

<b>Institution:</b> University of Central Lancashire (UCLAN)
<b>Unit of Assessment:</b> 20 Law
<b>Title of case study:</b> Prisoners, Families and Global Human Rights
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>This research has made a sustainable and long-term impact on law and policy in relation to prisoners, families and global human rights, not only in the UK but in Europe and the rest of the world. The research directly informed the decision of the Grand Chamber of the European Court of Human Rights in the <i>Dickson v UK</i> case concerning the reproductive rights of prisoners and their partners, which has had a significant and demonstrable impact on the lived experiences of prisoners and their families, including enabling prisoners' partners to gain access to fertility services in order to become pregnant. This research has also informed the design and delivery of prison intervention programmes for offenders and their families.</p>
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p>Helen Codd has been researching and writing about law, penology and criminal justice throughout her academic career. Since 1991 she has been employed at the submitting institution, having been initially appointed as a Lecturer in 1991 then progressively promoted to Reader level. Her research has focused specifically on the intersection of law, criminal justice and penal policy, with a significant emphasis on issues of gender. She has contributed to the development of new perspectives in penology, as an early writer on elderly prisoners, and in her later research on prisoners' families, resettlement and social capital, more recently developing her work to include wider global perspectives. She has been particularly original in that she has integrated legal analysis of the situation of prisoners' families with penological policy analysis, in contrast with much of the pre-existing research which has tended to focus on criminological and sociological perspectives. She has explored the relevance of the ECHR to rights claims by prisoners and their partners, most significantly in her work on access to artificial insemination, which was cited before the Grand Chamber of the European Court of Human Rights in the <i>Dickson</i> case and which was quoted with approval in the final judgment. Most recently, she has developed global perspectives on prisoners and their families: most previous research has tended to be jurisdiction-focused whereas Codd has sought to develop global feminist perspectives which compare and contrast experiences, laws and policies.</p> <p>The key research insights or findings relate to the paradoxes inherent in government policy in relation to prisoners' families, which stresses the importance of the role families can play in encouraging and promoting desistance and prisoner resettlement, but also renders it difficult in practice for families to provide such support, due to institutional regimes and negative and stigmatising attitudes to family members of offenders. Her research with Alice Mills (University of Auckland, New Zealand), which considered questions of prisoners' families, resettlement and social capital, combined insights from the extensive and emergent literature on social capital and applied it to families of prisoners. The other key insight is the central role that gender, and gendered expectations that women act as caregivers, plays in the experiences of families coping with imprisonment. This gendered analysis extends to include the stigmatisation of women when associated with male offenders, highlighting the gendered differences in media portrayals and societal attitudes towards those associated with offenders. Her work has challenged the homogeneity of the existing literature on prisoners, families and resettlement, recognising and assessing the diversity of prisoners' family and kin relationships. Her research is a central reference point for current research on prisoners, families and resettlement around the world, and has been cited in many academic books, book chapters and journal articles, along with 'grey literature', including policy reports from the US, the Netherlands and New Zealand.</p>

## Impact case study (REF3b)

### 3. References to the research (indicative maximum of six references)

1. “The ties that bind’: Feminist Perspectives on Self-Help Groups for Prisoners’ Partners”, Howard Journal of Criminal Justice, (2002), Vol.41, No.4, pp.334-347.
2. ‘Regulating Reproduction: Prisoners’ Families, Artificial Insemination and Human Rights’, European Human Rights Law Review, (2006) Vol. 1.pp.39-48.\*
3. Prisoners’ Families and Resettlement: a critical analysis, Howard Journal of Criminal Justice, (2007) Vol. 46, No. 3, pp. 255–263.
4. (With Alice Mills) ‘Prisoners’ Families and Offender Management: Mobilising Social Capital’ (2008) Probation Journal, Vol. 55 (1) pp.9-24.
5. ‘Controversial Issues in Prisons’, co-authored with David Scott (2010) McGraw Hill/OUP
6. In the Shadow of Prison: Families, Imprisonment and Criminal Justice, (2008), Cullompton, Willan (Nominated for the British Society of Criminology Book Prize 2009).

