

## EFFECTIVE TEACHING METHODS FOR EU FUNDAMENTAL RIGHTS LAW

---

### Abstract

This article discusses the teaching methods used for the EU Fundamental Rights Law course offered by the author at the BA programme of Institute for European Studies at Ivane Javakhishvili Tbilisi State University. The article also aims at providing an assessment of the effectiveness of those methods.

One of the underlying assumptions of the current analysis is that the teaching methods, such as student-centered teaching, demonstration and written commentary on the court decisions bear great importance in the process of teaching the human rights law. The student-centered teaching method differs from the teacher-centered teaching method. More specifically, this method implies an active involvement of the students, rather than listening to the lecture or writing an essay. Some examples of this kind of approach include debates, group activities, and role-playing games. The demonstration method makes it easier for students to better understand the issue and helps them to memorize new material easily. As for the commentary on the court decision, in the form suggested by the author, is innovative to the Georgian law schools, as it is an analogy of the practice introduced by the French universities<sup>2</sup>. By applying this method, a student develops the skills of legal writing and argumentation, critical analysis, and a proper understanding of court decisions.

The methods described above perfectly meets the purpose of the course, which is building practical skills along with theoretical knowledge when it comes to specializing in human rights protection in the EU.

**Keywords:** EU Law; Fundamental Rights Law, Teaching Methods, Student-centered Teaching, Demonstration Method, Commentary on the Court Decision

### Introduction

Following Georgia's expanded aspiration to fully integrate into the European Union, raising awareness of EU law in Georgia and developing the professional workforce in this field has been gaining great importance during the last decade.

Establishing the European Studies undergraduate program at the Institute for European Studies at Ivane Javakhishvili Tbilisi State University is one of the progressive steps forward along with other economic, political, and social initiatives. It is important to note that the important component of the curriculum of that undergraduate program is devoted to EU Law. This article specifically addresses the EU Fundamental Law Course and describes some effective teaching methods used by the author.

The EU Fundamental Rights Law course offered by the author implies several objectives and in order to achieve them certain relevant teaching methods are discussed in the present article. The course aims to achieve the following objectives:

- To provide students with information on the EU's basic human rights system;
- To inform them on the basis of the Charter of Fundamental Rights of the European Union, the legal nature of the fundamental rights in the EU, the scope of their interpretation and their effect;
- To provide relevant knowledge that will enable students to distinguish between the role of the

---

<sup>1</sup> Invited lecturer at the Institute for European Studies of Ivane Javakhishvili Tbilisi State University, Email: tamouna.kvaratskhelia@gmail.com

<sup>2</sup> The author is the graduate of MA Program at Paris Saclay University as well as the interdisciplinary Masters programme in European Studies at Tbilisi State University, where she became the beneficiary of Erasmus International Credit Mobility at University of Montpellier

EU Charter of Fundamental Rights and the European Convention on Human Rights as European mechanisms for the protection of fundamental human rights.

- To help students develop legal analysis and other various practical skills;
- To gain the necessary skills for the student in view of his professional integration;

Furthermore, in addition to the objectives particularly set for this course, it is essential that the general objectives of higher education in the country be achieved through the teaching methods used in the course. The Law of Georgia on Higher Education defines these goals. According to Article 3 of the Law of Georgia on Higher Education defines that one of the important goals of higher education is *“to acknowledge potential, develop creative skills, train persons with competencies relevant to present-day requirements, ensure competitiveness of persons with higher education in domestic as well as in international labor markets, and to offer to interested persons high quality higher education that meets the requirements of students and of the public as a whole<sup>3</sup>.”*

Based on the above-mentioned objectives and considering the content of the course, teaching methods applied to the course, help students to develop creative skills, train them with competencies relevant to present-day requirements in EU Fundamental Rights Law. As a result, we get specialists with high competitiveness in domestic as well as in European level.

In the present article, the author analyses three teaching methods, the use of which, in her opinion, brings a tangible learning outcomes for the course in the field of human rights. These methods are: a. Student centered teaching method, b. presentation and c. written commentary on the court decision.

It should be noted that this article is not based on the perspective of the author as a lecturer but it mostly relies on her viewpoint as a student. These are the methods that the author familiarized with during her studies as a law student at French Universities. Therefore, the aim of the author is to implement the best practice of the above-mentioned universities in Georgia.

