



PICUM's submission to the EU 2026–2030 Gender Equality Strategy

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PICUM

Introduction

The Platform for International Cooperation on Undocumented Migrants (PICUM)¹ welcomes the opportunity to provide input to the European Commission's call for evidence on the EU 2026-2030 gender equality strategy.²

Tackling gender inequalities is only possible by keeping a strong intersectional approach throughout the new strategy which dismantles intersecting systems of exclusion that create marginalisation. This should include a strong anti-discrimination approach, which covers not only the grounds covered by Article 21 of the Charter of Fundamental Rights, but also residence status. While not protected under EU law, gender equality cannot be achieved without addressing all the barriers to equality.

Drawing upon the Women's Rights Principles for a Gender-Society set out by the European Commission

in March 2025 ([Roadmap](#) and its [Annex](#)), PICUM presents the following recommendations for the 2026-2030 gender equality strategy.

These should be read in conjunction with the [joint civil society statement](#) on an ambitious new Gender Equality Strategy released in December 2024, as well as PICUM's submissions to other public consultations of the European Commission, notably on the:

- EU Anti-Racism Strategy 2026-2030, available [here](#)
- Next EU long-term budget, available [here](#)
- Anti-Poverty Strategy, available [here](#)
- Quality Jobs Roadmap, available [here](#)
- European Pillar of Social Rights Action Plan, forthcoming

Gender-based violence (Principle 1)

Context

Migrant women, whether living on a dependent residence permit (see below) or undocumented, have a high risk of exposure to violence, abuse and exploitation. The European Union Institute for Gender Equality (EIGE) has recognised that migrant women in precarious situations face greater risks of domestic violence, and that many are not adequately protected, especially if their residence status depends on a family member.³

Indeed, the type of residence status granted to migrant women significantly shapes their autonomy, access to rights, and exposure to abuse or exploitation. In many cases, women's residence rights are not autonomous but are conditional on their relationship to another person, most commonly:

- A spouse: when women migrate as dependents of their spouses, their residence status is often tied to that relationship.

1 [PICUM](#) represents a network of 155 member organisations working to promote social justice and human rights of undocumented migrants in 34 countries.

2 Find here the [call for evidence](#)

3 European Union Agency for Gender Equality (EIGE), 2025, [Beijing Platform for Action +30: Impact driver: marking milestones and opportunities for gender equality in the EU](#), p.119

- *An employer:* when residence is linked to employment - particularly in domestic, care, or informal sectors - the status is often precarious. In some countries, it may be tied to a specific employer, increasing the risk of exploitation and making it difficult to change jobs or report abuse.⁴

This status tied to another person or to the employer creates a power imbalance, limiting women's ability to make independent decisions or leave abusive situations and relationships without risking the loss of regular residence status.

Legal framework

In line with Article 1 of the Victims' Rights Directive (2012/29/EU)⁵, EU and national authorities should ensure that rights of all victims are effective, regardless of residence status. Moreover, the Violence Against Women Directive (2024/1385)⁶ acknowledges that violence against women

and domestic violence can be exacerbated by intersectional discrimination. In particular, it makes explicit references to women with dependant residence status or a dependant residence permit, undocumented migrant women as an at-risk group.

Recommendations

It is essential that the upcoming Gender Equality Strategy commits to:

- In the framework of the transposition and implementation of the EU Violence Against Women Directive, provide guidance to Member States on how to ensure access to justice, protection and support for undocumented migrant women and those with a precarious status. This should include, in particular, safe reporting mechanisms and access to residence permits for victims of crime.

⁴ PICUM, 2021, [Designing labour migration policies to promote decent work](#)

⁵ Article 1 of [Directive 2012/29/EU](#) of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. For a comprehensive understanding of how the EU Victims' Rights Directive (2012/29/EU) applies to undocumented migrants, check out PICUM's "[Guide to the EU Victims' Directive: Advancing Access to Protection, Services and Justice for Undocumented Migrants](#)".

