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# Application of the practice of the ECHR in legal education: impact on the formation of judicial culture and the protection of human rights

## Aplicación de la práctica del CEDH en la educación jurídica: impacto en la formación de la cultura judicial y la protección de los derechos humanos

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### Abstract

Given the growing role of international human rights institutions in the process of harmonizing national legal order with generally recognized human rights standards, there is an objective need to rethink approaches to legal education. The purpose of the study is to clarify the role of the practice of the European Court of Human Rights as a conceptual and applied element in the system of legal education, its influence on the formation of judicial culture and the development of professional legal awareness of future lawyers. The research methodology consists of the following methods: dialectical, formal-logical, comparative-legal and



structural-functional methods. The impact of the Court's decisions on the formation of a lawyer's professional identity was considered, in particular in the area of the formation of his law-enforcement culture, worldview orientation on respect for human rights and freedoms, the principle of the rule of law and the principles of independent and impartial judiciary. The need for systematic integration of the Court's case law into the curricula of higher legal education institutions was substantiated, which will contribute not only to the formation of deep theoretical knowledge, but also the ability to properly apply them in practice. Practice-oriented approaches to teaching international human rights standards as a tool for forming a judicial culture that meets the requirements of a legal state are analyzed.

**Keywords:** European Court of Human Rights, legal education, judicial culture, protection of human rights, rule of law.

## Resumen

Dado el creciente papel de las instituciones internacionales de derechos humanos en el proceso de armonización del ordenamiento jurídico nacional con las normas de derechos humanos generalmente reconocidas, existe la necesidad objetiva de replantear los enfoques de la educación jurídica. El objetivo del estudio es aclarar el papel de la práctica del Tribunal Europeo de Derechos Humanos como elemento conceptual y aplicado en el sistema de educación jurídica, su influencia en la formación de la cultura judicial y el desarrollo de la conciencia jurídica profesional de los futuros abogados. La metodología de investigación consta de los siguientes métodos: dialéctico, lógico-formal, jurídico-comparativo y funcional-estructural. Se consideró el impacto de las decisiones del Tribunal en la formación de la identidad profesional del abogado, en particular en el ámbito de la formación de su cultura policial, su visión del mundo sobre el respeto a los derechos humanos y las libertades, el principio del Estado de derecho y los principios de un poder judicial independiente e imparcial. Se justificó la necesidad de integrar sistemáticamente la jurisprudencia del Tribunal en los planes de estudio de las instituciones de educación superior jurídica, lo que contribuirá no solo a la formación de conocimientos teóricos profundos, sino también a la capacidad de aplicarlos adecuadamente en la práctica. Se analizan enfoques orientados a la práctica para la enseñanza de los estándares internacionales de derechos humanos como herramienta para la formación de una cultura judicial que cumpla con los requisitos de un Estado de derecho.

**Palabras clave:** Tribunal Europeo de Derechos Humanos, educación jurídica, cultura judicial, protección de los derechos humanos, Estado de derecho.

## Introduction

In the current conditions of globalization and legal integration, the issue of harmonizing the national legal order with international standards in the field of human rights protection is of particular relevance. The practice of the European Court of Human Rights occupies a central place in this system, which is an important source of interpretation of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (hereinafter referred to as the Convention) (United Nations, 1950) and serves as a reference point for national law enforcement bodies. Ukraine, as a state party to the Convention and a party to the Vienna Convention on the Law of Treaties of 1969 (United Nations, 1969), is obliged not only to implement the decisions of the ECHR in specific cases, but also to take into account the established case law of the Court in all areas of the functioning of the legal system, including legal education.

Legal education, integrated with modern jurisprudence in the field of human rights, is a necessary prerequisite for establishing the principles of a democratic state based on the rule of law and is designed to provide professional training for lawyers capable of competently implementing international legal standards in the domestic legal order, taking into account the principles of the rule of law, legality and justice. In this context, the practice of the European Court of Human Rights acquires importance not only as a tool for normative interpretation of the provisions of the Convention, but also as a value basis for the



formation of a high level of professional legal awareness, ethical responsibility and judicial culture of lawyers.

The systematic application of the practice of the ECHR in legal education meets the urgent need to improve the quality of legal training in the light of international human rights standards. In the modern legal reality, when the decisions of the ECHR are increasingly becoming a catalyst for legislative changes and law enforcement transformations in Ukraine, the issue of their integration into educational courses, professional trainings and advanced training programs is of particular importance.

The laws of Ukraine, in particular Law 3477-IV (2006), directly oblige the state to ensure the execution of the decisions of the ECHR and take into account their practice in the domestic legal system. Draft legislation updating the High Council of Justice, as well as recommendations from such authoritative institutions as the Venice Commission and the OSCE, emphasize the need to strengthen judicial independence, the professional responsibility of judges, and the role of education in ensuring these tasks (Venice Commission, 2017).

