

IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND

FAMILY DIVISION

**JAKUB AND DAWID (pseudonyms) (No. 2)
(Application for directions to facilitate the
enforcement of a Polish court order)**

STEPHENS J

Introduction

[1] These are proceedings under Brussels II revised to facilitate the enforcement of an order of a Polish court dated 6 May 2008 which determined that two children, both boys, now aged 10 and 7, were to live with their father in Poland as opposed to continuing to live with their mother in Northern Ireland. On 23 November 2009 I dismissed the mother's appeal against registration of the order of the Polish Court and gave a number of directions facilitating the children's travel to Poland with their father on 18 December 2009. The children did not travel on that date. They remain in Northern Ireland.

[2] The issue which presently arises for my determination is the nature of the contact which should now take place in Northern Ireland between the children and their father with a view to rebuilding his relationship with them and repairing the children's trust in him so as to facilitate the enforcement of the order of the Polish court and their return with him to Poland. The father wishes to have a period of four days contact with the children in a friend's house in Northern Ireland. The mother contends that the children's views are such that it is unrealistic to expect that they will voluntarily stay with their father for such a period. She contends that instead there should be a gradual build up of contact at the children's pace, starting with direct supervised contact at a contact centre, then moving to activity based supervised contact outside the contact centre and then thereafter unsupervised direct contact.

Representation

[3] Ms Walsh QC and Ms McBride appeared on behalf on behalf of the mother and Mr Long QC and Ms McCullough appeared on behalf of the father. A Trust, which I will not name, has been assisting the court, the parents and the children. Ms Murphy appeared on behalf of the Trust. I am grateful to all counsel for their assistance.

Anonymisation reporting restriction

[4] At an earlier stage in these proceedings and on 1 December 2009 I gave a written judgment. I anonymise this judgment in the same way as I anonymised that earlier judgment. The names used are not the real names of any of the individuals involved. Nothing should be reported which would identify any of the children or any member of their extended families. I refer to:-

- (a) the children, both boys now 10 and 7 years old respectively, who are the subject of the order of the Polish court, as **Jakub** and **Dawid**;
- (b) the mother as **Zofia**;
- (c) the father as **Dominik**;
- (d) Zofia's present partner as **Gavin**;
- (e) Zofia's child with Gavin, who is now 1 year old, as **Hugh**.

Dominik, Zofia, Jakub and Dawid are all Polish nationals. Gavin is British.

History of the proceedings since 23 November 2009 and the incident of 18 December 2009

[5] On 23 November 2009 I informed the parties of my decision to dismiss an appeal by Zofia against registration of the order of the Polish court dated 6 May 2008. As I have indicated the effect of the order of the Polish court was that Jakub and Dawid were to live with Dominik in Poland as opposed to continuing to live with their mother in Northern Ireland. Having stated the outcome of Zofia's appeal I then with the assistance of counsel for both of the parents, devised a number of detailed directions as to how to arrange the transfer of Jakub and Dawid from Zofia to Dominik, as to travel from Northern Ireland to Poland and as to initial contact arrangements for Jakub and Dawid with their mother in Poland. In addition I enlisted support for Zofia from her spiritual advisor and from her partner in Northern Ireland. That support to her being of indirect assistance to both of Jakub and Dawid in that it would facilitate a handover. At no stage during the course of the

hearing on 23 November 2009 was it suggested by Dominik that it could be contemplated that a situation would develop where force would be the only way of resolving an impasse nor was any suggestion made to me that if such circumstances developed that force should actually be used. There was no suggestion on behalf of Dominik to the court of any further steps to be taken to ensure a smooth handover. There was no suggestion on behalf of Dominik that the steps to be taken were inadequate or that they should be supplemented.

[6] I gave written reasons for my decision on 1 December 2009. In that judgment I set out the factual background including the various proceedings in Northern Ireland and in Poland. I incorporate that background into this judgment.