⁶ [Directive \(EU\) 2024/1385](#) of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence, Recital 71

The highest standards of health (Principle 2)

Context

Across Europe, significant inequities persist in sexual and reproductive health. Undocumented pregnant women tend to be younger, unmarried, and employed in low-income domestic employment.⁷ Research has shown that difficult pregnancies and poor pregnancy outcomes are disproportionately experienced by migrants throughout Europe, including preterm birth, low birth weight, and infant and maternal mortality, and that migrants are more likely to deliver their babies without professional assistance.⁸

It has also been found that undocumented women use contraception and family planning services less and are thus more likely to have unintended pregnancies, which in turn, has been linked to poorer maternal and child health outcomes.⁹ In Portugal, a study found that undocumented migrant women tended to be at a higher risk of teenage delivery, complications of pregnancy, miscarriages and induced abortions.¹⁰ They are

also less likely to access prenatal care than both documented migrant women and women in the general population.¹¹ When they do seek prenatal care, it is significantly later in the pregnancy.¹² In the Netherlands, women were questioned on their pregnancy and delivery experiences during their time as undocumented residents, where they self-report several problems, including gynaecologic, psychological, preterm delivery and caesarean delivery problems.¹³

Yet undocumented migrants, including women, are largely excluded from accessing healthcare across the EU member states.¹⁴ Even where national laws provide some level of access, there are growing efforts to restrict it in practice, as seen in countries such as in Portugal¹⁵ or Finland.¹⁶

In France, for example, a recent Senate report proposes linking access to healthcare under the *Aide Médicale d'État* (State Medical Aid) to a

7 Munro et al., 2013, [Undocumented pregnant women: what does the literature tell us?](#) J Immigr Minor Health. 15(2):281–91.

8 Eslier et al., 2022, [Severe Maternal Morbidity among Undocumented Migrant Women in the PreCARE Prospective Cohort Study](#). BJOG: An International Journal of Obstetrics and Gynaecology, 129 (10), pp.1762–1771.; Schoenborn et al, (2021), [Measuring the invisible: Perinatal health outcomes of unregistered women giving birth in Belgium, a population-based study](#). BMC Pregnancy and Childbirth, 21(1), 1–13.; Liu et al., 2019, *Perinatal health of refugee and asylum-seeking women in Sweden 2014–17: a register-based cohort study*. Eur J Pub Health., 29(6):1048–; Keygnaert et al., 2014, "Health Policy, 114 2150225 Sexual and Reproductive Health of Migrants: Does the EU Care?" Health Policy, 114 2150225

9 De Jong et al., 2017, [A systematic literature review on the use and outcomes of maternal and child healthcare services by undocumented migrants in Europe](#), Eur J Pub Health, 27(6):990–7; Keygnaert et al., 2014, "Health Policy, 114 2150225; Sexual and Reproductive Health of Migrants: Does the EU Care?" ,Health Policy, 114 2150225;

10 De Vito et al, 2015, [Public health aspects of migrant health: a review of the evidence on health status for undocumented migrants in the European Region](#), World Health Organization, Regional Office for Europe.

11 De Jong et al., 2017, [A systematic literature review on the use and outcomes of maternal and child healthcare services by undocumented migrants in Europe](#), Eur J Pub Health. 27(6):990–7; Munro et al., 2013, [Undocumented pregnant women: what does the literature tell us?](#) J Immigr Minor Health, 2013;15(2):281–91.

12 Ibid.

13 Schoevers et al., 2009, [Self-rated health and health problems of undocumented immigrant women in the Netherlands: a descriptive study](#), J Public Health Policy, 30(4):409–22

14 FRA (2011) [Migrants in an irregular situation: access to healthcare in 10 European Union Member States](#)

15 For example, in December 2025, the Portuguese parliament voted a proposal to reduce access to public health care for undocumented people. See [PICUM Newsletter January 2025](#)

16 At the end of 2024, Finland's Ministry of Social Affairs and Health introduced a new draft law that would restrict access to health care for undocumented people even more than a previous proposal. See [PICUM Newsletter February 2025](#)

partner's income.¹⁷ The NGO *Women for Women France* has warned that this measure would force hundreds of thousands of women in France to obtain their partner's permission to access healthcare. It would also compel tens of thousands of victims of domestic violence, sexual exploitation or trafficking to seek authorisation from their abuser in order to receive post-violence care.¹⁸

Even in countries where health services by law, there are many administrative and other practical barriers that can prevent people who are undocumented from receiving the care they are entitled to. Because irregular entry and stay are

often criminalised, people who are undocumented face the risk that the use of services will expose them to immigration enforcement. They may also receive large bills they cannot pay as a result of accessing services. They may also be denied care because of complicated and inconsistently applied rules. Sometimes, administrative personnel in hospitals are not even aware that undocumented people have a right to access health care services.

As a result, people who are undocumented often do not use even the health services they are entitled to. When they do access health services, it is often late, in emergencies.

