first focus point of the paper is the demand of peacefulness. First, the difficulty of defining peacefulness and the dogmatic classification is discussed, thereafter specific laws resulting from this restriction are presented and discussed in their constitutionality: the breach of the public peace, the ban on covering one's face or ban on wearing body armour. All those are justified inter alia by the phenomena of mass psychology, a sociological and

psychological theory about the dangerousness of gatherings of people. At the end of this paragraph, the curious jurisdiction of sit-ins as coercion is portrayed.

The last focus point deals with the term violence regarding constitutional matters and fundamental rights. It is established that the definition of violence is also of great importance, as the monopoly of force and therefore of violence within the public authorities lies. As a fortified democracy and by guaranteeing the public security and order, force or violence through public authorities can be justified. Finally, the term civil disobedience is defined and discussed.

- Luzie Wimmer



Thank you all for this amazing trip! ♡

FRANZI AND ANNALENA