#### I. Student Centered Teaching Method – Active Involvement of Students in their Education Process

The modern world is changing rapidly, and it is necessary for the teaching methods to follow these changes. Accordingly, there is a need for gradual transition from traditional to innovative teaching methods.

Facing the increasing competitiveness of specialists and market demands, the engagement of practical skills in education, more than simple theoretical knowledge, becomes more and more crucial. Student Centered Teaching is an educational response provided by higher education<sup>4</sup>. This form of active engagement, a pillar of learning, arouses curiosity and autonomy<sup>5</sup>.

In addition to the student-centered teaching method promoting the development of practical skills, this method also makes it easier for students to acquire theoretical knowledge. Students succeed when they like and are interested in what they are learning. It allows increasing the level of motivation of the learner in the face of the tasks given to them<sup>6</sup>. Moreover, if all this is transferred through the method by which they want to learn, indeed, the success rate is much higher. Students' interest in student-centered teaching is a major determinant of their education.

The student-centered teaching method differs from the teacher-centered teaching method. More specifically, this method implies an active involvement of the students, rather than listening to the lecture or writing an essay<sup>7</sup>. Some examples of this kind of approach include debates, group activities, and role-playing games, which are very convenient and effective to use in the EU Fundamental Rights Law course. More specifically, the lecturer presents several activities, and then students themselves choose their preferred method of learning the assigned course material.

Debates are very effectively used in the analysis of court decisions, which is somewhat controversial and the judges themselves take a different position. In this case, the students are divided into groups and defend their

<sup>3</sup> Law of Georgia on Higher Education, available at: <https://matsne.gov.ge/en/document/view/32830?publication=56>

<sup>4</sup> La pédagogie centrée sur l'étudiant, available at <https://www.fage.org/idees/enseignement-superieur/pedagogie-apprentissage/pedagogie-centree-etudiant.htm>

<sup>5</sup> Dehaene, S., Apprendre! Le talents des cerveaux, le défi des machines, Éditions Odile Jacob, 2018;

<sup>6</sup> Desjardins J., et Sénécal I., La Pédagogie Active, 2016, available at : <https://www.profweb.ca/publications/dossiers/la-pedagogie-active>

<sup>7</sup> Complete Guide to Teacher-Centered vs. Student-Centered Learning, available at: <https://onlinedegrees.sandiego.edu/teacher-centered-vs-student-centered-learning/>

position in the debate. This activity helps students to study thoroughly specific theoretical material as well as develops their practical skills such as debate, critical analysis, group work and public speaking.

One of the notable examples of group activity is dividing students into small groups and assigning them to prepare the group presentations on a topic of their choice. As a result of this activity, students become accustomed to finding material independently, researching, and developing group work skills.

As for the role-playing games, this activity is used in a moot court where students by taking on the roles of court participants, learn the material more enthusiastically, which helps them to acquire important practical skills. Mooting component is crucial for Human Rights Law courses in order to prepare students for real-life professional scenarios.<sup>8</sup>

As we can see, student-centered teaching is quite diverse and flexible which includes a variety of teaching methods. Consequently, all this makes it very interesting and attractive along with other above-mentioned positive aspects.

The effectiveness of the Student Centered Teaching method is confirmed scientifically. Studies show that, with decreased levels of teachers' guidance, students "are forced to make more effort to attain deeper and higher levels of elaborating and associating the reading materials with their knowledge retrieval during training, which means they have more comprehensive understanding of reading knowledge (e.g., sentence structure, vocabulary meaning)"<sup>9</sup>.

The students themselves evaluate the student centered teaching method very positively and mention that they are treated as individuals with their own ideas and viewpoints. Consequently, they get courage to use their voice<sup>10</sup>. As we can see, this method helps universities to equip students not only with academic knowledge, but also to enable them to become leaders and decision makers. Accordingly, student-centered teaching focuses on developing such practical skills that prime students towards self-guidance and enable them to continue their studies independently throughout their life, even after completing university.

As for the theoretical part, by applying this method to the course material, the students find the course content easier to grasp and more interesting to learn. In addition to this, the learning process becomes less stressful. Therefore, as we can see, the results of using this method are multilayered and can be very effective, including for those courses that deal with fundamental human rights issues and the courses that contain multipage court decisions. As studies indicate, when using this method, students are more motivated and involved in the teaching process<sup>11</sup>.

