

Guidelines for assessors, HUMR5140 autumn term H21

This term's exam was a 24-hour take-home open book exam. The questions posed were as follows:

1. *Asbjørn Eide in 1987 proposed a three-partite typology of international human rights law obligations. Use your own words and examples to explain what it means to "respect", "protect" and "fulfil" human rights within the context of international human rights treaty law.*
2. *The typology was originally developed within the context of economic, social and cultural human rights. In your opinion, does it also apply in the context of civil and political human rights? Give reasons for your answer and use examples from specific international treaties guaranteeing civil and political rights to illustrate your view.*

The candidates were particularly cautioned to answer both questions, and they were informed that they counted equally in the overall assessment. Further, the candidates were informed that any transgression of the 2000 words maximum limit would automatically lead to the paper being graded FAIL.

The theme is covered in Olivier De Schutter: International Human Rights Law (3rd ed) at pp. 291-306, and 436-606, and it has been extensively dealt with in two lectures devoted to the typology. The theme has also been referred to in other lectures. The students should be well equipped to explain the typology (Q1). Grasping the essentials of the three types of obligations should weigh *heavily* in the overall assessment. Both Q1 and Q2 specifically ask the candidates to demonstrate that they understand the concepts in emphasising *their* understanding and their using *their own* examples to back up their explanation (Q1) and their position (Q2). Independent thinking and the ability to show it in concrete terms also should weigh heavily in the overall assessment (the questions stress the use of "own words", "examples").

An A paper would generally address both questions' directives directly and to the point, and with the use of concrete examples tied to human rights treaty provisions. The more the candidate can convey her/his own comprehension rather than restating the conceptions found in the textbook (or elsewhere), the better the essay will normally be. Bland generalities used as filling should be avoided. Straying away from the concrete questions is not positive. An 'A' (and a 'B') paper should also convey the legal aspects, by using relevant legal terms, concepts, sources, etc. A logical structure of the paper is to be called for. The elements here mentioned will also be relevant in assessing whether the paper deserves 'B', 'C' or 'D'.

Failure to answer one of the two questions completely (or answering it completely mistakenly) will normally mean that the overall grading nears the very lower end of the scale. It would depend on the quality of the part in which the candidate has responded to the question whether the overall assessment ends with 'F', 'E' or 'D'.

A preliminary perusal of all exam papers shows that most candidates are able to respond to both questions on at least some level of advanced comprehension. Many papers are, however, not too independent in their using of examples and in how they convey what 'respect', 'protect' and 'fulfil' really encapsulate in practical terms; many resort to and refer to the language and examples found in the text book and/or other sources' renditions. Thus, independence is rare. Q2 appears to be slightly more difficult to handle well than Q1.