Therefore, the problem of introducing the practice of the ECHR into the legal education system is not only academic, but one that is directly related to the formation of an effective, independent and human rights-protecting judiciary capable of meeting the challenges of a modern democratic society.

The object of the study is social relations arising in the field of professional legal education in the context of implementing the practice of the European Court of Human Rights as a tool for forming judicial culture and ensuring effective protection of human rights and freedoms.

The subject of the study is the theoretical, legal and applied aspects of integrating the practice of the European Court of Human Rights into the content of legal education, its methodological significance for the formation of legal awareness and professional ethics of future lawyers, as well as the impact on the establishment of standards of judicial culture in national law enforcement practice.

The objectives of the study are:

1. To determine the regulatory and legal basis and methodological guidelines for the use of the practice of the ECHR in the legal education system.
2. To investigate the substantive and functional significance of the practice of the ECHR for the formation of basic competencies of a lawyer in the field of human rights and to establish the relationship between the integration of ECHR decisions into the educational process and the level of formation of judicial culture in the state.
3. Analyze the impact of the ECHR practice on the transformation of legal education in accordance with the requirements of the rule of law.

This study constitutes an initial theoretical and normative analysis, the purpose of which is to critically substantiate the need to integrate the practice of the ECHR into Ukrainian legal education. Based on this framework, it is proposed to advance future research toward the design and implementation of specific pedagogical models that effectively achieve this integration.

## Theoretical Framework and Literature Review

Analysis of modern scientific research demonstrates the growing importance of the practice of the European Court of Human Rights in shaping both law enforcement activities and educational strategies for training future lawyers. The integration of the practice of the ECHR into legal education is considered a key tool for strengthening the rule of law, raising standards for the protection of human rights and forming a new quality of judicial culture based on respect for international law. In this context, the works of a number of researchers who reveal various aspects of this issue were analyzed.

Rabinovych & Garasymiv (2015) focus on the normative and legal potential of the ECHR decisions in cases against Ukraine, in particular as a tool for identifying gaps in national legislation. The authors consider the ECHR as a body that performs the function of a negative legislator, forming the state's obligations to amend domestic law on the basis of established violations. This approach is relevant for substantiating the need to integrate the case law of the ECHR into courses on constitutional, administrative and public international law, as it allows students to develop an understanding of the mechanisms of the impact of court decisions on the legal system. At the same time, it should be noted that this work is limited to a normative and legal approach and does not cover the issue of the educational potential of the analyzed decisions.

The study by Zavgorodniy (2017) highlights the impact of the practice of the ECHR on the law enforcement activities of Ukrainian courts, in particular through the prism of the need to ensure compliance of domestic jurisdiction with European standards. It is emphasized that the recognition of the practice of the ECHR as a source of law necessitates the formation of skills among lawyers to interpret national legislation in the light of the decisions of this international court. These conclusions confirm the feasibility of including ECHR precedents in the content of training courses on judicial practice and law enforcement methodology. However, the study does not contain a detailed analysis of educational tools for implementing the practice of the ECHR in the training of future lawyers.

Mendez analyzes the experience of the human rights movement in Latin America, focusing on the transitions from authoritarianism to democracy, the role of lawyers, civil society activists, and educational initiatives in the protection of human rights. At the same time, the idea is revealed that the legal system should not only maintain order, but also be an instrument of emancipation and democratization.

Contribution to the study of legal education in Ukraine: This experience is especially valuable for Ukraine, which is in the process of reforming the judicial system, fighting corruption, and strengthening democratic institutions. Méndez emphasizes that legal education should form not only specialists, but also human rights defenders - an approach that can become the basis for revising the mission of law faculties in Ukrainian higher education institutions (Mendez, & Mariezcurrena, 2000).

Castro-Buitrago examined the development of clinical legal education in Latin American countries as a response to the lack of access to justice. The author shows how student legal clinics can simultaneously develop practical skills in students and provide legal assistance to vulnerable groups. The clinics are presented as a bridge between education and social justice. The example of Latin America shows that clinics can become a powerful tool of public interest - especially in the context of armed conflict, human rights violations, and internally displaced persons (Castro-Buitrago et al., 2010).

Fernández Fernández (2024) article examines how popular education (popular, non-institutional) in Latin America was used as a tool in the struggle for human rights, especially under dictatorial regimes. The author emphasizes the importance of education that focuses not only on the transfer of knowledge, but also on the formation of critical thinking, legal awareness, and active citizenship. Contribution to the study of legal education in Ukraine: This source demonstrates how legal education can go beyond the boundaries of classical classroom training and become an element of a broad social movement. For Ukraine, especially in the context of war, democratic transformation, and the struggle for the rule of law, this experience can be adapted in the form of informal legal education programs, mobile law schools, legal training for communities, veterans, internally displaced persons, etc.

Solotkyi (2018) analyzes the place and role of the ECHR decisions in the legal system of Ukraine, emphasizing their binding nature and law-making nature. The thesis is put forward about the priority of the ECHR practice in case of a conflict with national norms. This approach is extremely important for legal education, as it demonstrates to students an example of the hierarchy of sources of law in the context of European integration. However, the author does not reveal how this characteristic of decisions can be methodologically embedded in the teaching of legal disciplines.