As a result, the student centered teaching method helps to develop the ability to innovate, collaborate and solve problems; it supports the capacity to learn autonomously, promotes sustainable and in-depth learning and increases the pleasure of learning such a heavy theory-based course such as European Union Fundamental Rights Law.

Since student-centered teaching is an active method and students are involved in the lecture process to the greatest degree possible, they will be assessed for the content and skills regularly through group activities, role plays or presentations. Accordingly, teacher can identify what the students find more difficult to understand, what they want to learn more and what steps to take for the right instruction. As for the assessment of students' writing skills, will be discussed in the third part of the present article.

---

<sup>8</sup> Lynch. A. "Why do we Moot? Exploring the Role of Mooting in Legal Education" [1996] LegEdRev 3; 7(1) Legal Education Review 67, available on: <http://www7.austlii.edu.au/cgi-bin/viewdoc/au/journals/LegEdRev/1996/3.html>

<sup>9</sup> "Is the Student-Centered Learning Style More Effective Than the Teacher-Student Double-Centered Learning Style in Improving Reading Performance?"; *Front. Psychol.*, 27 November 2019, available on: <https://www.frontiersin.org/articles/10.3389/fpsyg.2019.02630/full>

<sup>10</sup> What Is Student Centered Learning and Why Is It Important? Available on: <https://xqsuperschool.org/rethinktogether/what-is-student-centered-learning/>

<sup>11</sup> What Is Student Centered Learning and Why Is It Important? Available at: <https://xqsuperschool.org/rethinktogether/what-is-student-centered-learning/>

## Presentation method – Teacher and Student Presentations

The presentation method is a technique by which information is transmitted through various means of visualization. It is an effective and worthwhile method to present information in a clear and well-ordered manner<sup>12</sup>. For the purposes of the course, the demonstration is provided both as a teaching and a learning tool. On the one hand, the teacher uses the demonstration method to explain new material, and on the other hand, the students convey the learned material using the demonstration method. A PowerPoint presentation is one of the examples of the demonstration.

It is important to note that using PowerPoint by the teacher is not a new method, and it is frequently used during various lectures. The purpose of a presentation is to visually reinforce what you are saying<sup>13</sup>. As studies show, humans are visual creatures, and we process visual information (pictures, graphs, videos, etc.) 60,000 times faster than text and retain it up to five times longer. That is why visuals are important tool of presentation<sup>14</sup>. They aid quick comprehension and help students to focus on the main points. Highlighting the main points has a great power in the teaching process. Perhaps, that is why this program is called „Power Point“.

Based on the content of the course – EU Fundamental Human Rights Law, which comprises a significant theoretical component and many issues require detailed explanation, along with this, the comparison and analysis of the competences or decisions of different courts is provided, the power point presentation makes it much easier to separate certain issues from each other and helps students to easily understand important information. Accordingly, it is very crucial to properly prepare the presentation.

Proper preparation of the presentation is of great importance, because an incorrectly constructed presentation may be very boring for the audience and may lead to the opposite result of the intended purpose. For this reason, teachers have to follow several important rules while preparing the presentation. Including correctly determining the number of slides, font size, presentation time, etc. When the general rules of preparation of the presentation are followed, and it is well-adjusted to the audience, and in this case, to the students, the purpose of the lecture is always achieved. Students easily learn new material, the course is not boring for them, and the lecture is more dynamic.

The ability to present what we learn is a very important skill. That is why, for the purposes of the course, it is provided for students to make individual or group presentations as an evaluation method. Teaching with this method increases students' motivation, involvement and responsibility. Work on the presentation includes the stages of planning, research, practical activity and presentation. The presentation is considered completed if the student/students presented convincingly both in the theoretical and practical part, which implies proper construction of presentations and time management.

Finally, by using this method, the student has a solid knowledge of the subject; also it puts the student in an active learning process, and helps to instigate interest in the topics among the students. In addition to this theoretical part, the demonstration method develops their public speaking and group work skills, which are also very important for achieving the course objectives.

