

Judge Ann Power-Forde SC (Associate)



Call: 1993

Silk: 2006

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Profile

Ann Power-Forde is an International Judge, a Senior Counsel and an Academic. She is the Presiding Judge of the Constitutional Court Chamber of the Kosovo Specialist Chambers (KSC) in The Hague—an internationalized court established with a specific jurisdiction to try grave international crimes, including, war crimes and crimes against humanity. As Presiding Judge, she pronounced the first Judgment on behalf of the Specialist Chamber of the Constitutional Court in April 2017.

She graduated as Brooke Scholar (First Place) from The Honorable Society of King's Inns and was called to the Bar of Ireland in 1993. She managed an extensive legal practice in Medical, Public and Constitutional law and is an experienced Barrister before the Superior Courts of Ireland. She was called to the Inner Bar and became Senior Counsel in 2006.

In 2008 she was elected as a Judge of the European Court of Human Rights and was made a Bencher of the King's Inns. As a member of the Court, she worked on several pressing concerns of our time—the legacy of the invasion of Iraq, the annexation of Crimea, the consequences of global terrorism, the refugee crisis in the Mediterranean, the legacy of European genocide and other historical wrongs.

Working through French and English, Ann contributed to significant developments in the case law of the Strasbourg Court. She wrote the dissenting opinion at Chamber level in cases—such as, *Bayatyan v Armenia*, on the right to conscientious objection, and *Sanoma Uitgevers B.V. v the Netherlands* on the protection of journalists' sources and *F.G. v Sweden* on the right not to be exposed to a real risk of persecution based on religious belief—and saw her position subsequently endorsed by the Grand Chamber. She was noted for her separate contributions in cases, such as, *Vinter v the United Kingdom* and *Lautsi v Italy* and for her judgments concerning the effective protection of the rights of refugees and other vulnerable minorities. Cases in which she delivered strong sole and dissenting opinions were often referred to the Grand Chamber and resolved by the respondent states prior to hearing. (See *S.J. v Belgium*—on the right of people who are HIV+ to have access to life saving medication—and *M.E. v Sweden*—on the right not to be subjected to a real risk of persecution based on one's sexual orientation). She was a member of the Strasbourg Court in seminal cases, such as, *Al Skeini v the United Kingdom*, *Gafgen v Germany*, *MSS v Belgium and Greece* and *Tymoshenko v Ukraine*.

Ann is an experienced Judge Rapporteur in Chamber and Grand Chamber cases with proficiency in international criminal justice. She served both as President of Judicial Committee Formations and as a Single Judge. She was a Senior Judge on the Strasbourg Court's Committee on Working Methods, authored the chapter on Judicial Ethics in the Court's Handbook for Judges (2014) and represented the Court in meetings with Judges of the Court of Justice of the European Union, the African Court on Human and Peoples' Rights and the Inter-American Court of Human Rights.

Legal Practice

Prior to taking up judicial office, Ann managed a large legal practice in Constitutional and Public law. She has extensive experience in child protection law and represented the Irish State in its statutory Commission of Inquiry into Child Abuse. She was an advocate for a wide range of clients in jury and non-jury trials and appeared regularly in Judicial Review, Chancery and General Tort actions. She was retained by local authorities, members of the Judiciary and the Executive, including, a former Prime Minister. She was appointed Counsel in several statutory investigations, including, a Tribunal of Inquiry into the Infection with HIV and Hepatitis C of Persons with Haemophilia and Related Matters and a Judicial Inquiry into judicial conduct under the Courts of Justice (District Court) Act, 1946.

Ann gained notable expertise in medical negligence litigation having defended health care professionals in various contexts, including, actions for catastrophic injury. She is an experienced advocate and advisor in general medical law and has appeared for hospitals and health authorities in diverse cases raising issues of disclosure, capacity, consent to and

refusal of medical treatment. She has an interest in biomedicine and human rights and has lectured and published in this area. Ann is a Member of the Law Library, Dublin and the Honorable Society of Inner Temple, London.