[7] The handover was arranged for Friday 18 December 2009. All flights for Dominik, Jakub and Dawid had been booked. Unfortunately there was a dispute involving the parents of Jakub and Dawid which occurred on the public road outside Zofia's house and on Zofia's account also in the house. It escalated to the extent that the police and social services were called and various other people were involved. The parents agree that as a consequence both Jakub and Dawid were traumatised however the accounts given by the parents of the events of that day differ. On Zofia's account and despite her attempts to persuade Jakub and Dawid they refused to go to Poland and physically resisted being removed from their mother's home. That in response Dominik attempted to force them to go and persisted in his efforts despite their tangible distress. She states that Dominik "grabbed (Jakub) forcibly and dragged him over the stair banister". That Jakub screamed and resisted being dragged into a waiting taxi that Dominik told him that his opinion "did not matter and he would get him in the end anyway". On Dominik's account Jakub and Dawid were quite willing to leave with him but Zofia intervened verbally abusing him and physically assaulting him by scratching, biting and hitting him. From the competing contentions of the parents it appears that one or other or both of them have acted in a way which is adverse to the interests of Jakub and Dawid. I also consider that one or other or both of the parents have been acting in accordance with his or her own interests rather than in the interests of Jakub and Dawid.

[8] At 5.45 pm on 18 December 2009 at the conclusion of a long list in relation to other family matters the parents' legal representatives appeared and informed the court that the handover had not been successful. They recounted that there had been an altercation and that Dominik had called the police who had attended. They also stated that a social worker had also attended as had Zofia's spiritual advisor. I was informed that Jakub had refused to go with Dominik despite various attempts at persuasion. I was informed that the police and Social Services had withdrawn on the basis that there was nothing further that could be done and accordingly that Jakub and

Dawid remained with their mother. The information that was being given to me was recognised to be incomplete. No application was made to the court by Dominik for any order apart from further guidance in relation to an anticipated further attempt that weekend to effect a handover and as to the filing of evidence. In relation to the latter I directed that statements of evidence should be filed by both Zofia and Dominik as to the events that had occurred, that Zofia and Dominik should set out their proposals as to how the handover be effected, that the social worker involved should provide a statement as to what had occurred and I imposed a requirement on Dominik as to the time within which he was to make a formal application to the court. Having offered to deal with the case on Saturday 19 December 2009, which offer was not taken up, I set a further review date as 6 January 2010.

[9] On 5 January 2010 a copy of an order of the Polish court dated 14 December 2009 was sent by the solicitors for Zofia to the Office of Care and Protection. From that order the court became aware that in December 2009 Zofia had again applied to the courts in Poland to reconsider its previous decision. The order of the court dated 14 December 2009 revealed that the Polish courts declined to consider the application on the basis that Jakub and Dawid were resident in Northern Ireland and that accordingly the Northern Irish courts had jurisdiction. Up to that point both parents had agreed that the Polish courts had jurisdiction and accordingly if the Polish courts continued to decline jurisdiction then there would be no court to which Zofia could apply for a reconsideration of the order dated 6 May 2008.

[10] By summons dated 5 January 2010 Dominik applied for an order that Jakub and Dawid be made wards of court and for the court to consider the grant of an order to the applicant under Section 34 of the Family Law Act 1986. A Section 34 order would authorise an officer of the court or a constable to take charge of Jakub and Dawid and to deliver them to Dominik. Dominik did not seek to proceed with this application recognising at that stage that the use of force was inappropriate. That remains the position in that Dominik has not sought to proceed with the application that force is used and during the course of this hearing specifically acknowledged that force was inappropriate and should only be used as a last resort. That he does not consider that it is a last resort situation at present.

[11] On 6 January 2010 a request was made on behalf of Zofia that I should initiate liaison with the judiciary in Poland. This application was not opposed by Dominik. I directed the parties to make available to me a draft of an e-mail to be sent by me to the liaison judge in Poland. The draft was prepared and then various amendments were made to it. All the amendments were agreed by the parties. The procedure for initiating liaison was conducted in such a way that all the parties knew what was occurring thereby protecting their Article 6 rights. There was no communication with one party in the absence of the other. In the event liaison was initiated by an e-mail dated 14 January

2010 from me to the Polish liaison judge. That liaison sought to determine whether the courts in Poland would consider an application by Zofia on the merits and also sought assistance in identifying social workers in Poland who could assist in the return of Jakub and Dawid to Poland. The response was dated 27 January 2010 at which stage Zofia and Dominik had devised positive plans to facilitate a transfer of Jakub and Dawid to Poland.