Legal framework

The EU and Member States must ensure migration policies do not harm health. Health is a universal right, applicable without discrimination based on residence status. This is firmly enshrined established in international law and European law. The EU is legally bound to ensure a high level of health protection in all its policies.¹⁹

The EU Charter on Fundamental Rights (Charter) further guarantees everyone the right to preventive health care and medical treatment under national systems (Article 35).²⁰ The European Social Charter further affirms the right to health (Article 11), the right of children to care and protection (Article 24), and the right to safe and healthy working conditions (Article 31).²¹ European bodies, such as

the Council of Europe's Committee of Ministers, have made clear that the right to health should be effective without discrimination based on residence status.²²

Moreover, the Charter also safeguards the right to privacy and data protection (article 8), further expanded on through the EU General Data Protection Regulation.²³ These are essential safeguards, taking into account that lack of a residence permit means that undocumented women face a constant risk of their data being shared with immigration authorities, including, for example, when accessing healthcare services, housing, or when reporting abuse and exploitation in personal relationships or the workplace.²⁴

17 French Senat [Information report n° 841 \(2024-2025\)](#), deposited the 9 July 2025, done on behalf of the Finance Commission on State medicale aide by Senator M. Vincent Delahaye, Recommendation 5. See also: L'Humanité, 22 July 2025, « Une vision patriarcale de la famille » : le Sénat veut conditionner l'accès des femmes exilées à l'AME au bon vouloir de leur conjoint

18 *Women for Women*, Alerte : Bientôt, des centaines de milliers de femmes en France pourraient être obligées de demander l'autorisation de leur conjoint pour se soigner, Press Release 21 July 2025

19 [Treaty on the Functioning of the European Union, Article 168](#)

20 [Charter of Fundamental rights of the European Union](#) (2000/C 364/01)

21 [European Social Charter](#) (ETS No. 035)

22 European Committee on Social Rights (2011) [Recommendation CM/Rec\(2011\)13 of the Committee of Ministers to member states on mobility, migration and access to health care](#); See also: PICUM (2022) [The Right to health for undocumented migrants](#)

23 [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance)

24 PICUM (2025) [Reporting obligations and firewalls, Factsheet](#)

Recommendations

It is essential that the upcoming Gender Equality Strategy commits to:

- Calling on member states to ensure access to healthcare, in particular sexual and reproductive health, regardless of residence status, and independent of a spouse.
- Calling on Member States to ensure that undocumented migrant women will not face immigration enforcement as a result of accessing health and other services, including through implementing strict data protection safeguards so that service providers' data is not accessible or used for immigration enforcement purposes.²⁵

Labour rights (Principles 3, 5)

Context

Migrant women work. Regardless of their residence status and whether they migrate for work, study, family reunification or protection, the majority of migrant women participate in the EU labour market.²⁶ Undocumented migrants are no exception. As they are excluded from social protection systems, which would provide some income support when unemployed or unable to work – due to long-term health issues or disability, or of retirement age –, undocumented migrants are often left with no choice but to work under precarious and exploitative conditions to support themselves and their families²⁷.

Migrant women are overrepresented in fields such as in cleaning, care and domestic jobs. Undocumented women in particular, face greater risks of facing sexual harassment and violence, both in the private households where they live and/ or work – due to their isolation and to the solitary

work environment²⁸ – and while commuting during night or early shifts. Those that live in as care or domestic workers also risk homelessness if they lose their job. Women who are sex workers face additional layers of criminalisation, discrimination, and violence.²⁹

Undocumented women also often endure prolonged underpayment or non-payment of wages, and exploitative working conditions. The fear of retaliation, arrest or deportation deters them from negotiating for the respect of basic working conditions and from reporting abuses.³⁰ Workers with a permit tied to a specific employer are also similarly deterred from asking for better working conditions and reporting, out of fear of being fired and consequently becoming undocumented. Therefore, job loss and exploitation are key reasons for people becoming undocumented in Europe.³¹

25 See also PICUM Briefing, [Data protection and the "firewall": advancing the right to health for people in an irregular situation](#); PICUM Briefing, [Data protection and the firewall: advancing safe reporting for people in an irregular situation](#)

26 PICUM, 2020. [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), p. 6. See also ['Migrant women and the EU Labour market'](#), European Parliamentary Research Service, 2023

27 *Idem*.

28 See for example: Fundamental Rights Agency (FRA), 2011. [Irregular migrants employed in domestic work](#); FRA, 2018. [Out of sight: migrant women exploited in domestic work](#); PICUM, 2018. [Shared concerns and joint recommendations on migrant domestic and care work](#). Working document.