### III. Written Commentary on a Court Decision – Innovation for Georgian Law Schools

Legal study is associated with certain particularities. Law is a dynamic science that changes and develops day by day, that is why the study methods need to be constantly updated and adapted to the circumstances.

It should also be taken into account that the course discussed in this article - European Union Fundamental

<sup>12</sup> Dr.Kapur R., Presentation Method: Indispensable in Imparting Knowledge in Educational Institutions at all Levels, University of Delhi, 2020, available at: [https://www.researchgate.net/publication/345893942\\_Presentation\\_Method\\_Indispensable\\_in\\_Imparting\\_Knowledge\\_in\\_Educational\\_Institutions\\_at\\_all\\_Levels](https://www.researchgate.net/publication/345893942_Presentation_Method_Indispensable_in_Imparting_Knowledge_in_Educational_Institutions_at_all_Levels)

<sup>13</sup> General Teaching Methods, Presentation, 2020, available at: <https://www.open.edu/openlearncreate/mod/page/view.php?id=152277#:~:text=A%20presentation%20delivers%20content%20through,the%20audience%20in%20active%20discussions>

<sup>14</sup> Teaching and Presentation Skills, available at: <https://fyi.extension.wisc.edu/wateroutreach/water-outreach-education/bep-web-site-resources/use-education-resources/tools-for-teaching/teaching-presentation-skills/>

Rights Law, is taught within the framework of TSU interdisciplinary undergraduate program of European studies<sup>15</sup>, and it is not a part of the law program. However, when it comes to a course on human rights, it is essential for students to be able to understand the practical challenges of dealing with the specific rights, or how judges interpret them, or what happens when conflict arises with regard to the specific rights, etc. That is why case analysis, as one of the teaching techniques, in this manner, is an important component of the course objectives. Students should break down the case into discrete components (facts, legal issue, precedent, relevant legislation, application, holding) in order to discern what the court is actually doing<sup>16</sup>;

Accordingly, introducing the above-mentioned subject by using the method of written commentary on court decisions is considerably interesting and brings excellent results, both for the law students and for those taking law courses within the framework of a non-law study program.

The written commentary of the court decision, in the form provided for the course, can be claimed to be innovative for the reality of the Georgian law schools, and it is analogous to the practice implemented in French universities. The author experienced the effectiveness of the mentioned method in the teaching process when she was studying at the Faculty of Law in France. The fact that she was a student at the Faculty of Law both in Georgia and in France gives the author the opportunity to compare this method with relatively similar methods used in Georgian universities, such as case study and other exercises related to court decisions, and therefore analyze its effectiveness for a given course.

As already indicated, the content of the course covers the decisions of the Court of Justice of the European Union quite widely. In view of this, use of the method of written commentary of the court decision is important to achieve the goals of the course, correct understanding and analysis of the decisions of the court is one of the main conditions for perceiving and studying the course.

Written commentary is a legal exercise where the student analyzes a particular court decision. The purpose of this exercise is to explain the court's decision, to evaluate its legal value and, most importantly, to understand it properly.

The content of the exercise is both theoretical, as it requires theoretical knowledge of the issue, and practical, as it is important for the student to carefully follow the methodology. This involves analyzing the various paragraphs of the decision and to classify the elements they contain according to a pre-established plan. It should be pointed out that there is no "official" way of writing it. Several variants may exist depending on the teachers or the content of the particular course. However, the structure that is basic and characteristic to this exercise must necessarily include the following components: an introduction, then a development in two large parts and two small sub-parts<sup>17</sup>. It does not contain a conclusion.

The **introduction**, which is the essential part of the exercise, contains the following components:

- **The catchphrase** - It is all about capturing the attention of your reader. There are several kinds of it: the quote, the definition, etc.<sup>18</sup> For instance, we can introduce a catchphrase in this manner: "According to the legal saying: "*Nemo auditur suam propriam turpitudinem allegans*" which means in English, that no one can be heard to invoke his own turpitude. This decision is a clear illustration of that..."
- **The facts** - We need to state as clearly as possible the subject of the dispute, the parties involved (who assigns whom)... It is imperative here to legally qualify the facts and the parties<sup>19</sup>.
- **The procedure** - Here we have to state what legal procedures this dispute went through before it reached the Court of Justice of the European Union.
- **The pleas put forward by the parties** - This is to state the requests made by the parties. This step

