



Quality in Gender+ Equality Policies

European Commission Sixth Framework Programme
Integrated Project

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Report Analysing Intersectionality in Gender Equality Policies for Portugal and the EU

Institute for Human Sciences (IWM)
Vienna
2008

Preferred citation: Alonso, Alba and Fernandes, Inês Nunes (2008): *Report Analysing Intersectionality in Gender Equality Policies for Portugal and the EU*, QUING Project, Vienna: Institute for Human Sciences (IWM), available at http://www.quing.eu/files/results/ir_portugal.pdf.

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1. Introduction.

Intersectionality has emerged as a key research topic during the last decade (See for instance Hancock, 2007; Verloo, 2006; Brewer *et al.*, 2002). The underlying idea of this new issue is that public policies must take into account intra-group diversity and individuals who are at the intersections of different inequalities. This means that inequalities not only appear as separated but also as added and/or interconnected. Due to the fact that this is an emerging debate, new analyses are still needed in order to provide more findings. This STRIQ report on intersectionality aims to contribute to filling this gap by analysing the case of Portugal. Specifically, it seeks to shed light on the extent to which a political intersectionality approach has been put into practice in this country.

Generally speaking, our analysis shows that an intersectional perspective has only recently been introduced in Portuguese policies. Although we can find references to several inequalities during all the QUING period (1995-2007), it is clear that the more recent texts include an intersectional perspective to a greater extent than earlier texts. This is the reason why we address not only Portuguese selected documents which were coded for the previous QUING reports, but also additional documents specifically chosen in order to update our conclusions on intersectionality. These new texts have been gathered with the aim of including further considerations to develop those achieved in the LARG report and to explore whether shifts towards intersectionality are happening at this very moment in time.

Regarding the QUING period, it is worth noting that Portuguese actors (institutions, civil society) are aware of the existence of several inequality axes but despite this usually describe them as separated (see Hancock, 2007). This separate approach implies that the antidiscrimination legal framework covering many grounds of discrimination does not take into consideration that inequalities may interact. Moreover, equality machineries are expected to promote their own aims, with no connections among them. Civil society is slightly more concerned about this topic but the scope of inequalities covered is mainly limited to class, age and/or gender. Intersectionality is actually embryonic in the QUING period (1995-2007). Inequalities are mentioned and officially addressed by laws and policies, though intersectionality is far from institutionalised.

If we go beyond coded documents, the reasons for the belief that intersectionality is an incipient issue in Portugal become clear. Examining the changes during the period 2007 to 2008, we realise that intersectionality has become institutionalised to some degree. The EU appears as the underlying cause of these shifts, since some of the current European objectives have triggered this institutionalization process. Indeed, new plans concerning European priorities have led not only to new policy aims (i.e. social inclusion, equality for all etc.) and strategies (mainstreaming social inclusion), but also to the emergence of new interdepartmental structures and participatory bodies. The main purpose was to develop a transversal perspective within which governmental bodies as well as civil society act jointly in order to introduce an intersectional perspective. In this case inequalities become much more

embedded in policy making, not only because they are considered as relevant but also given the fact that they are described as interacting with each other. Unexpectedly, these significant steps towards intersectionality mean that Portugal is an interesting case for analysis.

With the purpose of assessing how intersectionality has been put into practice, we address three main issues: 1) the institutionalization of intersectionality; 2) the presence of intersectionality within civil society and; 3) framing intersectionality. In order to accomplish these three objectives, we start by providing a literature review in section 2. This provides a clearer vision on how intersectionality has been analysed so far within the Portuguese literature, as well as indicating the main gaps/pending questions at the moment. Section 3 then focuses on addressing how gender equality has been framed or defined in each of the QUING issues (general gender equality legislation and gender machinery, non employment, intimate citizenship, and gender based violence). It also provides key information about the evolution of gender policies in Portugal. Section 4 centres on describing the institutionalization of intersectionality by analysing the antidiscrimination legal framework, equality machineries as well as recent plans, which represent a turning point in Portuguese intersectional policies. After acquiring more knowledge about the institutional level, section 5 provides key information on how civil society is dealing with intersectionality. This section takes into account not only their intersectional concerns, but also highlights their engagement in the emerging participatory bodies. The final sections, 6 and 7, address how intersectionality has been framed in all of the QUING issues. We try to distinguish how intersectionality is named within Portuguese policies and the main inequalities that are tackled. In addition, we pay attention to differences among issues as well as differences according to the type of document (institutional and civil society texts). Section 7 specifically focuses on turning points and emerging trends. Finally, section 8 offers an overall summary and concluding remarks in view of the gaps identified in the literature review. In an annex to the report, four tables summarise occurrences of intersectionality in the Portuguese coded documents.

2. Literature review.

One of the main emerging debates within the literature related to gender policies is the one focused on intersectionality issues. There is a common concern with how public policies can take into account people's diversity in order to avoid essentialism and to combat discrimination (Verloo and Lombardo, 2007; Verloo, 2006; Brewer *et al.*, 2002). This shift to an intersectional approach is needed since inequalities not only appear as separate but as multiple or added. Scholars have named this as multiple burdens (Crenshaw, 1989), intersectional subordination (Crenshaw, 2002) or multiple systems of oppression which are mutually reinforcing (Brewer *et al.*, 2002). Taking this into account, public policies can no longer be blind to the fact that multiple forms of discriminations occur simultaneously. According to Crenshaw, they must tackle two main gaps, namely super-inclusion and sub-inclusion problems (Crenshaw, 2002). The former means that a problem belonging to one group (i.e. black women) is described as general (seen as only gendered); in contrast, the latter emphasises that one problem could be seen as specific since the general group (i.e. women) doesn't have to face it (it is seen as only related to race). In both cases the correct option would be to not only gender the problem but also to *racialise* it (Browne and Misra, 2003).

Concerning our research, we pay special attention to Hancock's typology regarding intersectionality in public policies. She establishes three main categories in order to differentiate between policy approaches (Hancock, 2007). First, a unitary approach is present when each inequality is addressed separately, one by one. The multiple approach, which represents a step forward, tackles more than one inequality and treats them equally. Finally, intersectionality also considers several inequalities but opens debate about how they interact, moving to a more dynamic approach. This typology will be used in order to assess the extent to which Portuguese policies fall into the latter category.

Regarding the Portuguese literature, intersectionality is almost inexistent. No debate has emerged about how inequalities interact or how public policy could tackle their intersections. Although a theoretical debate does not exist, we can find several analyses focused on describing some concrete situations, namely those belonging to individuals within the intersections. This is the case of literature concerning for instance migrant or poor women. Indeed, the most prominent issues are: 1) interaction between class and gender, mainly regarding segregation within the labour market; 2) the specific situation of migrant women according to their class, race or family status and; 3) discrimination based on the ground of sexual orientation.

Class and women's diversity.

Regarding the first branch of research, several studies try to address the special situation of Portuguese women within the labour market. Scholars compare labour and employment statistics demonstrating smaller disparities between male and female

employment in Portugal than those registered in more developed countries¹ (Ferreira, 1999; André, 1996). Part-time jobs are unusual, women's representation in the central segments of the labour market is relatively high and, among young people, women show a higher level of education than men. It is argued that in Portugal a strongly interventionist (though economically weak) state, incipient technological and economic development, flexibility evidenced by families in the allocation of the labour resources of their members, a rigid social structure, and weak familial geographical mobility, conjoin in the employment system in such a way that the effects of gendered segregation originating in economic growth are softened (Ferreira, 1994). In spite of those differences, research also points to other rates which are very similar to those in other countries. This is the case for the gender pay gap, sexism and sexual harassment at the workplace or discrimination based on pregnancy (Estanque, 2004).

In addition, some studies take into consideration the existence of deep differences between classes in Portugal, assessing how and when these affect women. Thus, Coelho argues that class provokes serious inequalities among women, since huge differences exist between those who are skilled and those who are not (Coelho, 2004). The former have much better wages and better access to care facilities, mostly provided by their unskilled counterparts. As a result, the latter have to face added inequality axes, namely "class" and "gender", which implies receiving less income and having double care responsibilities.

Moreover, territory of origin is considered relevant. As Ribeiro has shown, this factor interacts with class and gender causing phenomena such as the feminine emigration from the less developed Northern Portuguese regions to other European countries (Ribeiro, 1998).

Similar analysis can be found regarding "gender", "age" and "class". Authors such as Vaz emphasise that when those inequalities act in combination, differences among women become greater (Vaz, 2004). This is the case for elderly women, whose economic and social position is determined by at least three inequality axes.

Studies concerning gender based violence also pay particular attention to the role of class. Authors such as Casimiro analyse perceptions of marital violence, concluding that they vary according to the social class involved (Casimiro, 2002). Indeed, underprivileged women associate violence with physical force while in the more privileged social groups the psychological aspect is emphasised. Tolerance to violence appears higher in women with lower levels of education working in less-qualified jobs, while the inverse is true among women with higher levels of education and cultural capital.

When referring to trade unions, several commentators have pointed out their limited role in promoting gender equality. A long evolution was needed so that their activities were less class oriented and more concerned with gender relations (André, 1996; Ferreira, 2002). As a result of this transition, special Equality Committees were created within trade unions and several actions were carried out in order to achieve greater gender equality, mainly at the workplace.

¹ Rates exceeding the EU average are for instance those related to employment (61.7%) or unemployment (8.7%).

The feminization of migrations: gender, migrant status and class

Regarding the second branch of research, the current decade has witnessed a huge increase in migration oriented analyses. Policies, migrants' profiles or migrant participation within civil society are good examples of the issues addressed (Teixeira and Albuquerque, 2005; Fonseca *et al.*, 2007; Peixoto *et al.*, 2005; 2008; Baganha *et al.*, 2004). This is due to the fact that migration is a recent phenomenon in Portugal, starting with the decolonization process and with access to the EU. We also can observe a great interest in analysing the position of migrant women, given that female migration is gaining momentum in Portugal. Thus, in 2003 they represented 52.4% of people applying for residence and in 2004 they represented 45% of all foreign residents in Portugal (European Commission, 2006). This feminization of migration has led to an increased literature focused on migrant females. The main questions are: 1) what is their situation within the labour market; 2) how do they deal with care work; 3) how are they affected by gender based violence, namely prostitution and trafficking and; 4) how are public policies tackling their problems?

Concerning the labour market, scholars aim to describe the situation of migrants. They analyse features such as their internal diversity based on the country of origin, their lack of skills or the economic sectors where they are employed (Fonseca *et al.*, 2005; Peixoto *et al.*, 2008). Beyond this general overview, some research focuses on certain groups of migrants, mainly female. This is the case in a European Report concerning gender and risk of poverty. It states that in the case of Portugal, migrant women have some special features. For instance, they "have higher average educational qualifications than the Portuguese population and are overqualified for the jobs they occupy, obtaining more precarious working conditions and lower salaries than the Portuguese workforce" (European Commission, 2006). On the other hand, a lack of access to the labour market², low paid jobs and horizontal segregation are considered the main forms of disadvantage which are similar to other countries.

Other interesting findings are pointed out by a research project called "Migrations and Economy- more economic worth of migrant women in EU Member States". It not only concludes that this collective has mainly temporary jobs within certain sectors (domestic work, trade, hotel business etc.), but also gathers data about how migrant women perceive discrimination (Ruiz-Rios, 2005). It emphasises that 69% of those women interviewed considered that they had suffered discrimination, most of them because of their race/migrant status (67.3%) and a minority because of their sex (32.2%). These findings show the ways "class", "gender" and "migrant status" can interact in shaping migrant women's experiences.

When referring to migrants from the EU, some scholars pay attention to their special relation with the labour market. For instance, Perista analyses how females coming to Portugal because of their husband's job usually give up their own career and

² In 2001, the unemployment rate among migrant women was 14.4%.

become focused on care work (Perista, 1998). In this case, “marital status” is considered to interact with gender and migrant status.

Care work and reconciliation are also addressed by some studies. This is the case in the project led by Karim Wall and José São José called “Managing work and care: a difficult challenge for immigrant families”. It explores the strategies used by immigrant families to reconcile work and care for young children in Finland, France, Italy and Portugal. For the latter country, it confirms that almost all immigrant families suffer from the absence of close kin networks to support childcare, strong pressure to work and from work (long or atypical hours) and various integration problems such as social isolation, lack of information on services, and problems with housing (Wall and São José, 2005). Moreover, these general findings vary to some extent according to class. Indeed, they found out that highly qualified “professional migration” is more associated with extensive paid delegation (often private and high-cost), “marriage migration” is much more mother-centred, and finally, “unskilled worker migration” is much more related to low-cost solutions, supplemented by workplace care (i.e. where women have to care for their children at their workplace), and older children providing care. As we can see, care and reconciliation tasks are closely linked to “gender”, “class” and “migrant status”.

Regarding gender based violence, some research analyses the situation of women within brothels and clubs. Prostitution is mainly addressed taking into account that the majority of women working in this activity come from countries outside the EU and are illegal immigrants (Oliveira, 2004; Ribeiro *et al.*, 2005; Peixoto *et al.*, 2005; Antunes Maia, 2006). They are described as being much more vulnerable to unemployment and social exclusion because of their status. For this group, prostitution appears as the main labour opportunity. Moreover, being an illegal immigrant affects concrete situations such as the frequency in attending public health services (Ribeiro *et al.*, 2005). Once again, “class”, “gender” and “migrant status” act jointly to determine women’s situation.

