

COUNCIL WANTS SECRET TRIAL IN HUMAN RIGHTS CASE



Exeter County Court . The hearing is set for 23rd October.

By Stephen Green

A local council is seeking a secret trial after being sued for discrimination by a father under the Human Rights Act.

The father, whom we cannot name, is opposed to same-sex marriage and abortion and is suing Cornwall Council after its social services department intervened to prevent contact between him and his son, now five.

He alleges that they discriminated against him on the grounds of his beliefs after a social worker interrogated him about his opposition to abortion and gay-marriage.

COURT HEARING ON 23RD OF THIS MONTH

A court hearing to be held on the 23rd of this month will decide whether the case should be held at its substantive hearing in December in secret or in open court. Cornwall Council are asking for the hearing to be in secret. The father, known to this ministry, wants the case to be heard in the open, so that the media, including Christian Voice, can publicly report on it.

The father says the social worker voiced 'concerns' that were 'insurmountable' and told him that because of his unacceptable 'beliefs', openly posted on a blog, it was the social worker's 'duty' to ensure that he never saw his son again. He has not seen his son for two and a half years.

The father, who is separated from the child's mother, initially referred his son to social services because of concerns that the mother was not keeping to a written agreement about contact.

The hearing which will decide whether we can report on the case is due to be held on 23rd October 2015, from 10:30 am, at Exeter County Court. The postcode is EX1 1UH.

PUBLIC SUPPORT ESSENTIAL

At previous hearings the father has defeated two applications to strike out his claim, which began in March 2014, and two applications for summary judgment against him.

The father told Christian Voice: 'Whether you agree with the social worker's decision or not, it is surely wrong that such an important issue as this should be decided in a secret trial. The issue to be decided is whether social workers should be allowed to deprive a child of one of his parents because that parent holds strong moral Christian beliefs which differ from those of the Government.'

Previous hearings have enjoyed a good degree of support from the public. This show of support may have affected for the better the outcome of the court process so far.

JUDGE WILL CONSIDER REPRESENTATIONS

The circuit judge hearing the application for a secret trial in Exeter on the 23rd October is His Honour Judge Cotter QC. HHJ Cotter has indicated that he is

obliged to hear and consider representations from the media (which nowadays surely includes anybody with a website, a blog, or a social media account) as to why they should be allowed to publish what happens in December, and discuss the issues. The judge may also consider representations by the general public, including our readers.

READ: Exod 23:6; Lev 19:15; Deut 1:17; 1Kings 3:28; 1Chron 18:14; Job 37:23; Psalm 82:3, 89:14; Prov 31:4-5; Isa 59:4,14; Ezek 45:9; John 7:24; Acts 23:35; Romans 13:4; Rev 20:4.

WRITE: if you have an interest in reporting the case, giving your reasons, to HHJ Cotter QC by emailing Mr Oliver Jones, marking your email for HHJ Cotter's attention, and quoting case number A88YJ875, A v Cornwall, at oli.jones@hmcts.gsi.gov.uk. Begin your email, 'Your Honour,' and end 'yours faithfully'.

PRAY: that justice may be done and may be seen to be done in this case.

ATTEND: Exeter County Court, Southernhay Gardens, Exeter, Devon, EX1 1UH on 23rd October 2015 at 10.30am. We understand the cause is listed for the morning alone, but these things can take longer than expected. If you get away before 4pm, count that as a bonus.

FOR INFORMATION:

BE WARNED: This case shows once more the danger of involving local social services or even public agencies in touch with them in any case where a child is involved. Britain is one of a very few countries in the world where parents may have their children removed with no evidence of wrongdoing at all, and where these draconian decisions can be taken in secret family courts.

NOTE: The present case appears to revolve more around 'dirty tricks' than family court proceedings. It is not a child custody case, it is a human rights case. The local authority may well contend that it is the child's 'best interests' for the case to be held in secret just like family court matters. In reality, it is in their best interest.