



Guaranteeing justice for
undocumented migrant women in
the EU facing violence: Actions to end
exclusion and ensure protection

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Executive Summary

More than a decade ago, PICUM shed light on the experiences of undocumented women facing violence and presented a practical overview of methods that can address gender-based discrimination against them.

Building on this, and responding to recent legislative developments, this briefing examines the rights of undocumented and precarious-status migrant women affected by violence in the EU, and provides clear guidance to policymakers, practitioners, and civil society organisations.

A system that perpetuates violence

While the share of women migrating globally has not significantly changed in recent decades, more are now migrating independently as workers, students, or heads of households. Their residence status shapes their autonomy, access to rights, and exposure to abuse. Even when they have a regular residence status, their rights often remain dependent on a spouse or employer, creating power imbalances and vulnerability to exploitation.

Beyond individual impacts, migration has indirect effects on families and dependents, especially as women often bear primary responsibility for care. Disruptions to family structures, children's wellbeing, and economic stability underline the wider social consequences of restrictive policies.

Rights must be guaranteed, regardless of residence status

Hostile migration policies deliberately create an environment of fear, deterring women from seeking help and trapping them in cycles of abuse. Yet undocumented and precarious-status women

are not invisible, and they are not without rights. International and European frameworks unequivocally protect their rights to safety, dignity, and justice, regardless of residence status.

A call for action

To guarantee justice and protection for undocumented women facing violence, this briefing proposes six key measures:

1. Authorities should ensure women victims of violence are able to safely report a crime to the police, regardless of their residence status, and wherever they are residing.
2. Authorities should ensure victims know of their rights and receive information in a way that they understand and which supports them to participate in criminal proceedings.
3. Authorities should ensure that undocumented women facing violence, as well as those with dependent residence status, have access to autonomous and secure residence permits and are protected from deportation to guarantee their safety and enable access to justice and support.
4. Authorities should ensure access to legal aid, free of charge, to victims of crime, including when they reside in settings of deprivation of liberty (e.g. detention centres).
5. Authorities should ensure that undocumented victims of violence can access comprehensive, free, and confidential support services, including safe accommodation, regardless of residence status and regardless of whether they have filed a formal complaint.
6. Authorities should guarantee that undocumented victims of violence have effective access to compensation from offenders and, where applicable, state compensation schemes and civil remedies, regardless of their residence status.

By implementing these actions, EU, national, and local authorities can create an environment where every woman, regardless of her residence status, can exercise her rights without fear. Ensuring that no woman is left behind is not optional: it is an urgent and necessary commitment to equality, dignity, and justice.

Introduction

The 2024 EU gender-based violence survey conducted by the EU Agency for Fundamental Rights (FRA)¹ reveals persistent and alarming trends: women across Europe continue to face high levels of violence, including sexual violence and rape, violence at home, and workplace violence and harassment.² The survey also highlights widespread underreporting to healthcare providers, social services, and law enforcement, underscoring critical gaps in prevention and protection systems.³

While the 2024 FRA survey acknowledges the intersectional nature of violence aside from gender, recognising other factors such as age, disability, sexual orientation, and ethnicity, it fails to capture the experiences of racialised migrant and undocumented women.⁴

This exclusion is not merely a gap in data: it reflects and reinforces structural barriers that exclude women with a migrant background, including those with an irregular residence status from protection mechanisms.

1 Fundamental Rights Agency, 2024, [EU Gender-based violence survey: key results](#)

2 Ibid. The FRA report finds in particular that: one in three women in the EU have experienced physical violence, sexual violence, or threats in adulthood; one in six women have been subjected to sexual violence, including rape; one in five women have faced physical or sexual violence from their partner, a relative, or another household member; one in three women have experienced sexual harassment at work, with higher rates among younger women - two in five report such incidents.

3 Ibid. The FRA report highlights that while the majority of victims confide in someone close, only one in five seek assistance from healthcare or social services, and a mere one in eight report incidents to the police.

4 Using a search for terms like 'race,' 'migration,' and 'migrant' shows that these are absent from the report.

In recent years, the EU has taken notable steps to strengthen legal frameworks and harmonise protection and support across EU member states. This includes:

- the EU's accession to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (the "Istanbul Convention") in October 2023.⁵
- the adoption of a new EU Directive on combating violence against women and domestic violence (Violence against women directive) in May 2024⁶.

However, these advances remain incomplete. Crucially the Violence Against Women Directive failed to introduce safe reporting and complaints mechanisms that would enable undocumented women to seek protection without fear of detention or deportation.⁷

Yet there is clear evidence that precarious migration status significantly increases vulnerability to abuse, exploitation, and violence, while simultaneously restricting access to support and protection. The continued invisibility of undocumented migrant women in both data and legislation raises urgent questions about the capacity of EU and national authorities to reach all women, especially those most at risk.

This challenge is compounded by ongoing migration policy reforms, such as the revision of the EU Facilitators Package and the proposed EU Return Regulation,⁸ many of which have heightened exposure to harm.

5 Council of the EU, 2023, [Combating violence against women: Council adopts decision about EU's accession to Istanbul Convention](#), Press release

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

7 PICUM, 2024, [New EU Directive on Violence Against Women leaves out migrant women](#), Press Release.

8 PICUM, 2024, [How the New EU Facilitation Directive Furtheres the Criminalisation of Migrants and Human Rights Defenders](#); PICUM, 2025, [New Returns Regulation ushers in dystopian detention and deportation regime](#), press release; PICUM, 2025, [The EU must stop the digitalisation of the deportation regime and withdraw the new Return Regulation](#)

Objective and scope

More than a decade ago, PICUM shed light on the experiences of undocumented women facing violence and presented a practical overview of methods that can address gender-based discrimination against them.⁹

Building on this work, and taking into account the recent legislative developments affecting women with a precarious or undocumented status, this briefing:

- Examines EU law relevant to undocumented migrant women and those with a precarious migration status who are affected by violence.
- Provides practical guidance for policymakers, practitioners and civil society organisations to help address the needs of undocumented migrant women survivors of crime.

In doing so, the aim is to support the development of future policy initiatives - such as the renewal of the EU Gender Equality Strategy and Victim Rights Strategy - and contribute to the effective implementation of international and European legal obligations.

An intersectional approach is adopted throughout, acknowledging that violence is shaped by multiple, overlapping factors. It therefore considers the specific challenges faced by racialised women, persons with disabilities, LGBTQ+ individuals, sex workers, women in informal work and others whose experiences of violence and access to protection may be shaped by structural discrimination.

While human trafficking constitutes significant risks faced by undocumented migrant women, this briefing does not present in depth the situations of women affected by this crime, nor the legislative frameworks that can be invoked to protect their rights. Instead, it aims to provide an overview of the rights of survivors of crime who do not meet the threshold of human trafficking.

9 PICUM, 2012, [Strategies to End Double Violence Against Undocumented Women](#)

Words matter: 'Undocumented' and 'illegal'

The term “illegal” when referring to a migrant or a way of entering or staying in a country is inaccurate and stigmatising – but nonetheless still widely used in public discourse as well as the media. It frames a person’s existence as unlawful, dehumanises individuals, and reinforces narratives that justify exclusion and criminalisation.

PICUM uses the terms “undocumented migrant” or “person with irregular status”, which more accurately describe a person’s situation without criminalising their presence.

Undocumented people lack formal authorisation to reside in a country and are therefore considered to have an irregular migration status. Many may have had residence permissions linked to employment, study, family, or international protection, but those permits were either temporary or very precarious and their validity expired. Some, due to the lack of regular migration channels, will arrive to country without a residence permission, seeking for example asylum. This also includes people subject to a deportation order.

Using accurate, non-stigmatising language is essential to acknowledge the structural causes of irregularity and uphold the rights and dignity of all people, regardless of status.

Setting the scene: residence status, gender and exposure to violence



Key take-away:

Migrant women, whether living on a dependent residence permit or undocumented, have a high risk of exposure to violence, abuse and exploitation.

The share of women migrating globally has not changed significantly in the past decades. According to the UN Department of Economic and Social Affairs (DESA), among EU member states, the migrant population has been fairly equal among genders since the 1990s.¹⁰

However, more female migrants are migrating independently for work, education and as heads of households. At mid-year 2024:

- Female migrants comprise 48 per cent of all migrants worldwide. The share of female migrants has remained relatively consistent over the past years. Asia has the lowest share (42% of all migrants are female) and Europe the highest (52%).¹¹

- Female migrant workers made up 38.7 per cent (64.9 million) of migrant workers worldwide, an increase from 53.2 million in 2013.¹²

Beyond the direct impact on individual women, migration also has indirect effects on families and dependents, especially given that care responsibilities still predominantly fall on women. When women migrate, family structures, the care and upbringing of children, and the economic stability of dependents can be significantly affected, highlighting the broader social implications of female migration.

A brief overview of the relationship between residence status, gender and exposure to violence in the EU is presented in the following sections.

¹⁰ United Nations, 2024. *International Migrant Stock 2024: Key facts and figures*. UN DESA/POP/2024/DC/NO. 13.

¹¹ IOM Migration data portal, *Women and Girls on the Move*, [accessed 21 May 2025]

¹² Ibid.