### 4. Details of the impact (indicative maximum 750 words)

#### Impact on UK and European Prisoners’ Rights

In the *Dickson* case heard by the Grand Chamber of the European Court of Human Rights, Codd’s work was cited before the court as a core element of the barrister’s application on behalf of a married couple who were seeking access to artificial insemination facilities because the husband was a serving prisoner and they wished to try to conceive a child whilst the wife was still biologically able to conceive. As there are no permitted conjugal visits in UK prisons, they sought to use artificial insemination, but were denied access to these facilities. The barrister’s argument relied on Codd’s analysis of the previous legal decisions in this and similar cases. The Grand Chamber held that it was a breach of Art. 8 ECHR for the state to refuse access to artificial insemination facilities to the non-imprisoned female partner of a prisoner, as had happened in the case of the applicant and his wife, on the grounds that the prisoner’s wife had not been convicted of any offences and thus retained all the usual rights recognised under Art. 8. Codd’s work was cited in the final judgment of the Court as part of its summary of the successful applicants’ submissions. As a direct consequence of this judgment, the UK Ministry of Justice had to reconsider its policy immediately in order to comply with the decision of the Court. The precise impacts of the decision are being monitored by the Parliament Joint Committee on Human Rights. In February 2013 the Justice Secretary (Chris Grayling) instigated a review of the policy, with the intention of banning all access to fertility services for prisoners (Rojas, 2013).

#### Impact on International Human Rights

Codd’s work with Alice Mills (2008- reference 4 above) was cited in the United Nations Office on Drugs and Crime (2012) Handbook on the International Transfer of Sentenced Persons (UNODC, United Nations, New York) as evidence of the importance of family contact in preventing reoffending and thus supporting the transfer of prisoners to their home countries so as to be nearer family members. The Handbook is intended to be both a reference document and a training tool,

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explaining how transferring persons to another State to serve their sentences can contribute to dealing with them fairly and effectively, and helping to ensure that applicable UN principles are applied and implemented.

Her research (Codd, 2008) was cited ten times in Stanley, E. (2011) Human Rights and Prisons: A review to the Human Rights Commission, Auckland, New Zealand, in order to explain the impacts on families of imprisonment and to identify good practice in maintaining and promoting human rights. This review has been used subsequently to inform the development of the Commission's report on the status of human rights, Human Rights in New Zealand, which in turn has led to a national debate around new policy initiatives in order to promote and protect human rights.

**Impact on Prisoner Resettlement Policies and Good Practice**

Helen Codd's research with Alice Mills (2008) has been instrumental in the development of the 'Family Man' accredited prison programme, a drama-based prison educational programme. The idea of social capital leading to a pro-social identity, as explored and analysed by Mills & Codd (2008), is identified as a key aspiration of the 'Family Man' programme and is cited as part of the published theoretical underpinning document. Her research, particularly that with Alice Mills, is a key reference point in the published literature relating to the importance of families in prisoner resettlement, and she is recognised as a leading world authority on issues relating to good practice in relation to prisoners, resettlement and families, and also on good practice in working with prisoners' children. She is a member of the Evidence and Research Advisory Group of Action for Prisoners' Families, and contributes to the development of policy and practice in relation to prisoners' families on a domestic and also international level.

**5. Sources to corroborate the impact** (indicative maximum of 10 references)

*Dickson v United Kingdom* (Application 44362/04, judgment delivered 4 December 2007).

McGuire, J.(2009) *Family Man: an Outline of the theoretical basis of the programme*, London, Safe Ground.

Rojas, J-P.F.(2013) 'Chris Grayling to Ban Fertility Treatment for Prisoners' *The Telegraph*, 28 February 2013, accessed via <http://www.telegraph.co.uk/news/uknews/law-and-order/9899035/Chris-Grayling-to-ban-fertility-treatment-for-prisoners.html>.

UK Parliament Joint Committee on Human Rights (2008) *Monitoring the Government's Response to Human Rights Judgments: Annual Report 2008; Thirty-first Report of Session 2007-08; Report, Together with Formal Minutes and Written Evidence*, TSO, London.

United Nations Office on Drugs and Crime (2012) Handbook on the International Transfer of Sentenced Persons, United Nations, New York.

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