Yurovska (2021) devotes her research to the study of the practice of the ECHR in the activities of the body of constitutional jurisdiction, that is, the Constitutional Court of Ukraine. The work argues that the practice of the Court of Luxembourg has become an integral part of Ukrainian constitutionalism, forming new standards of interpretation of human rights. Such an approach is valuable for the development of legal education in the field of constitutional law, as it demonstrates to students how international court decisions change the logic of legal understanding even at the level of higher judicial instances. The methodology of interpretation applied by the Constitutional Court, taking into account the positions of the ECHR, deserves special attention.

In the fundamental work of Viljanen (2008), the thesis about the role of the ECHR as not only a judicial body, but also a de facto developer of international law in the field of human rights is substantiated. The author substantiates the concept of a "living Convention", according to which the provisions of the European Convention on Human Rights should be interpreted dynamically, taking into account changes in society. It is this characteristic of the decisions of the ECHR that allows them to be used in legal education not as static norms, but as examples of the evolution of law through case law. We fully agree with this statement, because it meets the tasks of forming flexible legal thinking in future lawyers. Viljanen's work is conceptually important for the development of the methodology of teaching human rights, in particular with an emphasis on their dynamic nature and interdisciplinary approach.

Repetto (2013) in his study examines the issue of the interaction of the European Convention on Human Rights and the decisions of the ECHR with national legal systems, especially in the context of Italy. The author argues that the practice of the ECHR acquires constitutional significance, in particular when it comes to the interpretation of fundamental rights and freedoms. Repetto proposes a model of integration of the decisions of the ECHR through the concept of "constitutionalization of human rights", which goes beyond the formal subordination to international law, and instead aims at harmonizing European and national standards. This approach is extremely relevant for the formation of a legal culture in which future lawyers perceive the Convention and the practice of the ECHR not as an external source, but as a structural part of the constitutional legal order. We fully agree with this approach, because it is through legal education that it is possible to ensure the formation of a national lawyer as a participant in the European legal dialogue.

Syroid & Fomina (2023) analyze international legal standards of legal education in the field of human rights, in particular, referring to documents of the UN, the Council of Europe and the OSCE (2016). The work emphasizes the need to institutionalize human rights education in the training systems of judges, lawyers, prosecutors. Attention is drawn to the lack of a systematic teaching methodology, as well as the insufficient level of internationalization of the content of legal programs in Ukraine. The work is conceptually important for our study, as it allows us to substantiate the institutional need to include the practice of the ECHR in the professional training of lawyers. We fully agree with the thesis about the need for a systemic, rather than episodic, approach to human rights in the educational process.

The article by Kilián, Pospíšil & Smekal (2016) analyzes the place of international human rights law in legal education in the Czech Republic. The authors emphasize that although international standards are formally present in the curricula, their practical teaching is often reduced to a formal consideration of theoretical provisions without analysis of the practice of the ECHR or its application in case methods. A gap is noted between academic theory and judicial practice. These observations are also relevant for the Ukrainian context. We share the authors' criticism of the insufficient use of practice-oriented methods of teaching human rights and emphasize the need to strengthen the component of analysis of ECHR decisions in courses on international, administrative and constitutional law.

Eberbach's (2023) study examines the role of legal education in fostering a democratic legal culture in a context of political instability, using Myanmar as an example. The author shows that even in countries with authoritarian tendencies, human rights education can serve as a tool to support the standards of the ECHR and international law. Considerable attention is paid to teaching methods, in particular clinical education, interactive learning, and mock trials. Eberbach's work confirms that human rights education is not only a legal but also a cultural category. We support the author's approach to the active use of innovative teaching



methods that ensure the formation of a judicial culture even in crisis political contexts. At the same time, the excessive idealization of the possibility of legal education as a factor of democratization in states with unstable political regimes is somewhat controversial. We agree with the need to implement human rights even under authoritarian pressure, but we do not share the optimism that education alone without political will can transform judicial culture.

Grossman (2004) puts forward the idea of globalization of legal education, within which human rights should be a cross-cutting theme of the curricula. The author insists on the need for interdisciplinarity, international exchange and the mandatory integration of decisions of international courts into the educational process. The strategic role of law faculties in creating an environment that supports the rule of law and respect for human rights is emphasized. Grossman's ideas are the conceptual basis for the formation of our hypothesis about the central role of the practice of the ECHR in the formation of the legal consciousness of future lawyers. We fully agree with the criticism of the narrow-profile approach to legal education and support the proposed globalization vector.

The scientific and methodological manual by Fuley (2020) presents a systematic review of the practice of the ECHR in the field of administrative justice, in particular in cases on freedom of expression, the right to a fair trial, and the protection of property rights. The manual contains practical recommendations for judges on the interpretation of the provisions of the Convention in the light of case law. This work has direct practical significance for teaching subjects of the administrative law cycle. We agree with the author that without a thorough knowledge of the practice of the ECHR, high-quality implementation of administrative justice is impossible, and therefore, proper training of lawyers.