Estimates of undocumented migrants in the EU¹³

The number of undocumented people living in Europe is uncertain and estimates vary. Recent research suggests that between 2.6 and 3.2 million irregular migrants resided in 12 European countries (including the UK) between 2016 and 2023. These estimates place irregular migrants at less than 1% of the total population and between 8% and 10% of those are born outside the Schengen Area (for EU countries) or the Common Travel Area (for Ireland and the UK). However, the data is not disaggregated by gender, meaning there is no comprehensive data specifically on undocumented migrant women.

Precarious residence status

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.
- 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.¹⁴

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.

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 residency rights depend on a family member.¹⁵

13 Kierans, D. and Vargas-Silva, C., 2024, [The Irregular Migrant Population of Europe](#). MirreM Working Paper No. 11/2024. Notably, the study found no significant increase in the number or proportion of irregular migrants in Europe since 2008 - contrary to the widespread narrative of continuously rising irregular migration. A previous 2008 study funded by the European Commission estimated that there were 1.9 to 3.8 million undocumented migrants in the EU, making up about 0.39% to 0.77% of the total population.

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

15 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

Pathways to Europe

Broadly, there are two main ways through which women come to Europe. They may migrate with their families or independently.

In 2023, 4.3 million immigrants came to the EU from non-EU countries, which almost double compared with 2.4 million in 2021. The same year, all the EU

countries combined issued over 3.7 million first residence permits to non-EU citizens, the reasons for granting these residence permits were work (34%), family reasons (26%) and education (14%).¹⁶ The remaining 26% of residence permits were granted for other reasons such as international protection.

Domestic violence and intimate partner violence

In cases of intimate partner violence, abusive partners often intentionally misinform women who depend on them for their status or who are undocumented, threatening them with deportation, the loss of custody of their children, or claiming they will not be entitled to state support for housing or subsistence.¹⁷

This creates a climate of fear, reinforcing the cycle of power and control, causing many women to fear any state intervention and hesitate to seek help and report violence.

The impacts of such violence are not limited to the direct survivors; they also have serious short- and long-term consequences for other family members, particularly children or other dependents who are

present and exposed to the abuse. These indirect survivors can suffer emotional, psychological, and social harm that can persist throughout their lives. Accurately recognising and accounting for all those affected is crucial to understanding the true scale of violence and providing appropriate support.

Moreover, when state agencies and other service providers do intervene, it is essential that they are properly trained in trauma-sensitive approaches. This enables them to build trust with survivors, treat women with dignity, empower them to reclaim their rights, and effectively correct any misinformation the abusive partner may have provided.¹⁸ Service providers themselves must also be well-informed and aware in order to offer the best possible support.

¹⁶ European Commission, 2024, [Migration and asylum in Europe](#), Interactive publication

¹⁷ PICUM, 2012, [Strategies to End Double Violence Against Undocumented Women](#); Asociación Por Ti Mujer, 2021, [Violencia de género en mujeres inmigrantes residentes en España: Un acercamiento a la realidad y las barreras de acceso a sus derechos](#).

¹⁸ 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](#)

Work¹⁹

Where women migrate for economic opportunities, they often find themselves working in gendered employment (e.g. in care, cleaning, hospitality), reinforcing stereotypical gender roles and inequalities.²⁰ These sectors are also often poorly regulated, characterised by precarious contracts, social isolation, and a high exposure to risk, such as (sexual) violence, harassment and other forms of exploitation and abuse, in addition to risks of homelessness (especially if living with their employer or in employer-provided housing), discrimination and criminalisation.

Moreover, undocumented migrants make up a significant proportion of the workforce in several sectors of economies across Europe:²¹

- Building and construction (including renovation)
- Car washes
- Care work (including as au pairs)
- Cleaning and maintenance
- Delivery
- Domestic work
- Fishing, agriculture, meat processing
- Hospitality (hotels, restaurants, cafes, catering)
- Logistics and security
- Massage parlours
- Nail studios
- Sex work.

Importantly, the workforce in these sectors is often highly gendered, for example, mostly men in construction and mostly women in care and domestic work. This not only reinforces gender stereotypes and inequalities but also brings specific risks.²²

Women providing care services in the home and working as domestic workers may be at greater risk of sexual harassment and abuse due to their isolation and solitary work environment.²³ 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.²⁴

As racialised women, often with precarious migration or residence status, migrant women workers face intersectional discrimination and risks of exploitation, abuse and other violations of their rights.

19 See also: PICUM, 2020, [A Worker if a worker: how to ensure that undocumented migrant workers can access justice](#)

20 Blower-Nassiri, J. 2023, [A gendered analysis of migration trends in Europe's social care sector](#), International Organization for Migration, Geneva, p. 7

21 See also: PICUM, 2020, [A Worker if a worker: how to ensure that undocumented migrant workers can access justice](#), p.10.

22 See also: PICUM, 2020, [A Worker if a worker: how to ensure that undocumented migrant workers can access justice](#)

23 See for example: Alexandra Ricard-Guay, 2016, [Addressing demand in the context of trafficking in the domestic work sector : perspectives from seven European countries](#), DemandAT working paper; FRA, 2011, [Irregular migrants employed in domestic work](#); PICUM, 2018, [Shared concerns and joint recommendations on migrant domestic and care work](#).

24 PICUM, 2019, [Safeguarding the human rights and dignity of undocumented migrant sex workers](#)

Policing and sex workers' access to justice

Sex workers bear a high burden of violence in Europe, including physical, sexual, and psychological violence.²⁵ However, their access to protection and justice is often severely limited. The criminalisation of sex work²⁶ and related restrictive laws are key barriers that prevent sex workers from reporting abuse or seeking justice.²⁷ Crimes committed against them, whether within or outside the context of their work, are frequently ignored or deprioritised by authorities.

Across Europe, many undocumented migrants engage in sex work.²⁸ They face intersecting layers of discrimination and marginalisation - based on their migration status, the criminalisation and stigmatisation of their work, and other structural inequalities such as gender, ethnicity, sexual orientation, gender identity, or disability²⁹

“Sex workers, whose line of work is criminalized as well as stigmatized, constitute another group of migrant women who face particular difficulties in gaining access to justice. Furthermore, laws and policies to combat trafficking in persons are often used to identify, detain and deport undocumented migrants without providing them with either assistance or compensation.”

Former UN Special Rapporteur on the Human Rights of Migrants, Felipe González Morales, 2018³⁰

25 International Committee on the Rights of Sex Workers in Europe (ICRSE), 2020, [Undeserving victims? A community report on migrant sex worker victims of crime in Europe](#)

26 Criminalisation of sex work refers to Sex work policies which criminalise any aspect of sex work (including clients of sex workers, third parties, such as landlords, drivers, or two sex workers working together for running a brothel) and related laws

27 European Sex Worker Rights Alliance, 2024, [Exposed from all sides: the role of policing in sex workers' access to justice](#)

28 The 2016 briefing by ICRSE ‘[Surveilled. Exploited. Deported. Rights Violations against Migrant Sex Workers in Europe and Central Asia](#)’ found that migrant sex workers were estimated to comprise more than 65 percent of the sex worker population in Western Europe, according to the last available estimate from 2008.

29 PICUM, 2018, [Safeguarding the human rights and dignity of undocumented migrant sex workers](#)

30 F González Morales, 2018, [Report of the Special Rapporteur on the human rights of migrants, Office of the High Commissioner for Human Rights \(UNHCHR\)](#), par. 70.

Undocumented sex workers face specific and compounded risks when interacting with law enforcement. Rather than acting as a source of safety, policing practices often heighten the risks sex workers face. Many report avoiding contact with police due to fears of arrest, prosecution, or deportation. These risks are further exacerbated for migrant, trans, and racialised sex workers, who are disproportionately targeted through racial profiling, stop-and-search tactics, and harassment.³¹

“If you work in a flat or club and don’t have any documents when the police come, then they harass, blackmail, or extort you. That’s how it is.”

Linda, Spain³²

“One of my friends told me she had experienced that. She is an immigrant with no legal status in the UK. She said that one day the police came to raid the house where she worked and threatened her that she must tell them who her ‘boss’ is. And if she didn’t give them that information, they were going to take her to the immigration centre and deport her.”

Mary, UK³³

The decriminalisation of sex work, or the removal of laws that expose sex workers and their immediate environments to harsh policing and punishment, is a key way to address the significant power imbalance between sex workers and law enforcement and reduce police violence.

31 International Committee on the Rights of Sex Workers in Europe (ICRSE), 2020, [Undeserving victims? A community report on migrant sex worker victims of crime in Europe](#); European Sex Worker Rights Alliance, 2024, [Exposed from all sides: the role of policing in sex workers' access to justice](#)

32 European Sex Worker Rights Alliance, 2024, [Exposed from all sides: the role of policing in sex workers' access to justice](#)

33 Ibid.

Care responsibilities and economic insecurity

Women also often carry most of the family care responsibility, taking care of both children and elderly relatives. Undocumented children are usually excluded from publicly-funded early childhood education and care services.³⁴ This situation often makes it more difficult for undocumented women to work full time or even maintain part-time jobs and make ends meet.