[12] On 6 January 2010 I gave a number of other directions including the attempts which should be made to identify a social worker in Northern Ireland who had experience of international return of children in circumstances where one or other or both of Jakub and Dawid were refusing to leave. That social worker once identified was to prepare a report under Article 4 of the Children (Northern Ireland) Order 1995. I fixed 28 January 2010 as the date for a fact finding hearing as to what had occurred on 18 December 2009. In the event Zofia and Dominik did not wish to proceed with the fact finding hearing recognising that the litigation process could well make the position between them worse and therefore obstructing the positive plans that in the meantime they had devised to facilitate a transfer of Jakub and Dawid to Poland.

[13] On 8 January 2010 a further review was held and 13 January 2010 was set as a date to finalise the liaison communication with the Polish Liaison Judge.

[14] On 11 January 2010 a letter of the same date from Pawel Kosmulski of the Polish Central Authority for Child Abduction under the 1980 Hague Convention was forwarded to the court. Acting on behalf of the head of the International Law Division of the Ministry of Justice of the Republic of Poland a central authority under the Convention on the Civil Aspects of International Child Abduction concluded in Hague on 25 January 1980 Mr Kosmulski stated that he "would like to point out, that the situation arising from the lack of executive proceedings, *which should have been applied* during the failed 18 December 2009 handover of minors infringed Jakub and Dawid's right to well being" (emphasis added). He asked that consideration be given to applying for force to be used in executing the handover of Jakub and Dawid. It is unclear as to whether the executive proceedings that were thought to be lacking on 18 December 2009 was the lack of the authorisation of the use of force. Mr Long, who appears on behalf of Dominik, made it clear to this court that there was no lack of executive proceedings on 18 December 2009 or on any other date. He stated that his client had been involved at all stages in the arrangements for the return of Jakub and Dawid and that his client did not presently wish force to be used. That if force was to be used at some future stage that it would only be contemplated in very limited and tightly defined circumstances. Mr Long volunteered to fully inform the Polish Central Authority so that any misapprehension could be dispelled. Mr Long also indicated that he would enquire from the Polish Central Authority as to how

they had come by the information contained in the letter dated 11 January 2010. In forming an assessment in Northern Ireland as to how to bring about the Polish court order it may be of assistance to this court to know whether one or other parent has been misrepresenting what has occurred in Northern Ireland or has failed to give a balanced and appropriate account.

[15] In essence the history of proceedings over the period since then is that the parents have been co-operating, and have agreed various steps which should be taken in order to facilitate the enforcement of the order of the Polish court. Those steps included for instance mediation, the involvement of social services, the assistance of experts and judicial liaison between Northern Ireland and Poland. I will not set out the entire sequence of events and exactly when and what was agreed. There have been regular reviews to monitor those steps but to date Jakub and Dawid have refused to go to Poland and they remain in Northern Ireland.

Mediation and agreement for contact in February 2011

[16] One of the agreed steps to facilitate enforcement was that the parents were to mediate. The agreed mediators were “reunite international” of the International Child Abduction Centre. That mediation resulted in an agreement dated 18 November 2010. It contained a number of important provisions. The parents wished to work together to resolve the present conflict in the best interests of their children and to minimise any further trauma. They agreed that it is in the best interests of Jakub and Dawid that they have a positive relationship with Dominik. They agreed that Dominik should rebuild his relationship with Jakub and Dawid and Zofia will encourage Jakub and Dawid to have contact with Dominik. They agreed that there should be supervised direct contact between Dominik and Jakub and Dawid at a contact centre in Northern Ireland on a daily basis for up to 3 hours each day during the period 14 - 18 February 2011. They agreed that if Jakub and Dawid are willing and the facilities are available the period of contact may be increased daily. They requested the Trust to nominate a contact centre and to provide a suitable supervisor. They also agreed that Jakub and Dawid had been traumatized by the ongoing conflict and they requested that the Northern Ireland authorities provide an independent child psychologist for Jakub and Dawid as soon as possible to provide ongoing support through this extremely difficult period of their life. Dominik agreed that on 17 February 2011 he would consult with the child psychologist and supervisor who will decide whether Jakub and Dawid are ready to return to Poland or whether further contact in Northern Ireland should be arranged, or whether the parents should return to mediation to discuss Jakub and Dawid’s future. Zofia had the option to be present at this meeting.