Zhigalkin (2024) analyzes the specifics of the use of the ECHR conclusions by the High Council of Justice in the context of bringing judges to disciplinary responsibility. The problem of uneven consideration of ECHR standards, as well as the interpretation of the integrity and independence of a judge through the prism of the practice of the Strasbourg Court, is highlighted. The work indicates the practical need in legal education to reveal to students the significance of ECHR decisions in the field of professional ethics of judges and disciplinary practice. We fully support this position, as it reveals the connection between theoretical knowledge about human rights and judicial behavior in real conditions. Indicators of the Ministry of Education Currently, Ukraine has a fairly wide network of educational institutions that train lawyers. It consists of 164 higher education institutions and 117 institutions of professional pre-higher education. In 2023, they graduated 2,408 professional junior bachelors, 2,143 junior specialists, 55 junior bachelors, 15,932 bachelors and 7,539 masters in the specialty 081 "Law". According to these indicators - the number of specialized educational institutions and the number of graduates - Ukraine significantly exceeds the average indicators in the member states of the European Union. For example, in Austria, only 6 universities train lawyers, in Spain - 14, and in Poland - 19. In contrast, in Germany, where there are 57 specialized institutions, an average of 8-10 thousand graduates acquire the profession of lawyer every year (Pravo-Justice, 2024). High-quality and corruption-free legal education remains crucial for strengthening the rule of law in Ukraine. Therefore, in the European Commission report within the framework of the EU Enlargement Package, published in November 2023, among the unresolved problems and, accordingly, tasks for Ukraine in the field of legal education are:

- Implementing a clear institutional demarcation of legal education and training specialists for law enforcement agencies;
- Strengthening requirements for access to legal education;
- Strengthening requirements for licensing and accreditation of higher education institutions that train lawyers;
- Ensuring a transparent and merit-based distribution of public funds for the training of lawyers;
- Modernizing educational programs in the specialty "Law" with an emphasis on legal ethics, practical training, studying EU law, ensuring international academic mobility, implementing a single state qualification exam, as well as strengthening the fight against corruption and plagiarism.



At the end of May, the Ministry of Education and Science (MES) approved the standard of professional pre-higher education in the specialty of Law by its order. In practice, this means continuing to train lawyers in colleges at the level of a professional junior bachelor. This contradicts the policy of the MES on optimizing the legal education system. The draft of the new list of specialties developed by the ministry cancels the training of lawyers at the level of professional pre-higher education, that is, in colleges.

Currently, the quality of legal education in many law schools does not meet the needs of the labor market. The number of graduates significantly exceeds the demand among employers. In particular, only 65% of law graduates find work, and not always in their specialty. Therefore, the MES has taken a course to optimize (reduce) the number of higher educational institutions (hereinafter referred to as HEIs) in general, including those that train lawyers (Order 762, 2024).

Colleges lack highly qualified teachers who can train relevant legal specialists. This is evidenced by the analysis of the results of the Unified Professional Entrance Examination (EFVV), which is an entrance exam for master's degrees. Law students who entered a bachelor's degree after graduating from college have worse results in passing the EFVV than graduates of a bachelor's degree in law who entered it immediately after school. Therefore, unfortunately, the education of law students in colleges is often reduced to a process for the sake of the result (obtaining a diploma). In 2018, there was an increase in absenteeism at the EVI and EFVV, in particular among graduates of law enforcement agencies and applicants aged 30 and over (every fourth one did not appear). Despite the stable level of threshold requirements compared to 2017, the share of those who did not pass the threshold increased due to the general weakening of the academic level of applicants.

Across the country, a decrease in both the minimum and average levels of legal knowledge of applicants for a master's degree in the specialty 081 "Law" was recorded. The main reasons for this phenomenon are: demographic factors, a decrease in the requirements of higher education institutions for applicants, as well as a decrease in the relative weight of the professional block in the structure of the competitive score (for example, a decrease in the threshold score from 31.4% in 2017 to 30% in 2018), while simultaneously increasing the requirements in the TZNPk and in a foreign language (Mudruk, 2019).

When comparing the results of the EVI and EFVV of graduates of the specialties "Law" and "International Law", a higher level of knowledge was revealed among representatives of the latter. The only exception was civil procedural law, where they demonstrated worse results, which is due to the peculiarities of educational programs. However, in the disciplines "Public International Law" and "International Protection of Human Rights", graduates of the specialty "International Law" had a significant advantage.

The study used thematically relevant sources selected through a targeted analysis of scientific literature on the topic of the study. The selection was carried out using leading academic databases, such as Scopus, Web of Science, Google Scholar and others, using keywords that corresponded to the main areas of the study. In doing so, the relevance of the publications, their scientific value, as well as their relevance to the selected issue were taken into account. This approach ensured thematic integrity and relevance of the sources, although it should be noted that the study does not claim to be completely systematic, but has the features of a targeted (narrative or integrative) review.