In addition, it is extremely difficult for undocumented migrant women to exercise maternity rights,³⁵ including maternity leave and breastfeeding breaks at work.³⁶ They are particularly likely to face discriminatory treatment such as reductions in pay and working hours, and termination of employment, due to pregnancy and childcare obligations.³⁷

Regularising stay

One important procedure people with an irregular or insecure residence status must go through to secure a residence permit for the country they already live in are regularisation mechanisms and programmes.³⁸

Regularisation procedures themselves are often complex, costly, and opaque.³⁹ Digitalisation of procedures, high fees and additional expenses (such as identity photos, document translations, biometric data, legal assistance, and travel) make these processes inaccessible for many.⁴⁰

For families, these barriers can be particularly severe. When a family includes several dependent children and fees must be paid per person, the total cost can become very high. For instance, in the Netherlands, a family of four that cannot return to their country of origin through no fault of their own must pay €1,500 per person for a 'no fault' (*buitenschuld*) permit.⁴¹

Women, especially those experiencing economic violence or who have caring responsibilities, face additional obstacles, including restricted mobility, lack of resources, and social isolation.

34 PICUM, 2023, [Access to Early Childhood Education and Care for Undocumented Children and Families – Obstacles and promising practices](#)

35 PICUM, 2016, [The sexual and reproductive health rights of undocumented migrants: narrowing the gap between their rights and the reality in the EU](#)

36 A. Triandafyllidou, 2013, [Irregular migrant domestic workers in Europe: who cares?](#), p.109

37 See for example: FLEX/LEAG, 2018, [Submission to the UN Special Rapporteur on Contemporary Forms of Slavery on the gendered dimensions of contemporary forms of slavery, its causes and consequences](#); FRA, 2019, [Second European Union Minorities and Discrimination Survey. Migrant women – selected findings, EU- MIDIS II](#).

38 PICUM, 2022, [Regularisation mechanisms and programmes: Why they matter and how to design them](#)

39 Ibid.

40 PICUM, 2024, [The use of fees in residence procedures in Europe: pricing people out of a residence permit](#)

41 Ibid.

France: Digitalisation and administrative barriers to residence security

Migrants in France face severe difficulties renewing their residence permits due to the mandatory use of the digital ANEF (Administration Numérique des Étrangers en France) platform. This is a digital platform designed to streamline administrative procedures for foreign nationals in France, particularly regarding residence permits. In practice, appointments are almost impossible to obtain. Long queues outside prefectures have become common, with many spending days waiting in vain without appointments.⁴²

A 2024 survey by the Fédération des acteurs de la solidarité (FAS) found that around half of people surveyed in the process of regularisation lost access to social benefits (Caf), employment support (France Travail), or even their jobs due to these administrative blockages.⁴³

People are forced to turn to informal markets to buy appointments, paying between €150 to €800, or rely on informal networks to navigate opaque procedures.⁴⁴

These systemic failures push individuals further into precarity and leave them at risk of becoming undocumented, exposing them to exploitation and blocking access to justice and protection.

42 Elisa Verbeke, Léa Taillefert, 2024, [Dans la file d'attente de la sous-préfecture, « on nous pousse au marché noir](#). Streetpress article.

43 Fédération des acteurs de la solidarité, 2024, [Personnes étrangères : accès aux droits entravé, insertion empêchée](#)

44 Elisa Verbeke, Léa Taillefert, 2024, [Dans la file d'attente de la sous-préfecture, « on nous pousse au marché noir](#). Streetpress article.

Immigration detention and deportation⁴⁵

An increasing number of international bodies have stated that detention for immigration control purposes should be progressively ended.⁴⁶ Governments worldwide⁴⁷ have reiterated their commitment to prioritise non-custodial alternatives to detention that are in line with international law. Yet data collected by the Global Detention Project shows that every year, more than 100,000 people are detained for immigration purposes in Europe.⁴⁸

Immigration detention is always harmful, disproportionate and ineffective, and never in a child's best interests.⁴⁹ People with vulnerabilities, families, children, pregnant women and survivors of torture and gender-based violence all face immigration detention. Detention places individuals in a situation of vulnerability, including insufficient or inadequate access to information and interpreters, violation of procedural safeguards, lack of access to medical care and isolation, lack of gender-segregated facilities, among others.⁵⁰ It also has a severe impact on mental health, with studies indicating higher incidence of anxiety, depression and post-traumatic stress disorder than among the rest of the population.⁵¹

There is a lack of comprehensive and reliable data on the number of women, transgender and non-binary people held in detention centres across the EU, which reflects a more general inadequacy of data collection on immigration detention. Nonetheless, the little data that does exist which is disaggregated by gender does indicate that women (including while pregnant) are also held in immigration detention. For example, in 2023:

- In France, 5% of people who were detained for immigration purposes were women, including pregnant women.⁵²
- In Belgium, 75% of the people held in the Caricole detention centre were men, while 25% were women, of which 7 were pregnant and 3 transgender.⁵³

Moreover, it should be highlighted that out of the 109 870 people who were deported from the EU in 2024, about 21% were women and girls.⁵⁴

⁴⁵ There exist overall three types of administrative detention, namely pre-entry detention (often seen in airport procedures and zones d'attente in France), detention during asylum procedures and detention during the return procedure.

⁴⁶ U.N. Working Group on Arbitrary Detention (WGAD), 2018, *Revised Deliberation No. 5 on Deprivation of Liberty of Migrants*, A/HRC/39/45; Special Rapporteur on the human rights of migrants, 2 April 2012, *Report of the Special Rapporteur on the human rights of migrants*, François Crépeau, A/HRC/20/24, p.18, para. 72; PICUM, 2022, *Immigration detention and de facto detention: what does the law say?*

⁴⁷ Global Compact for Migration, 2018, *Global compact for safe, orderly and regular migration intergovernmentally negotiated and agreed outcome*, Objective 13

⁴⁸ Global Detention Project, 2022, *Annual Report*

⁴⁹ PICUM, 2021, *Preventing and addressing vulnerabilities in immigration enforcement policies*, p. 11-12; Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, CMW/C/GC/4-CRC/C/GC/23

⁵⁰ Special Rapporteur on the human rights of migrants, 2 April 2012, *Report of the Special Rapporteur on the human rights of migrants*, François Crépeau, A/HRC/20/24, p.5, para.15

⁵¹ M. von Werthern, K. Robjant, Z. Chui, R. Schon, L. Ottisova, C. Mason and C. Katona, 2018, *The impact of immigration detention on mental health: a systematic review*, BMC Psychiatry

⁵² Groupe SOS Solidarités, Forum Réfugiés, France Terre d'Asile, La Cimade, Solidarité Mayotte, 2023, *Centres et locaux de rétention administrative, Rapport national et local*

⁵³ Jesuit Refugee Service Belgium, 2024, *Centres de détention pour migrants, rapport 2023*,

⁵⁴ Eurostat, *Third-country nationals returned following an order to leave, by type of return, citizenship, country of destination, age and sex – quarterly data*.

EU legislative framework affecting rights of undocumented women survivors



Key take-away:

While migration policies and legislation increasingly create hostile environments and conditions that foster isolation, abuse, violence, and exploitation, women with an irregular migration status are not without rights. Various legal frameworks protect the rights of survivors of violence regardless of their residence status – notably in the fields of fundamental right, victims' rights, work, privacy, and non-discrimination.

Undocumented women at risk of or experiencing violence are impacted by multiple legal frameworks, including those governing migration, victims' rights,

labour rights, and privacy. Below is a broad overview of the key legislation that concerns them.

Fundamental rights

The Charter of Fundamental Rights enshrines into primary EU law a wide array of fundamental rights enjoyed by EU citizens and residents, including:⁵⁵

- Prohibition of torture and inhuman or degrading treatment or punishment (article 4);
- Right to protection of personal data (article 8);
- Freedom to choose an occupation and right to engage in work (article 15);

- Protection in the event of removal, expulsion or extradition (article 19);
- Equality before the law (article 20);
- Non-discrimination (article 21);
- Rights of the child (article 24).

The Charter is primary legislation under EU law. This means it prevails over secondary legislation (e.g. Directives and Regulations).

55 [Charter of Fundamental Rights of the European Union](#), 2012/C 326/02

A note on secondary EU law

EU directives and regulations are binding legislative acts with different effects:

- Regulations apply automatically and uniformly in all member states once in force (usually after a transition period).
- Directives set binding goals for member states but allow flexibility in how to achieve them. They must be transposed into national law by a set deadline and cannot be implemented below the directive's minimum standards.

Victims' Rights

Words matter: 'Survivor of violence' and 'victim'

While the term "victim" is widely used in policy and legal frameworks, PICUM prefers the term "survivor" as it emphasises the strength, agency, and resilience of undocumented women in the face of violence and abuse. The term "survivor" shifts the focus from vulnerability to empowerment, recognising individuals not only for what they have endured, but for their capacity to act, resist, and rebuild.

Victims, regardless of their residence status, are protected under EU law. This is regulated by the Victims' Rights Directive (2012/29/EU),⁵⁶ which is currently under the process of revision and which establishes minimum standards for the rights, support, and protection of victims of crime across the European Union.

