

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 2020-2021

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

Lecturers in academic year 2020-2021

Verhellen, Jinske	RE21	lecturer-in-charge
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Offered in the following programmes in 2020-2021

	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 (e.g. private international law and the jurisprudence of the European Court of Human Rights, private international law and the application of foreign family law in Belgium).

During those discussion moments also people working in the field will be present: lawyers, civil servants, judges, etc.

Besides these discussion moments, there will be a number of excursions:

- Visit to the court, with an opportunity to talk to judges
- Attending seminars

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 Reflect critically on current issues in international family law.
- 5 Formulate 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

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

Participation, assignment, report

Possibilities of retake in case of permanent evaluation

examination during the second examination period is not possible

Calculation of the examination mark

The evaluation goes as following: 60% permanent evaluation (annotation, presentation, participation in discussion moments, writing report with 10 key words/central ideas) 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.