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| **Subject** | **European Family Law** | | | |
| **Type** | **Semester** | **ECTS** | **Code** |
| Elective (E) | 8 | 5 | Law-B-068-E |
| **The lecturer of the subject**    **Subject assistant**  **Subject tutor** | Assist. Professor Jorida Xhafaj | | | |
| **Aims and Objectives** | The objective of this course is to introduce students to European rules regulating adult family relationships based on marriage, as well as the major issues affecting the family economy (such as the primary regime and marital property issues); the consequences of family dissolution for children as well as for spouses or non-married partners; the establishment of legal parentage based on natural conception, assisted reproductive technologies, and adoption; and the rights of children (parental rights and parental responsibilities). Students who complete this course will have a general understanding of the EU's jurisdiction over family law as well as practical experience using current EU family law-relevant instruments. The subject is also one that is becoming more and more relevant as a result of the growing mobility of families and familial life according to European primary legislation.  The following are some of the course's objectives:   * understanding the context and application of the ECtHR's definitions of the rights to privacy and family life, as well as the right to marry; * identifying the state's domestic circumstances in relation to the application of ECHR norms and EU law; * Understanding European regulations and directives on the main institutions in family law (marriage, cohabitation, civil unions, divorce, parental care, and adoption); * comprehending the cooperation in family and child law between the EU, Council of Europe, and Hague Conference on Private International Law; * explaining upcoming changes in European family law; * resolving easy cross-border family relations; * applying knowledge to solve hypothetical case laws. | | | |
| **Learning Outcomes** | After completing this course, students should be able to:   * Understanding the relevant issues addressed by primary legislation in the European Union; * Explain and review basic institutions of family law as marriage, cohabitation, same-sex relationships, , adoption, parentage and surrogacy, parental responsibility, the child’s welfare; * Demonstrate an understanding of civil status;,EU-citizenship spousal and child maintenance; * Learn how to reason, argue, and debate on on the financial consequence of divorce; * Execute research on European family law;   Legal issues which we consider include the legal recognition of marriages and same-sex partnerships; | | | |
| **Course Content** | **Course Plan** | | | **Week** |
| Course Structure | | | 1 |
| Legal Constructs of the family | | | 2 |
| Impact of the ECHR and EU. Family law and human rights | | | 3 |
| Marriage | | | 4 |
| Registered relationships. Cohabitating couples | | | 5 |
| Financial consequences of marriage. Property and financial agreements between spouses | | | 6 |
| Review exam | | | 7 |
| Property relations between spouses – regimes of spouses property -I | | | 8 |
| Property relations between spouses – regimes of spouses property -II | | | 9 |
| Parentage | | | 10 |
| Adoption | | | 11 |
| Parental Responsibilities | | | 12 |
| Cross border divorce | | | 13 |
| Effects of divorce | | | 14 |
| Case study examination | | | 15 |
| **Teaching/Learning Methods** | **Teaching/Learning Activity** | | | **Weight (%)** |
| 1. Lectures | | | 40% |
| 1. Case study | | | 20% |
| 1. Research | | | 20% |
| 1. Study visits and guest speakers | | | 10 % |
| 1. Debate | | | 10% |
| **Assessment Methods** | **Assessment Activity** | **Number** | **Week** | **Weight (%)** |
| 1. Participation | 1 | 1-13 | 10% |
| 1. Review | 1 | 7 | 20% |
| 1. Debate | 1 | 15 | 20% |
| 1. Case study exam | 1 | 15 | 30 % |
| 1. Conceptual research | 1 | 7 | 20% |
| **Course resources and means of materialization** | **Resources** | | | **Number** |
| 1. Class (e.g) | | | 1 |
| 1. Projector | | | 1 |
| 1. Moodle | | | 1 |
| **ECTS Workload** | **Activity** | | **Weekly hrs** | **Total workload** |
| 1. Lectures | | 2 | 26 |
| 1. Exercises | | 1 | 12 |
| 1. Review preparation | | 1 | 7 |
| 1. Self-study and readings | | 2 | 30 |
| 1. Case study preparation | | 1 | 13 |
| 1. Debate preparation | | 1 | 13 |
| 1. Conceptual research | | 2 | 24 |
| **Literature/References** | * **Basic literature:** * Scherpe, J. M. (2016). European Family Law : Family Law in a European Perspective. Cheltenham, UK: Edward Elgar Publishing. Retrieved from <http://search.ebscohost.com/login.aspx?direct=true&site=eds-live&db=edsebk&AN=1164420> * **Recommended Additional literature:** * Aulona Haxhiraj, E Drejta për një Jetë Familjare në Kuadër të së   Drejtës Evropiane, 2016   * Wadlington, W., O’Brien, R. C., & Wilson, R. F. (2018). Family Law in Perspective (Vol. Fourth edition). St. Paul, MN: Foundation Press. Retrieved from <http://search.ebscohost.com/login.aspx?direct=true&site=eds-live&db=edsebk&AN=1815470J> * Jens M. Scherpe, European Family Law, Volume I The Impact of Institutions and Organizations on European Family Law; * EUROPEAN FAMILY LAW SERIES Published by the Organising Committee of the Commission on European Family Law as: * Common Core and Better Law In European Family Law * <https://assets.budh.nl/open_access/fenr/boeken/common_core_better_law.pdf> * Wendy Schrama, Marilyn Freeman, Nicola Taylor & Marielle Bruning (eds.) , International Handbook on Child Participation in Family Law; * K. Boele-Woelki, F. Ferrand, C. Gonzále-Beilfuss, M. Jänterä-Jareborg, N. Lowe, D. Martiny and V. Todorova, Principles of European Family Law Regarding Property, Maintenance and Succession Rights of Couples in de facto Unions; * K. Boele-Woelki and D. Martiny (eds.,) Plurality and Diversity of Family Relations in Europe; * M. Jänterä-Jareborg, The Child’s Interests in Conflict, 2022 * The future of family property in Europe, Cambridge – Antwerp – Portland, Intersentia, 2011, pp. 65-94. * Buck, T. (2014). International Child Law (Vol. 3rd ed). London: Routledge. Retrieved from http://search.ebscohost.com/login.aspx?direct=true&site=eds-live&db=edsebk&AN=800772 * Scherpe, J.M. (Ed.), The future of family property in Europe, Cambridge – Antwerp – Portland, Intersentia, 2011, pp. 115-137. * HUDOC (http://www.echr.coe.int/echr/en/hudoc): database which provides free access to the case law of the European Court of Human Rights, the European Commission of Human Rights and the Committee of Ministers; * Xhafaj, J (2015), The Rights of Intersex Persons to Establish a Family Law. Practice of the ECHR. Iliria International Review, Kolegji ILIRIA and Felix-Verlag. Avalaible at: <https://www.researchgate.net/publication/307820710_The_Rights_of_Intersex_Persons_to_Establish_a_Family_under_Albanian_Law_Practice_of_the_ECHR> | | | |
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