

Advanced Private International Law (B001727)

Due to Covid 19, the education and evaluation methods may vary from the information displayed in the schedules and course details. Any changes will be communicated on Ufora.

Course size	<i>(nominal values; actual values may depend on programme)</i>		
Credits 6.0	Study time 180 h	Contact hrs	45.0 h

Course offerings and teaching methods in academic year 2022-2023

A (semester 2)	Dutch	Gent	guided self-study	10.0 h
			excursion	7.5 h
			group work	10.0 h
			microteaching	10.0 h
			self-reliant study activities	7.5 h

Lecturers in academic year 2022-2023

Verhellen, Jinske	RE21	lecturer-in-charge
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Offered in the following programmes in 2022-2023

	crdts	offering
Master of Science in Teaching in Social Sciences (main subject Laws)	6	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
- ...

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 Having knowledge of current discussions in international family law.
- 4 Having/developing an open attitude towards the role that law, and more specifically international family law, can play in addressing current societal issues.
- 5 Reflecting critically on current issues in international family law.
- 6 Formulating oral and written positions on the research domain.

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

Guided self-study, excursion, group work, microteaching, self-reliant study activities

Extra information on the teaching methods

This course focuses on a number of thematic discussion moments.

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

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.

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.

Learning materials and price

A reader with topical scientific contributions, policy reports and jurisprudence on private international law in cross-border family cases.

Cost: max. €20

At the end of the semester students will have composed a collection of keywords/central ideas that will summarize the different discussion moments.

References

Course content-related study coaching

Evaluation methods

end-of-term evaluation and continuous assessment

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

Oral examination

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

Oral examination

Examination methods in case of permanent evaluation

Oral examination, participation, assignment

Possibilities of retake in case of permanent evaluation

examination during the second examination period is not 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

The evaluation goes as following: 60% permanent evaluation (annotation, presentation, participation in discussion moments) and 40% periodic evaluation (oral exam).

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

Seeing the nature of the evaluation there is no possibility of re-examination for the permanent evaluation. Who passed for the permanent evaluation part, but did not pass for the oral exam, can re-take the exam. The grade of the permanent evaluation will remain in that case.

Facilities for Working Students

No