

The Dutch Office of the Liaison Judge International Child Protection

Report from 1 January 2011 – 1 January 2012



de Rechtspraak

The District Court of The Hague
Family Division

CONTENTS

Preface	2
Introduction	3
Chapter 1. Developments in 2011	4
1.1 Brief background	4
1.2 Cross-border mediation continued	5
1.2.1 Court procedure	5
1.2.2 Results	5
1.2.3 Future developments	5
1.3 Preliminary draft amendment	6
1.3.1 Concentration of jurisdiction at first instance	6
1.3.2 Limitation of appeal to Dutch Supreme Court	7
1.3.3 Protection of rights during appeal proceedings	7
1.3.4 Termination of Central Authority's powers of legal representation	7
1.4 Coming into force of the 1996 Hague Convention on the International Protection of Children	8
Chapter 2. The legal framework	9
2.1 Treaties on international child abduction	9
2.2 The Brussels II (bis) Regulation	10
2.3 The 1996 Hague Convention on the International Protection of Children	10
2.4 The Dutch International Child Abduction Implementation Act	11
2.5 The Dutch International Child Protection Implementation Act	11
Chapter 3. The duties and activities of the Dutch Office of the Liaison Judge International Child Protection (BLIK)	13
3.1 Liaison	13
3.2 Help desk	13
3.3 Knowledge centre and website	14
3.4 Wiki Juridica	14
3.5. Digital newsletter	14
3.6 Contact point	14
3.5 Conferences	14
3.6 Contact persons	15
Chapter 4. Cases handled by BLIK	16
4.1 Court cases	16
4.2 Liaison requests	18
4.3 Help desk questions	18
4.4 Conferences and international meetings	19
Chapter 5. Staff	21
Chapter 6. Finances	24

Preface

This is a report on the activities of the Dutch Office of the Liaison Judge International Child Protection (*Bureau Liaisonrechter Internationale Kinderbescherming*, in short *BLIK*) from January 2011 to January 2012. BLIK was established 6 years ago and functions as a centre of expertise and a help desk in the field of international child protection and child abduction for the Dutch Judiciary. As a part of the Family Division of the District Court of The Hague its role is to support this Court and to enhance the expertise necessary for its handling the large number of cases relating to aspects of private international law.

In the past year, again, BLIK's help desk function, i.e. handling of requests for advice by fellow-Dutch Family Division Judges, was much in demand. The same goes for its liaison function, i.e. requests to establish contacts between a Dutch court and a foreign court. In addition, BLIK's staff attended national and international conferences and meetings and gave lectures.

The year 2011 was an important year for BLIK. In addition to the large number of return cases brought before the court, in which the use of cross-border mediation was successfully continued, an important change was made to the applicable rules in the field of international child abduction and child protection. As of 1 January 2012 the concentration of jurisdiction at first instance is a fact, although in practice almost all cases involving international child protection and abduction cases were already heard by the District Court of The Hague as a result of the transfer of cases.

Moreover, the appeal to the Dutch Supreme Court in return cases has been limited and the protection pending appeal proceedings has been laid down in law. The Central Authority's power of legal representation was removed as from 1 January 2012 and the attorneys working for the International Child Abduction Centre (IKO) now have a more important role to play in return proceedings as the requesting party must also be represented by an attorney. Also in 2011 the 1996 Hague Convention on the International Protection in the Netherlands came into force, replacing the 1961 Convention.

The co-operation between the District Court of The Hague, the Central Authority and the lawyers working for the International Child Abduction Centre (IKO), which all form part of the child protection chain, has proven to be successful again in 2011, thus contributing to the quality and smooth-running of proceedings in international child abduction cases, a complex area often involving harrowing cases. We trust that in the forthcoming year international child protection and international child abduction cases will continue to receive the necessary attention.

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President of the Family Division of the District Court of
The Hague.

Introduction

The Dutch Office of the Liaison Judge International Child Protection (BLIK) has performed the functions of a liaison judge since its creation on 1 January 2006.

The recent developments over the period covered by the report will be discussed in Chapter 1. Chapter 2 sets out the legal framework, while Chapter 3 briefly addresses BLIK's duties and functions. Chapter 4 gives an overview of the cases that BLIK dealt with, including liaison requests and help desk questions. This chapter also lists the conferences and international meetings attended by the Liaison Judges and other members of BLIK's staff during the period covered by the report. Finally, personal data and finances are dealt with in Chapters 5 and 6 respectively.

Chapter 1. Developments in 2011

1.1 A brief background

In 2005 the president and the vice-president of the Family Division of the District Court of The Hague were appointed as liaison judges pursuant to the Dutch International Child Protection Implementation Act.¹

The Dutch Office of the Liaison Judge International Child Protection (BLIK) was established to support the liaison judges. A number of judges and other staff members working in the Family Division of the District Court of The Hague spend part of their working time on performing liaison duties and the development of BLIK.

