

Institution: University of Essex

Unit of Assessment: 20 - Law

a. Context

Law at Essex has a long-standing commitment to research that influences government, the courts, and civil society (our 2008 RAE submission stressed our commitment to providing 'scholarship that has an impact beyond academia'). The global reach of our impact is particularly evident across our research groups in international human rights law, commercial law and public law. The influence of our human rights research was recognised in 2009 with the Queen's Anniversary Prize, awarded for our pioneering role in 'advancing the legal and broader practice of international human rights'. The global, regional, and domestic impacts of our research are enhanced by engagement with agencies such as the UN; governments and parliaments; judges and lawyers; and national and international civil society organisations and legal charities. Members of the UoA are appointed, based on their expertise, to significant non-academic roles with such institutions. Our researchers hold positions as: UN Special Rapporteurs; chairs, and members, of UN Committees; legal advisers to UK Parliamentary Committees; and members of management and advisory boards of NGOs and charities.

We contribute to UN and government consultations, often in collaboration with civil-society organisations such as the Public Law Project (PLP); inform the work of bodies such as the European Commission and the Organization for Security and Cooperation in Europe; provide research-based legal advice, author practitioner-focused legal analyses; assist practitioners; and provide submissions to international, regional and domestic courts, which also frequently cite our work. We train government lawyers, judges, diplomats and policy-makers from the UK, Europe, Africa and Latin America; litigate high profile cases on, *inter alia*, child rights and reparation for victims of torture; and work with multinational companies, such as BP, to develop their human rights programmes.

By means of such activities our research directly impacts upon the private sector, for example multinational companies, as well as upon executive, legislative and judicial organs of states, and enables policy-makers at national and international levels to be better equipped to formulate law and policy. Furthermore, our work with international organisations and NGOs helps these institutions provide oversight and hold governments to account, as well as to develop proactive strategies to influence the policy agenda. In these ways our research helps ensure that governments, NGOs and the private sector fulfil their functions in a manner that ultimately benefits society.

b. Approach to impact

Having researchers with the appropriate skills, experience and contacts is fundamental to our approach to impact. To this end we recruit experienced personnel equipped with skills and contacts, as well as early career researchers with outstanding research potential, from a variety of practice-oriented backgrounds, including: legal professionals, e.g. Hughes (previously a commercial solicitor); NGO practitioners, e.g. McGregor, (previously the International Legal Adviser to the NGO REDRESS, with whom she continues to work on human rights cases); lawyers with UN experience, e.g. Sheeran (previously legal adviser to the NZ Mission to the UN and currently working on UN-related matters including peacekeeping operations); and academics with high impact profiles, e.g. Willett (whose work on commercial and consumer law has had important impacts); and the recent appointments of: Le Sueur (with significant experience working with the UK Parliament and judiciary); Woods (with strong links with EU bodies); Fox O'Mahony (whose on-going work involves substantial engagement with the Financial Conduct Authority and the Financial Services Consumer Panel); and O'Mahony (who brings additional strengths working with policy-makers in relation to his research on criminal justice).

We take three main approaches to impact. First, we **work in and with non-academic legal organisations to benefit those organisations and directly influence policy and practice**. We achieve this by holding positions of influence in, and collaborating with, international and domestic legal, political, economic, and humanitarian institutions. Examples include: Mugasha, chair of the Ugandan Law Commission; Sunkin, legal adviser to the House of Lords Constitution Committee; Rodley, chair of the UN Human Rights Committee, President of the International Commission of

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Jurists, and member of the Foreign Secretary's Human Rights Advisory Group. Similarly, Hunt has served as UN Special Rapporteur on the Right to Health, as Senior Human Rights Adviser to the Assistant Director-General of WHO, and on the UN Commission on Information and Accountability on Women's and Children's Health. Hunt's recommendations in these roles resulted in the creation of a UN Expert Review Group on maternal and child health, a Ugandan Human Rights Commission right to health unit, and changes in Swedish health care and Peruvian sexual and reproductive rights policies. Our researchers also hold positions in or work with international human rights NGOs, including Save the Children UK, AIRE Centre, Interights, UNIFEM, Amnesty International, and Global Witness.

Impacts on such external partners are also achieved by providing training, consultancy and advice for legal and campaign work, and by assisting agenda setting of major NGOs including Amnesty International and the PLP. For example, Hulme's collaboration with the UN Environment Programme and the International Committee of the Red Cross resulted in a UNEP publication of the group consultation; Gilbert's advice to the UN High Commissioner for Refugees resulted in the UN Guidelines on Exclusion. Our on-going partnerships ensure continuing impact on, *inter alia*, the OECD, the International Human Rights Council of the International Bar Association, and the International Committee of the Red Cross.