Steps to facilitate contact in advance of February 2011

[17] The parents jointly instructed Lucy Fitzsimmons, a specialist in Child and Adolescent Mental Health Nurse as the independent child psychologist.

[18] The agreed joint instructions to her from the parents were in two distinct parts. First in advance of contact she was to support, encourage and reassure Jakub and Dawid in relation to contact with Dominik and to make specific recommendations to increase its success. The second part was following contact to determine Jakub and Dawid's wishes and feelings in respect of their living arrangements, how best could arrangements be made for the return of the boys to Dominik's care in Poland and if arrangements cannot be made for the boys to return to Poland what she recommended to progress their relationship with Dominik.

[19] In advance of contact taking place Jakub and Dawid were shown the room in which contact was to take place and Ms Fitzsimmons met them in individual sessions on three separate occasions. She found that Jakub appeared to take the lead in the sibling relationship and that he presented as a very vocal boy who appeared mature for his years and creative in his thinking. That he was doing well at school and was confident in his intelligence. He used statements and language that were older than his years. He had strong positive feelings for his mother stating that "she cares, she never gives up, she trusts in you". He stated that he would miss his mother if he were to leave Northern Ireland. He had strong negative feelings for his father stating that he was a "stinking, good for nothing liar" and used other aggressive language. He had concerns about his father abducting him and sought reassurance that any contact would be supervised by "a highly trained bunch of professionals". He accepted that supervision would help protect him from any fear of kidnap and on the third occasion that Ms Fitzsimmons met him he was reassured that he would be supervised and he would feel safe at all times. He wished to visit Poland but he would not like to visit his father.

[20] The pick up arrangements for contact with his father were explained to him. Ms Fitzsimmons then had a discussion with the social worker who was to supervise contact. They both concluded that Jakub was ready and prepared for contact. Zofia was informed that the use of aggressive language by Jakub and Dawid should be discouraged particularly when they were describing Dominik.

[21] Dawid also attended on three separate occasions with Ms Fitzsimmons. She found him to be more passive in nature than Jakub. Initially he stated that he did not want to see his daddy and said he didn't like him. He drew a very explicit picture of his father trying to take him in a taxi with the police

coming. He is fearful and does not trust his father. He needed a lot of reassurance that it was okay to see his father as long as there is no risk of being taken away.

[22] At the end of the sessions he was stating that he would go along to contact but with the reassurance of appropriate supervision. Again Ms Fitzpatrick had a discussion with the social worker who was to supervise contact and Zofia was advised that Dawid would need reassurance and support and that strong negative language should be discouraged when describing his father. One indication of negative language used by Dawid was his statement that "his daddy loved booze, once he was drunk and he had a crash". The child had no recollection of this incident and either he was told this by his mother or alternatively on her account overheard a conversation.

[23] Jakub and Dawid's father does not speak English. Jakub speaks English as well as fluent Polish. He states that he converses on a regular basis with his mother in Polish. Dawid speaks English. He states that his mother speaks fluent Polish and he can understand this. He also appears to understand his father when he speaks Polish. He chooses not to speak Polish but rather English. His mother states that he does this at home despite her speaking to him in Polish. The eldest boy was a little concerned about how Dawid might cope with contact in relation to his ability to speak English more than Polish. Both children were reassured that an interpreter would be present at contact with Dominik.

Contact in February 2011

[24] The first contact was to occur on 14 February 2011. The social worker arrived at Zofia's home to collect Jakub and Dawid. Jakub told the social worker that he did not wish to attend contact. He gave no reasons. His mother then clearly expressed to him that she would like him to attend. He continued to refuse. Dawid however agreed to and did attend contact. He was quiet throughout. His father was appropriate with his son making very positive commitments throughout.