The liaison judges serve as a contact point for the courts in the Netherlands when they hear a case of international child abduction or a case involving aspects of international child protection and wish to consult with a foreign judge, and vice versa where a foreign judge wishes to consult with a Dutch judge. In addition, BLIK has developed into a helpdesk and knowledge centre for Dutch judges who need information on aspects of international child abduction or international child protection.

In the subsequent years BLIK has expanded its knowledge in the field of international child abduction and international child protection cases and has further increased its contacts with foreign judges.

The liaison judges and other BLIK staff have visited their foreign colleagues, attended conferences and lectures and have organised various expert meetings on a regular basis.

In 2009 the District Court of The Hague was appointed as the alternative court with the power to hear child abduction cases in addition to other District Courts².

In the same year the District Court of The Hague introduced a pilot on cross-border mediation in international child abduction cases, aiming to significantly shorten the return procedure through settlement at an early stage. Together, the District Court of The Hague, the Central Authority, the Ministry of Security and Justice, the International Child Abduction Centre (hereafter: IKO), the legal profession and mediators have all contributed to the success of the pilot. In 2010 it was decided that cross-border mediation in child abduction cases should be continued, following a positive evaluation of the mediation pilot by the Verwey-Jonker Institute [for social scientific research]³.

This same approach was taken in 2011. In this first chapter the working method used in 2011 will be set out, followed by the results obtained and the possibilities for continuing cross-border mediation in the future. Other important developments that will be addressed in this chapter are the amendments to the Dutch International Child Abduction Implementation Act⁴ and the Dutch International Child Protection Implementation Act⁵ as adopted by Parliament, and the ratification of the 1996 Hague Convention on the International Protection of Children.

¹ Decree of 14 July 2005.

² The designation order has been published in Staatscourant 2009 no. 2698, 20 February 2009.

³ I. Bakker e.a., *Evaluatie pilot internationale kinderopvoering*, Utrecht: Verwey-Jonker Institute 2010.

⁴ Act of 2 May 1990 concerning the Implementation of the 1980 Hague Convention on International Child Abduction and the 1980 European Custody Convention, Stb [Dutch Bulletin of Acts and Decrees] 1990, 202; The Act came into force on 1 September 1990.

⁵ Act of 16 February 2006 on the Implementation of the 1996 Hague Convention on the International Protection of Children and the Brussels II (bis) Regulation, Stb 2006, 123; The Act came into force on 1 May 2006.

1.2 Continuation of cross-border mediation

1.2.1 Procedure

In a vast number of international child abduction cases the District Court of The Hague made use of cross-border mediation. In summary, the return procedure in 2011 was as follows. Within six weeks of the submission to the Central Authority of the application for return it had an interview with the parent(s) and arranged a mediation session if possible. If the parents failed to reach a settlement, the return application would be filed with the District Court. The proceedings before the District Court also took no more than six weeks. First of all a pre-trial review took place within two weeks of the filing of the application. The judge at this pre-trial review explored the possibility of mediation if it had not already taken place at the preliminary stage. Mediation had to take place within two weeks. The mediation was conducted by two professional mediators, preferably a lawyer and a psychologist. If the parents failed to reach a settlement within two weeks, a second hearing would take place before the full court, followed by a decision on the return application within two weeks. An appeal to the Court of Appeal could be lodged within two weeks. A hearing would take place within two weeks of the lodging of the appeal, and the Appeal Court decision would follow two weeks later. Consequently, the result was a sort of 'pressure cooker' procedure which lasted no more than 18 weeks (3x6).

1.2.2 Results

Those involved in the mediation process have managed to make considerable progress in speeding up the return application procedure. Pre-trial court hearings have clearly contributed to the quality of full court hearings and speedy case processing times. In the majority of cases in which a full court hearing took place, a decision could be given directly after the hearing and in several cases a full court hearing was not necessary since the parents had reached a settlement during the mediation. In cases in which no full settlement could be reached, the positive outcome was that parents tried to get on speaking terms with each other again and aimed to come to an amicable settlement of their disputes after having battled each other fiercely for years. Mostly, this ultimately resulted in a partial settlement, the arrangements for which were laid down in a partial agreement or mirror agreement.

In 2011 the District Court of The Hague heard twenty-six return applications. In sixteen cases a pre-trial review hearing took place and of these fourteen cases were referred to mediation. In three of these cases, however, mediation did not actually take place. Six out of eleven cases referred to mediation resulted in full settlements. In these cases arrangements concerning the child's place of residence, his or her contact with the non-resident parent and his or her upbringing were laid down in a settlement agreement, after which the Central Authority withdrew the pending return application.

1.2.3 Cross-border mediation: the future

In view of the success of mediation and pre-trial hearings, the District Court of The Hague will continue with pre-trial court hearings and referrals to mediation in international child abduction cases in 2012, the cost of which will be partially funded by the Ministry of Security and Justice. Parties entitled to free legal aid will be requested to pay an income-related fee in case of cross-border mediation. Parties not qualifying for free legal aid may be eligible for subsidized mediation.

