

Advanced Private International Law (B001727)

Course size *(nominal values; actual values may depend on programme)*

Credits 6.0

Study time 180 h

Course offerings and teaching methods in academic year 2024-2025

A (semester 2)

Dutch

Gent

group work

independent work

peer teaching

excursion

Lecturers in academic year 2024-2025

Offered in the following programmes in 2024-2025

Master of Science in Teaching in Social Sciences(main subject Laws)

crdts

6

offering

A

Master of Laws in Laws

6

A

Teaching languages

Dutch

Keywords

Private international law – international family law (name, marriage/partnership, divorce/repudiation, parenthood, surrogacy, adoption, kefala, ...) – globalization of family relations – human rights

Position of the course

This course wants to develop a thorough and practically/societally-orientated knowledge of private international law in cross-border family affairs. The goal of the course is to make students acquainted with the manner in which certain aspects of private international law are being applied in practice (by courts, by officers of the civil registry, by the Immigration Office, by the Ministry of Justice and the Ministry of Foreign Affairs).

Contents

The field of private international law will be critically explored based on complex and current issues of international family law. The following subjects, among others, will be discussed: the recognition of foreign marriage certificates and foreign divorces/repudiations, the recognition of foreign birth certificates (including certificates within the framework of international surrogacy), the problem of limping legal relationships (e.g. people that are considered to be married in one State, but not in another State), the application of foreign family law in Belgium (and the difficulties that come with this application), the operation of family concepts that are unknown or unfamiliar in Belgian law (e.g. kefala). The students will also learn how to make connections between different areas of law: private international law, migration law, nationality law, family law and comparative law.

The semester will be organized on the basis of several thematic discussion moments, which are selected each year also in the light of topical events (e.g. sham relationships, private international law and the jurisprudence of the European Court of Human Rights, private international law and the application of foreign family law, intercountry adoption/surrogacy, ...). During some of those discussion moments people working in the field will be present: lawyers, civil servants, judges, etc.

In addition to these discussion moments, there will be a number of excursions, which are not the same every year:

- Visit to the court, with an opportunity to talk to judges
- Attending conferences
- Visit to the Hague Conference on Private International Law

(Approved)

• ...

Initial competences

Basic knowledge of private international law, as acquired in the compulsory course of Private International Law

Final competences

- 1 Having a thorough knowledge of international family law, with particular attention to the underlying relations between societal evolutions and law.
- 2 Knowing the rules of private international law in force and being able to apply these to actual and complex situations in practice.
- 3 Demonstrating a critical attitude to current debates in international family law.
- 4 Having an open and diversity-sensitive attitude towards the role that law, and more specifically international family law, can play in addressing current societal issues.
- 5 Writing an academic high-quality commentary on a judgment.
- 6 Arguing solutions/challenges in international family law orally.
- 7 Integrate culture-sensitivity and respect for diversity into oral and written work within this course.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Group work, Excursion, Independent work, Peer teaching

Extra information on the teaching methods

This course focuses on a number of thematic discussion moments.

Independent work: prior to each discussion moment, students receive literature (academic publications, policy reports, etc.) and case law which they must read thoroughly.

Group work - annotation and moderation of discussion moments: Per discussion group, a number of students are appointed to write a commentary on a case. On the basis of these comments, this group of students introduces the broader thematic discussion moment. This group of students then also moderates the entire discussion moment. Students support each other's learning process by writing a short comment under a judgment, by presenting and moderating a discussion moment.

Flipped classroom method

- Pre-processing of the learning material: students prepare the discussion thoroughly.
- Prior to discussion moments: guided self-study (guidance by teacher/assistants)
- During discussion moments: in-depth processing of the study material. Students initiate the discussion themselves, take the floor in the discussion and learn from each other. The lecturer and the attending lawyers, judges or civil servants guide and support this discussion.
- At the end, the students summarise each discussion moment in 10 keywords/key ideas.

Study material

None

References

Course content-related study coaching

Support and communication through Ufora. Students can ask questions to the lecturer at any time during and after class.

Assessment moments

end-of-term and continuous assessment

Examination methods in case of periodic assessment during the first examination period

Oral assessment

Examination methods in case of periodic assessment during the second examination period

Oral assessment

Examination methods in case of permanent assessment

Oral assessment, Participation, Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible

Extra information on the examination methods

The **non-periodical evaluation** is based on the following assignments:

- the thorough legal analysis of a judgement (written document of max. 5 pages)
- the introduction of one discussion moment, together with a number of other students (group work)
- moderating one discussion moment, together with a number of other students (group work)
- critically participating in all discussion moments

The **period-specific evaluation** is an oral examination.

Calculation of the examination mark

Evaluation goes as follows: 60% non-periodical evaluation (writing commentary, introducing and moderating one discussion group, participation in all discussion groups) and 40% period-specific evaluation (oral exam). Students **must pass both parts of the evaluation to pass this course**. If a student has not passed both parts and yet the sum of both parts exceeds 10 or more, the score for this course is reduced to 9/20.

Students who do not participate in all evaluations obtain a maximum of 7/20 for this course.

Given the nature of the evaluation, there is no possibility of re-examination for the non-periodical part of the evaluation. Those who passed the non-periodical evaluation, but failed the oral exam, can retake the oral exam. In that case, the grade obtained for the non-periodical evaluation will be retained.

Facilities for Working Students

No