

prohibition. This provision is more restrictive – in addition to cases where a strike poses a threat to the life or health of people, its conduct is also prohibited in cases «related to the carriage of passengers, the maintenance of continuous operations». It is worth mentioning that although the Final Provisions of the Law of Ukraine «On the Procedure for the Resolution of Collective Labor Disputes (Conflicts)» stipulate that other laws and regulations shall apply only to the extent that they do not contradict this Law, and also that they must be brought into compliance with this Law, the Law of Ukraine «On Transport» nevertheless continues to be applied without changes (see, for comparison, the decision of April 11, 2013 in the case of *Vyerentsov v. Ukraine*). The situation remains unchanged even now, despite the fact that the aforementioned contradiction and the need to bring the Law of Ukraine «On Transport» in line with the Constitution of Ukraine and the Law of Ukraine «On the Procedure for the Resolution of Collective Labor Disputes (Conflicts)» has repeatedly been recognized. These considerations were sufficient in order to enable the Court to conclude that the interference with the applicants' rights under Art. 11 of the Convention was not based on sufficiently precise and foreseeable legislative acts and, accordingly, there was a violation of Art. 11 of the Convention.

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THE PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS AND THE CASE STUDY METHOD IN LEGAL EDUCATION

The paper analyzes the necessity of reforming legal education in the direction of not only theoretical but also practical preparation of a student for the professional activity, taking into account the needs of the modern state and society. The case study method is regarded as the best interactive practice of forming practical skills of a future lawyer. It is noted that the practice of the European Court of Human Rights is a useful source for the formation of case studies, as it encourages the development of the identity based on European values, theoretical knowledge about human rights standards and critical thinking skills and arguments.

Key words: *case study method, critical thinking, human rights, practice of the European Court of Human Rights.*

The issue of reforming legal education has been on the agenda for over a year in Ukraine. Its greatest pitfall is the incompatibility of a graduate of the institution of higher education with the challenges and requirements of the legal existence of the state, society and human. A significant problem for all graduates, regardless of the level of their theoretical training, is the gap

between knowledge and practice, lack of readiness to work in real conditions and misunderstanding of how a lawyer works. Graduates do not meet the needs of a professional legal labor market.

In 2018, an expert group on legal education of the Directorate for Human Rights, Access to Justice and Legal Awareness of the Ministry of Justice of Ukraine conducted an analytical study which resulted in the preparation of the Report "Knowledge and Skills of Graduates of Law Schools and Higher Education Institutions through the Prism of Compliance with Labor Market Needs". In the course of the research, the main shortcomings of the existing legal education system were revealed: 1) the inability of the graduates to apply the acquired theoretical knowledge in practice; 2) lack of practical skills and abilities; 3) graduates have problems with the understanding of professional values. As a result, about 40% of law firms assess the level of knowledge of graduates of higher education institutions in Ukraine as unsatisfactory.

The future employers suggest that a graduate of a law school or an institution of higher education should have, in particular, a sufficient amount of practical skills, analytical and critical thinking skills. Accordingly, higher education institutions should include in the curriculum disciplines that form practical skills, as well as use appropriate interactive teaching methods: simulation games, litigation, project methodology, case study method, etc.

The case study teaching method is a highly adaptable style of teaching that involves problem-based learning and promotes the development of analytical skills [2]. Use of case studies was also shown to improve students' ability to synthesize complex analytical questions about the real-world issues associated with a scientific topic [3] case studies promotes critical thinking, learning, and participation among students, especially in terms of the ability to view an issue from [4].

Case-based cases can be obtained from various types of materials, in particular, from the practice of the European Court of Human Rights.

It is worth recalling that the 2004 Recommendation Rec (2004) 4 of the Committee of Ministers of the Council of Europe to Member States on the role of the European Convention on Human Rights in university education and professional training [5] stresses the need, inter alia, for adequate university education and professional training concerning the Convention and the case-law of the Court at national level and the incorporation of such education and training as a component into the common core curriculum of law and, as appropriate, political and administrative science degrees. In addition, it is extremely important that the study of the Convention be fully included in the programs of law departments not only as a separate subject, but also "horizontally" in each legal discipline (criminal law, civil law, etc.) so that students, regardless of their specialization, are aware, when they graduate, of the implications of the Convention in their field.

Taking into account the experience gained by the Member States since the adoption of the Recommendation, the Committee of Ministers of the Council of Europe decided in 2015 to revise this Recommendation or complement the

text by adding "best practices" in human rights education for professional lawyers [6].

The case study method serves as an excellent teaching approach to instilling proper values in future lawyers by studying the standards used in the practice of the European Court of Human Rights. The case study method helps to translate abstract theoretical knowledge about common human values as well as political and legal ideals into practical applications, transform conditional human rights violations that seem remote into more realistic ones that can touch upon everyone. Besides, the case study method encourages students to develop critical and analytical thinking skills, to formulate convincing legal arguments, and to express their opinions clearly and reasonably.

The application of this approach also requires from lecturers continuing professional self-improvement, raising the level of pedagogical skills and knowledge in the field of human rights, as well as closely following the latest practice of the European Court of Human Rights.

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