1.3 Preliminary draft amendment

In the past few years the focus has increasingly been on the importance of speedy yet thorough proceedings in international child abduction cases. In practice, it turned out that the prompt return of a child who has been wrongfully removed or retained as laid down in the 1980 Hague Convention on International Child Abduction⁶ (hereafter: HCCA) often could not be effected. That is why in 2008 the Royal Commission on Private International Law addressed the question of whether the implementation of the HCCA in the Netherlands could be improved.

The Dutch Minister of Security and Justice, inspired by the report by the Royal Commission on Private Law⁷, has declared his intention to improve the position of those directly involved with international child abduction cases. To this end, the Dutch International Child Abduction Implementation Act and the Dutch International Child Protection Implementation Act had to be amended. In the autumn of 2011 the Dutch Parliament approved the amendments, which came into force on 1 January 2012.⁸ The most important amendments will be discussed below.

1.3.1 Concentration of jurisdiction at first instance

As of 2012 the jurisdiction at first instance in international child abduction cases lies with the District Court of The Hague, and consequently jurisdiction on appeal lies with the Court of Appeal of The Hague⁹. In view of the limited number of return applications, their speedy nature and the required specialist knowledge in the field, concentration of jurisdiction makes sense. It is not expected that the concentration of jurisdiction will greatly affect the number of court cases to be heard by the District Court of The Hague, as it had already, in 2009, been appointed as the alternative court with the power to hear child abduction cases in addition to other District Courts. Consequently, in the past few years the vast majority of international child abduction cases have been heard by the District Court of The Hague.

It follows from article 11 paragraph 2 of the Dutch International Child Abduction Implementation Act that the concept of concentration of jurisdiction only applies in international child abduction cases. In international cases involving parental access rights the District Court of the child's place of residence has jurisdiction. The issue of concentration of jurisdiction in international cases involving access rights has often been debated in the Dutch Senate¹⁰. The Secretary of State has indicated that he is not in favour of concentration of jurisdiction in these cases at present as, according to the memorandum of reply, he is of the opinion that international access rights cases do not differ enough from national ones to justify the concentration of jurisdiction.

6 The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Protection.

7 Dutch Royal Commission on Private International Law, *Knelpunten bij de uitvoering van het Haags Kinderontvoeringsverdrag 1980 in Nederland* [Practical problems in relation to the enforcement of the 1980 Hague Convention], Kamerstukken II 2008/2009, 30 072, no. 15.

8 Amended Dutch International Child Abduction Implementation Act, Stb [Dutch Bulletin of Acts and Decrees] 2011,530.

9 Section 11 paragraph 1 Dutch International Child Abduction Implementation Act

10 Kamerstukken [Hansard] I 2010/11, 32 358, B,C,D,E, Kamerstukken I 2011/12, 32 358, F, G.

In addition, he suggested that in these cases as well the help and knowledge of BLIK should be sought if required. Nevertheless, concentration of jurisdiction could be an option in international access rights cases that are linked with return cases. Therefore, the Secretary of State has pledged to stay in contact with representatives of BLIK, the legal profession and the International Child Abduction Centre (*IKO*) in order to assess whether, based on experiences in concrete cases, the concentration of jurisdiction in international access rights cases that are linked with return cases is desirable¹¹.

1.3.2 Limitation of appeal to the Dutch Supreme Court

Following the recommendations made by the Royal Commission, as of 1 January 2012 appeal to the Dutch Supreme Court in return cases has been limited to appeal in cassation on a point of law¹². The most compelling reason for this limitation is that on average the appeal proceedings before the Supreme Court take up 33 weeks, whilst often being of only marginal importance since the matters in dispute in these cases mostly concern facts rather than points of law. Limitation of the possibility of appeal aims to strike a balance between the importance of speedy proceedings in international child abduction cases on the one hand and the adequate protection of rights on the other¹³.

1.3.3 Protection of rights during appeal proceedings

The Implementation Act determines that the first instance decision will suspend any appeals lodged, unless the court decides otherwise in the child's best interest, either on request or on its own initiative. In this way the law is brought into line with existing practice in which it is often desirable that a minor stay in the Netherlands whilst awaiting a decision on appeal. To this end, in practice the courts used to set a later date for the return of the minor, after the expected date of the decision on appeal. This practise has now been codified in article 13 paragraph 5 of the Dutch International Child Abduction Implementation Act.

1.3.4 Termination of Central Authority's powers of legal representation

The amendment of Article 5 of the Dutch International Child Protection Implementation Act meant the removal of the Central Authority's powers of legal representation. This will end the undesirable situation in which the State of the Netherlands acts as the adverse party against its own citizens in these delicate cases. As of 1 January 2012 the Central Authority has a mediating role in child abduction cases. If parents fail to reach a settlement they are referred to an attorney who in turn may present the case to the court.