[25] The second contact was to occur on 15 February 2011. On this occasion both of the boys stated that they did not want to attend contact. Both the social worker and Zofia encouraged Jakub and Dawid to attend. Zofia explained to them the need for them to attend and that Dominik had come all the way from Poland to see them. They refused to and did not attend contact.

[26] Ms Fitzsimmons was engaged to visit Jakub and Dawid in their home on 16 February 2011 to support them once again in their contact with Dominik. She found Jakub in a high state of anxiety feeling very unclear of what he should do, repeatedly stating that he wanted to speak to his father to

tell him how he felt but wanted to put it off. Ms Fitzpatrick agreed that she would go to contact with the boys to help assist and reassure them. Jakub was reassured at this stage but kept on asking that it would not be possible for his father to take him out of the building. He needed constant reassurance in relation to who would be there to supervise and that the interpreter would inform Ms Fitzsimmons and the social worker of all the conversation between Jakub and Dawid and Dominik. He agreed to go to contact. Dawid initially stated that he would not go to contact but was easily reassured and was encouraged to think positively about his contact with his father. He then appeared to follow his brother's lead and agreed that he would also attend contact.

[27] The contact was supervised by both Ms Fitzsimmons and the social worker. Jakub at the start of contact was quite anxious and a little bit distressed. He appears to have shouted at his father that he did not want him to take him away and that he wanted to stay in Northern Ireland. Thereafter he settled very quickly and overall the contact was positive and very appropriate. Both boys appeared to enjoy their time with Dominik.

[28] The third contact was to occur on 17 February 2011. Initially Jakub stated that he did not want to attend but was encouraged to do so. Upon arrival at the contact centre both children observed Dominik for a time before entering the room. Again when contact did take place it was appropriate.

[29] The final contact was to occur on 18 February 2011. Jakub stated that he did not wish to go to contact and that he had just wanted to tell his father that he did not want to go back to Poland and that he had now done that. Despite encouragement from the social worker and their mother both children refused to attend.

[30] There was a considerable amount of work undertaken to prepare both boys for contact. In the event the eldest boy attended two out of four contacts and the youngest three out of four contacts.

Further work by Ms Fitzsimmons after February 2011

[31] After the contact sessions Ms **Fitzsimmons** undertook the second part of her work. She determined Jakub and Dawid's wishes and feelings. Jakub expressed his feelings very strongly that he would like to live with his mother in Northern Ireland and he has a very clear negative image of his father. Dawid also expressed a clear view that he would like to remain with his mother in Northern Ireland. He also presents with a very negative impression of his father.

[32] Ms **Fitzsimmons** then addressed the question as to how best arrangements could be made for the return of the boys to Dominik's care in

Poland. She considered that any forcible return to Dominik's care at this stage could prove detrimental to their emotional well-being though she saw a positive in that they tolerated contact with Dominik and showed signs of accepting the possibility that he can be part of their lives once again. From that I take it that there are positives in this case which can be built on to achieve the objective of facilitating the enforcement of the order of the Polish Court dated 6 May 2008.

[33] Ms Fitzsimmons then addressed how these positives can be built on. She states that the boys require support and facilitation to continue with direct contact with Dominik. *That contact needs to be built up on a regular basis* (emphasis added). That both parents should avail of mediation services to explore practical arrangements and timetables in relation to any further contact with the prospect of moving to family mediation. That if Jakub and Dawid are transferred to Dominik's care imminently both children would require psychological support and family therapy as it is highly likely that they would show confusion and high levels of distress, particularly if their mother was not in agreement of such transfer. Ms Fitzsimmons stated that an abrupt change in their living circumstances at present would have a significant impact on their emotional well-being for which they would require possible longer term supports.

Assessment of Zofia and Dominik

[34] In order to facilitate the enforcement of the Polish court it is necessary to determine whether one or other or both of the parents is acting in a way which prevents or delays the implementation. The reason I set out what may be perceived as failings is not to denigrate either of the parents or to question their deep attachment to their children. It is to facilitate the enforcement of the Polish court order.