In relation to public policies, some scholars have analysed the concrete difficulties experienced by migrants. Concerning health policies, it is commonly accepted that migrants have worse access to health services (Vala; Fonseca *et al.*, 2007) given that class, migrant status and also race interact in this issue.

Considering gender, one key issue is migrant reunification policies. Research has pointed out that those policies are deeply gender blind (Fonseca *et al.* 2005a, 2005b). This is due to the fact that migrant women are conceived as dependent and in order to gain entry into Portugal they must obtain authorisation from their husband or father. As a result, their citizenship remains linked to their family, which dissuades them from, for instance, getting divorced or denouncing gender based violence. In addition, there are restrictions on access to the labour market for spouses/partners, making them even more dependent.

Cardoso appears to be the only researcher addressing the extent to which Portuguese policies are dealing with different inequalities (Cardoso, 2000). Starting from the literature about multiple inequalities, he states that even if authorities are developing an intercultural discourse, public policies are still non intersectional. Gender

and ethnicity are considered good examples of the main inequality intersections that have never been tackled by Portuguese policies. This is the case for gypsy women, for example, whose education rates and level of political participation are still very low. Cardoso states that those types of inequalities necessarily imply intersectional policies, where gender and ethnicity are tackled jointly by positive actions for instance.

Authors such as Ferreira da Silva also analyse the position of gypsy women, but in this case in relation to Portuguese health services (Ferreira da Silva, 2005). She states that class (having no access to the labour market), ethnicity (racism) and gender are interacting to bring about a lack of access to the public health system.

Sexual orientation and queer theory

Apart from class, ethnicity and migrant status, some scholars have paid attention to sexual orientation as a key inequality axis. In the Portuguese literature there are at least two main sub-issues: 1) the history of the LGBT movement; and 2) current challenges such as intersectional identities. Regarding the first topic, research has focused on describing how the LGBT movement emerged in Portugal, addressing the main turning points within this progressive evolution. Those highlighted include those related to the AIDS epidemic in the 80's, access to the EU and the establishment of alliances with other social movements (Cascais 2006, Santos, 2004; Santos e Fontes, 2001). Concerning the latter, it is commonly accepted that networks among the LGTB movement, women's organizations and left-wing parties have emerged over recent years. Those alliances have led to successful results such as large campaigns regarding the referendum on abortion in 2007.

In relation to these new convergences, and with queer theory as well, some scholars have addressed the existence of multiple inequality axes, asking whether or not new political approaches are needed (Rocha, 2005a, 2005b; Santos, 2005). The starting point is that identities are composed by several subordination axes such as gender, ethnicity, class or religion. In addition, those identities are considered as more provisional than fixed, so it's more appropriate to qualify them as transitory and intersectional. Otherwise, the adopted perspective would be too essentialist. This may be the case in feminist or LGBT movements, which usually disregard other subordinations in order to emphasise their own priorities (Rocha, 2005b; Santos, 2004; 2005; 2006). The recommended approach is one in which inequalities are taken into account because of their relevance in each context (Rocha, 2005b). This question has been addressed by several other scholars, with the purpose of assessing whether or not it is necessary to prioritize among inequalities (Browne and Misra, 2003; Verloo and Lombardo, 2007).

Concluding remarks and pending questions

In spite of these positive findings, which are more or less the beginning of a theoretical debate about intersectionality, the Portuguese literature on intersectionality is rather scarce and predominantly descriptive. As implied above, little debate has emerged defining intersectionality or describing how public policies could deal with multiple-discriminated groups. Research has been focused on describing the concrete situations of certain groups, mainly related to migrant females. In relation to Hancock's literature review, the Portuguese literature is more focused on giving us a static portrait of some individuals rather than tackling interactions among dynamic inequalities (Hancock, 2007). As a consequence, studies display an incipient intersectional perspective within which inequalities are mainly addressed in a separate way. Indeed, intersectionality has never been explicitly mentioned until now. Due to this lack of development, public policy analyses and theoretical debate seem to remain untouched by intersectional concerns.

Given this limited starting point, this report aims to address some of the main gaps in the Portuguese literature. Generally speaking, the main issue underlying our analysis is:

- To what extent is intersectionality present in gender equality policies?

One set of questions relate to how far this strategy has been institutionalised:

- What is the main legislation about antidiscrimination? Is it a separate piece of legislation or a combined one?
- What are the main institutional bodies dealing with inequalities?
- To what extent are they tackling several inequalities at the same time? How are they coordinated?
- Can we find some evolution towards intersectionality?

A further set of questions address civil society's role:

- What types of organizations do exist in Portugal?
- Are they tackling more than one inequality?
- Are they better at doing intersectionality than institutional actors?
- To what extent are they establishing alliances or generating conflicts because of intersectionality?
- Have Portuguese institutions facilitated civil society engagement in policy process?

Regarding the framing of intersectionality, the following questions are raised:

- How is intersectionality named? Is it referred to explicitly or implicitly?
- What is the prevailing approach according to Hancock's typology; the unitary or the multiple one?
- Are these intersectional concerns displacing gender?
- To what extent are the inequalities included in each issue (gender policies, non employment, intimate citizenship, gender based violence)?

3. The range of the meanings or frames concerning gender equality in gender+ equality policies

In this section we seek to provide a summary of the evolution of Portuguese gender policies. We do so by providing key information about each sub-issue, as well as about the frames concerning gender equality referred by each kind of actor.

3.1 General Equality Policies in General Legislation and Machinery

Concerning Portuguese General Equality policies, the principle of equality has been a fundamental principle since the Constitution of the Portuguese Republic of 1976, but subsequent revisions reinforced some aspects of this principle. The revision of 1997 is particularly important in regard to creating important conditions for progress on matters concerning equal opportunity and discrimination. In article 9 of the Constitution - *Fundamental tasks of the State*; a new paragraph (h) was added: “To promote equality between men and women”. This inclusion was a very important step, because it alludes to the State being obliged to *promote change*, instead of simply ensuring the right to change. Likewise, Article 26 - *Other personal rights*, was also altered and important dispositions were introduced in the final part of paragraph 1, namely establishing the right to legal protection against any form of discrimination: “Everyone shall possess the right to a personal identity... and to legal protection against any form of discrimination”. Another major legal change was to Article 109 - *Political participation by citizens of the Republic*. In this article, the “direct and active participation of citizens in political life” was changed to refer expressly to “men and women”. That is, “The direct and active participation of men and women in political life constitutes a condition and a fundamental instrument of consolidation of the democratic system and the law must promote equality in the exercise of the civic and political rights and non-discrimination in terms of gender regarding access to public positions”. This was an important stepping stone since it introduced the state’s responsibility to promote equality in the political realm as a way to consolidate democratic principles. This legal change also potentially enables the state to advance special measures of positive discrimination to ensure women’s political participation and access to public office.

The Decree 15/2002 of 8 March of the President of Republic was also an important marker given that it ratified the Convention Against All forms of Women’s Discrimination, adopted in New York on October 6, 1999. This marked the twentieth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women by the General Assembly of the United Nations. On December 10 1999, the Optional Protocol to the Convention was opened for signature, ratification and accession. The Convention was ratified or acceded by 167 States, including Portugal.³ Following this ratification, several other resolutions were approved,

³ <http://www.un.org/womenwatch/daw/news/ye0401.htm>

including Resolution 184/2003 of the Council of Ministers, which approved the II National Plan for Equality, and Resolution 82/2007 of the Council of Ministers approving the III National Plan for Equality.

Regarding how the Equality Plans are organized and set up, Dina Canço⁴ states that the recently approved and published (2007) III National Equality Plan (III PNI), started as a first draft presented by the CIDM (Commission for Equality and Women's Rights), which was later reformulated and transformed into a proposal. Following this, there was a process of public consultation in which the proposal was in the Government portal, with an invitation for people to contribute. The proposal then went to the Council of Ministers and was approved.

In terms of how the Equality Plans are put into action, the main entity responsible for coordinating the execution of such plans is the CIG (Commission for Citizenship and Gender Equality, replacing the CIDM) in cooperation with all the Ministries. In terms of how these Plans are evaluated, the CIDM has its own internal evaluation in which other institutions can also participate (e.g. the Centre of Social Studies). Most of the Equality Plans are the result of the transposition of the most recent EU Equality directives and intersectionality is understood within these plans as positive measures applicable to some migrant groups under the umbrella of Human Rights. Other examples of EU equality directives that led to some controversy, sometimes due to their incomplete transposition into national law, were: the Racial Equality Directive 2000/43/EC, Directive 2000/78/EC, Directive 2004/113/EC, and Directive 2002/73/EC,

From the results of our frame and voice analysis presented in the LARG Report, there was a clear evolution in how problems are framed through the three National Plans for Equality (I Global Plan for Equal Opportunities 1997; II National Plan for Equality 2003-2006; and the III National Plan for Equality 2007-2010). On the one hand the emphasis on a technical approach evolves to a more sociological approach, and on the other hand, gender equality framing becomes less connected to family and employment issues and more to citizenship and democracy.

In fact, Resolution 49/97 of 24 March 1997 of the Council of Ministers approved the I Global Plan for Equal Opportunities which gathered a set of political measures in diversified areas, supposedly introducing a mainstreaming perspective to equality. This Plan was intended to modify the framework of equality law and policies in Portugal and it was the first initiative of the government to exclusively promote equal opportunities in all sectors of policy-making. However, this I Plan named gender equality basically as equal opportunities and the so called "all sectors of policy making" were mostly reduced to family and employment. Therefore, a naming (labelling) / framing conflict within this Plan may be highlighted. In the diagnosis, this document mentions the need of real and effective equality, yet the measures towards equal opportunities mentioned in the prognosis appear insufficient. Also, there is an interesting link between equality and family (since reconciliation is seen in this plan as a private issue), highlighting a conservative approach.

⁴ CIDM's administrative, interviewed by email in July 2007.

The II National Plan for Equality evolves in relation to the previous plan; a gender equality perspective has become integrated systematically in the elaboration of policy action measures and in the political agenda. Yet, in this plan equality is mostly perceived as equal participation.

The III National Plan for Citizenship and Gender Equality's core goal is promotion of gender equality; more specifically: the fight against gender stereotypes; the integration of gender mainstreaming concept as guiding principle; the guarantee of the fulfilment of the right to equality; and the integration of gender equality in all political domains and social reality. Gender inequality is framed by the problems exposed (weak representation of women in decision making processes, intensification of gender based violence; the unequal share of family and domestic responsibilities; the vulnerability to poverty and social exclusion; the horizontal and vertical segregation in the labour market; and job insecurity, which increases the gender pay gap, gender stereotypes) leaving other problems to remain in the shadow. Problems are located mainly in the public sphere and women are the target group of multiple discriminations situations accumulatively. On the other hand, the understanding of equality in the prognosis is mostly (and merely) equal participation and multiple discriminations are not mentioned.

Regarding the approval of the new Commission for Citizenship and Gender Equality- CIG in 2007(the main governmental structure on gender equality), replacing the former Commission for Equality and Women's Rights – CIDM, a link between gender equality and citizenship emerged. Through this link, gender equality is seen as a more public issue, connected to citizenship status/ democracy, which is more advanced than connecting gender equality only to family and employment. This link between equality and citizenship may be merely rhetoric or constituted as an empty signifier, but it is interesting. Thus, it is not surprising if within governmental plans the broad framing of the policy is "equality" (unlike legal documents), with "human rights" (appearing in the three National Plans for Equality) as an important adjacent frame, together with "good governance", "economic development", "capabilities/well being" and "crime and justice" (also in the National Action Plan for Inclusion). Connected to this finding that gender equality is related to citizenship status/democracy is the fact that among all the legal documents (such as the CEDAW Protocol) analysed and presented in the LARG Report on this issue, the broad framing of the policies is "human rights" rather than "gender equality".

Also, from the frame and voice analysis presented in the LARG Report and the sources provided within the Issue Histories Report, the prominence of national governmental plans and the lack of civil society documents on Portuguese General Gender Equality policies become clear. Most of the documents within this issue focus, in fact, on institutional actors, revealing a clear absence of civil society actors, namely feminism connected to civil society (only femocracy appears and then only rarely). However, civil society documents are the ones that have the richest diagnosis and that criticize governmental plans for never questioning the situation and only presenting solutions to the evident problems. One aspect has to be emphasised: the need of an urgent symbolic change emerges only in this type of documents. Also, civil society

documents frame gender equality in a broader way than other documents and mention more active actors (i.e. if such references are a delicate subject to deal with, civil society voices are the ones that recognize it). An example of how civil society plays an important (though silent) role in general equality policies is the position of the Portuguese Platform for Women's Rights on the National Reference Framework 2007-2013. In this document the Platform encourages the government to use the framework as a tool to achieve gender equality. This emphasis on political instruments to change social reality denotes the crucial role of polity. It is interesting that according to this NGO, a top-down strategy should be implemented, to use the framework in order to promote social change and reach equality. Thus, it is not surprising to realise that civil society documents frame gender equality broadly compared to the other documents; implementation of a top-down strategy, using a strategic framework to promote social change and reach equality, confers a crucial role to polity and the broad framing of the policy is predominantly equality, but also well being, human rights and economic development.

