



Executive Summary

# 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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# Colophon

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# Executive Summary

Right to Rise conducted a comparative legal study on the use of preventive protection orders in cases of forced marriage, transnational abandonment and female genital mutilation (FGM). The study was commissioned by the Research and Data Centre (WODC) and carried out between October 2024 and May 2025.

## Background and objectives of the study

Forced marriage, transnational abandonment and FGM are internationally recognised as serious human rights violations. In the Netherlands, it is estimated that each year, hundreds to thousands of individuals are at risk of being subjected to these forms of violence. While girls and women are most affected, boys, men, and LGBTQI+ individuals may also face risks.

The Dutch government is committed to preventing these practices and ensuring effective protection for (potential) victims. However, the national Action Agenda on Harmful Practices acknowledges that the current Dutch approach remains inadequate:

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*“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. It is essential that professionals are better equipped to recognise early warning signs, report concerns, and respond with the appropriate skills and tools.”<sup>1</sup>*

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Against this backdrop, the study explores the extent to which preventive protection orders – as applied in Belgium, Denmark, Norway and the United Kingdom – could strengthen Dutch practice.

## Research questions

This study addressed the following four research questions:

1. What preventive protection orders are currently available in the Netherlands, and what level of protection do they offer to (potential) victims of forced marriage, transnational abandonment and FGM?
2. What preventive protection orders are used in Belgium, Denmark, Norway, and the United Kingdom to prevent forced marriage, transnational abandonment and FGM?
3. Do these foreign preventive protection orders result in a higher level of protection than what is currently possible in the Netherlands?
4. What would be required to introduce similar preventive protection orders in the Netherlands?

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<sup>1</sup> Ministry of Health, Welfare and Sport. (2020). *Harmful Practices Action Agenda*, p. 2. Accessed 1 May 2025, from <https://www.rijksoverheid.nl/documenten/beleidsnotas/2020/02/18/actieagenda-schadelijke-praktijken>

## Research Design and methodology

To answer these questions, a qualitative research design was used, consisting of four consecutive phases:

- I. Desk research:** This phase involved a literature review and an analysis of relevant legal and policy frameworks relating to protection measures for (potential) victims of forced marriage, transnational abandonment and FGM in the Netherlands, Belgium, Denmark, Norway, and the United Kingdom.
- II. In-depth interviews:** A total of 45 in-depth interviews were conducted with 50 respondents, including 21 Dutch and 29 international experts. The interviews followed a semi-structured guide tailored to the national and international contexts. Respondents were selected based on their subject-matter expertise.
- III. Focus groups and Mentimeter polls:** Preliminary findings were tested and further explored in four focus groups (with 67 participants) and two interactive Mentimeter polls (involving a total of 187 participants), conducted during two national events in the Netherlands. Both professionals and individuals with lived experience shared practical insights and reflected on the emerging conclusions. Their input contributed to the validation and refinement of the analysis.
- IV. Consultation of legal experts:** To address the final research question, in-depth discussions were held with three legal experts regarding legal feasibility and implementation challenges within the Dutch context.

## Legal framework in the Netherlands

In the Netherlands, various legal instruments are available to protect (potential) victims of forced marriage, transnational abandonment and FGM. Chapter 2 provides an overview of these preventive protection orders. For minors, child protection measures – such as the (Provisional) Supervision Order, Placement in Care Authorisation, (Provisional) Guardianship Order, and written instruction — constitute the primary preventive instruments. For adults, civil and criminal protection orders available, including restraining orders, contact bans, location bans, and area bans.

## Use of preventive protection orders

In the Netherlands, no national, systematic data is available on the use of preventive protection orders, making it unclear how often they are applied in cases (or suspected cases) of forced marriage, transnational abandonment or FGM. GREVIO, the independent expert group monitoring compliance with the Istanbul Convention, highlighted this data gap in its baseline report on the Netherlands and urged authorities to collect annual data on the number, type, and duration of protection orders.