Our second approach is to undertake **research aimed at, or commissioned by, policy-makers**. We work closely with governments on policy formation and provide expert analysis, reports and testimonies to, for example, UK Parliamentary Committees and EU bodies. Our researchers respond, often by invitation, to law reform consultations and participate in law reform projects, both in the UK and globally. The Law Commission invited Cornford to provide it with advance copies of his work, and to participate in its seminars on reform of monetary relief against government. The Commission's report drew on his theoretical framework: *Administrative Redress: Public Bodies and the Citizen* (CP No.187, 2008) and described Sunkin's work as 'particularly important' (CP No 187 B.3). Similarly, Peers' expert submissions to the House of Lords EU Select Committee were referred to at over 50 points in its report assessing the impact of the Treaty of Lisbon (10th Report, Session 2007-08). Lubell was invited by two UN Special Rapporteurs to take part in expert consultations on the legal framework for use of unmanned aerial vehicles (drones). We also regularly collaborate with the UK Foreign and Commonwealth Office, which commissioned our human rights experts to produce a series of torture-reporting handbooks that are extensively used in the field and a research-led training manual, *The Transitional Justice Toolkit*. Internationally, Leader and Ong have submitted research to the Organization for Security and Cooperation in Europe on the human rights issues surrounding property expropriation and privatisation in Kosovo. Thirdly, we use our scholarship to **assist parties, legal practitioners and courts**, especially when the latest legal thinking is needed to resolve particularly challenging problems and our research can be used to extend the boundaries of the law. Examples include the acceptance of arguments based on Sunkin's work in the seminal Court of Appeal decision in *Bahta v SSHD* [2011] EWCA Civ 895 and the use by the Court of Justice of the European Union of Farah's work on internet jurisdiction. Other examples include our engagement with the Canadian Supreme Court, courts in Argentina, and government lawyers and judges in the UK, Georgia, Sweden, Switzerland, Uganda, Peru, Colombia, and Mexico. Often we become involved in cases because we know that our research may be critical to the outcome. McGregor and Sandoval, for example, made submissions on the denial of access to justice to the Inter-American Court of Human Rights, on behalf of REDRESS, inviting the Court to expand its approach to reparations and the definition of victims. Similarly, Hampson represented Cyprus in *Varnava v. Turkey* before the European Court of Human Rights and the Grand Chamber, where her arguments were largely accepted. Other examples include Hunt's appearance as an expert witness in a high profile case before the Inter-American Court of Human Rights, which followed his advice on the interpretation of states' obligations in the context of infertility. His work also heavily influenced the Indian judiciary's approach to the right to health.

Our impact activities are supported by workload allocation and by UoA and University level infrastructure and funding. The University's Research and Enterprise Office has assisted our activities via the Knowledge Transfer Innovation Fund, which has funded eight impact generating projects within the REF period, and the Building Partnerships programme, which, for example, funded our work with Penal Reform International. Recognising the importance of dissemination, we

have appointed Communications and External Relations Officers to work with the University's Communications and External Relations teams on press releases and using social media. Our research communication is also supported by the University's media training which is widely taken up by members of the Unit. Finally, some of our impact projects have been aided by the University's Frontrunners' scheme, which has enabled employment of student assistants.

c. Strategy and plans

Our strategic goal is that by 2018 all active researchers will have produced work that has a measurable impact beyond the academy. To this end the UoA has an impact strategy to extend our engagement with a large variety of non-academic research users to maximise our research impact. Our Research Committee, with the School's Deputy Director of Research (Impact Director), will oversee impact-related activities and will dedicate part of the School's Research Promotion Fund to impact. Regular impact-related research seminars, involving researchers whose approach has proved successful, will share best practice (particularly with early career researchers) on building impact into research design, identifying and engaging non-academic research users, and fully exploiting dissemination avenues. The Faculty Research and Business Partnership Manager and a dedicated Faculty Impact Officer will work with the Impact Director to regularly inform staff of impact opportunities and the priorities of research funders.

We will expand our already significant impact in human rights and related areas, in particular through work in institutionalised projects, under the umbrella of the Human Rights Centre, such as the Essex Business and Human Rights Project, HR in Iran (which hosts the UN Special Rapporteur on human rights in Iran and supports his mandate); the Drug Policy Unit; and the Essex Transitional Justice Network, which is engaged in on-going discussions with the UN Special Rapporteur for Truth, Justice, Reparations and Non-Recurrence in order to influence the agenda on transitional justice and provide briefing papers on issues that feed into reports to the UN General Assembly and the Human Rights Council.

We will enhance engagement with the public sector to ensure greater influence on the development of law and policy, especially in relation to justice issues and financial regulation; extend the impact of our research in EU and commercial law, including initiatives such as our bid to tender for a study on UK cloud-computing law for the EU Commission, with expected impact on new EU rules; expand our impact on and work with the private sector, for example through a Leverhulme Trust-funded project on the regulation of equity release as a financial service product and an EPSRC-funded project on 'Digital Personhood: Digital Prosumer, Establishing a 'Futures Market' for Digital Personhood Data'.

d. Relationship to case studies

The case studies provide examples of our research impact across our activities and exemplify our three main approaches to impact. Leader's work with the Essex Business and Human Rights Project and his partnerships with Amnesty International and Global Witness, illustrate our first approach. Leader's close collaboration with human rights NGOs is an example of how our work influences both those with whom we collaborate, directing the strategy of Amnesty and Global Witness, and the societies served by those NGOs, in Leader's case securing human rights legal provisions for communities in Turkey, Uganda, and Liberia.

Both Sandoval's and Gilbert's case studies follow our second approach to impact and show the impact of their work on policy-makers, specifically UN agencies. Sandoval's work with REDRESS prompted the UN Committee Against Torture to produce a General Comment on Article 14 of the Convention Against Torture. Gilbert's work with the UK DfID and the UNHCR informed the content of the UN Guidelines on Exclusion, and both the Guidelines and Gilbert's work itself are cited globally. Gilbert will contribute to the redrafting of the Guidelines, ensuring his continued influence in this area. Within the UK, Sunkin's contributions to reform of judicial review in Scotland and Ministry of Justice consultations, and his effect on MofJ decisions regarding Judicial Review policy, exemplify the domestic strand of our impact on policy-makers.

Finally, all four case studies include examples of our impact on legal decisions: Leader's work with the BP contract influenced the OECD's decision not to uphold complaints against BP; Sandoval's work with REDRESS has included the litigation of an Inter-American Court case; and both Gilbert and Sunkin's work has been cited directly with approval in cases both within the UK and internationally.