Concerning the main target groups for gender equality to be achieved within Portuguese general equality policies and machinery, women are the most frequently named both in the objectives and policy actions of the documents analysed. Men and women together are also identified as target groups in several objectives and policy actions. Concerning policy actions, other important target groups are de-gendered non-institutional actors such as "citizens" and "Portuguese". NGOs, enterprises, social partners and the State are also target groups mentioned in the general equality documents. An interesting aspect is that "victims of gender based violence" also appear as a target group in this type of document. In fact, it is clear that gender based violence is a problem attached to women victims of violence in the Portuguese general equality documents. While victims are emphasised, aggressors are absent or implicit and the government names the problem as "gender" based violence (I Global Plan for Equal Opportunities), which denotes another naming/framing conflict. Also interesting is the fact that in this same document women are the target group of reconciliation measures (revealing a biased approach) and reconciliation is linked to the family (conservative approach).

The most frequently recognized responsible actors are mainly the former Commission for Equality and Women's Rights and the new Commission for Citizenship and Gender Equality. Also important as responsible for the change are the Government, enterprises and social partners.

Another interesting issue is whether gender equality is mostly seen as a means to achieve another policy goal or as an end in itself. Within legal documents, gender equality is relevant and wanted as a means for a policy goal. Gender equality is seen as a strategy and the dominant vision is sameness, with equal treatment as the dominant strategy. However, within the three National Plans for Equality gender equality is relevant, wanted as an end in itself and seen both as a vision and as a strategy (except the I Plan that wants gender equality as means to achieve a policy goal and sees it clearly as a strategy). All plans see equality as sameness (vision) and the main strategy is equal treatment. Regarding civil society documents, the use of

gender equality is relevant and there is a defence of equality as an end in itself (in fact, both documents criticize the “equality objective” as a strategy to achieve further aims). Both see equality as a vision through transformation, with this also being the most important strategy.

3.2 Non Employment:

The four sub-issues within non-employment (tax and benefits; care work; reconciliation between work and family life; and equal pay) have different levels of salience in Portuguese civil society. Reconciliation of work and family is definitely the most important gender related topic within this issue, followed by the gender pay gap; care work and informal work; and finally tax-benefit policies. In general, none of these sub-issues is very much debated in Portugal. Compared to other issues, namely *intimate-citizenship* and *gender based violence*, this is definitely the least debated. This finding is rather surprising if we consider that employment related topics in general are among the most debated topics in Portugal, though not from a gendered perspective. Also, non-employment was the most difficult issue in terms of dealing with the sub-issues together when doing frame and voice analysis. The differences and divergences between the different sub issues are so clear that it becomes an obstacle when looking for general features.

Concerning tax-benefit policies, policies oriented towards fighting poverty were considered: Minimum Guaranteed Income (introduced in 1996)⁵, and later called Social Integration Income, and the Solidarity Complement for the Elderly (in 2005). “In Portugal there is a clear feminization of poverty, which is even stronger among the elderly. (...) Among people over 65 years old, 31% women and 28% men still vulnerable to fall under the poverty line. In fact, 53% of the people receiving the Social Integration Income in December 2006” and 80 % of the people receiving the Solidarity Complement for the Elderly in March 2006 were women (Lusa, 04.03.2006). Contrary to what might be the case in other countries; pensions are not subject to a gender oriented debate in Portugal, at least within the QUING period. Law Decree 329/93, of 25 September increased the minimum retiring age for women from 62 to 65 years old. Since then, men and women have the same age for retirement. Although there is a hot debate on the minimum age for retirement within the civil society, it is largely not gendered. The only two actors defending a decrease in the minimum retirement age mainly for women are the Communist Party and the right-wing Centre Social Democrats (CDS)⁶.

The policy documents sampled and analysed through frame and voice analysis (presented in the LARG report) within the topic of tax and benefits were the Law 19-

⁵ Law 13/2003 of 21 May revoke the Minimum Guaranteed Income and created the Social Integration Income.

⁶ In the interview, Virginia Ferreira, stated that we should not include pensions in the report, but rather the more poverty oriented policies which we included.

A/96 of 29th of June that creates the minimum wage, instituting a benefit of the non contributory regimen of social security and a programme for social inclusion; the parliamentary debate concerning future Law 19-A/96 of 29th of June; the XIII Constitutional Government Programme 1995 – 1999 with concern to “Solidarity and Social Security”; and the Action Plan, 15 April 2005, by the Commission for Equality between Women and Men from the national trade union CGTP.

On the topic of care work, some kinds of informal (or semi-formal) jobs persist in Portugal, and women are overrepresented in many of them. Three very important examples are domestic service, family agriculture, and home working. Despite the fact that there is a high percentage of domestic workers in Portugal⁷, the actual legislation on domestic service is from 1992 (Law Decree 235/92 of 24 October). Furthermore, although there is a special regime for domestic service within the social security system, many of these women are not in the system since their bosses refuse to pay their contribution. The situation tends to be worse in the case of immigrant women (Sanches, 02-11-2005). Concerning family agriculture, it is not possible to estimate precisely the number of unpaid workers in family companies in Portugal. According to the economist Margarida Lopes, this low paid feminist labour makes a huge contribution to agriculture (Cal, 1998). There is no legislation on this kind of work and many of these workers do not pay social security since their income is not high enough. Home working is relatively common in Portugal in some industrial sectors, namely textiles, clothes and footwear. While the first attempt to define home working in legal terms occurred in 1991 (Law Decree 440/91), in practice “(...) most of the companies which employ home workers apply little of this legislation”⁸. On this topic, the policy documents analysed were the Law Decree 19/2004 of 20 January which updates the values of the national minimum salary (that takes into consideration domestic workers); the XIV Constitutional Governmental Program 1999 – 2002 with concern to equal opportunities; the Petition (May 2007) from the Campaign “Who cares?”, originally by European Women's Lobby, translated into Portuguese by the Platform for Women's Rights; and the EQUAL Project “Domicile Work/measures and intervention strategies” which started in 2002.

Irrespective of the intensity of the debate, reconciliation of work and family life in Portugal is an issue in itself, in the sense that it is objectively and deeply about gender inequality. Portugal has one of the highest female employment's rates in Europe and simultaneously is one of the European countries where the domestic tasks are least shared between men and women (Ferreira 1999; Torres 2005; among many others). This resistance to change is probably related to the fact that until twenty years ago Portuguese society was regulated by a legal stipulation that domestic work was a woman's obligation. In legislative terms, the topic of reconciliation has been tackled only through maternity and paternity rights. The first law on this topic appeared in 1984 and it has been through several changes since then. Among other things, throughout

⁷ “According to the 1991 Census, 19% of working women are domestic workers or *concierges* (...)”. <http://www.lxxl.pt/babel/biblioteca/women.html>

⁸ EQUAL Project's “Trabalho no domicílio/medidas e estratégias de intervenção” Rationale, <https://webgate.ec.europa.eu/equal/jsp/dpComplete.jsp?cip=PT&national=2001-261>

the years, the number of maternity license days has been extended and the possibility for the father to use the licence days was introduced. Contrary to the situation in other European countries; part-time jobs are unusual among Portuguese women (André, 1996). Flexibility of working times due to parenthood, although covered in legislative terms since 2000 (Law Decree 70/2000), is also not common in Portugal⁹. Besides laws, the reconciliation topic has been present in every national initiative concerning employment, namely the National Plans for Employment, National Plans for Inclusion, but also in the National Plans for Equality and Government Programmes. In relation to reconciliation, we considered that the most interesting documents to analyse were Law 99/2003 of 27 August, that approved the new Labour Code, and the related parliamentary debate; the III National Plan for Equality: Citizenship and Gender 2007 - 2010; and the publication “Is reconciliation just about women?” by the Portuguese Platform for Women’s Rights.

Another gender inequality topic within employment in Portugal is equal pay. The salary ratio between men and women has shown a tendency, although slight, to widen¹⁰. This is true mainly for the private sector¹¹. This fact is particularly alarming because some studies show that more than one-quarter of the Portuguese women depend entirely on their partners’ salary, mainly those who have low educational levels (Coelho, 2006). Given that equal pay between men and women is considered a basic principle at the European level (since Rome Treaty, in 1957) Portugal could not avoid facing it. In legislative terms, the inclusion of this principle actually anticipates EU integration since it has been included in the Portuguese Constitution (art^o 59, n 1) since its approval in 1976. In 1999, Law 118/99 started considering the violation of the principle of equal remuneration for equal work (or work of equal value) a “very serious offence”. The legal document analysed within the issue of equal pay was the Law 118/99 of 11 August, which developed and specified the general regimen of labour offences, through the type and classification of offences that correspond to violations of the regulation of diplomas of the general regimen of labour contracts, and the parliamentary debate that was in its origin. Also, the Annual Report on Equal Opportunities between Men and Women at Work and Training 2005 by CITE (Commission for Equality at Work and Employment); the National Plan for Employment 2002; and the Programme (May 2000) ‘Union values in a changing world’, by UGT (General Worker’s Union).

From the results of our frame and voice analysis within the issue of non employment and considering the lack of debate and gender perspective on these topics within Portuguese society, it is rather surprising that the broad framing of the policies (within the analysed legal documents) is “equality”. However, it is quite fitting that two out of four legal documents are de gendered and that “economic development” and “capabilities/well being” appear as important adjacent frames. Also, as expected,

⁹ On the 8th of July 2007, we interviewed the expert in gender questions concerning employment, Virginia Ferreira. She told us that flexibility of working times only happens in an informal way, by agreement between both parties; therefore, only in small companies.

¹⁰ <http://www.lxxl.pt/babel/biblioteca/women.html>

¹¹ Information provided by Virgínia Ferreira.

gender equality is seen as a means to a policy goal and not an end in itself in almost all documents analysed. “Crime and justice” appears as an important adjacent frame but mainly towards the subject of the gender pay gap (change in the general regimen of labour offences). Within parliamentary debates, policies are framed through “equality”, “human rights”, “economic development” and “capabilities/well being”. The same occurs in the governmental plans. In civil society documents, policies are mostly framed as “equality” but also as “capabilities/well being”.

Connected to this finding, it is not surprising that there is a clear distinction between legal documents and civil society documents when talking about gender equality. The legal documents do not describe or question the problems, but mainly present solutions. In contrast, civil society documents present both problems and solutions in all of the cases.

Among the civil society voices, trade unions play an important role in this issue, as does the Portuguese Platform for Women’s Rights, since it is the only civil society voice present throughout all issues (except gender based violence, in which other voices emerged). The governmental plans present a clear imbalance between diagnosis and prognosis regarding non employment, the diagnosis being richer. This fact is surprising since in the other issues analysed the prognosis is the richest, and problems are mostly not questioned. Concerning parliamentary debates, two clearly marked positions of two actors from different parties have been identified both in diagnosis and prognosis on the issues of the minimum wage law (tax and benefits) and in the change of the labour code (reconciliation of work and family life). This clear opposition has also been identified in the issue of Intimate Citizenship. From the two debates analysed, the fact that the Socialist Party is more oriented to social policies and social development (i.e. fighting social exclusion and unemployment) and the Social Democrat Party more oriented to rational economy policies and economic development is evident. It is also noteworthy that the Socialist Party is the only voice within legal documents and parliamentary debates in the non employment issue that raises the subjects of the subordination of gender equality to other equalities, permanent confusion between equality and lack of discrimination, and the omission of mainstreaming and its implementation (debate on the change of the penal code analysed within reconciliation of work and family life).

On the subject of which documents clearly identify who has the role in diagnosis, some features are worth mentioning: legal documents do not recognize active actors or passive actors, and policy plans do not mention active actors but do recognize women as passive actors. Thus, it seems that governmental documents tend to focus not on those creating the situation but rather on those affected by it. Finally, parliamentary debates and particularly civil society texts mostly mention both active and passive actors. Regarding prognosis, those responsible for implementing change and the target groups are generally mentioned in all type of documents.

Thus, the target groups for whom gender equality is to be achieved are broadly addressed both in the objectives and policy actions of the texts (prognosis). Hence, they show variety. Regarding people, women and men are identified collectively as target groups of the policy actions and objectives, but they are also individually

mentioned, mainly women. Men are encouraged to share family responsibilities and take parental leaves. Investors, employers, employees, unemployed, and young business men also appear, though not so frequently and mainly in connection with the stimulation of wealth and economic development. Also, non-gendered groups such as Portuguese and Portuguese families with low incomes appear as the target groups of policy actions. Institutional bodies have no presence as target groups.

The actors in the issue of non-employment within the Portuguese society tend to be either governmental mechanisms (mainly for the sub-issues reconciliation of work and family life, gender pay gap and access to the labour market) or trade unions (mainly for gender pay gap and care work and informal work). We could not find any actor who adopted a gender perspective on the sub-issue of tax-benefit policies. In general, there are not many actors involved in non-employment as the debate around this issue from a women's perspective is practically absent in Portugal. The same could be said concerning the debate on employment. Regarding responsible actors, from the frame and voice analysis of the policy documents, the presence of Institutional bodies and market actors is evident throughout the prognosis. The government and enterprises are the most frequently mentioned. Next to these, we can mainly distinguish the parliament and non-gendered groups of people, such as Portuguese. Unlike the pattern observed in general equality policies, equality bodies have a very marginal presence in this section.