Interviews and focus groups suggest that the available legal instruments are used only to a limited extent in practice to protect (potential) victims of forced marriage, transnational abandonment and FGM. When a protection order is applied, it is typically a child protection measure. In suspected cases of FGM, respondents indicated that a Supervision Order is more commonly used, whereas in cases of forced marriage or transnational abandonment, a Provisional Guardianship Order is more often chosen. The proposal by the State Advocate to simultaneously request a written instruction and its confirmation when submitting a request for a (Provisional) Supervision Order has, to date, not been applied in practice. The limited use of existing protection orders in the Netherlands appears not to stem from a lack of willingness, but rather from a range of practical and procedural obstacles.

## Challenges in protecting (potential) victims

The study shows that the protection of (potential) victims of forced marriage, transnational abandonment and FGM in the Dutch context falls short in several key areas. Chapter 3 provides an in-depth discussion of the structural and legal obstacles. The main challenges identified are:

1. **Insufficient detection**

Only a small proportion of potential victims are identified. Available figures likely reflect just the tip of the iceberg. Signals of risk are often detected too late, or not at all.

2. **Professional hesitation to act**

Even when warning signs are recognised, they are not always followed up. Professionals often find it difficult to raise and address these sensitive issues.

3. **Inaccurate risk assessments**

Time pressure can lead to hasty decisions, while in other cases, necessary interventions are delayed or absent. Misjudging risk may result in under- or overprotection, with serious consequences.

4. **Limited cooperation across the protection chain**

Chain partners often operate in silos. Information sharing is limited, and there is a lack of coordinated leadership.

5. **Legal gaps**

The current legal framework is perceived as inadequate to address the specific challenges posed by forced marriage, transnational abandonment and FGM. The options for exerting legal pressure on (potential) perpetrators are limited, shifting the burden of protection largely onto the victim. Protection measures also cease abruptly when a person turns 18. In addition, Dutch court decisions are often not recognised abroad, complicating efforts to facilitate repatriation.

6. **Nature of the issue**

The legal approach tends to focus on individual perpetrators, whereas these forms of violence are often driven by group pressure and collective norms. Measures such as out-of-home placements or shelter may provide temporary protection but do not sufficiently address the underlying dynamics.

## Preventive protection orders abroad

Chapter 4 outlines the legal frameworks and application of preventive protection orders in Belgium, Denmark, Norway and the United Kingdom. In all four countries, legal instruments exist to protect (potential) victims of forced marriage, transnational abandonment and FGM. While these measures serve broadly similar objectives, they differ significantly in legal form, target group, application, and frequency of use. The table below compares the key characteristics of these measures.

**Table 1: Overview of preventive protection measures abroad**

Country	Type	Protection order	Other measure	Application	Use	Registration
Belgium	Specific	Measures by family court under Article 387 bis of the Belgian Civil Code: <ul style="list-style-type: none"> <li>Travel ban for parents travelling with their minor child</li> <li>Surrender of travel documents to the Public Prosecutor's Office</li> </ul>	Placing an alert in SIS/Interpol system (Articles 32 and 36 of EU Council Decision 2007/533/JHA)  Oath of honour ("declaration of intent")	Only minors	Limited	No
Denmark	General	Contact, exclusion and restraining orders under the Danish Act on Restraining Orders, Exclusion Orders and Expulsion Orders (LOV no 112 of 03/02/2012)	- Section 215a of the Danish Penal Code: travel ban in case of risk to child health or development	Minors and adults	Limited	No
Norway	General	Restraining order under Section 222(a) of the Criminal Procedure Act  Exclusion orders under Section 57 of the Norwegian Penal Code		Minors and adults	Limited	No
United Kingdom	Specific	Forced Marriage Protection Order (FMPO)  Female Genital Mutilation Protection Order (FGMPO)		Minors and adults	Structural	Yes  4.263 FMPOs issued (2008-2024)  909 FGMPPOs issued (2015-2024)

In all countries studied, legal provisions are in place to protect (potential) victims. However, a national registration system is lacking in Belgium, Denmark and Norway, making it unclear how frequently these instruments are used. Interviews with experts and GREVIO reports suggest that the use of such measures in these three countries is limited.

### Level of protection in Belgium, Denmark and Norway

Although cross-country comparisons are complicated by national differences and the absence of a baseline measurement, experts from Belgium, Denmark, and Norway generally described the level of protection as "low" or "in need of improvement." Notably, Belgian respondents frequently referred to the Netherlands as a source of inspiration. It can be concluded that the level of protection for (potential) victims of forced marriage, transnational abandonment and FGM in these three countries is not significantly higher than in the Netherlands.