29 See for example: PICUM, 2019. [Safeguarding the human rights and dignity of undocumented migrant sex workers](#); European Sex Workers Rights Alliance (ESWA), 2025. [No Place to Call Home: How Housing Policies and Criminalisation Impact Migrant Sex Workers](#).

30 PICUM, 2020. [A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice](#), p. 6.

31 *Ibidem*, p. 8.

Legal framework

EU Charter of Fundamental Rights³²

The EU Charter of Fundamental Rights ensures that every worker³³ has the right to: working conditions which respect their health, safety and dignity and has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave (Article 31). The charter is backed up by the 1989 'Framework Directive' on Occupational Safety and Health and its subsequent directives, which are designed to prevent occupational safety and health risks including in sectors typically staffed by migrant women.

International Legislation

At international level, the International Labour Organization (ILO) convention on Occupation Safety and Health (155) addresses the use and

maintenance of the material elements of work (such as office space, machinery, other equipment), the relationships between these material elements of work and the persons who carry out or supervise the work, and protection against undue disciplinary measures against workers for conforming with national occupational safety and health laws³⁴. Convention 189 on Domestic Work mandates freedom of association and effective recognition of collective bargaining, a safe and healthy work environment, decent living conditions for workers who live at their place of work, social security coverage, fair remuneration, easy access to complaint mechanisms as well as protection against abuse, harassment and violence. Crucially, it also requires national governments to extend protection to migrant domestic workers and to tackle abusive practices by private employment agencies³⁵.

Recommendations

It is essential that the upcoming Gender Equality Strategy commits to:

- Promote decent working conditions for all migrant women, regardless of their residence status.
- Reaffirm that all women, regardless of their residence status, are entitled to the same rights and protections as the first step towards a truly inclusive approach to quality employment.
- Fund and facilitate initiatives such as peer-to-peer knowledge exchanges under the scope of the Strategy and other initiatives such as the Quality Jobs Roadmap.
- Creating coherence with other EU initiatives that have shared goals such as the aim of the Quality Jobs Roadmap to increase collective bargaining coverage and supporting migrant worker organising.
- Enhance coherence with and full implementation of undocumented workers' rights under the Employers' Sanctions Directive, Anti-Trafficking Directive, Victims' Directive and Victims' Strategy. The EU legal framework already includes the recognition of certain rights to undocumented workers, including access to compensation, protection from violence, abuse, exploitation and trafficking, including the provision of residence permits in these cases. Nonetheless the implementation of these protections is not yet effective.

³² [Charter of Fundamental Rights of the European Union](#)

³³ The EU Charter on Fundamental Rights applies to all EU institutions and Member States when legislating, and whenever a Member State applies EU law (Article 51). The Charter applies to undocumented migrants unless stated otherwise (see for example Article 34(2)). When a right in the Charter has a counterpart in the European Convention on Human Rights (ECHR), the scope of the provision of the Charter should have at least the same meaning and scope as the corresponding right of the ECHR (Article 52(3)).

³⁴ [Conventions Nos 155 and 187: the core of the ILO normative framework on occupational safety and health](#)

³⁵ [Domestic Workers Convention, 2011 \(No. 189\), 2011](#)

Work-life balance and care (Principle 4)

Context

Every woman has the right to balance their professional and private life, regardless of their migration and residence status. For undocumented migrant women, exploitative labour conditions, particularly in the case of live-in domestic workers, can mean that working life ends up taking over

any semblance of personal life. Migrant women, including those who obtain paid care work, are often also carers for family members, and this additional burden of responsibility further impacts the (lack of) work-life balance.

Legal framework

Work-life balance initiative

As part of the European Pillar of Social Rights, the Directive on work-life balance for parents and carers applies to all workers who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in each Member State, including undocumented workers (with reference to CJEU case law)³⁶. The Directive mandates the right to carers' leave, paternal (or equivalent second partners') leave, the right to request flexible working arrangements for caring purposes, and the right to time off on the grounds of force majeure³⁷.

ILO Convention 189

Convention 189 on Domestic Work mandates freedom of association and effective recognition of collective bargaining, a safe and healthy work environment, decent living conditions for workers who live at their place of work, social security coverage, fair remuneration, easy access to complaint mechanisms as well as protection against abuse, harassment and violence. Crucially, it also requires national governments to extend protection to migrant domestic workers and to tackle abusive practices by private employment agencies³⁸.