The Victims' Rights Directive is complemented by additional directives governing the rights of victims of different types of crimes, as set out under figure 1.⁵⁷ The various directives composing the body of victims' rights legislation at the EU level ensure support, protection and justice for crimes committed against women in personal relationships, at the workplace, in immigration detention and at the EU border.

⁵⁶ 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](#)".

⁵⁷ [Directive \(EU\) 2024/1712](#) of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims; [Council Directive 2004/81/EC](#) of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; [Directive 2011/93/EU](#) of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA; [Directive \(EU\) 2017/541](#) of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA; [Directive \(EU\) 2024/1385](#) of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence

Figure 1 Legislative frameworks for victims of crime in the EU



Notably, the Directive 2024/1385 on violence against women 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.⁵⁸

Under review

In July 2023, the European Commission proposed a partial revision of the Victims' Rights Directive,⁵⁹ including measures to improve safe reporting for undocumented migrants. Together with 60 organisations PICUM [called attention](#) to the opportunity provided by the revision to strengthen the rights of victims, regardless of status. Negotiations were ongoing at the time of writing.

58 Directive (EU) 2024/1385, Recital 71

59 European Commission, Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, [COM\(2023\) 424 final](#)

The opportunity of the EU's accession to the Istanbul Convention

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is a key legal instrument for protecting undocumented women and those with precarious residence status.⁶⁰ Most EU member states have ratified the Convention, with currently only Slovenia currently having a reservation for article 59.⁶¹

Since October 2023, the European Union itself is also bound by the Istanbul Convention.⁶² The EU's accession applies to matters related to judicial cooperation in criminal matters, asylum, and non-refoulement, as long as they fall within the exclusive competence of the Union, and with regards to its institutions and public administration.⁶³ For member states that have not ratified the Convention, only EU measures implementing it are binding. Other matters covered by the Convention remain within national competence.

The Istanbul Convention states that the rights are for all victims concerned including those with migrant or other status (Article 4.1, 4.3). Moreover, a key provision to which the EU is now bound to is Article 59 on residence status:

1. *Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.*
2. *Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.*

⁶⁰ [Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (CETS No. 210)

⁶¹ The following member states have signed but not yet ratified the Convention: Bulgaria, Czechia, Hungary, Lithuania, Slovakia.

⁶² [Decision \(EU\) 2023/1075](#) on the conclusion of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union; [Decision \(EU\) 2023/1076](#) on the conclusion of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement

⁶³ Council Decisions (EU) [2023/1075](#) and [2023/1076](#)

3. *Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:*
 - a) *where the competent authority considers that their stay is necessary owing to their personal situation;*
 - b) *where the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.*
4. *Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.*

Several EU legal instruments either mandate or authorise the granting of residence permits to certain victims of crime, such as the EU Citizens Directive or the Family Reunification Directive (see section below).⁶⁴ Yet, the recently adopted EU Directive on combating violence against women and domestic violence, finalised shortly after the EU's ratification of the Convention, fails to include provisions addressing the residence status of women facing violence. This represents a missed opportunity to give effect to Article 59 and ensure protection for victims with insecure residence. This gap should be addressed in any future revision of the Directive and should also be addressed in the ongoing negotiations of the Victims' Rights Directive.⁶⁵

⁶⁴ PICUM, 2020, [Insecure Justice? Residence permits for victims of crime in Europe](#)

⁶⁵ In February 2024, 60 organisations, including PICUM, launched an [urgent call](#) to EU negotiators to strengthen rights of all victims of crime regardless of residence status, urging among other on negotiators to ensure the revised victim rights directive includes a provision on the issuance of residence permits on personal or humanitarian grounds, not requiring their cooperation in criminal proceedings, and not conditioned on the start or outcome of criminal procedures

Family and citizens' rights

Certain pieces of legislation provide the rules governing residence rights linked to family life and EU citizenship. In particular, the following two instruments are key:

- **EU Citizens Directive**⁶⁶ - sets out the conditions for the exercise of the right of free movement and residence within the territory of the Member States by EU citizens and their family members. Some provisions, such as the right of family members to retain their residence in particularly difficult

circumstances (Article 12(2)(c)), also apply to third-country nationals who are family members of an EU citizen.

- **Family Reunification Directive**⁶⁷ - establishes the rules under which non-EU nationals can bring their family members to the EU country in which they are regularly residing. It also includes a provision for granting autonomous residence permits in particularly difficult circumstances (article 15(3)), such as cases involving domestic violence.

Family unity across borders

Cross-border cases of family law, including divorce, custody disputes, and international child abduction, are regulated by the Brussels II-ter regulation.⁶⁸ It clarifies rules on jurisdiction, recognition, and enforcement of judgments related to these matters, including the dates, deadlines, conditions and procedures of return. A key aim of the regulation is to return a child within the European region in maximum six weeks.

Brussels II-ter enhances the application of the Hague Convention of 1980 within the EU.⁶⁹ For example, it provides for an “overriding mechanism” where the court of the child’s habitual residence before the abduction can order the child’s return, even if a court in the country where the child is found has decided against it.

⁶⁶ [Directive 2004/38/EC](#) of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance)

⁶⁷ [Council Directive 2003/86/EC](#) of 22 September 2003 on the right to family reunification

⁶⁸ [Council Regulation \(EU\) 2019/1111](#) of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast)

⁶⁹ [Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction](#); List of ratification is available on the website here: <https://www.hcch.net/en/instruments/conventions/status-table/?cid=24>

Consequences of the Hague Convention for migrant women facing domestic violence

The following case study was co-written with [Revibra Europe](#), a network of legal experts and psychologists who provide support to Brazilian victims of gender-based violence and domestic abuse in the EU.

The Hague Convention on International Child Abduction of 1980, to which all EU Member States are signatories, aims to protect children from wrongful removal and ensure their prompt return to the country of habitual residence.⁷⁰

Under the Hague Convention, removing a child across borders without the other parent's consent to officially reside in another country, even by a custodial parent⁷¹, can be considered "wrongful removal", triggering return proceedings. Wrongful removal refers to taking a child across an international border (or retaining a child in another country) without the agreement of the other parent or person under the law of the country where the child was habitually resident immediately before the removal or retention. "Habitual residence" refers to where the child's daily life is centred, reflecting stable physical presence and social ties, rather than nationality or place of birth.

Most 'wrongful removal' cases involve one of the two custodial parents, often mothers, fleeing domestic violence. In 2021, 88% of removals carried out by a custodial parent (and 94% of those were carried out by mothers).⁷²

70 [Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction](#); List of ratification is available on the website here: <https://www.hcch.net/en/instruments/conventions/status-table/?cid=24>

71 Custodial parent refers to the parent who has lawful custody rights over the child, meaning they are legally entitled to make decisions about the child's residence and upbringing.

72 Hague Conference on Private International Law, 2023, [Global Report – Statistical study of applications made in 2021 under the 1980 Child Abduction Convention](#)

There are limited legal defences under the Hague Convention to resist a return order:

1. Return can be refused if the parent, guardian or institution requesting it was not actually exercising custody rights at the time of removal or had consented to the child's new residence (Article 3 & 13(1)(a)).
2. Return may be refused if it would expose the child to physical or psychological harm or place them in an intolerable situation (Article 13(1)(b)).
3. Return may be refused if a child of sufficient age and maturity objects, with an average reference age of around 12 internationally (Article 13(2)). This is usually assessed through social and psychological evaluations.
4. If more than one year has passed and the child is now settled in the new environment, return may be refused (Article 12(2)).

Article 13(1)(b) is the only defence available under the Convention that could apply to domestic abuse. Yet, courts often interpret this strictly and fail to recognise abuse against mothers, physical, psychological, economic, as presenting a real risk to the child.⁷³

For migrant women, the situation is even more complex. Many face multiple barriers to justice, including lack of information, language obstacles, economic dependence, and fears of deportation or losing custody due to insecure residence status tied to their partner. These intersecting vulnerabilities often prevent them from safely reporting violence or seeking protection. Systemic discrimination and institutional distrust frequently lead to women being discredited, even when abuse is documented. Faced with this gap in protection and support, many women feel forced to return to their country of origin as their only option for safety.⁷⁴

A growing number of civil society organisations and legal experts have raised concerns about the Hague Convention's harmful impact on women and children experiencing abuse:

- Revibra Europe provided critical insights before the Brazilian Supreme Federal Court (STF), noting that in 98% of 272 cases they analysed, domestic violence was the primary reason for mothers removing their children from the country of habitual residence.⁷⁵ However, the information shows that this fact is not always taken into account. Among the 52 legal cases in The Hague supported during the 2019-2022 period, in 33 cases the children were returned to the abuser's home and deprived of any contact with their mother, even when there were mentions of physical, sexual and psychological violence against the woman and the children.⁷⁶

⁷³ The Hague Mothers, 2023, [Briefing paper: The 1980 Hague Convention & the flight from domestic abuse](#)

⁷⁴ Revibra Europe, 2024, Considerações sobre violência doméstica em casos de subtração internacional (haia 28)

⁷⁵ Supremo Tribunal federal, 2024, [Supreme Federal Court Begins Judging Rules of Convention on International Child Abduction](#) [accessed 2 June 2025]

⁷⁶ Steit, M. 2025. [Ao fugirem da violência doméstica, mães brasileiras são acusadas de sequestro dos próprios filhos](#); Revibra Europe, 2024, Considerações sobre violência doméstica em casos de subtração internacional (haia 28)

- The “[Hague Mothers](#)” campaign led by affected women and supported by human rights lawyers has highlighted the systemic barriers faced by survivors, the retraumatization caused by return proceedings, and the need for urgent reform of the Convention's implementation.