Academic Life

In addition to her legal background, Ann has a Master's Degree in Education (Philosophy) from the University of Dublin, Trinity College and matriculated as a D.Phil. candidate (Jurisprudence) from University College, Oxford. She has over 25 years' experience of teaching Philosophy and Jurisprudence and has published and presented extensively on a broad range of subjects, both nationally and internationally. She is Adjunct Professor in the School of Law and Government at Dublin City University and an International Speaker on Human Rights and issues of Global Justice. Her lifelong interest in Philosophy inspired her to create a series of lectures on where fundamental human experiences—life, love, suffering, the search for meaning and the experience of death—meet international human rights law. Her recent TEDx talk on 'The Chance of a Life Time' was highly acclaimed as 'powerful', 'solid' and 'fascinating' and her judicial opinion on 'The Right to Hope' has been commended by scholars and practitioners. For those who embark upon a life in Law, Ann aims to inspire courage, confidence, an understanding of the 'power of one' and an enduring belief in the potential and promise of the human person.

Ann volunteers some of her time to non-governmental bodies that work on behalf of vulnerable minorities, such as, refugees, children with special needs and individuals with acquired brain injuries. She facilitates judicial training seminars for magistrates, prosecutors and advocates in the developing world. She has worked in Malawi in collaboration with members of the U.S. based National Institute of Trial Lawyers (NITA) on a seminar series on fair trial requirements.

She has given lectures and workshops throughout Europe, including, in Turkey, France, Armenia, Azerbaijan, Germany, Luxembourg and Italy and in Africa and the United States.

She is currently based between Dublin, The Hague and London.

Education

B.A. (Rel. Sc.) - 1st Class Honours and 1st Place

M. Ed. - 1st Honours

BL - 1st Class Honours and 1st Place

Matriculation to D.Phil. Candidate

Related practice areas

Anti-Trafficking

International Law

Legal Practice

Ann qualified with 1st Class Honours in all of her graduate and post-graduate studies spanning various disciplines. She was awarded the John Brooke Scholarship (First Place) by the Honourable Society of King's Inns and was called to the Irish Bar in 1993. She took silk in 2006. Prior to taking up judicial office, Ann had a large legal practice in Constitutional and Public law.

She has extensive experience in child protection law and was retained by the Irish State in its statutory Commission of Inquiry into Child Abuse. She represented a wide range of clients in jury and non-jury trials and has appeared in numerous Judicial Review, Chancery and General Tort actions. Her clients included members of the Judiciary and the Executive, including, a former Prime Minister. She was retained as Counsel in a number of statutory investigations, including, a Tribunal of Inquiry into the Infection with HIV and Hepatitis C of Persons with Haemophilia and Related Matters and a Judicial Inquiry into judicial conduct under the Courts of Justice (District Court) Act, 1946.

Ann also has particular expertise in medical negligence litigation having defended professionals in numerous claims, including, actions for catastrophic injury. She is an experienced advocate and advisor in general medical law and has appeared for hospitals and health authorities in a range of cases raising issues of disclosure, capacity, consent to and refusal of medical treatment. She has a particular interest in biomedicine and human rights and has lectured and published in this area.

Papers and Publications

- The Right to Hope and Life Imprisonment – a paper presented to the Faculty of Law at the University of Palermo, 4 May 2017
- Reflections on Life and Law – Keynote Lecture in Human Rights Law, Faculty of Law and Government, Dublin City University, 12 April 2017