3.3 Intimate Citizenship

Within the issue of Intimate Citizenship, the hottest topic in Portuguese society is by far reproductive rights, followed by civil partnerships, gay marriage and discrimination on the basis of sexual orientation, and lastly divorce, separation and marriage.

Within reproductive rights, abortion is the gender related issue that has long mobilized Portuguese civil society. The debate on abortion started with the implementation of democracy in 1974 and has since grown more intense. The first legislation on the topic appeared in 1984 (Law 6/84 of 11 May) allowing abortion in three specific circumstances. Minor changes to the law took place in 1995 (Law Decree 48/95 of 15 March) and in 1997 (Law 90/97, of 30 July). The first real attempt to legalize abortion occurred in 1998, when the socialist Party organized a referendum on the topic. Both the insufficient turnout and the fact that the majority of electors voted against abortion hindered the possibility of a change of the law. This referendum was however important to creating debate within the Portuguese public opinion. In 2007 a new referendum made the change in the law possible (Law 16/2007 of 17 April). This last referendum reflected an interesting dynamic within civil society in Portugal, with both sides of the debate generating citizen organizing. A similar phenomenon had happened in 1998 but in smaller proportions. At the moment, the Portuguese legislation allows for voluntary interruption of the pregnancy in the first 10 weeks of pregnancy, if carried out at the woman's request in a registered clinic. Due to the recent nature of the law, it is

still questionable as to how implementation will occur. The European Report for Health and Sexual and Reproductive Rights (2002) of the European Parliament recommends that abortion should be legalized, safe, and accessible to all women. The Women's Democratic Movement¹² (MDM) used this report to pressure deputies at the Parliament for abortion legalization until the first 12 weeks of pregnancy.

Since abortion is the hottest issue within the topic of sexual and reproductive rights, the documents selected for analysis concerned this topic: the recent Law 16/2007 of 17 April (Partial Decriminalization of Abortion); the related parliamentary debate (Plenary Session of 20th April 2005 concerning future Law 16/2007); the III National Plan for Equality: Citizenship and Gender (Chap. 2 Gender Perspective in politics priority; 2.5 "Health"); and finally the publication in January 2007 of "The Platform supports the "Yes"! For Women's sexual and reproductive rights" by *Plataforma Portuguesa para os Direitos das Mulheres* (Portuguese Platform for Women's Rights).

Discrimination on the basis of sexual orientation (including gay marriage) is the second most frequently debated issue in Portuguese society. Concerning the legal protection of cohabiting partners and their access to social benefits, 1999 was a very important year on this issue. Due to the Law Decree 135/99 of 28 August cohabiting partners' rights were extended. Regulations established not only the entitlement of cohabiting partners to survivor's pensions, the funeral allowance, and a family caring benefit (approved in 1994), but it also established the right of cohabiting couples to adoption, entitled them to be taxed jointly, and gave the surviving partner more rights to the joint home in the event of death (if cohabiting for more than two years). Same-sex unions were separate from this discussion. Nevertheless, after the approval of the above mentioned Law Decree an important debate was generated. The new law proposals by the young socialists and the other left wing parties eventually led to the approval, by a narrow margin, of a new law on the legal protection for same-sex unions in 2001. The law 7/2001, of 11 May establishes rights which are similar to those established for heterosexual cohabiting partners, but it still excludes the right to adoption. This Law was analysed, together with the related parliamentary debate (Plenary Session of 14th February 2001). In terms of a governmental text, the III National Plan for Equality was analysed and the ILGA Portugal 'Press Release "The Portuguese Situation" of May 2002 was the selected civil society document.

Divorce, separation and marriage is the least debated issue in Portuguese society. Regarding the legal framework on marriage, a new system more concerned with gender equality emerged with the implementation of democracy in 1974 and the constitution of 1976. Contrasting with the *Estado Novo* model that positioned the husband as the head of family and the wife as subordinate home-maker, with democracy a different view is taken on marriage, perceived as an egalitarian married couple with the same rights and duties and the right to establish different types of partnership ties and living arrangements (Law Decree 496/77, of 25 November). The revision to family law made after 1974 was also very important in terms of divorce. It

¹² <http://www.mdmulheres.com/direitos.html>

annulled the previous agreement made between the Vatican during the *Estado Novo* on the impossibility of divorce for couples married in the Church by introducing divorce by mutual consent¹³ for couples married for at least three years. In 1998, the Law 47/98 of 10 August changed to divorce with mutual consent at any time. This Law was the legal document chosen and analysed on this topic (Law 47/98 of 10 August. Divorce on mutual consent and litigious divorce).

Very recently, on 17th of May 2007, there was a parliamentary debate on divorce law. The Left Block (BE) made a law proposal that seeks to legalize divorce by request of either the husband or the wife. At the present time, demanding divorce has to occur by exposing a series of causes for divorce, and if the person demanding the divorce has incurred any of these causes, s/he cannot demand divorce. The BE proposed to change this requirement, but their law proposal was rejected. This parliamentary debate was also analysed (Plenary Session of 17th May 2007).

Concerning the custody of children after divorce or separation, parenthood regulations have moved in the direction of gender equality, particularly since 1974. The previous Civil Code of 1966 gave parental authority to both parents but distinguished between the father's special authority (article 1881) in his capacity as "head of the family" and the mother's authority. From 1974 onwards, legal amendments concerning custody for children after divorce or separation equalized the legal position of mothers and fathers in relation to the child. The year 1995 (Law Decree 84/95 of 15 August) introduced some changes to the Civil Code concerning the principle of parental responsibility after divorce, with parents able to opt for shared custody not only for sole custody. This law also establishes greater recognition of the interests of the child, namely the child's interest in maintaining a close relationship with a non-custodial parent. On this topic, a Petition to the General Assembly of the United Nations in special session in favour of childhood (September 2001) by the NGO 'Parents Forever' was analysed.

One of the most remarkable findings regarding the analysis of documents on Intimate Citizenship is that in this issue almost all laws and parliamentary debates do not invoke gender. The only law and parliamentary debate that invokes gender concerns the abortion issue, and is not possible to say whether biological or social meaning is implied. Concerning the law on abortion, a gender equality framing is not relevant, but on the analysed voice within the abortion debate (Socialist Party MP) it is relevant. Gender equality is seen as a means to a policy goal, with a vision of sameness, and equal treatment as the main strategy. In legal documents and parliamentary debates, policy is framed within "equality" and "human rights", but also frames such as "familism", "marriage institution", "health" and "embryo's life" (the latter two concerning abortion only) appear.

Regarding governmental plans, the III National Plan for Equality, regarding both sexual orientation discrimination and sexual and reproductive rights, invokes gender and understands it as socially constructed. The use of gender equality framing is relevant, seen as an end in itself, and mainly as a vision. Equality is only seen as

¹³ Law Decree 261/75, of 27 November.

sameness (vision) and the strategy mostly used is equal treatment. Policies are framed within “equality” but also “health”, “rights” and “well being” (these last three concerning the abortion issue).

All civil society documents invoke gender except the ILGA document (discrimination on the basis of sexual orientation). Amongst those that invoke gender, it is not possible to say if biological or social. Gender equality is wanted mainly as a means to achieve a policy goal and mainly seen as a strategy. Equality is seen as sameness and the most frequent strategy is equal treatment. Policies are framed within “equality”, “human rights”, and “health” (the latter concerns the abortion issue)

Amongst all documents analysed within intimate citizenship, we can identify some general features: laws and parliamentary debates are mostly de gendered, whereas plans and civil society texts invoke gender in most of the cases though it is not possible to say if biological or social. In the documents where gender equality framing is relevant, it is seen as a means to a policy goal (except in the III National Plan for Equality where it is seen as an end in itself) and as a vision. In civil society documents gender equality is seen as strategy. Equality is mostly only seen as sameness and the strategy mostly used is equal treatment. Policies are mainly framed by “equality”, “human rights” and “health”.

In relation to the question for whom is gender equality to be achieved, women appear frequently as target groups in the abortion issue, and separated/divorced fathers, families and economically dependent wife/husband in the divorce issue. Regarding discrimination on the basis of sexual orientation, only same sex cohabiting partners are mentioned. Regarding the solutions presented in the documents, the government, the parliament, or other institutional bodies are those mostly identified as responsible.

3.4 Gender Based Violence

Domestic violence and violence in partnerships were introduced into the political agenda mostly through the work of a few social movement organizations and by the signing of international treaties. The major domestic violence debate emerges in the public arena at the end of the 1990's. Four different legal measures were adopted: Under Law 11/98 of 24 January, the forensic system was reorganized and domestic violence complaints could now be lodged with the coroner's services. Incest was not an offence as such. However, where rape and sexual assault were concerned, the fact that these acts were perpetrated by an ascendant, an adoptive parent, or a relative of the first or second degree (direct ascendant or collateral) was an aggravating circumstance. The police also seem more responsive to cases of sexual abuse of children. Telephone help lines have been set up and the number of cases of this type brought before youth courts are increasing. The other main legal measure to appear at the end of the 1990's was Resolution 31/99 of 25 March. This law establishes a national support network, a system of compensation for victims of domestic violence, an SOS telephone line, and awareness campaigns on violence to be disseminated

throughout the media. This Resolution 31/99 was also a benchmark with regard to the fact that it established the victims' right to get a restraining order against the perpetrator. The third piece of legislation was the Resolution by the Council of Minister 55/99 which creates- for the first time- a National Plan Against Domestic Violence.¹⁴ The fourth legal measure was Law 129/99 20 August, in which the state provides women with financial support when they are trapped in an economically deprived situation¹⁵.

A year later, the Law 7/2000 of 27 May made the ill-treatment of a spouse a public crime. Therefore, not only the victim but anyone who had knowledge of such violence could lodge a complaint and follow the proceedings. This also obliged the police to follow through on reports of domestic violence. The change gives police and the courts more leverage to prosecute such cases and removes from the victim some of the burden of bringing charges. The Parliament has also mandated the creation of domestic violence units in the police, and a new domestic violence category in the Attorney-General's report on crime. Under the law, perpetrators of domestic violence may be barred from contact with their victims, and in extreme cases, the police can order the immediate expulsion of a perpetrator from the victim's home. The law also calls for the development of new programmes to teach anger management to perpetrators and to assist victims with the professional development necessary to live independent lives. These general policies have provided women's organizations with some policy satisfaction and concentrated their efforts to bring the issue to the political governmental agenda and to provide immediate service-provision. Overall, since the 2000's the political debate on domestic violence has been gaining momentum. This legal document (Law 7/2000: Reinforces measures to protect the victims of violence) and the related parliamentary debate (Plenary Session of 13th January 2000) were analysed in order to obtain the range of meanings and frames of gender equality on this topic. In terms of governmental plans, the "III National Plan against Domestic Violence 2007 – 2010" was analysed, and the "Penelope Report on Domestic Violence in Southern Europe" by *Associação de Apoio à Vítima* –APAV (The Association of Victim Support) provided us with frames regarding civil society voices.

Regarding sexual harassment, policy debate on the issue has gained some momentum in the last few years but before that it was mostly inserted in the political agendas through employment policies. Sexual harassment is covered in the Penal Code as a sex crime. However, the legal definition of the term 'sexual harassment' is unclear and it can only be considered a crime if perpetrated by a superior and in the workplace. The penalties are two to three years' imprisonment. The Labour Code (*Código do Trabalho*) stipulates that harassment of a job applicant or female employee constitutes discrimination. Harassment is taken to mean all unsolicited conduct when applying for a job or during the job, work, or vocational training. Sexual harassment occurs when there is an offence against personal dignity or an intimidating, hostile, degrading, humiliating, or destabilizing work environment. Harassment is also considered to be all unsolicited conduct of a sexual nature, whether verbal, non-verbal,

¹⁴ http://www.mulheres-ps20.ipp.pt/Violencia_Domest_Relatorio.htm.

¹⁵ Information provided by Dina Canço.

or physical, with the effects described above. The Labour Code also requires employers to ensure good working conditions, both from a physical and moral point of view. The issue has rarely been debated in the Parliament. The Penal Code stipulates that anyone who abuses their authority, arising out of a hierarchical or strong economic position, or a position of employment subordination, in such a way as to use orders or threats to force another person to undergo any relevant sexual act (with them or with another person), shall be punished by up to two years of imprisonment. In the event of harassment the employee must contact their trade union representative or the respective Workers' Commission, file a complaint with the Commission for Equality in Labour and Employment (*Comissão para a Igualdade no Trabalho e no Emprego* - CITE), or refer to the Legal Information Service of the Commission on the Equality and Rights of Women (*Comissão para a Igualdade e para os Direitos das Mulheres* - CIDM) for useful information. On this topic, the most comprehensive and useful documents to be considered and analysed were Law 65/98 of 2 September: Changes to the Penal Code, and the related parliamentary debate (Plenary Session of 12th March 1998); the III National Plan for Equality: Citizenship and Gender 2007 - 2010 and the Position of UGT concerning the bill 252/VIII on moral harassment and psychological terrorism by UGT (General Worker's Union) were also analysed.