This disconnect between the Convention's original purpose and its current application raises serious human rights concerns - particularly for migrant women survivors of violence, especially those whose residence status depends on their abusive partner. These women often face additional barriers due to their precarious migration status, language barriers, isolation, and lack of access to independent support services.

Case Study – Child abduction Italy x Brazil⁷⁷

Chiara was born in Italy to Branca, a Brazilian national, who had endured years of domestic violence from her Italian husband. After Chiara's birth, Branca and her husband reached a mediated agreement which allowed her to travel to Brazil with Chiara for three months before finalising their relocation. Before leaving, their shared home in Italy was put up for rent, indicating the intention to change residence. At the time, Chiara was two months old.

When Branca returned to Italy, she found their house rented to another family, and her husband refused to provide housing, leaving her and Chiara homeless. With no other option, she returned to Brazil with her daughter as previously planned. The father then accused her of child abduction under the Hague Convention and used legal proceedings to continue psychological abuse. Although granted visitation rights in Brazil, he never visited or joined virtual calls, effectively abandoning Chiara.

Chiara has now lived in Brazil for six years, speaks Portuguese, and has never been separated from her mother. Returning her to Italy would separate her from her only caregiver, force contact with an abusive father, and place her in an unfamiliar country. Meanwhile, Branca faces criminal charges in Italy, including a nine-year prison sentence and a €70,000 fine, which would prevent her from protecting her daughter. The case remains under appeal in Brazil.

⁷⁷ Revibra Europe, [Ladjane Nascimento \(BR x IT\)](#). Video published on 19 June 2024; Barnett, Adrienne and Kaye, Miranda and Weiner, Merle Hope, 2024, [The 2024 Forum on Domestic Violence and the Hague Abduction Convention](#)

Deportation and detention

Words matter: 'Deportation' and 'return'

While presented as neutral, the term “return” masks the reality of what is often a coercive, traumatising, and rights-violating process. The use of this euphemism obscures the impact on individuals and communities, and minimises the systemic violence associated with expulsions and removals.

The term “deportation” more accurately reflects the coercive nature of these measures, particularly in contexts where people have no access to regularisation or regular permits, are deprived of their liberty or forcibly removed.

Naming them as such is essential to centre the lived experiences of affected individuals and to challenge narratives that normalise state violence.

The Return Directive⁷⁸ is the main legal framework for deportation in the EU. It establishes common standards for the return of third-country nationals staying irregularly in the territory of EU member states. The Directive outlines the process by which a non-EU national who does not, or no longer, fulfils the conditions for entry or stay is sent back to their country of origin, a country of transit, or another third country that agrees to receive them. This process may occur on a so-called “voluntary” basis or through forced removal.

Among others, the Directive also regulates immigration detention, stating that alternatives to detention should always be applied whenever possible. In addition, the European Commission clarified that EU member states should develop and use alternatives to detention, including providing individual coaching (case management).⁷⁹

78 [Directive 2008/115/EC](#) of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

79 [Commission Recommendation \(EU\) 2017/2338](#) of 16 November 2017 establishing a common 'Return Handbook' to be used by Member States' competent authorities when carrying out return-related tasks. C/2017/6505

Under review

Ten years after its adoption in 2008, the European Commission proposed to recast the Return Directive in 2018. The process stalled and the European Commission issued a proposal for a new Return regulation in March 2025 to replace the current Return Directive.⁸⁰ This proposal has drawn strong criticism from civil society organisations including [PICUM](#), [Amnesty International](#), [Feantsa](#), [European Council for Refugees and Exiles](#).

Among the most concerning elements are:

- Making deportation the default option for those in an irregular situation;
- Enabling the creation of deportation centres outside the EU;
- Promoting 'detection' measures to identify undocumented migrants, which among others may lead to increased reporting obligations⁸¹ and racial profiling.
- Significantly expanding the scope and length of immigration detention.
- Allowing immigration detention of children despite the international human rights framework stipulating that immigration detention is never in a child's best interests and always a child rights violation.⁸²

80 [Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC](#)

81 [PICUM, 2025, Reporting obligations and firewalls](#) [blog]

82 Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, [CMW/C/GC/4-CRC/C/GC/23](#)

Work⁸³

In addition to the above, the following legislation affects the rights of victims of violence in the context of labour and employment:

- **Employers' Sanctions Directive** (2009/52/EC):⁸⁴ sets out sanctions and measures against employers of undocumented migrants. It includes labour rights of undocumented migrants, for example reclaiming remuneration, including if they have been deported.
- **Employers' Insolvency Directive** (2008/94/EC):⁸⁵ provides rights to employees in the case of employer insolvency.
- **Framework Directive on Health and Safety at Work** (Directive 89/391/EEC):⁸⁶ concerns the health and safety of workers within the EU. It applies to all sectors, except certain specific public service and civil protection services, such as the armed forces or the police.

Privacy and data protection

Undocumented people's privacy rights are also protected under EU law. This is regulated under the following key legal instruments:

- **EU Charter of Fundamental Rights:** notably article 8 on the protection of personal data;
- **The General Data Protection Regulation (GDPR):** which protects everyone's personal data in the EU, including that of undocumented people.⁸⁷
- **The Law Enforcement Directive (LED):** which was adopted for the particular cases in which data are processed for law enforcement purposes.⁸⁸

Both the GDPR and the LED set out key principles for data protection like purpose limitation, which ensures that personal data collected for one purpose (like reporting a crime) cannot be used for another incompatible one (like deportation).

⁸³ PICUM, 2022, [Guide to undocumented workers rights](#)

⁸⁴ [Directive 2009/52/EC](#) of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

⁸⁵ [Directive 2008/94/EC](#) of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (Codified version) (Text with EEA relevance)

⁸⁶ [Council Directive](#) of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

⁸⁷ [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)

⁸⁸ [Directive \(EU\) 2016/680](#) 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA

Non-discrimination

Another key area of EU law which affects undocumented people affected by violence is non-discrimination law. Notably, Article 21 of the Charter⁸⁹ prohibits any discrimination based among others on sex, race, colour, ethnic or social origin, religion or belief, political or any other opinion, disability, age or sexual orientation. For certain grounds, additional legislation reinforces these protections:

- **Race and ethnicity:** these are addressed by the **Racial Equality Directive (2000/43/EC)**.⁹⁰ Although the Directive does not cover discrimination based on nationality or immigration status, it remains a key piece of legislation for addressing racial discrimination. It applies across both the public and private sectors, including in employment, social protection, social advantages, education, and access to goods and services.⁹¹
- **Disability:** this is mainly addressed by the **UN Convention on the Rights of Persons with Disability (CRPD)**.⁹² The CRPD has been ratified by all EU member states as well as by the EU itself.⁹³

89 [Charter of Fundamental Rights of the European Union](#), 2012/C 326/02

90 [Council Directive 2000/43/EC](#) of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

91 See also: PICUM, 2024, [Exclusion by design: Unveiling unequal treatment and racial inequalities in migration policies](#)

92 Convention on the Rights of Persons with Disabilities adopted 12 December 2006 by Sixty-first session of the General Assembly by resolution [A/RES/61/106](#)

93 PICUM, 2025, [Navigating disability and irregular status in Europe](#)

Actions to guarantee justice and protection for undocumented women facing violence in the EU



Key take-away:

Guaranteeing justice and protection for women with a precarious residence status, or undocumented, and which face violence requires six practical measures, from safe reporting and access to information to secure residence permits, protection from deportation, and access to legal aid and support services. These actions are designed to remove barriers, prevent re-victimisation, and uphold fundamental rights.

This chapter sets out key actions that EU, national, and local authorities should take to uphold the rights of undocumented women and women with

precarious residence status who face violence, including domestic violence.

Key definitions

Article 2 of the Violence Against Women Directive defines:

- a) 'violence against women' means all acts of gender-based violence directed against a woman or a girl because she is a woman or a girl or that affect women or girls disproportionately, that result in or are likely to result in physical, sexual, psychological or economic harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;
- b) 'domestic violence' means all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit, irrespective of biological or legal family ties, or between former or current spouses or partners, whether or not the offender shares or has shared a residence with the victim;
- c) 'victim' means any person, regardless of their gender, who has suffered harm directly caused by violence against women or domestic violence, including children who have suffered harm because they have witnessed domestic violence.

While these actions are designed to address the specific barriers faced by undocumented women and those with precarious status, they would contribute to more inclusive, rights-based systems that benefit all victims of crime, regardless of gender or residence status.

These actions are not listed in order of priority, but are all essential to guaranteeing justice and protection for undocumented women.