In general, a critical analysis of the sources indicates broad support for the idea of the need to introduce the practice of the ECHR into the legal education system. The main agreed positions are to recognize the practice of the Strasbourg Court as a factor in harmonizing legal systems, strengthening the rule of law and forming the professional ethics of future lawyers. At the same time, some debatable positions have been identified regarding the implementation of these ideas in specific educational and political contexts, which require further development within the framework of interdisciplinary research.

## Methodology

The research methodology is based on the integrated application of four key methods: dialectical, formal-logical, comparative-legal, and structural-functional, which provides a comprehensive analysis of the issues of applying the practice of the ECHR in legal education, as well as its impact on the formation of judicial culture and the protection of human rights.

The dialectical method, based on the principles of development and contradictions in social phenomena, as well as on the identification of unity and struggle of opposites in the legal process, made it possible to study the formation of judicial culture and the protection of human rights as processes that are constantly changing, interacting and influencing each other. Using the dialectical method, the study analyzed the dynamic interaction between the norms of international law, in particular the Vienna Convention on the Law of Treaties (United Nations, 1969) and the Convention for the Protection of Human Rights and Fundamental Freedoms (United Nations, 1950), and the national legislation of Ukraine regulating the implementation of ECHR decisions (Venice Commission, 2017). Thanks to this approach, contradictions and the processes of overcoming them through the implementation of international standards in national law, which is the foundation for the development of a democratic legal state, were identified. The method made it possible to trace the evolution of legal education under the influence of the practice of ECHR as a factor in strengthening the rule of law and justice. In addition, a careful analysis of key decisions of the ECHR (Rekvényi v. Hungary (European Court of Human Rights, 1999a), Brumărescu v. Romania (European Court of Human Rights, 1999b), European Court of Human Rights (2011), Volkov v. Ukraine (European Court of Human Rights, 2013), Ovcharenko and Kolos v. Ukraine (European Court of Human Rights, 2023)) provides an opportunity to see how the Court shapes legal standards that have a direct impact on national judicial proceedings. This is especially true in areas such as the right to a fair trial, freedom of expression, the right to privacy and other fundamental rights.

The formal-logical method, based on the logical analysis of legal norms and concepts, the establishment of cause-and-effect relationships, the classification, systematization and formalization of legal phenomena, was applied for the systematic analysis and classification of the main legislative acts, regulatory legal documents and decisions of the ECHR, in particular, taking into account legislative changes. Thanks to the formal-logical method, it was possible to clearly determine the structure of legal norms, analyze the logic of their application in legal education and judicial practice, and establish mechanisms for implementing ECHR norms into the national legal system. This contributed to the formation of a clear understanding of the regulatory framework governing the use of ECHR practice and its role in law enforcement.

The comparative legal method, which consists in comparing the legal systems, norms and practices of different countries, was used to compare Ukrainian legislation and judicial practice with the norms of the Convention on the Protection of Human Rights and the practice of the ECHR, as well as with the legal systems of other European countries and the research of scientists. The comparative analysis made it possible to identify shortcomings and gaps in national legal education and judicial practice, as well as to propose specific ways of improvement based on the best European standards. At the same time, the role of the ECHR as a global arbiter in the field of human rights was established, which directly affects the reform of legal education and law enforcement in Ukraine. In addition, the comparative analysis provided an opportunity to critically assess existing methodologies in Ukraine and identify gaps that need to be eliminated. For example, Eberbach (2023) points to the challenges of legal education in countries with transitional systems, which is relevant for Ukraine.

The structural-functional method, which helps to study the structure of legal institutions and systems, as well as the functions they perform in society, determines their interrelation and role in the implementation of law, made it possible to analyze the functional role of legal education as a system for training specialists capable of applying the practice of the ECHR in the national context. It was studied how educational programs integrate the principles of the rule of law, legality and protection of human rights, which are enshrined in legislation and international documents. The method helped to highlight the main functions of





the judicial system in the legal provision of human rights protection through the implementation of the ECHR, as well as the role of legal education in the formation of judicial culture and professional ethics of future lawyers.

## Results and Discussion

The application of the practice of the European Court of Human Rights in the legal education system of Ukraine has not only theoretical and practical, but also normative justification. The legal consolidation of the state's obligation to take into account the decisions of the ECHR as a source of law is a key factor in the formation of a judicial culture based on European human rights standards.

According to the Convention for the Protection of Human Rights and Fundamental Freedoms (United Nations, 1950), by which Ukraine undertook to ensure the rights and freedoms of everyone within its jurisdiction (Article 1), the final decisions of the ECHR are binding on the States Parties (Article 46) (United Nations, 1950). Ukraine's obligations to properly implement international treaties are also confirmed by the Vienna Convention on the Law of Treaties (United Nations, 1969), according to which "every treaty in force is binding on the parties to it and must be performed by them in good faith" (Article 26), and "a party may not invoke the provisions of its internal law as a justification for its failure to perform a treaty" (Article 27) (United Nations, 1969).