<sup>15</sup> Developed under Erasmus + Jean Monnet Project "EUStBA"

<sup>16</sup> Howard E. Katz, Kevin Francis O'Neill, *Strategies and Techniques of Law School Teaching*, Aspen Publishers, 2009, p. 3; available at: [https://www.aspenpublishing.com/file%20library/faculty-resources/katzandoneill\\_lawschoolteaching.pdf](https://www.aspenpublishing.com/file%20library/faculty-resources/katzandoneill_lawschoolteaching.pdf)

<sup>17</sup> *Méthodologie des exercices juridiques*, Volume 2, Nanterre 2016, p. 47;

<sup>18</sup> *Le commentaire d'arrêt – Méthodologie*, available at: <http://www.etudesdedroit.fr/methodologie-2/le-commentaire-darret-methodologie/>

<sup>19</sup> *Le commentaire d'arrêt – Méthodologie*, available at: <http://www.etudesdedroit.fr/methodologie-2/le-commentaire-darret-methodologie/>

makes it possible to "clear the ground" for the determination of the question of law<sup>20</sup>.

- **The legal issue** - This is the key element of the introduction. Indeed, it is a question of finding the problem raised by the court. There must be a logical sequence between the problem and the decision of the court<sup>21</sup>. The legal issue is the most important element of the exercise and it should not be neglected. A badly formulated legal problem inevitably leads to the production of a judgment comment of poor quality<sup>22</sup>.
- **The decision of the court** - The decision made by the court should be written in this part, and its legal value should be noted. For instance, it should be clarified whether this is a decision on principle or not, did the court change the previous practice with this decision, etc.
- **The announcement of the plan** – It refers to a formal sentence (but as fluid as possible), around two big ideas which stand out from the decision and should state what the two parts of the commentary will be<sup>23</sup>.

As for the plan itself, a rule is fundamental, and it consists of building a plan in two big parts (I and II). Those two parts should be divided into 2 sub-parts (A and B). As already mentioned above, this exercise does not include a conclusion.

The written commentary, discussed above, varies depending on the decision type itself. For example, some commentary must explain the application of a principle to specific facts or the creation of a new practice, while others must explain the originality of the decision in relation to the facts.

As already stated, a big part of the teaching material of the course takes into account the decisions of the Court of Justice of the European Union. Due to the fact that, the study of the course concerning human rights is inconceivable without the analysis of relevant court decisions. Hence, a quite effective method for this analysis is the written commentary of court decisions. Which, as we saw when getting acquainted with his methodology, requires a very detailed and accurate analysis. It should be noted, that when writing a comment on a decision as an exercise, of course, students are not given an entire decision to complete the task, and they carry out the task based on briefs of the court decision. They will be evaluated both for theoretical knowledge and for the practical component, which includes compliance with the appropriate methodology and proper structure.

The use of the described method is beneficial for students in many ways. First, they master the study material in depth and gain significant knowledge about specific rights from both theory and practice. In addition, they memorize important decisions, the knowledge of which are directly related to the thorough study of the course, and are especially relevant for those who intend to specialize in this field. In addition to the above, as we have seen, students have to write a comment according to a special methodology, which expands their academic writing skills. Using the mentioned method, the student develops the ability of legal writing and argumentation, critical analysis, and correct understanding of court decisions, which are vital for the purposes of the course.

## Conclusion

To sum up, using the teaching methods discussed above is remarkably productive for the course objectives. As already stressed, the student centered teaching method contributes to developing the ability to innovate, to collaborate and to solve the problems; it supports the capacity to learn autonomously, promotes sustainable and in-depth learning and increases the pleasure of learning a course such as European Union Fundamental Rights Law. Concerning the presentation method, it puts students in an active learning process, while deepening interest in the topics among them. Apart from this theoretical part, the student's use of the demonstration method advances their public speaking and group work skills, which are also very important for achieving the course objectives. On the question of written commentary on court decision as an innovative method for

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Méthodologie du commentaire d'arrêt : available at : <https://licence-droit.fr/2022/02/16/methodologie-du-commentaire-darret-reussir-a-coup-sur/#:-:text=Le%20commentaire%20d'arr%C3%AAt%20est,il%20ne%20comprend%20pas%20la>