Cross-cutting principles guiding the actions

The measures designed by EU, national and local authorities, should take into account the following principles:

- **Non-discrimination based on residence status** – In line with the Istanbul Convention (Article 4.1, 4.3) and Victims' Rights Directive (Article 1), EU and national authorities should ensure that rights of all victims are effective, regardless of residence status.
- **Territorial scope of rights and protection** – The rights under the Victims' Rights Directive apply to all victims of crimes committed within the EU, including at borders or in immigration detention. This protection applies regardless of the victim's residence status or nationality, as long as the criminal proceedings take place within the EU.⁹⁴
- **Gender-sensitive and intersectional approach** – Measures must account for the specific ways in which gender, migration status, race, disability, and other factors intersect to shape experiences of violence and barriers to protection. This includes recognising that undocumented women often face compounded vulnerabilities.
- **Participation of affected communities and civil society organisations** – Policy and service design should include the voices and leadership of migrant women, survivors, and frontline organisations working with undocumented communities.

⁹⁴ This is consistent with Recital 13 of the Victims' Rights Directive and has been clarified in the [European Commission's guidance](#) (2013) which states that "the Directive also confers rights on victims of extra-territorial offences who will become involved in criminal proceedings, which take place within the Member States" (p.7).

Recital 71 of the Violence Against Women Directive provides examples of victims experiencing intersectional discrimination which are at heightened risk of violence, notably highlighting:

“women with disabilities, **women with dependant residence status or a dependant residence permit, undocumented migrant women,** women applicants for international protection, women fleeing armed conflict, women affected by homelessness, women with a minority racial or ethnic background, women living in rural areas, women in prostitution, women with low income, women detainees, lesbian, gay, bisexual, trans or intersex persons, older women or women with alcohol and drug use disorders.”

(own emphasis)



Action 1 – Safe reporting

Context

Worldwide, fewer than 40 per cent of women who experience violence reach out for help and fewer than one in ten report the abuse to the police.⁹⁵ Migrant women, especially those with irregular status, report even less frequently due to fear of detention, deportation, and lack of legal protection. For example, in Belgium, a survey by the organisation Siempre showed that fewer than 25% of migrant women reported crimes, citing fear, lack of knowledge, and

legal insecurity.⁹⁶ Moreover, access to reporting is often not available for from immigration detention.⁹⁷

Lack of access to safe reporting channels has a significant impact to access justice, support and protection.⁹⁸ Moreover, in some countries require reporting domestic violence to law enforcement authorities as a prerequisite to obtain a dedicated residence permit.⁹⁹

Objective

Authorities should ensure women victims of violence are able to safely report a crime to the police, regardless of their residence status, and wherever they are residing.

This is in line with the Council of Europe's 2022 Recommendation on the rights of migrant, refugee and asylum-seeking women and girls¹⁰⁰ and EIGE's recommendation to create safe and confidential reporting mechanisms that protect undocumented victims from immigration enforcement.¹⁰¹

Measures

- ✓ Remove requirements to show personal identification or residence permits when reporting crimes towards police.
- ✓ Guarantee that data collected for crime reporting towards police is not shared with immigration authorities.
- ✓ Prohibit issuing return decisions to individuals who file complaints during or after proceedings.
- ✓ Ensure that victims receive linguistic assistance when making a complaint.
- ✓ Ensure mechanisms to report a crime from settings of deprivation of liberty.
- ✓ Ensure that victims are able to report a crime through third parties (such as NGOs, support services, or legal representatives), without making their rights conditional on third-party reporting, and guarantee that these third parties are able to retain confidentiality and do not have obligations to share victims' information with immigration or other authorities.

95 United Nations, 2015, [The World's Women 2015, Chapter 6, Violence against women](#), P.159

96 Siempre, 2024, [Protocol for Assistance to Migrant Women: Starting from a gender perspective and applying an intersectional analysis](#)

97 Refugee Service Europe, 2024, [Detained and unprotected: access to justice and legal aid in immigration detention across Europe](#)

98 PICUM, 2022, [Unconditional Access to services for undocumented victims of crime](#)

99 OECD, 2024, [How do OECD countries respond to domestic violence against migrants?](#)

100 Council of Europe Recommendation CM/Rec(2022)17, [Protecting the rights of migrant, refugee and asylum-seeking women and girls](#)

101 EIGE policy brief, 2025: [Addressing gender-based violence in migration: How to strengthen national action plans on Women, Peace and Security across the EU](#)

Legal basis

Legislation	Provisions
Istanbul Convention	• Article 21 – Victims must obtain sensitive assistance when filing complaints. • Article 27 – States must encourage reporting by victims and witnesses. • Article 49 – Prompt investigations must be carried without barriers for victims. • Article 50 – Law enforcement must respond promptly and offer adequate protection.
Victims' Rights Directive	• Article 5 – Victims have the right to receive support and information when making a complaint. • Recital 25 – Late reporting due to fear should not invalidate complaints.
Violence Against Women Directive	• Recital 35 – States must ensure residence status does not discourage reporting. • Article 14(4) – Doctors and other healthcare workers should be able to report to the authorities if they believe someone is at immediate risk of serious harm, even if they usually have to keep patient information confidential.
General Data Protection Regulation	• Article 5(1)(b) – Data use limited to explicit and legitimate purposes
Law Enforcement Directive	• Article 4(1)(b) – Personal data must be collected for specified, explicit and legitimate purposes and not further processed in a way that is incompatible with those purposes (e.g., crime reporting data should not be used for immigration enforcement). • Article 4(1)(c) – Personal data must be adequate, relevant and not excessive in relation to the purposes for which it is processed.

The Charter comes first: ensuring undocumented victims can report without fear

A central tension in protecting the rights of undocumented victims lies in two seemingly conflicting obligations placed on EU member states: to protect victims of crimes and their data, and to report and deport anyone with irregular status. As highlighted by European Digital Rights (EDRI),¹⁰² this paradox arises from the interplay of three legal obligations:

- **Victim rights:** under the Victims' Rights Directive and the Directive on Violence Against Women, states are required to ensure the rights, support, and protection of victims of crime across the European Union regardless of residence status;
- **Data protection:** under the Law Enforcement Directive (LED), states are required to handle personal data in a certain way, which includes the "data limitation" principle, data must be used only for the purposes it was given. Therefore, if a person reveals its identity and other personal data to report a crime, these data should not be used for other purposes, such as migration enforcement;
- **Return:** Under the Return Directive member states are obliged to issue a return decision once a person's irregular status is discovered.

These frameworks are hardly compatible and generate legal uncertainty to officials who have to apply them. In practice, member states frequently prioritise deportations over protecting victims, dangerously undermining access to justice for undocumented people.

The Charter of Fundamental Rights of the European Union provides a clear solution. As primary EU law, it takes precedence over secondary legislation, such as the Victims' Rights Directive, the Law Enforcement Directive and the Return Directive.

That's why when reporting a crime leads to deportation, this decision constitutes a violation of the Charter, including:

- Article 8: Protection of personal data;
- Article 20: Equality before the law;
- Article 21: Non-discrimination;
- Article 47: Right to an effective remedy and a fair trial.

To uphold these fundamental rights, EU victims' rights and data protection rules must prevail. The personal data of undocumented victims should not be shared with immigration authorities when they are reporting a crime, and to ensure this, clear data firewalls must be created between law enforcement and migration authorities.

102 EDRI, 2024, [Deported for reporting a crime: the paradox of securitisation policies](#)



Action 2 – Access to information

Context

Undocumented migrants have less contact with public authorities than others and so when they fall victims of crime, they are often unaware of their rights as victims and the options available for their protection.¹⁰³ This can be particularly problematic as the first step in accessing victim support services and justice is to be informed of their rights as well as how and where they can access support services. This is also the case for the availability of victims' telephone helplines, which are frequently another early port-of-call for victims of crime. A lack of knowledge about their existence and the absence of availability in a language which undocumented victims can understand also serve as major barriers to further support.¹⁰⁴

Undocumented women facing violence often encounter serious barriers to accessing accurate information about their rights and available support. Some are under strict control, unable to leave without explanation; others believe they have correct information when it is actually false. Social isolation further prevents many migrant women from learning about their rights.¹⁰⁵ Abusers often exploit misinformation to maintain control, using threats and blackmail to stop victims from seeking help.¹⁰⁶

Objective

Authorities should ensure victims know of their rights and receive information in a way that they

understand and supports them to participate in criminal proceedings.

¹⁰³ OECD, 2024, [How do OECD countries respond to domestic violence against migrants?](#)

¹⁰⁴ PICUM, 2022, [Unconditional Access to services for undocumented victims of crime](#)

¹⁰⁵ Asociación Por Ti Mujer, 2021, [Violencia de género en mujeres inmigrantes residentes en España: Un acercamiento a la realidad y las barreras de acceso a sus derechos.](#)

¹⁰⁶ Ibid

Measures

- ✓ Inform victims about their rights and available support services:
 - » from the first contact with a competent authority;
 - » in a language that they understand;
 - » free of charge;
 - » regardless of whether they have submitted a complaint.
- ✓ Provide victims with information on the criminal proceedings and keep them notified of the progress of their case, including:
 - » when they are no longer in the country;
 - » when the offender is released.
- ✓ Translation and interpretation are provided, free of charge, when the victims have to be heard.