In the national legal framework, these obligations are specified by the Law of Ukraine "On the Execution of Decisions and Application of the Practice of the European Court of Human Rights" (Law 3477-IV, 2006), which explicitly states that "the Convention and the practice of the European Court of Human Rights are sources of law in Ukraine" (Article 2), and "courts shall apply the Convention and the practice of the Court as a source of law when considering cases" (Article 17) (Law 3477-IV, 2006).

Thus, the formation of a modern judicial culture in Ukraine is impossible without integrating the practice of the ECHR into the educational programs of law faculties. After all, only a systematic study of the content and legal approaches of the ECHR will allow future lawyers to effectively use the norms of the Convention as norms of direct effect, which is required by both the law and international obligations of Ukraine.

Today, in the context of Ukraine's European integration and the reform of the Ukrainian judicial system, the issue of integrating the practice of the European Court of Human Rights into legal education is becoming particularly relevant. As noted in the analytical material on the Lex platform (National School of Judges of Ukraine, 2021), in the context of the development of Ukrainian justice, the decisions of the ECHR have both a normative and educational function: they form the vector of judicial practice based on the principles of the rule of law, respect for human dignity, and effective protection of rights.

According to the OSCE (2017), the fundamental element for the formation of a lawyer's professional thinking is not only knowledge of the content of the ECHR decisions, but also understanding of their logic, systemic analysis and standards of evidence that the court applies in cases. Training courses developed within the framework of OSCE projects prove that the integration of ECHR practice into the process of teaching administrative, civil and criminal justice promotes the transition from formal interpretation of norms to law focused on the protection of the individual. Such a reorientation of lawyers' thinking has a systemic impact on the renewal of judicial culture in Ukraine.

The decisions of the ECtHR, according to the Council of Europe (2024), increasingly affect not only courts of general jurisdiction, but also local authorities, which also require a renewal of approaches in legal education. Considering the case-law of the ECtHR is an important tool for ensuring a balance between the State's margin of appreciation and its obligations under the Convention. For local authorities and law enforcement, this means an increased level of responsibility in the field of human rights, and for law faculties, the need to study the case-law of the ECtHR as a separate discipline or a cross-cutting element in other courses.

Studies (OSCE, 2017; Council of Europe, 2024) confirm that only if the case law of the ECHR is integrated into the curricula can we speak of full-fledged training of a lawyer of the European model. In this context, it is worth agreeing with the conclusions of the analytical material posted on the Lex platform (National School of Judges of Ukraine, 2021) regarding the need for systematic training of legal teachers who are able to convey to students not only the content of the ECHR decisions, but also the culture of human rights as the basis of legal awareness.

However, some aspects need to be considered critically. In particular, the sources mentioned do not always focus on the potential risks of a formalized approach to teaching the practice of the ECHR, when the study of decisions is limited to citing them without proper analysis of the context, circumstances of the case, legal conclusions and mandatory standards. Such an approach, although it declares the formal presence of topics of human rights in the educational process, in practice does not contribute to a deep understanding of the essence of Convention standards by students.

Thus, the practice of the ECHR plays a key role in the transformation not only of law enforcement activities, but also of legal education, becoming a catalyst for the formation of a qualitatively new judicial culture, based on the principles of the European legal tradition. The application of ECHR decisions in the educational process should be based on an interdisciplinary approach that combines theoretical foundations, analysis of precedents and simulations of court proceedings.

Modern legal education is undergoing a transformation from traditional formalism to an interdisciplinary model, where the understanding and application of international human rights standards play a key role. The study by Syroid & Fomina (2023) notes that the training of future lawyers should go beyond the national context and include international legal mechanisms for the protection of human rights, in particular the practice of the ECHR, as a practical tool for combating legal nihilism and formalism.

A similar position is expressed by Kilián, Pospíšil & Smekal (2016), who analyzed the Czech experience of integrating human rights into legal education. They emphasize that the practice of the ECHR is not only a subject of study, but also a methodological basis for teaching such disciplines as criminal procedure, administrative law and constitutional justice. Therefore, it can be agreed that the inclusion of the practice of the ECHR in the curricula ensures the formation of critical thinking and the training of specialists who are able to act effectively in conditions of legal uncertainty.

At the same time, as Repetto (2013) rightly notes, excessive focus on the case law of the ECHR without its proper interpretation in the national context may lead to legal “copying” rather than a deep understanding of the mechanisms of human rights protection. This thesis should be taken into account in the Ukrainian context, where legal education often demonstrates a tendency to dogmatically expound norms without an analytical component.