- Women in Law – a paper delivered to mark International Women's Day, Faculty of Law, University of Cork, 10 March 2017
- Freedom of Religion and 'Reasonable Accommodation' in the case law of the European Court of Human Rights, Oxford Journal of Law and Religion, Vol 5, Issue 3, 2016
- A Judicial Perspective on the Jurisprudence of the ECtHR in relation to Asylum and Refugee Law – a paper presented at a meeting of and published by the European Legal Network on Asylum, (ELENA), Berlin, 4 December 2016
- The Chance of a Life Time – a TEDx Talk presented at a TEDx Event on 'Imagining the Next Century' at Dublin City University, 10 November 2016
- Health Care and Human Rights – a paper delivered at the Annual Conference of Health Care Providers, St Patrick's Hospital, Cashel, Co. Tipperary, 6 November 2016
- Pre-Trial Arrest and Detention in the Jurisprudence of the Strasbourg Court, a paper delivered at a meeting of the Academy of European Law in the European Parliament, Strasbourg, 3 November 2016
- 'The Global Jurist' – a paper delivered at the Queen Mary University of London to launch a series of seminars on the issue of the Global Jurist, London, 2 November, 2016
- Whole Life Sentences and the 'Right to Hope' – a paper prepared at the invitation of Penal Reform International for delivery during a session of the United Nations Commission on Crime Prevention and Criminal Justice, Vienna, 27 May 2016
- Human Rights in Practice – a paper delivered at All Hallows College to mark the historic occasion of the closing of the College, Dublin, 21 May, 2016.
- Reparations for Historical Wrongs – a paper prepared for an international meeting at The Hague Institute for Global Justice, The Hague, 14 April 2016
- The Universality of Human Rights: Practical and Effective or Theoretical and Illusory? A paper delivered at the Annual Distinguished Speakers' Series, Trinity College Law Review, Trinity College, Dublin, November 2015
- What Has Strasbourg Ever Done for Us? A panel presentation delivered as part of an International Debate at Linklaters LLP, Global Law Firm, London, November 2015
- A Judicial Perspective on Ireland and the European Convention on Human Rights: 60 Years and Beyond (eds Egan, Thornton and Walsh, Bloomsbury Professional, Dublin

2014). Review published (2015) 53 Irish Jurist 180-182.

- Diversity in Family Life: Developments in the Case Law of the European Court of Human Rights: The John M. Kelly Memorial Lecture, University College Dublin, 16 April 2015
- Fair Trial Requirements and the Presumption of Innocence: - A paper presented at an international training seminar for prosecutors and advocates organized by Irish Rule of Law International, the American National Institute of Trial Advocacy (NITA) and Justice Advocacy Africa in Lilongwe, Malawi, 6-10 April 2015
- EU Nationals and their Right to Family Reunification: - A paper presented at a Conference on EU Invisible Migrants and Free Movement Law organized by the Immigrant Council of Ireland and the London Aire Centre in European Parliament Offices, Dublin, February 2015.
- Reasonable Accommodation and Religious Freedom—A paper presented at an International Conference on Religious Pluralism and Secularism in Europe the Max Planck Institute in Luxembourg, January 2015
- Freedom of Thought, Conscience and Belief: Is it a 'Lesser' Right Under the Convention? —A paper delivered at a Conference on Judging Faiths: Comparative American and European Case Law at the European University Institute, Florence, 23-24 October, 2014
- Article 9 and the Jurisprudence of the Strasbourg Court—A paper delivered at a Public Conference in Belfast organized by the Office of the Attorney General, 17 October 2014
- Religious Freedom and the European Convention on Human Rights—A paper delivered at a meeting in Dublin of Judges of the Four Jurisdictions, April 2013
- Judicial Independence and the Democratic Process—International Bar Association Conference, Dublin, September 2012
- The Right to a Fair Trial, to Freedom of Expression and to Respect for Family Life: Recent Judicial Developments—A paper delivered to the Committee for Judicial Studies, Dublin, June 2012
- Recent Jurisprudence of the Strasbourg Court on the Right to Respect for Personal and Family Life” published in Russian Law Journal entitled «Human Rights» («????? ?????????»), no. 8, 2012