<sup>23</sup> Le commentaire d'arrêt – Méthodologie, available at: <http://www.etudesdedroit.fr/methodologie-2/le-commentaire-darret-methodologie/>

Georgian universities, is an outstanding and particularly interesting method to achieve the course objectives. As a teaching tool, it is multifaceted. More specifically, it provides a deep and thorough study of theory, helps students improve their academic writing skills, equips them with several practical competencies, such as legal writing and argumentation, critical analysis, and correct understanding of court decisions. By doing so, they memorize important decisions, the knowledge of which is strongly associated with the profound study of the course, and is particularly suitable for those who determine to specialize in the field of Fundamental Rights Law.

Each of the above-discussed methods individually and together with other methods ultimately contributes to the in-depth study of the topic and the development of much-needed practical skills, which is a significant component for the purposes of the course.

## Bibliography

- Dehaene, S., *Apprendre! Les talents des cerveaux, le défi des machines*, Éditions Odile Jacob, 2018;
- Desjardins J., et Sénécal I., *La Pédagogie Active*, 2016, available at : <https://www.profweb.ca/publications/dossiers/la-pedagogie-active>
- General Teaching Methods, Presentation, 2020, available at: <https://www.open.edu/openlearncreate/mod/page/view.php?id=152277#:~:text=A%20presentation%20delivers%20content%20through,the%20audience%20in%20active%20discussions>
- Howard E. Katz, Kevin Francis O'Neill, *Strategies and Techniques of Law School Teaching*, Aspen Publishers, 2009, p. 3; available at: [https://www.aspenpublishing.com/file%20library/faculty-resources/katzandoneill\\_lawschoolteaching.pdf](https://www.aspenpublishing.com/file%20library/faculty-resources/katzandoneill_lawschoolteaching.pdf)
- "Is the Student-Centered Learning Style More Effective Than the Teacher-Student Double-Centered Learning Style in Improving Reading Performance?", *Front. Psychol.*, 27 November 2019, available at: <https://www.frontiersin.org/articles/10.3389/fpsyg.2019.02630/full>
- Kapur R., *Presentation Method: Indispensable in Imparting Knowledge in Educational Institutions at all Levels*, University of Delhi, 2020, available at: [https://www.researchgate.net/publication/345893942\\_Presentation\\_Method\\_Indispensable\\_in\\_Imparting\\_Knowledge\\_in\\_Educational\\_Institutions\\_at\\_all\\_Levels](https://www.researchgate.net/publication/345893942_Presentation_Method_Indispensable_in_Imparting_Knowledge_in_Educational_Institutions_at_all_Levels)
- La pédagogie centrée sur l'étudiant*, available at : <https://www.fage.org/idees/enseignement-superieur/pedagogie-apprentissage/pedagogie-centree-etudiant.htm>
- Law of Georgia on Higher Education*, available at: [https://matsne.gov.ge/en/document/view/32830?publication=56\[24/06/2022\]](https://matsne.gov.ge/en/document/view/32830?publication=56[24/06/2022])
- Le commentaire d'arrêt – Méthodologie*, available at : <http://www.etudesdedroit.fr/methodologie-2/le-commentaire-darret-methodologie/>
- Lynch. A. "Why do we Moot? Exploring the Role of Mooting in Legal Education" [1996] *LegEdRev* 3; 7(1) *Legal Education Review* 67, available at: <http://www7.austlii.edu.au/cgi-bin/viewdoc/au/journals/LegEdRev/1996/3.html>
- Méthodologie des exercices juridiques*, Volume 2, Nanterre 2016, p. 47;
- Méthodologie du commentaire d'arrêt* : available at : <https://licence-droit.fr/2022/02/16/methodologie-du-commentaire-darret-reussir-a-coup-sur/#:~:text=Le%20commentaire%20d'arr%C3%AAt%20est,il%20ne%20comprend%20pas%20la>
- Teaching and Presentation Skills*, available at: <https://fyi.extension.wisc.edu/wateroutreach/water-outreach-education/bep-web-site-resources/use-education-resources/tools-for-teaching/teaching-presentation-skills/>
- "What Is Student Centered Learning and Why Is It Important?" Available at: <https://xqsuperschool.org/rethinktogether/what-is-student-centered-learning/>