In aiming to effect a smooth transition it was decided that the Central Authority is entitled to exercise powers of legal representation in cases brought before the District Court, the Court of Appeal or the Supreme Court before 1 January 2012. However, the Central Authority's power of legal representation is limited to the particular court and ends when the District Court or the Court of Appeal or the Supreme Court renders a final decision. In anticipation of this, the Central Authority filed a considerable number of cases at the end of 2011, the hearings of which are scheduled for the first months of 2012.

11 Kamerstukken I 2011/12, 32 358, G.

12 Section 12 paragraph 8 Dutch International Child Protection Implementation Act

13 Kamerstukken I 2009/10, 32 358, no. 3.

It remains to be seen to what extent procedures in international child abduction cases will change when the applicant party is no longer represented by the Central Authority but by an attorney. Currently, a lot of effort is going into transferring the knowledge in this specific field of law. An important contact point for the legal profession is the recently founded Association of Child Abduction Lawyers. Representatives of the Central Authority, the Bar and the Judiciary gave lectures on the changes in procedure and its consequences in practice at a conference on 8 December 2011. In any case, the practice of conducting pre-trial review hearings and using cross-border mediation, which has proven to be successful, will be continued in the future as it has many supporters.

1.4 Coming into force of the 1996 Hague Convention on the International Protection of Children

The 1996 Hague Convention on the International Protection of Children (hereafter: 1996 Hague Convention) came into force on 1 May 2011 after ratification by the Netherlands on 31 January 2011. In relations between Member States it replaces the 1961 Convention. The areas covered by the 1996 Hague Convention are parental responsibility and child protection measures.

BLIK staff attended a course on the 1996 Hague Convention given by Mr Th. M. De Boer, Professor at Law and increased their knowledge of the new convention in order to deal with questions from the other Dutch courts. BLIK has received many questions about possible conflicts between the 1961 and 1996 Hague Conventions on the Protection of Children in cases where parental responsibility was granted before or after the coming into force of the 1996 Convention. Answers to these questions can be found on BLIK's website.

Chapter 2. The legal framework

2.1 Treaties on international child abduction

The civil law aspects of child abduction and international parental access are the subject of two treaties, namely the 1980 Hague Convention on International Child Abduction (hereafter: HCCA) and the 1980 European Custody Convention ¹⁴.

The HCCA is by far the most important treaty in international child abduction cases and is generally cited in most of them. There are now 80 contracting states to the HCCA, including all EU Member States. In 2011 Andorra, Gabon, Guinea, Russia and Singapore also acceded to the Convention.

According to article 1 the HCCA aims to:

- a) secure the prompt return of children who are wrongfully removed to or retained in any Contracting State;
- b) ensure that rights of custody and of access under the law of one Contracting State are effectively respected in other Contracting States.

The convention's principal rule, in a nutshell, comes down to: 'return first and talk later' ¹⁵. If a child has been taken to a foreign country by one of his parents without the consent of the other parent, the child must be returned to his country of habitual residence. It is in that country that a decision on the child's future place of residence, and any other issues concerning the child, such as custody and parental access, must be taken. This decision on the child's future place of residence can be made by the parents or they can ask the court in the child's country of habitual residence to do this.

The Convention provides several grounds on which a return order may be refused. In summary, an order can be refused if: more than a year has elapsed and it is demonstrated that the child is settled in his new environment ¹⁶, if it is established that the parent left-behind was not actually exercising custody rights at the time of removal or retention, or had consented to or subsequently acquiesced in the removal or retention ¹⁷, if there is a grave risk that the child's return would expose him to physical or psychological harm or otherwise place him in an intolerable situation ¹⁸ and if the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of his views ¹⁹. These grounds for refusing a return order should be applied restrictively ²⁰.

The HCCA furthermore states that each Contracting State shall designate a Central Authority which must perform the duties imposed by the Convention and to which people may turn in cases of child abduction. In the Netherlands, a division of the Ministry of Security and Justice acts as the Central Authority.

¹⁴ The European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children of 20 May 1980.

¹⁵ Conclusion of the Advocate-General prior to the Dutch Supreme Court ruling of 20/1/06, NJ 2001/450.

¹⁶ Article 12 paragraph 2.

¹⁷ Article 13 paragraph 1 sub a.

¹⁸ Article 13 paragraph 1 sub b.

¹⁹ Article 13 paragraph 2; see also article 20.

²⁰ Examples are Dutch Supreme Court 20/1/06, NJ 2006, 545, Dutch Supreme Court 20/10/06, RvdW 2006, 969 and Dutch Supreme Court 1/12/06, RvdW 2006, 1136.

2.2 The Brussels II (bis) Regulation

Child abductions within the EU, with the exception of Denmark, have been governed by the Brussels II (bis) Regulation since March 2005. This regulation refers to the HCCA and lays down further rules on subjects such as hearing of the minor, the time frame within which a case must be dealt with, the procedure in court when a return order is refused and the co-operation between the authorities of the Member States.