Legal basis

Legislation	Provisions
Istanbul Convention	• Article 13 – National authorities should conduct wide public awareness of available measures to prevent violence. • Article 19 – Victims should be given timely and understandable information about support services and legal options. • Article 56 – Victims should be kept informed about their case, including the progress of investigations, charges, and outcomes. If there is a risk to the victim or their family, they must be informed when the perpetrator is released. The provision also requires that victims can fully participate in legal proceedings and be supported through interpretation services.
Victims' Rights Directive	• Articles 3, 4, 5, 6 & 7, and Recitals 26 & 34 – Victims have the right to be informed of their rights and their case in a way they understand, have access to free interpretation according to their role in the criminal proceeding, and to make a complaint in a language they understand or else with assistance,
Violence Against Women Directive	• Recital 35 – Member States have the obligation to inform all victims, regardless of residence status. • Article 14 – Member States shall make information on reporting accessible and understandable.



Action 3 – Residence permits¹⁰⁷

Context

Lack of a residence permit - or dependence on a precarious permit tied to an employer or a partner - significantly increases women's exposure to violence and limits their access to justice and protection.

The availability and quality of permits for victims of crime, including women facing violence, remains uneven across EU member states. Some schemes exist pursuant to EU legislation that either mandates or authorises the granting of permits to some victims of crime.¹⁰⁸ This is the case for nationals of non-EU countries who are in the EU due to family reunification, as well as for people who have experienced trafficking, and some forms of labour exploitation. In some cases, national legislation goes further than EU law – such as in Spain, where permits are available for victims of hate crime; and in Greece, where the law makes available permits for victims of various “serious crimes”.¹⁰⁹

Several member states, such as Belgium, France, Germany, Greece, Italy, Netherlands, Poland, Spain, have legislation granting special permits for victims of domestic violence on spouse-dependent visas. In five of these countries (France, Greece, Italy, the Netherlands and Spain) these protections extend to undocumented survivors who did not enter the country on a spouse-dependent visa.¹¹⁰

In practice, access to permits remains challenging. A report by the Organisation for Economic Co-operation and Development (OECD) identified several barriers for victims of domestic violence:¹¹¹

- Requiring victims to report to law enforcement as a condition for obtaining a permit.
- Disparities in acceptable evidence, ranging from medical reports and shelter statements to police or court documents, with some countries requiring formal protection orders or even convictions.
- Long and unpredictable processing times: for example, around 10 months in Norway, 16 months in Sweden, and up to one year in Italy, often matching the duration of criminal proceedings.
- In systems linking permits to criminal prosecutions, acquittal or lack of conviction can result in loss of protection. In Spain, a temporary residence permit for victims is granted after a court conviction or decision confirming victim status, even if the case is dismissed for procedural reasons. Victims receive a provisional permit while awaiting the decision, which counts towards permanent residence. However, if the perpetrator is acquitted, the permit is withdrawn. In Greece, permits on humanitarian grounds can be renewed every two years during ongoing proceedings or if the grounds for protection continue to exist.

These challenges are further compounded for racialised women, women with disabilities,¹¹² LGBTQI+ individuals, and other marginalised groups, who face intersecting forms of discrimination and additional barriers to safety and support.

¹⁰⁷ PICUM, 2020, [Insecure Justice? Residence permits for victims of crime in Europe](#); PICUM, 2022, [Regularisation mechanisms and programmes: Why they matter and how to design them](#)

¹⁰⁸ PICUM, 2020, [Insecure Justice? Residence permits for victims of crime in Europe](#)

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ OECD, 2024, [How do OECD countries respond to domestic violence against migrants?](#)

¹¹² PICUM, 2024, [Navigating disability and irregular status in Europe](#)

Objective

Authorities should ensure that undocumented women facing violence, as well as those with dependent residence status, have access to

autonomous and secure residence permits and are protected from deportation to guarantee their safety and enable access to justice and support.

Measures

- ✓ Ensure undocumented victims, victims whose residence status depends on their spouse or partner, and their children, have access to an autonomous residence permit. The permit should:
 - » Be accessible not only on the initiative of law enforcement or social actors, but also through direct application by the victim, via a clear and non-burdensome procedure.
 - » Have a minimum validity of 24 months (or 36 months when children are involved) to ensure stability.
 - » Not require any fees for the application.¹¹³
 - » Be supported by free legal aid for everyone applying for, renewing, or appealing a decision on a residence permit.
 - » Be counted as regular residence towards long-term or permanent status and be convertible to a more stable status based on clear criteria, as a remedial measure and to prevent repeat victimisation, if a long-term status has not already been provided.
 - » Not be conditional on cooperation with law enforcement authorities or the criminal proceedings.
- ✓ Suspend deportation or removal proceedings while applications for residence permits or protection measures are being examined.
- ✓ Ensure that undocumented women survivors of violence are not returned to any country where their life would be at risk or where they might face torture or inhuman or degrading treatment, in line with non-refoulement obligations.
- ✓ People who file criminal complaints, regardless of status, should be eligible to apply for other residence permits provided for under national law (e.g., on grounds of work, family, study, or protection), beyond specific victim permits.

113 PICUM, 2024, [The use of fees in residence procedures in Europe: pricing people out of a residence permit](#)

Legal basis

Legislation	Provisions
Istanbul Convention	• Article 29 – States are required to provide adequate civil remedies for victims. • Article 59 – States must grant autonomous residence permits to victims whose residence status depends on a spouse or partner, to suspend expulsion proceedings during applications, and to allow victims of forced marriage to recover residence status. • Article 61. (2) – States must ensure that “victims of violence against women are not returned to any country where they may face risks of inhuman treatment or punishment, regardless of their residence status.
Return Directive	• Article 6(4) – Member States can grant an autonomous residence permit or other authorisation to stay for humanitarian or other reasons, suspending or withdrawing any return decision accordingly.
Family Reunification Directive	• Article 15(3) – Member States shall put in place provisions for granting an autonomous residence permit in particularly difficult circumstances.
EU Citizens' Rights Directive	• Recital 15, Article 13(2)(c) – Member States must safeguard residence rights for non-EU family members of EU citizens in cases of particularly difficult circumstances, such as domestic violence.
Victims' Rights Directive	• Recital 10 explicitly states that it does not address the conditions of residence of victims of crime. At the same time, Member States should ensure that victims' rights are not made conditional on their residence status, citizenship, or nationality. Reporting a crime and participating in criminal proceedings do not create any rights regarding residence status.
Violence Against Women Directive	• Recital 35 confirms that victims may be granted autonomous residence permits for humanitarian or compassionate reasons, and stresses attention to the special needs of vulnerable persons during return procedures.



Action 4 – Legal aid

Context

Access to legal aid is a key barrier to justice for undocumented migrant women. Undocumented migrants face significant challenges in securing legal assistance, including those held in detention centres.

Barriers include the high cost of legal services, limited availability of lawyers, and a lack of lawyers sufficiently specialised in migration law.¹¹⁴

Objective

Authorities should ensure access to legal aid, free of charge, to victims of crime, including when they

reside in settings of deprivation of liberty (e.g. detention centres).

Measures

✓ Provide legal aid, free of charge, to victims.

✓ Provide trainings for lawyers in migration law through a gender-sensitive approach.

Legal basis

Legislation	Provisions
Istanbul Convention	• Article 57 requires that “Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.”
Victim Rights Directive	• Articles 10, 13 & 14, and Recitals 34 & 47 – Victims have the right to participate in criminal proceedings and are entitled to legal aid and reimbursements to the extent permitted by national law.
Violence Against Women Directive	• Article 14(2) specifies that Member States may extend legal aid to victims reporting criminal offences, where provided for under national law.

¹¹⁴ FRA, 2021, [Legal aid for returnees deprived of liberty](#); Jesuit Refugee Service Europe, 2024, [Detained and unprotected: access to justice and legal aid in immigration detention across Europe](#)



Action 5 – Unconditional access to services, support and accommodation

Context

Besides providing emotional and psychological support, research by the EU Fundamental Rights Agency (FRA) shows that victim support services play an essential role in providing victims with information that is often beyond police capacity; for example about their rights, as well as practical information about their role in proceedings and what to expect.¹¹⁵

Victims who are unsure about whether to report to the police often decide to do so after contacting a

victim support service and receiving information and/or support from these services.¹¹⁶

For undocumented migrants - in particular women - challenges in accessing adequate support and protection services are even more acute. Barriers include exclusion from shelters, mental health care, and psychological support.¹¹⁷ Low trust in authorities and general exclusion from mainstream services, including healthcare, create additional burdens, leaving them more isolated and vulnerable.¹¹⁸

Objective

Authorities should ensure that undocumented victims of violence can access comprehensive, free, and confidential support services, including safe

accommodation, regardless of residence status and regardless of whether they have filed a formal complaint.

¹¹⁵ FRA, 2024, [Stepping up the response to victims of crime: FRA's findings on challenges and solutions](#)

¹¹⁶ FRA, 2024, [Stepping up the response to victims of crime: FRA's findings on challenges and solutions](#)

¹¹⁷ PICUM, 2022, [Unconditional access to services for undocumented victims of crime](#); END-FGM, 2021 [Support services for survivors of female genital mutilation in Europe](#); Position paper.