The impact of the ECtHR’s practice is not limited to the educational process, as case law has a direct impact on the formation of judicial culture — a set of ideas, values, and practices that determine the ethical and professional standards of judicial activity. Eberbach (2023), studying legal education in transitional countries, proves that teaching human rights through ECHR cases changes students’ legal consciousness and lays the foundation of a lawyer’s professional identity focused on serving society. Grossman (2004) shares a similar view, emphasizing that global legal education should take into account the different legal systems in which the ECtHR operates as an instrument of cultural internationalization of legal norms. Such an approach certainly deserves support, as it allows future lawyers to understand not only the formal content of legal decisions, but also the social, political, and moral consequences of their application.

A separate place in modern research is occupied by the analysis of the impact of the practice of the ECHR on the institutions of disciplinary liability of judges in Ukraine. Zhigalkin (2024) reasonably draws attention to the problem of selective or formal application of ECHR decisions in the activities of the High Council of Justice (HCJ). The author emphasizes that, despite the direct binding nature of the Court’s conclusions,



they often do not find a systematic and consistent reflection in the decisions of disciplinary bodies. Such an approach not only violates the guarantees of the independence of judges, but also jeopardizes trust in the judicial system as a whole, which negatively affects the image of the rule of law (Zhigalkin, 2024).

For example, the case law of the ECHR has repeatedly clearly defined the criteria for the admissibility of interference with the activities of judges. In particular, in the cases of *Volkov v. Ukraine* (European Court of Human Rights, 2013), *Ovcharenko and Kholos v. Ukraine* (European Court of Human Rights, 2023) and *Serkov v. Ukraine* (European Court of Human Rights, 2011), the Court emphasized the need to observe the principles of fair trial and legal procedure, which should guarantee the independence and impartiality of judges (European Court of Human Rights, 2013; European Court of Human Rights, 2023; European Court of Human Rights, 2011; European Court of Human Rights, 2024). According to these norms, disciplinary prosecution of judges must be justified, proportionate and subject to thorough legal review so as not to violate the right to a fair trial.

Of particular importance is the judgment in *Brumărescu v. Romania* (European Court of Human Rights, 1999b), in which the ECtHR stressed that interference with final court decisions undermines the principle of legal certainty, which is a basic feature of the rule of law. The Court stressed that disciplinary sanctions that may affect the autonomy of judges must strictly comply with the standards of the European Convention on Human Rights (European Court of Human Rights, 1999b). These standards are becoming guidelines for reforming Ukrainian judicial disciplinary practice, which still faces problems of politicization and formalism.

The problem lies in the lack of a unified methodology and systematic approach to the implementation of the ECHR case law in disciplinary proceedings against judges. As a result, the selective application of ECHR decisions in the disciplinary practice of the Supreme Court of Justice creates legal uncertainty and undermines the authority of the judicial system, which is critically dangerous for ensuring the rule of law in Ukraine (Zhigalkin, 2024). To overcome these challenges, it is important to strengthen the role of legal education and advanced training of judges and members of the Supreme Court of Justice, taking into account the requirements of the ECHR. Educational programs should include a systematic study of ECHR decisions, analysis of typical problems and practical recommendations, and contribute to the formation of a judicial culture focused on respect for international standards for the protection of human rights.

Thus, the integration of the practice of the ECHR into legal education is not only a pedagogical or educational and methodological innovation, but also a necessary component of the transformation of legal culture in general. Its significance lies in the fact that it forms a new generation of lawyers capable of acting in the spirit of international standards, protecting human rights and ensuring the informal but sustainable development of the rule of law. However, this integration must be systemic, critical and adapted to the national context, which requires reforming approaches to legal education, improving the qualifications of teachers and updating methodologies.

One of the main problems is the insufficient level of integration of ECHR decisions into the curricula of law schools. As the Organization for Security and Co-operation in Europe (OSCE) notes, there is a need to develop and implement standardized courses based on ECHR case law to improve the skills of judges and lawyers (OSCE, 2017).

Ways to solve the problem may be as follows:

1. Curriculum development: Creation of courses covering the main aspects of the ECHR practice, taking into account the specifics of national legislation.
2. Teacher training: Conducting trainings and seminars for law faculty teachers to familiarize them with the practice of the ECHR and its teaching methods.
3. Cooperation with international organizations: Involvement of OSCE and Council of Europe experts in the development of training materials and holding joint events.

Integrating the practice of the ECHR into legal education contributes to the formation of a judicial culture focused on the protection of human rights and compliance with international standards. As noted by the Council of Europe, local and regional authorities play a key role in ensuring human rights by providing basic public services such as housing, healthcare, education and social security (Council of Europe, 2024). The application of the practice of the ECHR in legal education allows future lawyers to better understand the mechanisms of human rights protection and use them effectively in their professional activities. This contributes to raising the standards of human rights protection in Ukraine and bringing the national legal system closer to European standards (Council of Europe, 2024).