According to article 11 paragraph 6, the authorities of the Member State where the child was habitually resident must be informed of the order on non-return issued pursuant to article 13 of the HCCA. After all, an order not to return the child on the grounds of article 13 HCCA is intended to be temporary only and the decision on the place of the child's permanent habitual residence must be taken by the court in the Member State where the child was habitually resident prior to the wrongful removal or retention (article 11 paragraph 7). To this end, the litigating parties are invited to make submissions to this court.

It is also possible, by way of exception, that a case regarding parental responsibility heard by a court of a Member State is transferred to a court of another Member State. Article 15 of the Brussels II (bis) Regulation determines how this can be done and on what conditions.

2.3. The 1996 Hague Convention on the International Protection of Children

The 1996 Hague Convention came into force on 1 May 2011 after ratification by the Netherlands on 31 January 2011. It includes rules on jurisdiction over child protection measures and the option to request a court of another Contracting State to assume jurisdiction. The 1996 Hague Convention and the Brussels II (bis) Regulation simultaneously apply in all EU Member States.

The Convention consists of seven chapters:

- I. the scope of the convention
- II. jurisdiction over child protection measures
- III. applicable law in case of child protection measures and in case of parental responsibility by operation of law respectively
- IV. recognition and enforcement of measures
- V. co-operation
- VI. general provisions
- VII. final clauses

In practice, chapters II and III will prove particularly important.²¹

Chapter II, on jurisdiction, contains important changes compared with the 1961 Convention. The jurisdiction of the Contracting States' Central Authorities has been considerably restricted. In principle, concurrent jurisdiction of different member states to take measures for the protection of the minor has been excluded.

²¹ Kamerstukken II 2004/05, 29 981 (R 1782), no. 3.

As a rule, the authorities of the Contracting State of the habitual residence of the child have jurisdiction (article 5). This principle has been elaborated further for situations in which there is no habitual residence (article 6) or in which a child has been wrongfully removed or retained in another State (article 7).

Chapter III deals with the applicable law in child protection cases. As in the 1961 Convention, in principle the authorities taking child protection measures apply their own law (article 15). However, this rule has been somewhat relaxed. Chapter III contains provisions for the attribution or extinction of parental responsibility by operation of law (articles 16 to 18 inclusive). Unlike the 1961 Convention, according to which national law was applicable, the 1996 Hague Convention determines that the applicable law is that of the State of the habitual residence of the child. The situation in which a child's habitual residence changes has also been covered.

2.4 The Dutch International Child Abduction Implementation Act

This Act contains provisions implementing the HCCA and the 1980 European Custody Convention, as well as general provisions concerning international child abduction cases which are not subject to any treaties.

On 1 January 2012 the amended implementation act, called the 'International Child Abduction Implementation Act' came into operation after adoption of the amendment by the Dutch Parliament in 2011.

Section 2 of the amended Act, maintains that Dutch courts are compelled to apply the HCCA in return order cases involving the child's return to a state which is not a Member State, as if the HCCA were applicable. Section 5 has been radically changed as the Central Authority's power to represent the parent who is applying for a return order has been removed. Section 13 paragraph 5 states that an appeal will suspend the execution of an order, but a court may decide otherwise, on request or on its own initiative if required in the interest of the child. Thus it may be possible for a child to remain in the Netherlands whilst awaiting a decision on appeal in a return procedure. Finally, pursuant to section 13 paragraph 8, there is no recourse to ordinary legal remedies against a decision on appeal by a Court of Appeal.

2.5 The Dutch International Child Protection Implementation Act

The International Child Protection Implementation Act provides for the implementation of the 1996 Hague Convention on the International Protection of Children and the Brussels II (bis) Regulation.

Section 2 determines that this Act for the most part also applies to international cases concerning parental responsibility and child protection measures that are not covered by the 1996 Hague Convention on the International Protection of Children or the Brussels II (bis) Regulation.

Section 24, paragraph 1 of this Act mandates that the Council for the Judiciary appoint one or more youth court judges who are mainly responsible for establishing contacts between Dutch courts which hear cases involving the 1996 HCPC, the Brussels II (bis) Regulation or the

Implementation Act and foreign courts with jurisdiction in these cases, and also for establishing contacts between foreign courts which hear these kind of cases and Dutch courts with jurisdiction in these cases.

In the amended Implementation Act that came into force on 1 January 2012, sections 5,6,13,15,18 and 22 have been changed to bring them in line with the situation in which the Central Authority has no powers of representation.

Chapter 3. The duties and activities of the Office of the Liaison Judge International Child Protection (BLIK)

3.1 Liaison

BLIK has been created to support the Liaison Judges in the performance of their duties . The Liaison Judge serves as a contact point for Dutch judges who hear child abduction cases or other cases involving aspects of international child protection, and who want to contact a foreign judge, as well as for foreign judges who want to contact a Dutch judge in this respect. If necessary, the Liaison Judge can contact judges of states that are not a party to the conventions mentioned earlier. One of the major tasks of BLIK is therefore to bring Dutch judges into contact with foreign judges and vice versa, if possible through the foreign Liaison Judge. Contact is usually established by telephone or e-mail.