## Level of protection in the United Kingdom

The United Kingdom stands out as an exception due to the introduction of specific civil protection orders targeting forced marriage and FGM: the Forced Marriage Protection Orders (FMPOs) and Female Genital Mutilation Protection Orders (FGMPOs). These measures were developed in response to concerns about the limited effectiveness of existing legal instruments and pressure to meet international obligations. Since their introduction, these orders have been used on a structural basis: to date, more than 4,000 FMPOs and over 900 FGMPOs have been issued. According to British experts, these protection orders are considered an essential addition to the existing legal framework.

## Distinctive features of British protection orders

The analysis in Chapter 5 shows that these orders differ from the current Dutch legal instruments in ten key ways. Central to the UK approach are the protection and needs of the victim, with an emphasis on tailored solutions that allow the (potential) victim to remain in their own environment.

FMPOs and FGMPOs are explicitly designed to offer protection in situations involving group pressure and allow for action against multiple potential perpetrators. The orders are accessible to both minors and adults, and the right to apply is broad: third parties such as social workers, teachers, or family members can also submit a request. Protection can be granted as soon as danger is imminent, without requiring proven risk. A lower standard of proof and the ability to act swiftly are considered major advantages.

Violating an order constitutes a criminal offence, punishable by up to five years' imprisonment. According to British experts, this has a strong deterrent and normative effect. The duration of an order is tailored to the individual case and can range from a few weeks to several years, something that experts view as enhancing both its effectiveness and its preventive impact.

A key difference with the Dutch context is that FMPOs and FGMPOs fall under one clear legal framework. According to respondents, this clarity strengthens legal certainty and improves visibility of available protection measures.

## Lessons learned from the UK

The introduction of civil protection orders such as FMPOs and FGMPOs in the UK offers valuable lessons for the Netherlands, as discussed in Chapter 6. The study shows that these orders are particularly effective when applied at an early stage, as part of a broader support strategy. At the same time, there are important points of concern. Imposing such an order may lead to stigmatisation, discrimination (for example, based on residence status), and increased risks of honour-based violence. Judges and legal professionals are not always sufficiently trained in applying these instruments, and post-order monitoring remains a challenge. Effective protection therefore requires an integrated approach and sustained professional engagement.

## The potential of a hybrid approach

Civil courts in the Netherlands have the authority to issue protection orders, but violations cannot be enforced under criminal law. Chapter 7 demonstrates that Dutch law already includes several hybrid legal constructions, such as the temporary domestic exclusion order, administrative emergency ordinances, and the compensation order.

A hybrid approach also aligns with a broader trend already emerging in Dutch legal practice: the boundaries between civil, administrative and criminal law are increasingly blurred, creating space for innovative, cross-jurisdictional solutions. Interviews and practical examples – such as the integrated domestic violence approach used by the Rotterdam District Court – further illustrate that combining criminal and civil law measures adds value. Professionals in the field also responded positively, citing the expected effectiveness and practical applicability of such an approach.

## Conclusions and recommendations

The study concludes that a hybrid approach has the potential to strengthen the protection of (potential) victims of forced marriage, transnational abandonment and FGM in the Netherlands. For successful implementation, it is essential that such protection orders are firmly embedded in both legislation and practice.

Based on the findings, four key recommendations are made:

- 1. Improve detection, risk assessment and cooperation within the protection chain**  
Invest in community outreach, enhance the knowledge and skills of professionals, and promote sustainable collaboration between chain partners.
- 2. Make a hybrid protection order legally possible**  
Introduce a civil protection order that – following the example of the UK – can be enforced under criminal law in the event of a violation.
- 3. Ensure a robust framework for support, protection and enforcement**  
Guarantee the necessary conditions, such as appropriate support services, structural training for judges, legal professionals, police and the Public Prosecution Service. Ensure consistent monitoring and adequate enforcement in case of violations. A well-coordinated, integrated approach increases the effectiveness of protection measures.
- 4. Promote inclusion and prevent stigmatisation**  
Ensure that protection measures do not result in exclusion, mistrust or discrimination. Actively engage with communities to promote 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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