Concerning trafficking and prostitution, which tend to be linked and addressed together in the QUING period, there is no specific legislation dealing with trafficking in human beings. This issue has been framed mostly as a criminality problem rather than a gender inequality issue. The Penal Code contains a few provisions that may serve as a legal ground for the prosecution of traffickers, and criminal legislation addresses the punishment of crimes of trafficking in human beings for sexual purposes. Most of the policy debate around trafficking and prostitution has been determined by the lack of specific legislation addressing this sub-issue. It was mostly through the efforts of several NGOs and supra-national political bodies that the issue has been inserted into the political debates. Because of the loopholes and shortcomings in the overall legal framework governing these matters, new legislation is currently under preparation and discussion. Firstly, the Council of Ministers has recently approved a bill to be submitted to the National Parliament which foresees the punishment of those who assist not only the entry and residence in Portugal, but also the transit of illegal migrants; second, two other bills currently under consideration by the Parliament further amend the Criminal Code and foresee new measures on the protection of victims. Also, on 25 June 2002, the establishment of a National Immigration Plan, which included amendments to the current legal framework, was announced by the government.

Portugal ratified on 16 May, 2005, with no reservation, the Convention for the Suppression of the Dealing of People and of the Exploitation of Prostitution (*Convenção para a Supressão do Tráfico de Pessoas e da Exploração da Prostituição de Outrém*) of the Council of Europe Convention on Action against Trafficking in Human Beings. Concerning prostitution, in Portugal there is no specific law forbidding it. In 2001, the Penal Code was modified by Law 99/2001 of 25 August, to enforce punishment for exploitation of prostitution, most specifically child prostitution. The law punishes the one who forces a child into prostitution and includes punishment

mechanisms for trafficking of human beings. This legal document (Law 99/2001 of 25 August 2001, Ninth Change to the Penal Code), helps in understanding the broad framing of gender equality on this topic.

Street prostitutes can be prosecuted under offences against public morality, but such prosecutions are rare. Many local administrations practice a policy of toleration, provided there is no public disturbance or offence against public morality. Other administrations pursue repressive policies to push prostitution, drug use, and homosexuality underground or, at least, to confine them specific geographical areas in trying to hide their public visibility. There have been instances when the police were forced to intervene by pressure from citizens, or residents who regard prostitution as a public problem in their neighbourhood. Public opinion towards prostitution is ambiguous, with different attitudes towards female and male prostitution. While the former is tolerated and regarded almost as a 'necessary evil', the latter is less accepted and is much more hidden. Recently political debate- mostly amongst civil society organizations- has had an important role in bringing visibility to the prostitution issue, and particularly to the violence against prostitutes. There have been some debates in the last few years about the need to legalize brothels, have sanitary control over prostitutes, and increase their protection and regulation. Most of these debates have not produced any legislative proposal, but have given some degree of visibility to the issue of prostitutes' marginalization, stigmatization, and victimization. In terms of the prostitution population, it is difficult to estimate the number of people working in the sex industry. Some sex-workers do not regard themselves as prostitutes, while other workers go underground and are controlled by organized networks of prostitution. Occasionally, there are reports in the media about the trafficking of young people to other countries, or even to do sex-work inside of Portugal. In Portugal, there is female, male, and child prostitution. There is more tolerance, more acknowledgment, and more resources set in place for female prostitution than for the other two types.

The other three documents that provided us with information that helped to understand how this subject is framed in Portugal are the parliamentary debate discussing the optional protocol (and further approval for ratification) about the Convention on Children's Rights related to trade, prostitution and pornography (Parliamentary debate of 2002-12-06, Plenary Session of 5th December 2002); the I National Plan to Fight Human Trafficking (2007 – 2010) as a governmental plan and; the *Expresso* newspaper article "Porto: Two inspectors of Service of Foreigners and Frontiers arrested by suspicion of irregular immigrants legalization in exchange of favours" as the civil society voice.

From the results of our frame and voice analysis within the issue of Gender Based Violence, it may be highlighted that all legal documents concerning this issue are de-gendered and gender equality is not considered relevant. The broad framing of legal documents is "crime and justice" alone. Regarding parliamentary debates, four out of the six voices analysed invoke gender though it is not possible to say if these voices consider gender in a biological or social perspective. However, only one MP considers the use of gender equality relevant (in the debate on domestic violence). In this case, gender equality is seen as an end in itself and dominantly as a vision.

Equality is seen as sameness and the main strategy used is equal treatment. Regarding this voice, the main framing of the policy is “equality”, but on the other cases the framing is basically through “human rights” and “crime and justice”.

All governmental plans invoke gender, in its social meaning. The use of gender equality is relevant in all plans except in the I National Plan against Human Trafficking. In these plans, gender equality is seen as a means to achieve a policy goal and as strategy (III National Plan against domestic violence) but also as an end in itself and as a vision (III National Plan for Equality). Equality is seen as sameness and the main strategy used is equal treatment. The broad framings of policies diverge in this type of document: in the III National Plan against domestic violence, the main framing is “human rights” and “health” (“equality” is not very important); whereas in the III National Plan for equality, the framing is “equality”; and finally, in the I National Plan against human trafficking, the broad framing is also “human rights” (and “crime and justice” as a minor adjacent frame). Concerning the civil society documents, both the Penelope Project and the trade union (UGT) texts invoke gender, however the use of gender equality is only relevant in the first. The newspaper article analysed within sexual exploitation and prostitution is de gendered. In the document in which gender equality is relevant, equality is seen as a means to achieve a policy goal and as a strategy. In this document, the sole vision present is equality as sameness and the only strategy is equal treatment. The main framing of the policy is “human rights”, with “crime and justice” and “equality” appearing as a minor adjacent frame in all documents.

In relation to the question for whom is gender equality to be achieved within this issue, the target groups mostly referred to are women, victims of gender based violence, children and employees whose rights are violated. De-gendered non institutional actors such as society and Portuguese are also mentioned. Aggressors (within the domestic violence issue) and children are also mentioned. Institutional actors also appear as target groups, namely the European Union and governmental bodies. Regarding the actors responsible for implementing the change, institutional actors such as the Parliament, the Government, and the European Union (not constructed in a gendered way) are those most frequently mentioned.

4. Portuguese institutionalization of intersectionality

In this section we address the institutionalization of intersectionality in Portugal. We do so by providing a general view of the way inequalities have been included in concrete legislation, as well as describing the institutional bodies dealing with each inequality. In addition, we analyse current governmental plans which aim at covering a wide range of inequality axes. The objective is to determine whether or not these represent a step towards intersectionality.

4.1 Legislation about anti-discrimination

The Portuguese Constitution, passed in 1976, was the first step towards the achievement of equal rights. Article 13 establishes that: (1) All citizens have the same social dignity and are equal before the law; and (2) No one is privileged, favoured, injured, deprived of any right, or exempt from any duty because of his ancestry, sex, race, language, territory of origin, religion, political or ideological convictions, education, economic situation, or social condition. This general equality principle was developed into specific legislation with the purpose of tackling different kinds of inequalities. In relation to gender equality, several laws were approved in order to guarantee real equality and avoid discrimination based on sex (e.g. the Law Decree 392/79 concerning equal treatment to men and women at work, Law 35/2004 defining indirect discrimination).

Regarding ethnicity and race, almost all laws were approved in the last decade. In 1999, the Law 134/99 forbids all discrimination based on race, colour, nationality or ethnicity, reinforcing the constitutional principle of non discrimination¹⁶. The transposition of EU Directive 2000/43/CE then introduced in 2004 the principle of equal treatment on the grounds of ethnic and racial origin¹⁷, which aims at ensuring equality of access to employment and work. Moreover, these regulations are based upon the *International Convention on the Elimination of All Forms of Racial Discrimination* which has direct effect in Portugal.

In relation to religion, the Law 16/2001 called the Religious Freedom Act¹⁸ is relevant. This law establishes that nobody can be discriminated against because of his/her religious practices or convictions and that religious tolerance must prevail. The Labour Code, passed in 2003, also incorporates reference to this axis in trying to achieve equal treatment at the workplace¹⁹. Some scholars consider that this new norm has emerged due to the fact that other religions, namely Islam, had become relevant in

¹⁶ Law 134/99 of 28th August. Discrimination on the grounds of race, colour, nationality or ethnicity is forbidden. <http://www.acime.gov.pt/docs/Cmpt-%20lei13499.pdf>

¹⁷ Law 18/2004 of 11th May. Equal Treatment on the grounds of ethnic and racial origin Act. http://194.6.229.67/legislacao/pdf/desporto/36/Lei18_2004.pdf

¹⁸ http://www.dgrn.mj.pt/legislacao/liberd_relig.asp

¹⁹ Law 99/2003 of 27 August, Approving Labour Code. <http://www.dre.pt/pdf1sdip/2003/08/197A00/55585656.PDF>

Portugal (Malheiros, 2004). As a consequence, political parties considered that positive actions in favour of tolerance and mutual respect were needed.

Discrimination based on sexual orientation is prohibited by two laws. First, it was included in the revision of the Labour Code in 2003. Following this, a constitutional revision in 2004 broadened the scope of discrimination covered by article 13 and included sexual orientation²⁰.

This achievement contrasts with the absence of disability among those axes belonging to Article 13 of the Portuguese Constitution. As a consequence, a Labour Code modification in 2003 was the first step towards protection on this ground. It states that a reduced work capacity, a deficiency or a chronic illness cannot lead to unequal treatment at the workplace²¹. Following this modification, two new acts were approved: Law 38/2004 defining the basis of a legal regimen for the prevention, facilitation, rehabilitation, and participation of disabled people²², and Law 46/2006 which prohibits discrimination on the grounds of disability in any case²³.

Marital status and age have also been covered by Labour Code modifications²⁴ aiming to prohibit discrimination on the grounds of employees' age, marital status or family situation.

As a result of this set of laws, especially the Constitution and the Labour Code, different sorts of discrimination have already been prohibited. Beyond this legislation, which acts as a general umbrella, several inequality axes were included in specific laws, namely sex, religion, race/ethnicity and disability. The underlying perspective is that axes act always in isolation or as separate, disregarding that they may be added or interconnected.

4.2 Equality Machineries

The equality bodies' structure is coherent with this separate approach. On the one hand, several machineries have been created to deal with sex discrimination and gender equality. One important example is the *Commission for Citizenship and Gender Equality* (Comissão para a Cidadania e Igualdade de Género – CIG)²⁵ approved by Law Decree 164/2007 of 3 May. Due to a recent restructuring in the State's central administration, this commission replaced the former *Commission for the Equality and the Rights of Women* (Comissão para a Igualdade e Direitos das Mulheres – CIDM). This reformulation has not led to significant shifts since the new commission only has one new responsibility, namely the promotion of education for citizenship.

²⁰ <http://dre.pt/comum/html/crp.html>

²¹ Portuguese authorities still name disabilities as deficiencies. As a result, when referring to official texts this term will be mentioned. In general, QUING project prefers disability.

²² http://www.igf.min-financas.pt/Leggeraldocs/LEI_038_2004.htm

²³ Law n° 46/2006, prohibiting and punishing discrimination based on deficiency and the existence risk for health. <http://dre.pt/pdf1s/2006/08/16500/62106213.pdf>

²⁴ http://www.estg.ipg.pt/legislacao_ambiente/ficheiros/lei%20n%C2%BA%2099-2003.pdf

²⁵ Law Decree 164/2007. <http://www.cidm.pt/>

In relation of equality at the workplace, Portugal created in 1979 the *Commission for Equality in Labour and Employment* (Comissão para a Igualdade no Trabalho e no Emprego- CITE). CITE is a tripartite organism which involves the participation of representatives from governmental departments as well as from social partners, namely those belonging to *Confederation of Trade and Services* (Confederação do Comércio e Serviços de Portugal – CCP), *National Confederation of Portuguese Employees – National Trade Union* (Confederação Geral dos Trabalhadores Portugueses - Intersindical Nacional - CGTP-IN), *Confederation of Portuguese Industry* (Confederação da Indústria Portuguesa – CIP) and *General Union of Employees* (União Geral dos Trabalhadores - UGT). Its main responsibilities are the promotion, both in the private and the public sectors, of equality and non-discrimination between women and men in labour, employment and vocational training. The CITE is also concerned with the protection of maternity and paternity leave and the reconciliation of work and family life.

Discriminations based on race, colour, ethnicity or nationality, as well as racism, are mainly tackled by the *High Commissariat for Immigration and Intercultural Dialogue* (Alto Comissariado para an Imigração e o Diálogo Intercultural - ACIDI)²⁶. This new body was created in 2007 in order to replace the former *High Commissariat for Immigration and Ethnic Minorities* (Alto Comissariado para a Imigração e as Minorías Étnicas- ACIME). Both were set up with the objective to collaborate in designing, implementing and evaluating public policies focused on immigrants and ethnic minorities' integration, as well as to foster dialogue between cultures, ethnicities and religions²⁷. Those targets have been addressed through information campaigns, positive actions and the creation of two new bodies concerning civil society engagement and interdepartmental cooperation. This is the case of the *Advisory Council for Immigration Issues* (Conselho Consultivo para os Assuntos da Imigração-COCAI)²⁸ and the *Commission for Equality and against Racial Discrimination* (Comissão para a Igualdade e Contra a Discriminação Racial –CICDR)²⁹. The former is involved in gathering the opinions of associations representing immigrants, social partners, NGOs and welfare institutions about legal projects related to migrants' rights. The latter is mostly focused on fostering intercultural dialogue, and trying to gather civil society voices.