There are two international Liaison Judge networks or, in other words, Network Judges: a world-wide network under the auspices of the Hague Conference on Private International Law (hereafter: HCCH) and a – newer – European network under the auspices of the European Judicial Network (hereafter: EJM). The HCCH publishes *The Judges' Newsletter* produced by and for members of the network, and its members stay in contact with each other by telephone and e-mail and by attending conferences on international child protection and judicial co-operation. This makes it easier and faster to establish contact in a particular case. If the State involved has no Liaison Judge, contact may be established through the Central Authority or through a judge who attended an international conference and who has agreed to act as an unofficial liaison judge when necessary. A request to make contact is dealt with immediately. BLIK aims to establish contact within one week and so far it has succeeded in achieving this target.

Chapter 4 paragraph 2 gives an overview of the liaison requests the Liaison Judges dealt with in the period covered by this report.

3.2 Help desk

In addition to facilitating contacts between judges in the Netherlands and their foreign counterparts, BLIK serves as a help desk for Dutch judges. This is necessary because cases of international child abduction are relatively few in number, but the legal framework in these cases is complex, especially since the introduction of the Brussels II (bis) Regulation and the 1996 Hague Convention. The concentration of jurisdiction does not affect BLIK's help desk function, although the focus of the questions will be on child protection cases.

The helpdesk can be contacted by phone or e-mail. Just as with liaison requests, helpdesk questions are dealt with immediately. BLIK aims to answer questions within the shortest time possible, and usually does so in a letter, by fax, e-mail or phone within a few days.

Since the helpdesk has been set up solely for Dutch courts, queries from individuals cannot be dealt with. If necessary, BLIK refers these individuals to other agencies that may be of assistance to them, such as the International Child Abduction Centre (IKO), and the Central Authority. Chapter 4 paragraph 3 gives an overview of the help desk questions dealt with during the period covered by this report.

3.3 Knowledge centre and website

In order to perform its duties properly, BLIK has put a lot of effort into building up and expanding its expertise, which has resulted in various manuals and memoranda. It also collects case law in the field of international child protection.

BLIK runs a website, which is only available to the judiciary²². This website provides practical information on BLIK. It also hosts a list of contact persons for the various District Courts and other useful addresses and up to date information on international child protection. Finally, the most frequently-asked questions and answers can also be found here.

3.4 Wiki Juridica

Since 2011 professional, job-related information is available for consultation by judges through Wiki Juridica, a wiki module on the BLIK website, set up to promote the exchange of information on national legal issues. BLIK's homepage has a link to the Wiki page on international child abduction and child protection cases. Staff member Patrick Lahman acts as BLIK's wiki editor.

3.5 Digital newsletter

Since 2011 BLIK has produced a digital newsletter for the various categories of those involved in the protection of children, informing them of the latest developments in this field. The newsletter is sent four times a year and can also be consulted through BLIK's website.

3.6 Contact point

BLIK serves as the first contact point for the Central Authority and may also serve as a central letterbox for any notifications of orders on non-return by foreign courts involving a Dutch child (article 11 paragraph 6 Brussels II (bis)).

3.7 Conferences

The Liaison Judges and other members of BLIK staff are regularly invited to attend conferences on international child protection and judicial co-operation. Attending these conferences is not only useful for accumulating knowledge but it can also be helpful to meet Liaison Judges, both official and unofficial ones, and other experts in the field and stay in touch with them. The Liaison Judges of BLIK have given lectures and conducted workshops at many of these conferences. Chapter 4 paragraph 4 lists the conferences and international meetings attended by the Liaison Judges and other BLIK staff members during the period covered by the report.

²² This website can be consulted nationwide by using the link: Bureau Liaisonrechter Internationale Kinderbescherming (Office of the Liaison Judge International Child Protection)

3.8 Contact persons

Another major task of BLIK is to keep in touch with contacts. As a result of their participation in conferences and their organisation of its annual expert meeting, BLIK staff have met many foreign Liaison Judges, both official and unofficial ones, and other experts in the field of international child abduction and international child protection. Current contacts include official and unofficial Liaison Judges from various foreign countries, the Central Authority, the EJN, the HCCH, the Dutch Foreign Office, the Dutch Ministry of Security and Justice, the Public Prosecutor's Office, various Dutch universities and the International Child Abduction Centre (IKO).

Chapter 4. Cases handled by BLIK

This chapter gives an overview of the court cases handled by BLIK in 2011. Paragraph 1 relates to return orders and other cases involving aspects of international child protection. Overviews of liaison requests and help desk questions are given in paragraphs 2 and 3 respectively. Finally, paragraph 4 lists the conferences and international meetings attended by the Liaison Judges and other BLIK staff.

4.1 Court cases

In 2011 the court rendered seven decisions in cases that had been initiated in 2010. One of these cases concerned the provisional custody of a minor, the other six involved return applications, which had all been heard in full court. In three of these cases mediation had taken place, resulting in a partial settlement in two cases, the arrangements for which were laid down in mirror agreements that were confirmed at the full court hearing. In the end, the court granted three return orders after full court hearings and denied another three.

