



# Factsheet

# Across borders

Right to Rise, an independent research and consultancy firm, was commissioned by the Research and Data Centre (WODC) to conduct a comparative legal study on the use of preventive protection orders in cases of forced marriage, transnational abandonment and female genital mutilation.

Read the full report here:

[right-to-rise.com/across-borders](https://right-to-rise.com/across-borders)



## What is the problem?

Each year in the Netherlands, hundreds to thousands of people are at risk of becoming victims of forced marriage, transnational abandonment and female genital mutilation (FGM). The Dutch government is committed to preventing these practices and ensuring effective protection for (potential) victims. And yet the current approach falls short.

## Who are the potential victims?

Although these practices mainly affect girls and women, boys, men and LGBTIQ+ individuals are also at risk.

### Action Agenda on Harmful Practices:

*“Our ambition is to prevent harmful practices, to combat them and to support victims at an earlier stage. We do not accept the current shortcomings in prevention.”*



Forced marriage, transnational abandonment and female genital mutilation also occur in other countries. How do they address these practices? And what can we learn from them?

## Aim of the study

The aim of this study was to explore the extent to which preventive protection orders – as applied in Belgium, Denmark, Norway and the United Kingdom – could strengthen Dutch practice.

# Legal instruments in the Netherlands

In the Netherlands, there is a strict distinction between:

## Child protection measures

*available for minors*

- (Provisional) Supervision Order
- Placement in Care Authorisation
- (Provisional) Guardianship Order
- Written instruction

VS.

## Protection orders

*available for adults*

- Restraining order
- Contact ban
- Location ban
- Area ban

These instruments are used only to a limited extent in the Netherlands in situations involving a risk of forced marriage, transnational abandonment or FGM. If a protection order is applied, it is usually a child protection measure. This appears to be less a matter of unwillingness, and more the result of various obstacles that often prevent their effective use.

## Obstacles to the protection of potential victims

Why interventions are often late or non-existent

### 1. Insufficient detection



- Potential victims remain out of sight
- Warning signs are not or too late recognised

### 2. Professional hesitation to act



When warning signs are recognised, but professionals have difficulty raising and addressing these sensitive issues

### 3. Inaccurate risk assessment



- Time pressure
- Panic-driven responses: acting too quickly
- Inadequate risk assessment

### 4. Limited cooperation across the protection chain



- Partners operate in silos
- Insufficient information-sharing and coordination
- Lack of overall joint leadership

### 5. Legal Gaps



- Need for a specific legal instrument
- Rulings by Dutch courts not recognised abroad
- Need to put more pressure on (potential) perpetrators
- Protection of minors vs adults

### 6. Nature of the issue




- Group pressure
- Temporary protection

# Q&A

## Has this research identified foreign approaches that could strengthen Dutch practice?

Yes! The United Kingdom has Forced Marriage Protection Orders (FMPOs) and Female Genital Mutilation Protection Orders (FGMPOs).

These 'hybrid' protection orders have been structurally used since their introduction. According to British experts, these orders form an essential addition to the existing legal framework.



In total, more than 4,000 FMPOs and over 900 FGMPOs have been issued.

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## What is a 'hybrid' protection order?

It is a civil protection order where a violation constitutes a criminal offence, carrying a maximum prison sentence of five years. It combines elements of both civil and criminal law.

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## Do we have anything like this in the Netherlands?

No, not yet. In the Netherlands, the civil courts are authorised to issue protection orders, but violations cannot be enforced under criminal law.

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## What are the advantages of British protection orders?

1. Victim-centred approach
2. One specific instrument
3. Tailored approach
4. Protection against group pressure
5. Protection for both minors and adults
6. Broad eligibility to apply (including third parties)
7. Lower standard of proof and immediate protection
8. Potential victim can remain in their home environment
9. Protection for as long as needed
10. Deterrent effect

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## So does this provide a good response to the challenges in the Netherlands?

Yes, that's right. And a hybrid approach also aligns within a trend that is ongoing in Dutch legal practice: the boundaries between civil, criminal and administrative law measures are becoming blurred, which creates a space for innovative approaches that bridge different fields of law.

## Conclusion

A hybrid approach – inspired by the FMPOs and FGMPOs in the United Kingdom – has the potential to strengthen the protection of (potential) victims of forced marriage, transnational abandonment and FGM in the Netherlands.

## Recommendations

- 1. Improve detection, risk assessment and cooperation within the protection chain**  
Invest in community outreach and awareness-raising, strengthen the knowledge and skills of professionals, and promote sustainable collaboration between partners across the protection chain.
- 2. Make a hybrid protection order legally possible**  
Introduce a civil protection order – based on the British model – that is subject to criminal enforcement in cases of non-compliance.
- 3. Ensure a robust framework for support, protection and enforcement**  
Safeguard essential conditions, such as appropriate support services, targeted training of judges, legal professionals, the police and the Public Prosecution Service. Ensure structural monitoring and effective enforcement for violations. A well-coordinated, integrated approach increases the effectiveness of protection measures.
- 4. Promote inclusion and prevent stigmatisation**  
Prevent protection measures from leading to exclusion, mistrust or discrimination. Actively engage communities to foster awareness, shared responsibility and lasting change.

## More information

A detailed explanation of the research findings and recommendations can be found in the full report:

**ACROSS BORDERS: A comparative legal study on preventive protection orders in cases of forced marriage, transnational abandonment and female genital mutilation**

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