Recommendations

The EU Gender Equality Strategy should:

- Encourage member states to ratify ILO Convention 189 on Domestic Work and ensure that workers' rights apply to all workers regardless of residence and/or employment status.
- Encourage member states to regulate recruitment agencies and au pair agencies so that positions have mandatory minimum standards that can be monitored and enforced, and that contracts include minimum labour and social standards.
- Ensure that all residents, including undocumented migrants, have equal access to services, including health, social care, education, and shelter, as well as access to housing (including non-criminalisation of renting and protection of tenants' rights).

36 (C-311/13, 2014)

37 [Guide to Undocumented Workers' Rights at Work under International and EU Law](#), PICUM, 2022

38 [Domestic Workers Convention, 2011 \(No. 189\)](#), 2011

Participation of migrant women (Principle 7)

Context

Undocumented migrant women, and women with a precarious residence status, remain largely excluded from policymaking, despite being directly affected by the decisions made. Barriers which make meaningful participation extremely difficult for undocumented women include:³⁹

- Fear of exposure to immigration enforcement when speaking publicly or engaging with institutions;
- Poverty and precarity, which force a focus on survival over political engagement;
- Lack of access to decision-making spaces due to residence status, mobility restrictions, and visa constraints;

- Structural barriers such as language, unpaid participation, inaccessible formats, and lack of support;
- Tokenism, where engagement is superficial and does not influence outcomes.

Involving people with lived experience helps address democratic deficits and improves the relevance, effectiveness, and accountability of policies. Policies, legislation, and services designed with the direct involvement of those affected are more likely to meet real needs, be trusted, and avoid reinforcing exclusion.

Legal framework

International human rights standards recognise the right of migrants, including migrant women, to participate in the development of policies that affect their lives. This right is grounded in several international and regional legal instruments, including:

- **UN Convention on the Elimination of All Forms of Racial Discrimination (CERD)**⁴⁰ – notably Article 5(c) guarantees the right of everyone to take part in public affairs at any level

- **UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)**⁴¹ – notably Article 42 and the Committee's General Comments affirm the right of migrant workers to be informed and consulted, and call for the engagement of migrant-led organisations in policymaking.⁴²

39 PICUM, 2025, [Migrant-led initiatives in Andalucía, Spain - Learnings from the self-organization of migrant workers](#); PICUM, 2024, [Participation and empowerment: Mobilising for the rights of undocumented people](#); PICUM, 2022, [Lessons learned in supporting undocumented young people in advocating for change](#)

40 [International Convention on the Elimination of All Forms of Racial Discrimination](#) adopted 21 December 1965 by UN General Assembly resolution 2106

41 [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#) adopted 18 December 1990 by General Assembly resolution 45/158

42 For example, see: [UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families \(CMW\)](#), General Comment No. 1 on Migrant Domestic Workers, 23 February 2011, CMW/C/GC/1, para 65

- **UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** – notably Article 7 requires states to eliminate discrimination against women in political and public life, including participation in the formulation and implementation of government policy, and General Recommendation No. 23 reinforces the obligation to ensure women's full participation.⁴³
- **Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)**⁴⁴ – notably Article 6 requires gender-sensitive policymaking. The Explanatory Report explicitly calls for the involvement of civil society organisations in the development and implementation of relevant policies.⁴⁵

Recommendations

The upcoming Gender Equality Strategy must commit to the meaningful and informed participation of cisgender and transgender people, as well as people with non-binary gender identities, including those with lived experience of being undocumented. Their involvement in the design, implementation, and evaluation of gender equality and broader social inclusion policies is essential to ensure these measures are effective, legitimate, and grounded in lived realities.

Participation must be embedded throughout the policymaking cycle, not treated as a one-off or symbolic gesture. This requires:

- Proactive and timely outreach to affected communities and civil society organisations representing them;
- Safe, accessible, and well-resourced consultation spaces, with interpretation, documentation, and anti-reprisal safeguards;
- Adequate and sustained support, including financial compensation, for civil society and grassroots organisations representing marginalised groups;
- Transparent processes for how inputs are used, and opportunities for shared decision-making where possible.

Such inclusive approaches not only strengthen democratic legitimacy but also help identify and prevent unintended harms of existing and future policies.

43 [CEDAW General Recommendation No. 23: Political and Public Life](#) Adopted at the Sixteenth Session of the Committee on the Elimination of Discrimination against Women, in 1997

44 [Council of Europe Convention on preventing and combating violence against women and domestic violence Istanbul](#), 11.V.2011

45 Council of Europe, 2011, [Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence](#), Istanbul, 11.V.2011, para 69

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for social justice.

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