**WHAT IS THE STATE DOING AT THE DINNER TABLE?**

**THE HUMAN RIGHTS ASPECTS OF FAMILY AND FAMILY MEMBERS**

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**Course description**

Family is a concept that is often invoked in legal discussions, procedures and policies. However, it is seldom defined what should actually be meant under the term. The course brings a novel approach to the classical concept of family: adopting a human rights perspective allows for a holistic definition of family, that focuses on the various aspects it has to fulfill.

The course analyses a number of themes from different perspectives. Moreover, it broadens the students' previous knowledge, that mainly relates to their national law and the ECtHR, by using the full range of international sources of human rights law, complemented with a comparative approach. In addition, a critical attitude toward the law is stimulated, through continuous attention for the potential as well as the limitations of the law as a tool for human rights protection.

**Course schedule**

The course is devided into four blocks (4 lessons/block)

(I) The first part focuses on developing a human rights definition for family and the state’s obligation to take the necessary steps in recognising and regulating matters vis-a-vis families.

(II) After developing a human rights concept of family, the course moves on to analysing how and to what extent a state may intervene in the lives of families, how the principle of non-interference as enshrined by the right to family life can hold up against the paternalistic approach of states.

(III) The third section centres around children, their protection and participation in the life of the family.

(IV) Finally, the fourth part of the course introduces the concept of personal autonomy and how vulnerable persons in the family (persons with disabilities, mental disorders or elderly family members) and marginalised persons without a family are treated in modern human rights law.

*Blocks*

(I) The concept of family and marriage

(II) Right to respect for family life

(III) Protection and participation of the child in the family

(IV) Vulnerable members of the family: disability, mental disorders and personal autonomy

**Subject requirements**

The course builds on active in-class participation and the independent prep-work of students based on printed handouts. The participants elaborate case-studies selected from the Hungarian legal practice, processing the cases with a special emphasis on comparative considerations. Beyond active participation, an essay is required in a related topic chosen freely by the participants.

**Assessment**

* class attendance [a maximum of three absences (3x90 mins) are permitted]
* active in-class participation
* a written essay (in a related topic chosen freely by the participant)