[35] Zofia as I have indicated is deeply attached to both Jakub and Dawid. She does not agree with the order of the Polish court and I consider that she either overtly or subconsciously influences both of her children against their father. An illustration of overt influence is that I accept that she told Dawid that "his daddy loved booze, once he was drunk and he had a crash" (12). I accept that Zofia told Dawid about this and I reject her explanation that he overheard a telephone conversation in May/June 2009 and then repeated it to Ms Fitzsimmons nearly 2 years later on 2 February 2011. I also note that during the proceedings in Poland Zofia had also told Dawid what to say. A further illustration of overt influence is Zofia's lack of any determined effort to maintain and develop Dawid's Polish language skills both oral and written. Zofia is an intelligent and determined individual and I have no doubt that if she set her mind to the promotion of the Polish language this could and would be achieved. There are plenty of techniques which she could use to facilitate this. However the less Dawid is able to speak Polish the less he will

be able to communicate with his father and the more difficult it will be for him to leave Northern Ireland. I consider that is a desired outcome from Zofia's point of view.

[36] A further illustration of Zofia's overt influence on the children is her failure to promote indirect contact between the children and their father. In relation to indirect contact the dispute between the parents could be summarised on the basis that Zofia states that Dominik does not attempt to contact the children, that he doesn't send them cards and doesn't attempt to contact them by phone. Dominik states that he does but Zofia blocks all indirect contact with the children. However, it was clear that since December 2009 Zofia had taken no positive steps of her own to promote indirect contact between Dominik and the children. For instance she had not organised Skype communication. On the other hand Dominik had made no application to the court for indirect contact. It became clear during the hearing that the only obstruction to contact between Dominik and the children was their fear of abduction. Zofia agreed that there was therefore no reason for them to fear indirect contact. Indirect contact was ordered by the court on 15 June 2011. The first Skype communication has now taken place and it was a success lasting over 1 hour and with the children well prepared with treasured objects being brought to contact to discuss with Dominik. There was warmth and affection between Dominik and the children during contact. A system has also been set up whereby letters, cards, presents and photographs can be sent to the children by Dominik via the Trust so that there will be no argument that they have been sent and received. Dominik has not as yet availed of this line of communication and he is again encouraged to do so.

[37] Zofia has caused damage to her children and she appears to be willing for them to be damaged in the future.

[38] Dominik is also deeply attached to his children but he has acted inappropriately in the past. I had an opportunity of assessing him as he gave his evidence. He undoubtedly abducted both the children from Northern Ireland on 8 May 2007. That caused them harm. His attempts to take the children from Northern Ireland in December 2009 were entirely inappropriate. I prefer Zofia's account of what occurred. I hold that he acted in an obdurate and inappropriate way involving both of his children in a traumatic event. He presents as inflexible. He does not appreciate that his children do not have the same reserves of emotional strength as he does. He fails to appreciate the lack of trust that he has generated in the children by his actions.

[39] Dominik has caused damage to his children and appears to be willing for them to be damaged in the future.

The attitude of the Trust

[40] The Senior Social Worker who gave evidence was of the view that it was just unrealistic to expect the children to progress from supervised direct contact in a contact centre to unsupervised overnight contact over a 4 day period in the house of one of Dominik's friends which friend the children have not seen for years.

Harm to and missed opportunities for the children

[41] One of the suggestions that I am going to make is that both parents should continue to mediate. I cannot force them to mediate but I suggest that they do not only as a method of facilitating the order of the Polish court but as a method of addressing the damage that they have caused to the children and the opportunities that the children have thereby missed. The children have not had a proper relationship with their father. The children had and still have a great opportunity of being fluent in two languages and knowing and understanding two cultures. They are being harmed. They are missing opportunities. Their parents cannot agree. Quite irrespective of where the children live in the future it is indefensible not to have a proper relationship with both of their parents and to know and be comfortable in both languages and both cultures.