- Recent Jurisprudence of the Strasbourg Court on Article 8 of the Convention—A paper delivered at a meeting with Judges of the Superior Courts of the United Kingdom, London, February 2012
- Brian Walsh Memorial Lecture: The Autonomous Concept of ‘Family’ in the Jurisprudence of the European Court of Human Rights—A paper delivered at the annual meeting of the Irish Centre for European Law, Dublin, November 2011
- Judicial Independence: The Convention’s Case Law – A paper delivered at a Public Conference in Northern Ireland organized by the Office of the Attorney General, Belfast, June 2011
- Victims’ Rights and the European Convention– A paper delivered at a Conference in Trier, Germany organized by the Academy of European Law (ERA) [June 2011]
- The Concept of ‘Family’ in Strasbourg Jurisprudence – A paper delivered at the Franco-British-Irish Colloque in Dublin [May 2011]
- Children’s Rights and the Convention – A paper delivered at a Conference in Brussels organized by the Fundamental Rights Agency [December 2010]
- The Person in Persistent Vegetative State: Ethico-Legal Issues – a Paper delivered at an International Symposium, Sardinia [October 2010]
- The European Court of Human Rights and Relations with Domestic Courts – a Paper presented at International Conferences in Armenia and Azerbaijan [October, 2010]
- An Introduction to the History and Jurisprudence of the European Court of Human Rights – A paper delivered to students of International Law at the European Centre for Law and Justice, Strasbourg [July 2010]
- Biomedical Issues and Human Rights—a Paper delivered at a meeting of the Judges of the Strasbourg Court, [June 2010]
- An Outline of the Case Law of the Strasbourg Court in Relation to Article 3 of the European Convention on Human Rights: The Prohibition of Torture and Inhuman and Degrading Treatment – A paper delivered at an International Human Rights Symposium in Denizli, Turkey [October 2009]
- Observations on the Case Law of the Strasbourg Court on Articles 2, 3, 5 and 8 of the European Convention on Human Rights —A paper delivered at an International Meeting of the Inter-American Court of Human Rights, the African Court of Human Rights and

the European Court of Human Rights [Berlin, August 2009]

- The European Court of Human Rights: Relations with Domestic Courts — A paper delivered at a Plenary Session Marking the 60th Anniversary of the Universal Declaration of Human Rights [Strasbourg, December 2008]
- Medical Practice and 'Convention' Principles: Recent Case Law of the European Court of Human Rights – A paper delivered at an International Conference in Strasbourg organized by the Council of Europe [June 2008]
- Ethico-Legal Issues in Biomedicine – A paper published in 3 parts in The Bar Review (The official refereed Journal of the Bar of Ireland) [2007/2008]
- What is Informed Consent? – A Paper delivered to the Medico-Legal Society of Ireland [3 November 2005]
- Suing Health Authorities in Ireland: Recent Legal Developments in Child Abuse Tort Claims Against Public Bodies: A Comparative Law Review (Eds. Fairgrieve, D. & Green, S.) [2004: British Institute of International and Comparative Law, Ashgate Publishing Limited]
- Employers' Liability in the Electronic Work Place in The Bar Review [Vol. 6, Issues 1 & 2 2000]
- Reducing the Risk of Civil Litigation in Child Protection Practices [Published in Hardback and CD Rom by Irish Public Bodies Mutual Insurances Limited, 2000]

Sample separate opinions written by Judge Power-Forde

S.J. v Belgium

This case concerned the deportation from Belgium of a young HIV+ mother of three children and the likelihood of her imminent death for want of life-saving medication.?

Sonoma /Uitgevers BV v the Netherlands

This case concerned the right to the protection of journalists' sources and raised an issue under Article 10 of the Convention.

A.A. v Sweden

This case concerned the forced return to Yemen of a mother and her daughters in the face of the established failure on the part of the Yemeni authorities to protect against gender-based violence, child marriage and so-called 'honour' killings.

Bayatyan v Armenia

The case concerned the imprisonment of a young person as a conscientious objector to military service and raised issues under Article 9 of the Convention.

F.G. v Sweden

This case concerned the expulsion to Iran of a Christian convert and raised an issue concerning the likelihood of persecution there on the grounds of religious belief.

M.E. v Sweden

This case concerned the expulsion of an individual to Libya and raised an issue concerning the likelihood of persecution there on the grounds of sexual orientation.