Thus, ensuring the proper application of the practice of the European Court of Human Rights in the field of disciplinary liability of judges is one of the key factors in the formation of a modern judicial culture based on the principles of the rule of law and guarantees of the independence of justice. Taking into account and systematically implementing the standards of the ECHR contributes to improving the quality of law enforcement activities, reducing the risks of politicization of the judiciary and strengthening public trust in judicial institutions. At the same time, to effectively solve existing problems, it is necessary to comprehensively reform not only the regulatory framework but also approaches the education and training of judges and members of disciplinary bodies, taking into account international standards.

The integration of the practice of the ECHR into legal education is an important prerequisite for the formation of the consciousness of future lawyers who are able not only to apply international norms, but also to develop national legislation in accordance with the requirements of European law. Such an educational approach contributes to the emergence of a new generation of lawyers and judges with a high level of professionalism, capable of ensuring the sustainable development of the rule of law and effective protection of human rights in Ukraine.

## Conclusions

As a result of the research conducted on the impact of the application of the practice of the ECHR in legal education on the formation of judicial culture and the protection of human rights, the following conclusions were drawn.

The analysis of regulatory legal acts, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms (United Nations, 1950), the Law of Ukraine "On the Execution of Decisions and Application of the Practice of the European Court of Human Rights" (Law 3477-IV, 2006), as well as relevant judicial practice, confirms the presence of clear obligations of Ukraine to implement the decisions of the ECHR into the national legal system. At the same time, methodological guidelines for the integration of the practice of the ECHR into legal education are formed on the basis of the priority of international human rights standards and the rule of law. It has been determined that the key regulatory basis for the implementation of the practice of the ECHR into the educational process is not only direct legal acts, but also approaches that form the system of professional competencies of future lawyers taking into account European standards for the protection of human rights. However, there is a need to further improve the legislative framework and develop specialized methodological materials to ensure a holistic approach to teaching international human rights law in national educational institutions.

A substantive analysis of the practice of the ECHR reveals it as a key tool for the formation of professional and ethical competencies of a lawyer focused on the protection of human rights and freedoms. The practice of the Court serves as a source of legal norms and a foundation for the development of critical thinking, the ability to apply international standards in the context of national law and understanding the functional role of the court in a democratic society. It has been established that the systematic integration of ECHR decisions into curricula contributes to the formation of a judicial culture based on the principles of impartiality, fairness and openness of justice. It is emphasized that the absence or formal nature of the inclusion of ECHR practice in the educational process negatively affects the readiness of future lawyers to effectively implement



European standards of justice at the national level, which, in turn, slows down the process of developing the rule of law in the state.

It has been established that the practice of the ECHR stimulates the reform of legal education and forms new methodological approaches that correspond to the concept of the rule of law as the basic principle of a modern legal state. The study found that updating the content of curricula through the inclusion of current decisions of the ECHR improves the quality of professional training, ensuring a deeper understanding of international legal norms and their application. At the same time, we analyze the problems of insufficient unification of educational standards, the lack of practice-oriented courses and the limited availability of specialized resources, which complicates the full adaptation of national legal education to European requirements. The scientific conclusion is that the transformation of education in this area requires a systematic approach that will include both updating curricula and improving the qualifications of teachers, and developing integrated methods for teaching international human rights law with an emphasis on practical application.

The results of the study allow us to conclude that the integration of the practice of the European Court of Human Rights into legal education serves as a conceptual basis for the formation of a new paradigm of professional legal training. This approach contributes to the assimilation by students of substantive and procedural standards of human rights protection and the formation of an internal judicial culture focused on the values of legal democracy, impartial justice and effective access to legal protection. Accordingly, the practice-oriented study of the decisions of the ECHR within the educational process is a necessary prerequisite for the training of specialists capable of ensuring the implementation of European human rights standards at the national level.

### Further Scientific Research

Regarding further scientific research, we consider it necessary to pay attention to assessing the effectiveness of legislative and institutional reforms aimed at implementing ECHR standards, including through the prism of educational programs and law enforcement practice.

An important area of research is to analyse the relationship between legal education and the rule of law. It would also benefit from a more systematic study of its own access to justice efforts. To what extent are students actually reached by clinics, pro bono programmes, core courses and internships or externships? How do students, alumni, and experts in the field assess the effectiveness of current curricula and programme initiatives?

In the absence of external evaluation, it is easy for schools to conflate good intentions with good results. Empirical evidence can be a useful tool against complacency and a source of educational innovation.

This agenda invites the legal academy to rethink its social justice responsibilities. Certainly, the country with the highest concentration of lawyers can better serve those who need it most. To make this possible, lawyers must do more to educate themselves, their students and the public about systemic deficiencies in legal services. If an academy is serious about instilling the values of equal justice in its students, its own priorities should reflect this.

This study is limited by its reliance on secondary sources and the lack of empirical data, such as surveys or interviews, which restricts the ability to assess the practical impact of integrating ECHR case law into legal education. Additionally, it does not fully explore regional differences in implementation or offer in-depth comparative analysis with other European legal systems. These limitations suggest the need for further research based on fieldwork to evaluate how effectively ECHR principles are being taught and applied in Ukraine's legal education and judicial practice.



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