Conclusion

[42] On the basis of the experience of the February 2011 contact and on the evidence which I have set out I consider that Dominik's proposal for 4 days unsupervised contact is unrealistic and would set back the enforcement of the order of the Polish court. There should instead be a steady and sustained build up of contact which should be proactively supported by Zofia.

[43] Skype contact should progress from being at one of the Trust premises to being in Zofia's home. The Trust has indicated that they will ensure that Zofia knows how to record those contacts so that if there is any dispute as to what was said during contact or as to the nature of the contact the matter can be independently assessed. The Trust should make the necessary arrangements.

[44] Contact by letters, cards and presents should be developed by Dominik facilitated by the Trust receiving them from Dominik and sending them to Zofia. A record is therefore kept of what is sent and received.

[45] The children should be encouraged by Zofia to have direct and indirect contact with Dominik.

[46] The Honorary Polish Consul for Northern Ireland, the Polish Consul in Edinburgh should be requested to provide assistance to the children in relation to their culture and to support and develop their Polish language skills. The request should include seeking information as to Polish cultural organisations in Northern Ireland, as to whether there are any Polish educational organisations in Northern Ireland such as Saturday schools and as to whether there are any mentoring or befriending organisations appropriate for the children.

[47] Zofia should make a determined effort to promote the Polish language both written and oral. This should be monitored so that there can be an independent assessment of what has been achieved. The parties are to set out their suggestions in writing as to how the children should develop these skills and how this can be monitored.

[48] Telephone contact should be developed and again both parents should set out in writing how it is to be progressed.

[49] Direct supervised contact at a contact centre should be arranged between Dominik and the children. Both parents should set out in writing their proposals for direct supervised contact.

[50] The children need reassurance that there is no risk of abduction during direct supervised contact. Both parents should set out in writing their suggested precautions in relation to the measures which should be put in place.

[51] Direct contact should be progressed so that it moves out of the contact centre to be activity based and unsupervised. There is no reason why the children should not have a relationship with their father apart from the fear of abduction. That fear can be met by proper precautions. Again the parents should set out in writing their proposals as to the progression of contact and as to the precautions.

[52] Both parents should avail of the mediation services of reunite international to explore practical arrangements and timetables and to explore and give consideration to the harm which has been caused to the children and the opportunities which the children are missing.

[53] Dominik should join with Zofia in submitting to the jurisdiction of the Polish courts so that there is a forum in which any substantive dispute between the parents can be adjudicated. It is a component of facilitating the enforcement of the Polish court order that Zofia has confidence that the Polish courts will exercise jurisdiction in considering her case that the order of the Polish court is no longer appropriate given the passage of time, the events which have occurred and the wishes and feelings of the children.

[54] I request the Trust to provide ongoing support services such as ongoing liaison by the social worker with the parents and the children, the provision of venues for contact, making enquiries as to whether there are mentoring or befriending services available for the children, carrying out checks if there is a suggested mentor or friend and the provision of services to prepare the children in advance of contact with Dominik and to discuss with the children and the parents ways of improving contact both direct and indirect. The types of supports that the Trust can provide should be reduced to writing.

[55] I give leave to disclose this judgment to the Polish Central Authority, to the Honorary Polish Consul in Northern Ireland and to the Polish Consul in Edinburgh.

[56] I direct the translation of this judgment into Polish at public expense for the benefit of Dominik and the Polish Central Authority.

[57] I have indicated that there should be proposals in writing. Those proposals should be sent to the Office of Care and Protection by 12 noon on Wednesday 6 July 2011.

[58] I will review the case on Friday 8 July 2011.

[59] I have discussed each of these directions with the legal representatives of all of the parties. I have asked them and in particular the legal representatives of Dominik as to whether there is any further direction that I can give that would facilitate the enforcement of the Polish court order. I am grateful for the refinements that were suggested but the overall outcome is that there are no further suggestions that have occurred to any of the parties. I make it clear that if there are any further suggestions that do occur then they should be brought to my attention and a review of this case will take place to consider those suggestions.

[60] If there are any concerns as to the implementation of the arrangements that I have put in place then the case should be listed for review before me during the vacation so that I can give further directions in relation to those concerns.