¹¹⁸ PICUM, 2023, [Migration status: A key structural social determinant of health inequalities for undocumented migrants](#); PICUM, 2022, [A snapshot of social protection measures for undocumented migrants by national and local governments](#)

Measures

- ✓ Inform undocumented victims about the possibility of accessing victim support and women specialist services, free of charge.
- ✓ Ensure undocumented victims are entitled to health care, including sexual and reproductive health services.
- ✓ Provide trauma and psychological counselling for undocumented victims.
- ✓ Guarantee that personal data, including residence status, are protected and not shared with migration authorities when accessing services.
- ✓ Provide access to shelters and interim safe accommodation for undocumented women survivors of violence.
- ✓ Carry out an assessment of individual needs promptly after the first contact to identify specific protection and support needs. This assessment should:
 - » Consider residence status, gender, age, disability, dependence on the perpetrator, risk of re-victimisation, and other vulnerabilities.
 - » Be regularly reviewed and adapted as needed throughout proceedings.
 - » Lead to tailored protective measures and support arrangements (e.g., safe housing, separate waiting areas, counselling, specialised escorts, support to address irregular residence status).

Legal basis

Legislation	Provisions
Istanbul Convention	• Article 20 – Victims should be provided with appropriate support services, including legal and psychological counselling and shelter accommodation. • Article 22 – States should provide victims with adequate and immediate specialist support services. • Article 23 – Victims should be provided with adequate and safe accommodation. • Article 24 – States must create 24/7, free and confidential telephone helplines for victims. • Article 25 – States must provide for free and easily-accessible centres that offer medical and counselling support to victims of sexual violence. • Article 26 – Victims' support services must consider the needs and best interest of witness children. • Article 18 – Protection and support measures are not conditional on victims' willingness to cooperate in criminal proceedings.

Legislation	Provisions
Victims' Rights Directive	• Article 4, Recital 21 – Victims have the right to be informed promptly of available support services • Articles 22-24, and Recitals 55-58 – Victims are entitled to individual needs assessments and to specific protection measures for the most vulnerable • Articles 8 & 9, and Recital 37 – Victims have the right to access tailored, free and confidential support services before during and after criminal proceedings. • Article 8 – Victims are entitled to support services whether or not a formal complaint has been filed. • Article 18, 19, 20 & 21 and Recitals 52-54 – Victims have the right to protection from secondary or repeat victimization, such as interim injunctions and restraining orders.
Violence Against Women Directive	• Recital 35 and Article 14 – All victims have the right to access support services and specific measures must be adopted for particularly vulnerable groups. • Article 25 – Specialist support services shall be available to victims, regardless of whether they have filed a formal complaint, and shall be provided in person, tailored to the needs of victims, easily accessible and readily available, including online. • Article 26 – Free and accessible rape crisis or sexual violence referral centres for victims of sexual violence shall be established. • Article 30, recital 67 – Shelters and interim accommodations must be accessible to victims and their dependents under 18, irrespective of their nationality or residence status.



Action 6 — Compensation and remedies

Context

Undocumented women who experience violence often face significant barriers to accessing compensation and remedies. Additionally, fears of detection, lack of legal aid, and difficulties in navigating complex legal systems further deter undocumented victims from pursuing compensation or other forms of redress.

Ensuring access to compensation and remedies is not only a form of justice but also a critical step toward recovery, economic independence, and empowerment for survivors of violence.

Objective

Authorities should guarantee that undocumented victims of violence have effective access to compensation from offenders and, where applicable, state

compensation schemes and civil remedies, regardless of their residence status.

Measures

- ✓ Ensure undocumented victims can claim and obtain compensation from offenders through criminal and civil proceedings without discrimination based on residence status.
- ✓ Allow access to state-funded compensation schemes for all victims of violent crimes, regardless of residence status or cooperation with law enforcement.
- ✓ Provide free legal aid and assistance to support victims in navigating compensation and remedy procedures, including for the execution of awarded compensation orders.
- ✓ Ensure compensation claims can proceed without risk of detention or deportation, including protection of personal data submitted in claims processes.
- ✓ Inform victims promptly and clearly about their right to compensation and available avenues to pursue it as well as about the process and outcomes of legal procedures.

Legal basis

Legislation	Provisions
Istanbul Convention	• Article 30 – Victims have the right to claim compensation from perpetrators. • Article 29 – Adequate civil remedies against perpetrators should be adopted.
Victim Rights Directive	• Article 16 – Member States must ensure victims of violent intentional crimes have access to state compensation schemes regardless of nationality or residence status.
Violence Against Women Directive	• Article 24 – Victims have the right to claim full compensation from offenders for damages resulting from offences of violence against women or domestic violence, in accordance with national law.

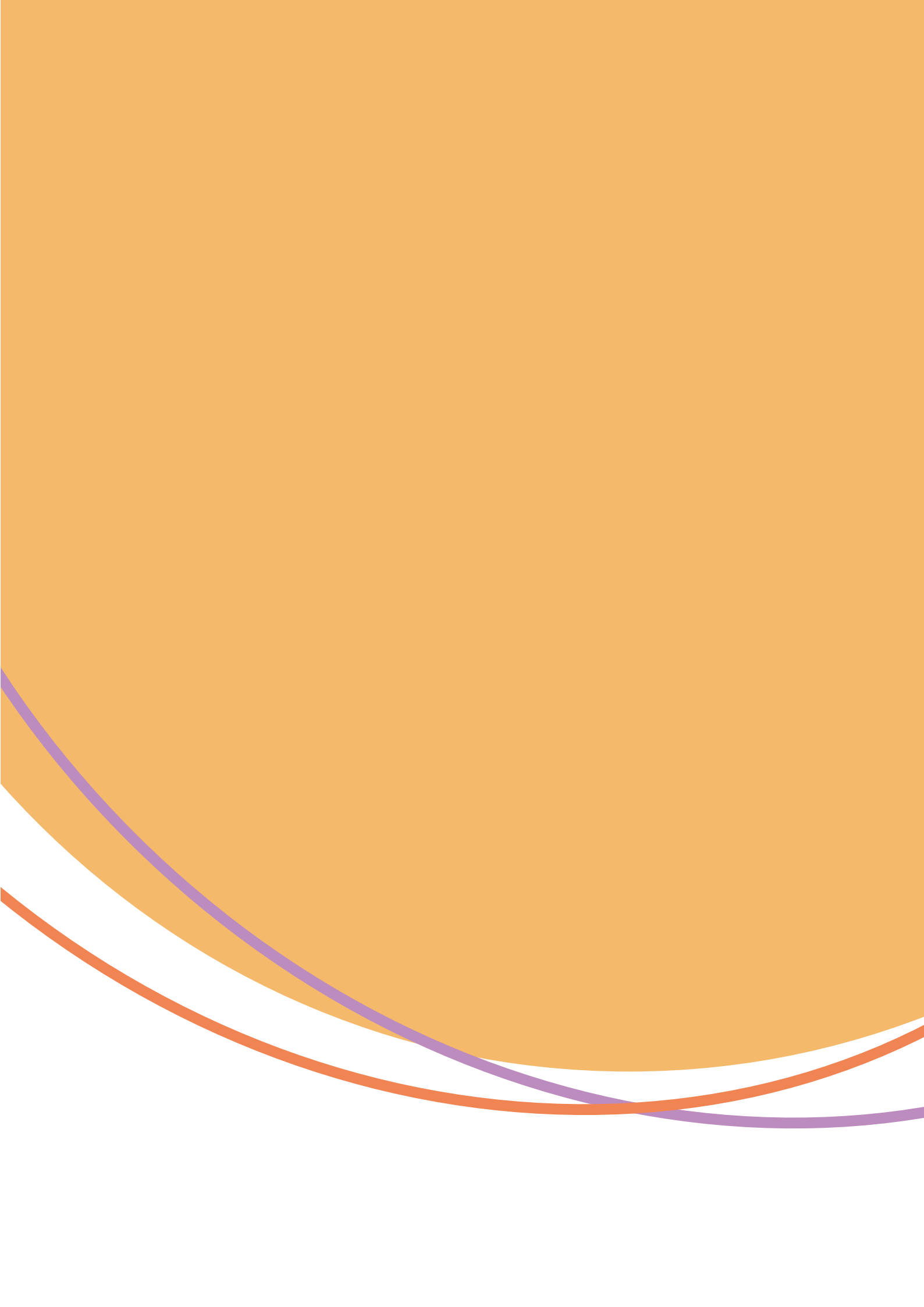
Conclusion

Guaranteeing justice and protection for undocumented women facing violence is an obligation grounded in human rights and essential to upholding the rule of law within the European Union.

The six actions outlined above, from safe reporting and access to information, to secure residence permits, protection from deportation, legal aid, comprehensive support services, and access to compensation, are mutually reinforcing and collectively indispensable.

They address the deep structural barriers that prevent undocumented women from seeking help, escaping violence, and rebuilding their lives in safety and dignity. Without these measures, undocumented victims remain invisible in the justice system and excluded from protection frameworks, leaving them at ongoing risk of abuse, exploitation, and repeated victimisation.

By implementing these actions, EU, national, and local authorities can create an environment where every woman, regardless of her residence status, can exercise her rights without fear. Ensuring that no woman is left behind is not optional: it is a necessary commitment to equality, dignity, and justice.





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for social justice.

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