Moreover, an *Observatory of Immigration* (Observatorio das Imigração- IO) was set up by ACIDI in order to achieve more knowledge about migrants and ethnic minorities to improve policies³⁰. Its website is useful tool if we are interested in collecting data about those groups, as well as for deeper analyses. This body also organises expert meetings and workshops in order to address the position of migrant communities and other new topics.

²⁶ Law Decree 167/2007. <http://www.acime.gov.pt/index.php>

²⁷ Law Decree n.º167/2007.

²⁸ Law Decree n.º 39/98. <http://www.cicdr.pt/content/view/2/2/>

²⁹ Law n.º 134/99. <http://www.cicdr.pt/>

³⁰ <http://www.oi.acidi.gov.pt/index.php>

In addition to national machineries, immigration issues are also addressed by minor regional bodies. This is the case of the Açores Regional Government, which has an *Immigration and Intercultural Cabinet* (Gabinete de Imigração e Interculturalidade) belonging to the *Regional Direction of Communities* (Direcção Regional das Comunidades)³¹.

The *Youth Portuguese Institute* (Instituto Português da Juventude- IPJ) is in charge of public policies related to young people³². It was regulated by Law Decree n°168/2007 and is especially focused on sexuality, education and labour issues³³. It is also supposed to be engaged with other bodies such as CIG and ACIDI³⁴.

Elderly people have a less powerful structure, namely the *Management Commission for the Support of the Integrated Programme for Elderly People* (Comissão de Gestão do Programa de Apoio Integrado a Idosos)³⁵. This body is only in charge of one task, namely the implementation of a special programme centred on providing services such as care and mobility.

Finally, it is worth mentioning another specific body which deals with disabled people. This is the *National Institute for Rehabilitation* (Instituto Nacional para a Reabilitação- INR)³⁶, which has replaced the former *Secretariat for the Rehabilitation and Integration of the People with Deficiencies* (Secretariado Nacional para a Reabilitação e Integração das Pessoas com Deficiência- SNRIPD). Institutions specialized in tackling these kinds of inequalities have a long tradition in Portugal, given that the first one was created in 1974 before the creation of any gender equality machinery.

Like in legislation, the unitary approach is clearly the underlying perspective of equality machineries' structure. Only the ACIDI could be seen as having a multiple approach since it is supposed to tackle ethnic and migrant status at the same time.

4.3 Interdepartmental cooperation and intersectional plans

In spite of the existence of separate institutions for different inequalities, several factors suggest that evolution towards a more integrated approach is taking place. Firstly, the equality machineries have been situated under the authority of the same institution, the Presidency of the Council of Ministers. In this way, the equality structures answer only to the Prime Minister and all Equality Plans (not only those with a gender component, but all Plans) are applicable transversally to all the Ministries, thus avoiding sectarian regulation. In addition to this, the most recent plans are good examples of an interdepartmental approach, since several equality machineries are

³¹ <http://www.azores.gov.pt/Portal/pt/principal/?area=ct&lang=pt>

³² <http://juventude.gov.pt/Portal/IPJ/QuemSomos/Missao/>

³³ <http://juventude.gov.pt/NR/rdonlyres/9136BF94-BA18-4F2C-B6C7-5EB6293664B2/1254/LeiorgânicoIPJ.pdf>

³⁴ Information supplied by Jorge Orlando Queirós, manager of the IPJ's website.

³⁵ http://www.portugal.gov.pt/Portal/PT/Diretorio/Administracao_Central/?ID=ComissaoGesProgApoiointegradoldosos

³⁶ Law Decree 217/2007. <http://www.inr.pt/content/1/49/historial>

working jointly and with a more intersectional perspective. This is the case of the plans related to the integration of immigrants in Portuguese society (*Resolução do Conselho de Ministros nº 63-A/2007, de 3 de Maio. Plano para a Integração dos Imigrantes*³⁷), the fight against human trafficking (*I Plano Nacional contra o Tráfico de Seres Humanos 2007-2010*³⁸) and the promotion of social inclusion (*III Plan Nacional de Acção para a Inclusão 2006-2008*)³⁹.

The former plan is led by ACIDI and seeks to develop a transversal perspective in order to combat racism, to promote gender inequality and to improve citizens' rights so that migrants became more integrated in Portuguese society. Beyond these underlying objectives, it also covers many concrete areas such as work, education, housing, health, justice, racism and gender equality. The wide scope of the issues being addressed requires the participation of all Ministries, different kinds of equality machinery, as well as civil society. For instance, the *Commission for Citizenship and Gender Equality* has a special role in relation to measures concerning migrant women, human trafficking and health.

This transversal perspective incorporates an interesting variety of inequality axes. Thus, proposed actions are focused on migrants, but take into account that migrants do not only face discrimination related to their migrant status, but also on the basis of their religion, sex, class, age⁴⁰ or language⁴¹. For instance, there is reference to migrant women which recognises that this group has to deal with a double vulnerability, based both on gender and migrant status. Gender is also emphasised in relation to health and human trafficking, in that migrant women have less access to the health care system and are the main victims of this kind of crime.

In relation to such issues, the first Portuguese plan referring to human trafficking was recently approved. This plan also adopts an interdepartmental and a multiple approach. Though mainly developed by the CIG, its implementation is expected to involve bodies focused on other inequalities, namely the ACIDI. While the range of inequalities covered is not as wide as in the former plan, it does take into account at least three inequality axes, namely gender, class and age. Women and children are described as more vulnerable groups, the former because of the feminization of poverty and the latter due to their defenceless situation.

The *III National Action Plan for Inclusion 2006-2008* (PNAI) implies the involvement of all the Ministries as well, but places emphasis on civil society participation. Accordingly, not only an *Interdepartmental Commission* was created (Comissão Interministerial para o PNAI), but also a *Non-Governmental Forum for Social Inclusion* was set up with the aim of improving the plan (Forum Non Governamental para a Inclusão Social- FNGIS)⁴². Both are new bodies not included in

³⁷ http://www.acime.gov.pt/docs/ACIDI/PII_DR.pdf

³⁸ <http://195.23.38.178/cidm/portal/bo/documentos/l%20Plano%20Nacional%20Contra%20o%20Tráfico%20de%20Seres%20Humanos.pdf>

³⁹ http://foruminclusao.no.sapo.pt/PNAI_2006-2008.pdf

⁴⁰ They pay attention to second generations of migrants.

⁴¹ It's referred to people not coming from PALOP countries (Portuguese Speaking African Countries).

⁴² Resolution Council of Ministries 166/2006. <http://foruminclusao.no.sapo.pt/>

past plans and are seen as necessary to guarantee intra-governmental coordination and foster civil society engagement⁴³. The latter objective is especially relevant to accomplishing EU priorities, namely the 4th Common Objective of the European Process for Social Inclusion — “Mobilizing all stakeholders” (Nice Agreement)⁴⁴. A similar collaboration is taking place at this moment, since the IV PNAI for the period 2008-2010 is being elaborated considering FNGIS contributions⁴⁵.

Following European priorities, the PNAI focuses on: 1) promoting social cohesion and equality opportunities for all; 2) increasing economic growth (Lisbon targets) and; 3) reinforcing good governance and social participation. *Mainstreaming social inclusion*, which implies that all public policies have to be reformulated in order to eliminate poverty and to improve social inclusion, is proposed as the main strategy. This means that different institutions must assess how groups with special vulnerabilities are affected by each policy. The range of inequality axes is quite wide; class, age, gender, ability, migrant status and/or ethnicity are all considered as relevant. Moreover, the PNAI states that the confluence of several factors leads to the creation of vulnerable social groups, given that inequalities are not independent. In addition to this multiple approach, gender equality is particularly emphasised with the aim of ensuring that a gender perspective is included.

More recently, and in relation to the *European Year of Equal Opportunities for All*, another equality body has emerged. Thus, in 2006 the Council of Ministries passed Resolution 88/2006 creating the *Mission Structure for the European Year of Equal Opportunities for all* (Estrutura de Missão para o Ano Europeu de Igualdade de Oportunidades- EMAEIOT⁴⁶), an interdepartmental structure within which seven bodies are expected to work jointly, namely those related to the main inequalities such as the CIG, ACIDI, *Portuguese Youth Institute* and the *National Institute for Rehabilitation*⁴⁷. This composition was set up in order to combat discriminations based on sex, sexual orientation, ethnicity, age, ability, language, religion, political ideas, education, and economic and social condition. The objective is to guarantee the right to diversity and to fight discrimination, especially when they appear as multiple. With this purpose, the EMAEIOT will be in charge of coordinating the development of the *National Action Plan for the European Year of Equal Opportunities for all*. This objective is supposed to be achieved with the involvement of at least seven institutions and with participation by civil society as well, since several organizations are in charge of implementation activities.

⁴³ http://foruminclusao.no.sapo.pt/Programa_20de_20Trabalho.pdf

⁴⁴ They pay special attention to the Commission's Guidelines for preparing *National Reports on Strategies for Social Protection and Social Exclusion*. See http://foruminclusao.no.sapo.pt/PNAI_2006-2008.pdf

⁴⁵ See their proposals at http://foruminclusao.no.sapo.pt/PROPOSTAS_DO_FNGIS_PARA_O_PNAI_2008-2010.pdf

⁴⁶ Resolution of the Council of Ministries nº 88/2006. <http://www.igualdades2007.com.pt/>

⁴⁷ http://www.portugal.gov.pt/NR/rdonlyres/6FE5AA2B-B042-4F2A-AEAE-8AEB100D4830/0/PNA_AEIOT.pdf

4.4 Concluding remarks

As we have seen above, Portugal has specific laws and plans for several inequalities, especially for gender, ethnicity and migrant status. As a consequence, inequalities are tackled mainly as if they were separate. Nevertheless, recent changes in equality machineries and current equality plans (e.g. on the integration of immigrants, human trafficking etc.) are shifting this approach to a more intersectional one. First, those new plans require the involvement of many areas for their implementation, since new political aims prevail over separated approaches. In addition, this interdepartmental perspective has led to the creation of several bodies within which Ministries, equality machineries as well as bodies at the local level work jointly in order to achieve better outcomes. This is the case of the EMAEIOT and the Interdepartmental Commission of the PNAI which, to some extent, are trying to institutionalise intersectionality.

It is interesting to distinguish between the new structures, given the fact that some of them may be temporary. Almost all were approved by Law Decrees, although three of them were introduced through less important rulings. This is the case of the PNAI related structures and EMAEIOT, which were set up by a Council of Ministries' Resolution. It seems that these bodies are more related to concrete plans with concrete targets, namely EU ones, and that they are not expected to be permanent.

Regarding civil society voices, new plans are trying to engage associations and NGOs in order to improve public policies. The PNAI evolution provides a clear example of this, given that the *Non-Governmental Forum for Social Inclusion* has been collaborating since 2006 and has given its own contributions to recent plans.

Generally speaking, recent plans consider a wide range of inequality axes, emphasising that some groups of individuals have to face multiple / added vulnerabilities and that new policies are needed in order to combat such vulnerabilities. The most recent texts, namely the *III National Action Plan for Inclusion 2006-2008* and the *National Action Plan for the European Year of Equal Opportunities for all*, go a step further. The former includes the mainstreaming of social inclusion, an intersectional strategy which implies that irrespective of gender, other inequalities will be more embedded in policy making. This shift may lead to conflicts with gender oriented policies, since gender mainstreaming is also supposed to be mainstreamed within public policies. This possibility has been pointed out by several commentators, since mainstreaming other inequalities could lead to disregard for the axis of gender (Donaghy, 2003; Rubery, 2002). The coming years will give us the opportunity to observe whether or not a conflict among different types of *mainstreaming* emerges, and to assess which are the most successful tools.

Regarding the *National Action Plan for the European Year of Equal Opportunities for all*, similar features can be identified. Intersectionality is again the underlying perspective, given that several inequality axes are seen as relevant, and the purpose is to guarantee diversity and non-discrimination. This mandate involves all governmental departments, all institutional levels, as well as civil society.

Both plans are clearly based upon the European Union's targets and strategies. **Europeanization** seems a decisive cause of the Portuguese evolution towards a more intersectional perspective. Indeed, although other inequalities were previously tackled, they had mostly been treated as separate. The EU's influence has shifted this approach towards more attention to intersections, as well as to new strategies. In fact, the main shifts –towards an intersectional perspective, interdepartmental coordination and civil society participation- are strongly related to European recommendations. This trend is not new and it has already been mentioned regarding other issues in the Portuguese literature. Thus, scholars have addressed Europeanization when referring to public policies (Matos, 2006; Antunes, 2004; 2006), shifts within legislation (Guibentif and Gonçalves, 2008; Marques Guedes, 2006), concrete institutions (Paulo and Leston-Bandeira, 2006; Piçarra and Pereira, 2006) and Portuguese polity and society as a whole (Lobo-Fernandes, 2006; Magone, 2006). As we can observe, this is an emerging issue in Portugal and Europeanization is being increasingly considered as an explanatory variable. In our case, the changes observed related to intersectionality reinforce the significance of the role of the EU.