The overview below only covers cases that were filed and in which a final decision was given by the court during the period from 1 January 2011 up to and including 31 December 2011, all in all 29 cases. In 26 of these a return application was filed, the other three cases pertained to related issues.

In sixteen of the twenty-six cases a pre-trial review hearing was conducted. In two cases the District Court had no jurisdiction; in three cases the return application was withdrawn before the pre-trial court hearing, while the other five cases were referred directly to the full court hearing. In fourteen of the sixteen cases in which a pre-trial review took place, the parties chose mediation, but in three cases the mediation never took off. In four cases mediation did not result in a settlement, in one case a partial settlement was reached which was laid down in a mirror agreement. Mediation resulted in a full settlement in six cases, after which the return application was withdrawn.

Full court hearings were conducted in fifteen cases. In one case the Central Authority's application was deemed inadmissible. In seven cases a return order was granted, in another seven cases it was denied. Three of these were denied pursuant to article 13 paragraph 2 HCCA because the minor objected to being returned.

Case No.	Subject	Country	Date of Decision	Decision
385207	Return application	Norway	18 January 2011	No jurisdiction
385563	Return application	Norway	28 March 2011	Return order granted
381819	Return application/ custody dispute	Netherlands	20 April 2011	No jurisdiction
387886	Return application	Germany	8 April 2011	Return order granted
388827	Return application	Belgium	28 March 2011	Full settlement/ return application withdrawn / incorporation of settlement arrangement

389021	Art.12 HCCA; Arrangements for rights of access	Gambia	4 May 2011	Access order granted
389021	Decision ex officio on custody	Gambia	26 October 2011	Custody granted to parent ex officio
390296	Return application	Belgium	19 May 2011	Full settlement/ return application withdrawn / incorporation of settlement arrangement
391492	Return application	USA	--	Withdrawn after mediation
392573	Return application	Denmark	16 June 2011	Full settlement/ return application withdrawn / incorporation of settlement arrangement
392715	Return application	USA	19 July 2011	Full settlement/ return application withdrawn / incorporation of settlement arrangement
393135	Return application	Palestine	30 June 2011	Denied
396453	Return application	Argentina	23 August 2011	Denied
396619	Return application	Poland	--	Withdrawn
396710	Return application	UK	28 July 2011	Return order granted
395467	Recognition of Chilean access rights order	Chile	30 June 2011	Access rights order confirmed by Dutch court
391814	Transfer of jurisdiction; Art. 15 Brussels II (bis)	Poland	--	Withdrawn on 21 July 2011
398754	Return application	Spain	1 September 2011	Full settlement/ return application withdrawn / incorporation of settlement arrangement
398865	Return application	Hungary	22 September 2011	Denied
400861	Return application	Denmark	14 October 2011	Denied
401435	Return application	USA	12 October 2011	Return order granted
401885	Return application	Spain	19 August 2011	Return order granted
401994	Return application	Turkey	--	Withdrawn
403343	Return application	Poland	18 November 2011	Denied
403573	Return application	Spain	2 December 2011	Denied
403604	Return application	Austria	21 November 2011	Return order granted

404763	Return application	Nigeria	1 December 2011	Denied
405487	Return application	Belgium	2 December 2011	Central Authority's application inadmissible
406527	Return application	Italy	30 December 2011	Return order granted
408267	Return application	Denmark	--	Withdrawn

At the moment about a dozen cases that have been filed with the court in 2011 are still pending. Two of these concern access rights while the others concern return applications.

4.2 Liaison requests

As set out in paragraph 3.1, a Dutch court hearing a case involving the protection or abduction of a child can request BLIK to contact a foreign court with jurisdiction in the case. Foreign courts seeking contact with a Dutch court may also go through BLIK.

The table below gives an overview of the liaison requests handled by the Liaison Judges during the course of the period covered by the report.

No.	From	Liaison with	Subject
2011/7	Central Authority Austria	Judge from the Netherlands	Interim injunction proceedings in the Netherlands
2011/8	Judge from Spain	Judge from the Netherlands	Return to the Netherlands
2011/9	District Court Almelo, Netherlands	Judge from Greece	Art. 11 par. 6 HCCA
2011/15	District Court Groningen, Netherlands	Judge from Germany	Enforcement of provisional supervised custody order

4.3 Help desk questions

Dutch courts may consult the BLIK help desk if they have any questions on the subject of international child abduction and international child protection, see paragraph 3.2 above. Below is an overview of the help desk questions dealt with during the period covered by the report.

