




5.00 credits

30.0 h

Q2

Teacher(s)	Francq Stéphanie ;
Language :	French
Place of the course	Louvain-la-Neuve
Main themes	The course focuses on the influence of fundamental rights on private international law in Europe. It analyses the impact of the European Convention on Human Rights and of the EC Treaty on private international law
Learning outcomes	
Evaluation methods	<p>Grading is based on oral and written performance.</p> <p>When the course is based on a specific practical case and takes the form of a short moot, the written part consists of the drafting of pleadings to be presented orally (in the form of an oral argument) during the oral examination. The oral part consists of the pleadings. Teams of students compete against each other, sometimes taking the position of the plaintiff, sometimes the defendant.</p> <p>The student's final grade is made up of:</p> <ul style="list-style-type: none"> <li>- a group mark for written work (out of 8 points),</li> <li>- an individual mark for the oral presentation (out of 8 points),</li> <li>- as well as an individual mark for participation in the session and commitment/attitude to group work (out of 4 points).</li> </ul> <p>Students will have worked throughout the semester on preparing their written work under the guidance of their teacher(s). At least one oral argument practice session will take place before the oral exam.</p> <p>Attendance is therefore essential, and forms an integral part of the assessment process. As this is an active teaching course, students are expected to take part in the sessions and show a strong commitment to their work group.</p> <p>As this is an active learning course, the examination procedures for the second session cannot exactly reproduce those of the first session.</p> <p>In the event of a second session:</p> <p>The student will have to draw up conclusions for the plaintiff and the defendant in a fictitious case given by the professor. These conclusions will be graded. There will be no oral pleading as in the first session. However, the teacher(s) may organize a session to question the student on his/her conclusions;</p> <p>students who fail to attend half of the class sessions will automatically lose the 4 points awarded for attendance and active participation in the work group.</p>
Teaching methods	<p>The interactive classes are based on the analysis and discussion of various documents (mainly case-law) posted on the Moodle website.</p> <p>Participants will be asked to prepare before the classes and to engage in the discussion, as well as to present some aspects of the materials.</p> <p>The presence and active participation in class is requested.</p>
Content	<p>The class explores the interactions between private international law and fundamental rights. An important part of the course is devoted to the following question: can private international law support and enhance the protection of fundamental rights?</p> <p>In this context, the analysis of various practical situations, in particular strategic litigations, enables us to reflect on the role of private international law in the contemporary world. The class covers (actual or potential) infringements of fundamental rights committed by States (or agents of the State) in private situations, as well as infringements committed by other private parties, in particular transnational companies. The course may, for example, cover the international implementation of corporate duty of care, the compensation for damage suffered by individuals or the environment as a result of the activities of transnational companies, the possibilities for protecting privacy or the right to information in an international environment, the protection of vulnerable persons in an international context, the recognition of marriages of minors celebrated abroad, the displacement of homoparental families, or of families having had recourse to surrogate motherhood.</p> <p>All these situations are analyzed in the light of current rules of private international law and their interaction with the rules of protection of fundamental rights. The course deals with practical situations and litigations, that are questioned in the light of critical approaches of law (CLS, feminist or post-colonial approaches ...).</p>
Inline resources	The readings (case law and legal scholarship) are posted on the Moodle website.

Other infos	The general course of private international law is a prerequisite. A passive command of English is necessary for readings and attending some sessions.
Faculty or entity in charge	BUDR

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Advanced Master in European Law	DREU2MC	5		
Master [120] in Law	DROI2M	5		
Advanced Master in International Law	DRIN2MC	5		
Master [120] in Law (shift schedule)	DRHD2M	5		