5. Intersectionality within civil society

In this section we try to answer two guiding questions. Our first question is how are civil society organizations dealing with intersectional concerns? Are they constructing cross-cutting alliances? The objective in this topic is to describe which kinds of inequalities are shaping the scope of organizations in Portugal. In addition, we want to assess whether intersectional interests exist among them. Regarding the second question, we address recent changes within equality machineries which aim at enhancing civil society participation. We ask whether these bodies are gathering several inequalities at the same time and if so, will this lead to conflicts or to alliances? These two sub-issues might shed some light on how civil society organisations practice intersectionality.

5.1 Intersectionality within civil society organizations

Organizations covering many inequality axes are present in Portuguese society. First, class is addressed by several trade unions, namely the CGTP and the UGT. Due to the fact that they are considered key social partners, they are deeply embedded in policy making through their participation in several committees (Standing Committee for Social Dialogue) and bodies (CITE). Moreover, both UGT and CGTP have specific committees regarding gender issues, the *Women's Commission* and *Commission for Equality between Women and Men*, respectively. These bodies are focused on non employment issues, taking into account the intersections between “class” and “gender”. As a result, their main concerns are the pay gap, reconciliation between care and work or gender based violence at the workplace. Apart from these general objectives, they have been actively engaged in other sub-issues, mainly in campaigns about abortion or same-sex marriage. In these cases, they show a wider range of interests.

Regarding migrant people, Portugal has many organizations, most of them belonging to migrants from the Portuguese ex-colonies (PALOP countries). Examples include: the *Cape Verde Association*; the *Mozambique Association*; the *Angola Defence Association*; the *Association More Brazil* and the *Cultural Association Youth Mill*. As we can see, they are mainly organised according to their country of origin. On the other hand, the increase and diversification of migratory flows towards Portugal have been reflected in the broadening scope of associative movements of immigrants. Currently, there are several associations from east European countries (*Association of Slav Migrants*; *Association of Migrants from East Europe*; *Association of Ukrainian*) and African countries (*Essalam Association of Migrants from Maghreb*). “New” as well as “old” associations play an important role as pressure groups and as advisers in juridical and social matters as well as acting as mediators between the populations they represent and governmental institutions (Fonseca *et al.*, 2005). Moreover, this institutional engagement has led to the emergence of some platforms within which organizations act jointly. For example, the *Platform of Representative Structures of Migrant Communities in Portugal* (Plataforma de Estruturas Representativas das

Comunidades Imigrantes em Portugal- PERCIP) as well as the *Coordinating Secretariat of Immigrant Associations* (Secretariado Coordenador de Associações de Imigrantes-SCAI).

We cannot find many examples for migrant women specifically, since they are acting as insiders within the general migrant associations. However, there is the example of the *Migrant Woman Association: Studies, Cooperation and Solidarity*⁴⁸ and *Association of Angolan Migrant Women in Portugal* (Associação das Mulheres Migrantes Angolanas em Portugal) which aim at the integration of women in the receiving country and their social, political, economic and professional participation. This relative lack of gender oriented associations is reinforced by a de-gendered perspective in the general organizations. One example is their lack of participation in campaigns on hot issues such as the one on abortion in 2007 when migrants' associations neither supported nor opposed women's position⁴⁹.

Regarding ethnic minorities, the *Association for the Development of Portuguese Roma Women* (AMUCIP)⁵⁰ aims to empower Portuguese Roma women, highlighting unfair policy making and promoting equal opportunities in employment and education. This is a good example of considering "gender" and "ethnic" as connected.

In the case of the LGBT movement, mostly linked to intimate citizenship, the main association is ILGA Portugal⁵¹ which aims at defending lesbians, bisexuals and transgender women's rights by, for instance, combating discrimination based on sexual orientation as well as on gender identity. Within this association there is a special group focused on lesbians' situation called *Intervention and Reflection Group about Lesbianism* (Grupo de Intervenção e Reflexão sobre Lesbianismo- GIRLS). One of its main activities is collaboration with the *Portuguese Coordination of the World March of Women*. In addition to those gendered concerns, ILGA Portugal has been actively engaged in key feminist campaigns such as the abortion referendum in 2007⁵².

Another relevant association is *Clube Safo*, focused not only on defending lesbians' rights, but also on combating all forms of discriminations, namely the ones based on gender and sexual orientation⁵³. Their starting point is that discrimination does not affect women to the same degree. For instance, lesbians face the intersection of at least two inequality axes: "gender" and "sexual orientation". Therefore, they consider that in order to tackle this multiple discrimination, cooperative work among different kinds of organization is needed. Once again, their participation in pro-abortion campaigns appears as relevant⁵⁴.

However, not all Portuguese feminist and women's organizations actively engage with other intersecting inequalities. Gender and sexuality (same-sex marriage campaigns), and gender and ethnicity (gender based violence) have been the most commonly addressed within the women's movement. Age, disability and class are the

⁴⁸ <http://mulhermigrante.org/>

⁴⁹ Information given by Ana Prata, researcher of the California State University Northridge.

⁵⁰ <http://www.madrugada-cigana.com/amucip.htm>

⁵¹ <http://www.ilga-portugal.pt/>

⁵² <http://www.ilga-portugal.pt/pdfs/ra2007.pdf>

⁵³ <http://www.clubesafo.com/about.htm>

⁵⁴ <http://www.clubesafo.com/Actividades/Plano%20actividades%202007%20.pdf>

three inequalities least addressed. One exception may be the *Portuguese Association of Victim Support*⁵⁵ (APAV) which has a Refugee Centre (AUVIDRE) targeted at immigrant women victims of gender based violence. Other important associations, namely the *Portuguese Platform for Women's Rights*, are also interested in the existence of diversity among women's situations. For instance, they address the prevalence of poverty in single-parent families (mainly women) and the existence of specific types of gender based violence within migrant communities⁵⁶.

Beyond these intersectional concerns, it is clear that there are some sub-issues which lead to alliances and joint campaigns. This is the case of the abortion referendum in 2007 and campaigning on same-sex partnerships in 2001. These topics have not only mobilised Portuguese society but also triggered new alliances and support. This shift is mainly due to the fact that these are hot issues in Portugal, creating not only debates but also provoking strong mobilisations. Nevertheless, some groups, namely organizations for ethnic minorities and migrants, did not tend to mobilize to support or oppose these campaigns. It seems that these kinds of organizations are the ones which are more reluctant to become intersectional. According to Crenshaw's theory, it may be suggested that in this case we are witnessing a sub-inclusion problem, since the general group (migrants and ethnic minorities) does not tend to explicitly recognise the existence of gender discrimination among its members.

5.2 Civil Society Organizations within Equality Mechanisms: a step towards intersectionality?

Given the limited interaction between different inequality organizations, it is worth analysing how current equality mechanisms could improve intersectional alliances. This may occur due to the existence of new participatory bodies created in order to engage civil society into the policy process. These bodies include:

- *Advisory Council of the Commission for Citizenship and Gender Equality* (Conselho Consultivo da Comissão para a Cidadania e Igualdade de Género), composed by an Inter-Ministries Department, a NGOs Department, and a Technical and Scientific Experts Group⁵⁷.
- *Advisory Council for Immigration Issues* (Conselho Consultivo para os Assuntos da Imigração- COCAI) belonging to ACIDI⁵⁸. It is involved in gathering opinions

⁵⁵ www.apav.pt

⁵⁶ http://www.plataformamulheres.org.pt/index.php?option=com_content&task=view&id=56&Itemid=95

⁵⁷ Law Decree 164/2007.

⁵⁸ Law Decree 251/2002. Available at <http://www.acidi.gov.pt/docs/decrt2512002.pdf>

about legal projects from associations representing migrants, social partners, NGOs and welfare institutions.

- *Commission for Equality and against Racial Discrimination* belonging to ACIDI (Comissão para a Igualdade e Contra a Discriminação Racial –CICDR) which is focused on fostering intercultural dialogue⁵⁹.
- *Non-governmental Forum for Social Inclusion* (Forum não Governamental para a inclusão Social- FNGIS) belonging to the Interdepartmental Commission for the *National Action Plan for Inclusion 2006-2008 (PNAI)*⁶⁰. It aims at including civil society voices within policy making so that they give assessments and recommendations, both for current and future plans.
- *Mission Structure for the European Year of Equal Opportunities for all* within which several civil society organizations have the responsibility to implement concrete actions.
- *Advisory Council of the Portuguese Youth Institute*⁶¹.

Most of these formal channels have only recently been set up, so it is not possible to assess their contribution to increasing civil society participation. Nevertheless, they could provide some information about how inequalities are being tackled. Indeed, if we look at each council we can infer whether or not intersectionality is actually present (Table. 1). Regarding the CIG's council, it is evident that women's associations are the most numerous. However, it includes other associations belonging to groups at the intersection of inequalities, such as those related to females from migrant or ethnic communities. Other inequality axes have also been included due to the presence of trade unions (class), youth associations (age), organizations regarding disabilities (ability) and the LGTB movement (sexual orientation). This may lead to a more intersectional approach which considers the diversity among women. In addition, it may represent an enlargement of Portuguese *velvet triangles* (Woodward, 2004), since these new organizations are expected to support femocrats, feminists as well as experts' concerns.

In the case of the CIDR and COCAI, the two councils belonging to the *High Commissariat for Immigration and Intercultural Dialogue*, we can observe a less intersectional perspective. The range of inequality axes covered is narrower. It is evident that the main guiding criterion was to gather associations related to race, ethnicity and migrant status cleavages. In addition, trade unions and entrepreneurs have some representation, thus including class as a relevant axis.

Regarding EMAEIOT, all key inequality axes included in the *National Action Plan for the European Year of Equal Opportunities for all* are represented. Thus,

⁵⁹ Law Decree n° 39/98. Available at <http://www.cicdr.pt/content/view/2/2/>

⁶⁰ Resolution Council of Ministries 166/2006.

⁶¹ Law Decree 168/2007.

gender, sexual orientation, age, ability, religion and ethnicity have been included through the presence of several organizations. Moreover, intersectional groups such as those of lesbian women or women from ethnic minorities have been also involved.

In the case of the *Advisory Council of the Portuguese Youth Institute*, we could not find any evidence of an intersectional perspective; apart from age, no other inequality axes are considered.

Finally, the inclusive composition of the *Non-governmental forum for Social Inclusion* can be noted. Even though it is a minor body, not yet consolidated, it is interesting to consider its broad range of participants. Regarding its objective of social inclusion, it has many sorts of organization which cover several inequality axes, namely gender, migrant status, ethnicity, ability and age. As a consequence, this institution reflects and maintains the intersectional perspective of the PNAI and gathers different civil society voices.

Generally speaking, the creation of these new bodies could be considered a step towards intersectionality in two different ways. On the one hand, they include diverse voices within the policy process, providing the opportunity to redefine public policies from several perspectives. This fact improves civil society's engagement and constitutes a step forward in relation to mainstreaming inequalities. According to Squires' position, this shift would be significant since it is necessary to evolve from the prevailing technocratic approach to a more participatory one, within which civil society is deeply embedded. The objective is to combine bureaucratic tools with deliberative democracy, which acts to foster diversity and include intersectional concerns (Squires, 2005). In addition to this, the new bodies make it much easier for civil society associations to find new "meeting points", prompting a new intersectional view. The following years will allow us to evaluate both whether or not this evolution takes place and the main consequences of interaction, whether alliance or competition or both.

Table.1- Number and sort of organizations included in each equality machinery.

	CIG⁶²	CIDR⁶³	COCAI⁶⁴	FORUM PNAI⁶⁵	IPJ⁶⁶	EMAEI OT⁶⁷
<i>Women</i>	17			3		4
<i>Migrants</i>	1	3	8	3		
<i>Migrant women</i>	1					
<i>Ethnic minorities</i>				1		
<i>Women of ethnic minorities</i>	1					1
<i>LGTB (gays, lesbians, bisexual and transsexual)</i>	2					2
<i>Lesbians</i>						1
<i>Trade unions</i>		2	2			
<i>Women's committees within trade unions</i>	2					
<i>Entrepreneurs</i>		2	2			
<i>Humanitarian aid and human rights</i>	7	4	2	5		4
<i>Disabled people</i>	1			4		3
<i>Elderly people</i>						3
<i>Youths</i>	3			1	4	3
<i>Others</i>	5			6		2

Source: own data.

⁶² Information available at <http://www.cidm.pt/>

⁶³ Information available at <http://www.acime.gov.pt/modules.php?name=Content&pa=showpage&pid=45>

⁶⁴ Information available at <http://www.cicdr.pt/content/view/2/2/#compos>

⁶⁵ Information available at http://foruminclusao.no.sapo.pt/html/membros_efectivos.html

⁶⁶ Information available at <http://www.juventude.gov.pt/NR/ronlyres/9136BF94-BA18-4F2C-B6C7-5EB6293664B2/1254/LeiorgânicaIPJ.pdf>,

⁶⁷ Information available at http://www.igfse.pt/upload/docs/gabdoc/2007/02-Fev/PNA_AEIOT.pdf

6. Framing intersectionality in Portugal.

In order to understand how intersectionality is framed, this section analyses its presence in all four QUING issues. We aim to identify the main inequalities intersecting with gender, as well as the inclusion of other inequalities with a de-gendered perspective. In addition, we try to distinguish if there is a tendency for intersectionality to be present in any particular kind of documents. The objective is to establish whether or not intersectional perspectives are central to Portuguese gender policies.