No.	From	Subject
2011/1	District Court of Maastricht	DNA
2011/2	District Court of Amsterdam	Article 21 HCCA
2011/3	District Court of Arnhem	Evidence regulation
2011/4	District Court of Assen	Article 16 HCCA

2011/5	District Court of Breda	Hearing of a minor in interim injunction proceedings
2011/6	District Court of Maastricht	Articles 15 International Child Abduction Implementation Act and 16 HCCA
2011/9	District Court of Almelo	Article 11 par. 6 HCCA
2011/10	District Court of Rotterdam	Designation order
2011/11	District Court of Utrecht	1996 Hague Convention
2011/12	District Court of Den Bosch	1996 Hague Convention
2011/13	Ministry of Security and Justice	Return order and access rights
2011/14	Court of Appeal Leeuwarden	Appeal period Dutch Supreme Court

4.4 Conferences and international meetings

During the period covered by this report the Liaison Judges and other members of BLIK's staff attended various conferences which are listed in the table below.

Date:	Location	Organisation	Subject	Participant(s):
27 January 2011	The Hague	District Court of The Hague, BLIK Visit of delegation from Japanese Ministry of Justice	HCCA	Mrs M. Kramer Mrs L.F.A. Bos Mr P. Lahman
17-18 February 2011	The Hague	HCCH	The Draft Guide to Good Practice on Mediation under the 1980 Convention	Mrs R. De Lange-Tegelaar Mr J.M.J. Keltjens
17 May 2011	Utrecht	Studiecentrum Rechtspleging (SSR)	1996 Hague Convention	Mrs R. De Lange-Tegelaar Mrs L.F.A. Bos Mr P. Lahman Mrs V. van den Hoed-Koreneef
19 May 2011	The Hague		1996 Hague Convention	Mrs M. Kramer Mrs M.C. Ritsema van Eck-van Drempt

1-10 June 2011	The Hague	HCCH	Sixth meeting of the Special Commission on the practical operation of the 1980 Hague Child Abduction Convention and the 1996 Hague Convention	Mrs R. De Lange-Tegelaar Mr J. Keltjens Mrs M. Kramer Mr P. Lahman (6 June 2011) Also present: Mrs Wehrung (Central Authority)
20-21 June 2011	Budapest	EJN	Conference “Practical application of Regulation (EC) no. 2201/2003 - on the eve of review” and 5th Meeting of the Central Authorities	Mrs M.C. Ritsema van Eck-van Drempt Mrs M. van den Hurk
19 July 2011	The Hague	District Court of The Hague, BLIK (Visit by Korean judge)	HCCA	Mrs M. Kramer Mrs L.F.A. Bos Mrs A.W. Spee
9-10 November 2011	Bucharest	Visit to Romanian judges	Exchange of information on cross-border mediation in international child protection cases	Mrs M. Kramer Also present: Mrs Wehrung (Central Authority)
24 November 2011	The Hague (Council for the Judiciary)	Visit by Korean judge	HCCA	Mrs M.C. Ritsema van Eck-van Drempt

Chapter 5. Staff

The President of the Family Division:

- Mrs M.W. (Marieke) Koek,
President of the Family Division and
a Vice President of the District Court of The Hague



BLIK's co-ordinating judge:

- Mrs M (Marjolijn) Kramer, President of a subdivision of the Family Division,
a Vice President and a judge of the District Court of The Hague



The following judges have been appointed as Liaison Judges:

- Mrs R.G. (Robine) de Lange-Tegelaar,
President of the Criminal Division and a Vice President of
the District Court of The Hague



- Mr J.M.J. (Jacques) Keltjens,
President of the Criminal Law Sub-division of the
Criminal Division and a Vice President of the District
Court of The Hague



In addition, two (youth court) judges specialising in the field of international child abduction and international child protection serve as deputy-Liaison Judges:



- Mrs M.J. (Marthe) Alt-van Endt, a judge of the Family Division of the District Court of The Hague



- Mrs M.C. (Tijne) Ritsema van Eck-van Drempt, a judge of the District Court of The Hague

The following (senior) staff members take turns working on BLIK's helpdesk and assist the Liaison Judges in carrying out their duties:

- Mrs L.F.A (Florence) Bos



- Mrs V. (Vera) van den Hoed-Koreneef



- Mrs M.M.J.H. (Monique) van den Hurk



- Mr P. (Patrick) Lahman



- Mrs. A.W.(Aafke) Spee



In addition, a number of judges occasionally hear cases in full court whilst other staff members also support the Liaison Judges. Finally, a series of students from the University of Leiden assisted with BLIK duties as part of their traineeship at the District Court of The Hague.

Chapter 6. Finances

The Family Division of the District Court of The Hague submits an annual budget for BLIK. Below you will find an abridged version of the 2011 budget. In 2010 funding by the Council for the Judiciary amounted to €184,244.

2011 Budget (Productivity in FTE)

Function	Scale	Hours required	Productivity norm	FTE	Section's integral cost price	Total cost
Judge (Vice President)	908	775	1,225	0.63	€131,620	€83, 269.52
Staff lawyer	11	1,050	1,135	0.93	€71,768	€66, 393.24
Administrative staff	6	90	1,135	0.08	€41,649	€3,302.60
					Total staff costs	€152, 965.35
					Overheads 27%	€41, 300.65
					Total costs	€194, 266.00