6.1 Inequalities in general gender equality legislation and gender machinery

Regarding gender equality policies, it is worth noting that the Portuguese approach varies from a unitary to a multiple perspective. The first perspective is mostly present within equality bodies' regulation. Indeed, neither the Law Decree belonging to the CITE nor the one corresponding to the CIG has reference to inequality axes other than gender. This fact is especially striking in the case of CIG, which was officially set up in 2007 without mention of other forms of discrimination affecting women. It is noticeable that the gender equality machineries are basically coherent with the Portuguese general strategy based upon different bodies and legislation tackling separate inequalities (unitary approach).

Nevertheless, recent years have witnessed a clear evolution towards a multi-discrimination approach, mainly concerning gender equality plans. The three plans approved up to now have some references to other inequalities suffered by women. This tendency has increased over the years, leading to plans within which multiple inequalities faced by women are much more embedded.

The *Global Plan for Equal Opportunities*, the very first approved in Portugal, introduced some measures to tackle inequalities based on the ground of "class" and "age". Considering those axes as interconnected, it included positive actions in order to improve the presence of younger and older women in the labour market, groups in which "gender" interacts with "class" and "age" to cause deeper inequalities.

The plan considered "class" as the most important axis. Indeed, women are defined as more vulnerable to poverty, social exclusion and violence. This vulnerability can be increased in the case of elderly, unskilled or isolated women, since class, gender and marital/family status may act jointly. Positive actions are proposed in order to deal with such interactions and coordination with the PNAI (plan for social inclusion) is also mentioned. In examining other parts of the document which were not coded, migrant women emerge as an important target group, defined as being affected by multiple vulnerabilities, with migrant status, ethnicity, gender and class considered as relevant. Those axes act in combination, causing specific phenomena such as a lack of access to health services. Prognosis maintains this multi-discrimination approach and states that positive actions are needed in order to improve access to education or health services. Special coordination with ACIDI was also included, with the aim of

improving the cooperation between the bodies concerning migrants and those which are gender oriented. This was a first step towards an integrated approach which has become increasingly implemented in current plans, such as those related to social inclusion or human trafficking.

The latest gender equality plan, approved in 2007, confirms this tendency and it is slightly more intersectional. Firstly, it highlights that “multiple discrimination situations demand special attention since women face up to inequality of opportunities and discrimination cumulatively towards “race”, “place of origin”, “religion”, “disability”, “age” or “sexual orientation””. This diagnosis confirms that a multiple-discrimination approach tends to be included in Portuguese equality policies, since the tendency is to consolidate the relation between gender and other inequalities. With this purpose, the scope of inequalities has been widened, paying attention to emerging axes such as disability or sexual orientation. In spite of this enlarged range, the combination of gender and class as well as gender and migrant status still prevail. Regarding the former intersection, unemployment, vertical segregation or precarious jobs are described as the main problems facing women with the principal effects of poverty and social exclusion. This vulnerability may be increased by the presence of other additional inequalities, for instance age or sexual orientation. However, inclusion of these axes is not remarkable since they are little present (minor) and not referred to in the prognosis, which is only gender and class oriented.

Concerning gender and migrant status, it is clearly stated that migration is a growing challenge in Portugal and that new integration policies are needed. The feminization of migration is also seen as an emerging reality which requires new strategies and objectives. In fact, without providing any diagnosis, the third plan makes reference to a broad range of proposed actions. It considers that the introduction of gender mainstreaming within migration, health or employment policies is appropriate in order to prevent discrimination. In addition, it includes many actions focused on spreading information among female migrants, guaranteeing their access to the health system and improving their political and social participation.

As we have seen above, Portuguese Equality Plans tend to be more intersectional. Thus, references to different inequality axes have increased, not only from a quantitative point of view (more axes, more frequently mentioned) but also from a qualitative perspective (more elaborated). Within recent texts a multiple-discrimination approach clearly prevails. Indeed, inequalities are described as added as well as connected with gender. The underlying principle is that women can suffer different levels of vulnerability according to their positioning regarding other inequality axes. These interconnections are explicitly labelled as multiple-discriminations, which implies that we do not need to look for implicit objectives related to intersectionality. This shift is most visible in the latest plan.

6.2 Intersectionality in non employment issues

Non-discrimination at the workplace is strongly regulated in Portugal. For instance, the last version of the Labour Code passed in 2003 covers a wide range of inequality axes, establishing which kind of discriminations are legally forbidden. Other legislation such as Law Decree nº192/1999 states that non discrimination is a guiding principle for employment policies, since equal access to the labour market must be guaranteed irrespective of age, sex or race⁶⁸.

Institutional texts do not show a much evidence of an intersectional perspective. For example, the *National Plan for Employment 2002* basically refers to EU priorities (Lisbon targets). While it addresses gender and class as interacting inequalities, with much attention to females' situation within the labour market (unemployment, pay gap, segregation etc.), no other inequalities are seen as related to gender. On the contrary, measures concerning inequalities based on age, ethnic or migrant status are treated as separate and not relevant for women. As a result, this plan focuses on carrying out specific measures oriented to each vulnerable group, without considering that these inequalities could appear at the same time.

The recent *National Plan for Employment 2005*, not included within the selected documents, maintains this separate approach. Women, young people, elderly people, migrants or disabled people are still seen as the target groups, but without considering intersections. Given that this new text is also based upon EU recommendations, women maintain a special status among these disadvantaged groups and a gender perspective is still important.

Regarding governmental texts concerning equality machineries, we must emphasize the CITE *Annual Report on Equal Opportunity between men and Women in Work and Training 2005*. This report is a key tool used by CITE to explain its annual activities and describe current trends in employment related indicators. Regarding the latest report, it centred on describing women's positioning, but without considering their diversity. As a result, it only provides a clear vision of the main consequences of class and gender interactions (the pay gap, double burden, unemployment etc.). Age is mentioned as a minor axis when referring to key indicators whilst other inequalities are completely ignored, particularly regarding diagnosis. This is due to the fact that CITE's reports and website are characterised by a striking lack of data⁶⁹. Indeed, key statistics such as those related to unemployment or pay gap are only available broken by sex. Other interesting disaggregated data are not considered by this equality body. For example, it does not refer to the recent European research about gender and risk of poverty which highlights female migrants' experiences, such as their high unemployment rates (14'4%) (European Commission, 2006; Ferreira, 2005).

Regarding general surveys and research carried out by governmental institutions, we can observe similar shortcomings. Indeed, key publications such as *Social Indicators 2006* (Instituto Nacional de Estatística, 2008a) or *Quarterly Employment Statistics 2008* (Instituto Nacional de Estatística, 2008b) only

⁶⁸ http://www.igf.min-financas.pt/Leggeraldocs/DL_132_99.htm

⁶⁹ CITE's database is available at <http://www.cite.gov.pt/cite/Mulhehoms.htm>

disaggregate their statistics by age and gender, disregarding other inequalities that could be also relevant. In summary, non employment related databases are mainly non intersectional, since the scope of axes included is extremely narrow. Younger and older people as well as women are seen as the main target groups and intra-group diversity is not considered.

In relation to migrants' experiences, the *Immigration Observatory* is supposed to play a role in improving general statistics about this group. It is currently following international recommendations (UN, OIT etc.) and trying to include data disaggregated by migrant status⁷⁰. It aims to mainstream this new perspective and exceed its current achievements, strongly based on giving financial support to concrete investigations⁷¹.

The governmental lack of an intersectional perspective contrasts with the civil society point of view, which to some extent is more concerned about other inequalities. For example, the CGTP (*Confederação Geral dos Trabalhadores Portugueses*) *Action Plan for the Equality between Women and Men* observes that women are more vulnerable to poverty and social exclusion due to facts such as their low participation in the labour market or the current shifts affecting family structure. As a consequence, groups such as lone mothers or widows are seen as the main vulnerable categories. This perspective leads to a more intersectional approach since it takes into account the relation between gender, class, marital/family status and age. All these inequalities may be added, creating a continuum from the less vulnerable individual to the most vulnerable (e.g. elderly, poor and lone women). The prognosis does not have this wide scope of axes and only proposes actions related to single-parent families.

In care-work related documents, we can also find some references to other inequality axes, although these are scarce. A document belonging to *Platform for Women's Rights* describes women's situation, paying attention to the double burden that they experience. The objective is to accomplish Barcelona targets so that universal care services are accessible to everybody. This achievement is more relevant for some groups, since class and age act to shape females' realities as well as prevent their access to private care services which prevail in Portugal.

Nevertheless, civil society documents as well as those belonging to the government do not attend to who actually provides care in Portugal. This means that female migrants and elderly women, described in the literature as the main care providers, are not seen as significant regarding care work (Ruiz-Rios, 2005). Concerning the former, international care chains (as detailed in feminist literature) are completely ignored by the main Portuguese actors (see for instance Browne and Misra, 2003). Although this may be due to the fact that the percentage of migrants is still low in Portugal, other issues such as those concerning the labour market are seen as much more related to migrant status; yet no debate has emerged about migrant's work within care issues. It seems that care work is considered only in relation to the difficulties that Portuguese ('normal') women have to face.

Migrants are also ignored when referring to demographic debates. Unlike other countries, Portugal does not address migrations as related to increasing birth rates.

⁷⁰ <http://www.oi.acidi.gov.pt/modules.php?name=Content&pa=showpage&pid=7>

⁷¹ Its website gathers several publishing collections (thesis, reports etc.).

Indeed, the debate about the demographic decline is mostly linked with elderly people who are supposed to lengthen their employment career, hindering early retirements⁷². In this case, neither gender nor migrant status is considered connected with this sub-issue.

In summary, documents related to non employment are mainly blind to intersectional identities. Class emerges as the sole axis interacting with gender, and other categories such as age, marital or migrant status are considered as minor as well as separated. As a result, a unitary approach still prevails, given that no connection among categories has been established. In addition, it is worth highlighting that one of the most significant shortcomings is the lack of reliable data. Indeed, diagnosis about migrants or ethnic minorities is rather weak, only addressed by specific literature and completely ignored by Portuguese authorities. This fact contributes to an underdeveloped diagnosis within which relevant groups remain absent.

6.3 Intersectionality in intimate citizenship issues

Firstly, it may be noted that intimate citizenship related documents tend to be particularly de-gendered. Laws, parliamentary debates as well as civil society documents do not recognise gender as a relevant category. The exceptions are those texts focused on reproductive rights, namely about abortion, which pay much more attention at least to women's roles and concerns. In contrast, same-sex partnership and divorce related documents are mostly conceived as neutral, with no gender perspective at all. Because of this feature, we must address intersectional references without considering that this new approach is displacing gender. On the contrary, texts concerning intimate citizenship are de-gendered irrespective of the range of axes included.

Regarding intersectionality, the type and scope of inequalities strongly depends on the sub-issue analysed. Thus, reproductive rights is mostly addressed taking into consideration at least women's diversity. Parliamentary debates, governmental plans as well as civil society documents consider to some extent that women's access to key health services is far from similar. Regarding the latter, the *Portuguese Platform for Women's Rights*, which has been actively engaged in abortion debates, consider that so far ethnic minorities, migrants as well as teenagers and poor women have had less access to those services than other more privileged females. As a result, the diagnosis in their text includes many references to certain groups of women who are considered as more vulnerable because of their circumstances. In this example, gender is seen as interacting with categories such as class, territory of origin, marital status, ethnicity, migrant status and age. As a consequence, the prognosis tries to guarantee that reproductive rights are accessible to every woman regardless of her position in relation to other axes.

⁷² See for instance the *National Plan for Employment 2005*.

The third gender equality plan narrows the scope of inequality axes since it only mentions proposals centred on young women. For other groups, access to reproductive rights is supposed to be fully accomplished. It seems that in this sub-issue, civil society is much more concerned about multiple discriminations and added vulnerabilities. Indeed, they were one of the main actors including some elements of an intersectional perspective into one of Portugal's most intense debates. In addition, important platforms gathering together different associations were created in order to support the "yes" in the referendum on abortion, in which trade unions, the LGBT movement as well as women's organizations worked together.

For divorce, an intersectional perspective seemed absent. Almost all the texts disregard gender as well as other inequalities. Thus, marital status is seen as a main axis but not as interacting with other categories. De-gendering is also notable when we pay attention to emerging debates. The struggles related to fatherhood within which platforms created by men (e.g. *Parents Forever*) are trying to highlight that they suffer discrimination during divorce processes. Gender is here described as relevant not only for women but also for men, producing discrimination which hinders fathers' access to parental rights.

More recently debates have emerged relating to the shifts introduced in the Divorce Code. The Law n°245/2008 eliminates divorce by litigation that was established by former regulations. Introducing a gender perspective, the *Women Lawyers' Association* has affirmed that victims of gender violence are neglected in this new law⁷³ and consider that an explicit reference to those women who suffer gender based violence is clearly needed.

Sexual orientation related texts present a similar de-gendered perspective. Neither Law 7/2001 of 11 May, adopting measures to protect cohabiting couples, which includes same-sex partnerships, nor the parliamentary debates generated by it, pay attention to inequalities other than those related to sexual orientation. This is coherent with the separate approach included in antidiscrimination legislation, within which this axis is seen as independent from others.

Civil society documents, namely those belonging to the biggest organization ILGA Portugal, are also focused on sexual orientation, disregarding the multiple discrimination suffered by groups such as lesbians or homosexual migrants. A gendered perspective is mostly introduced by *Safo Club* (Clube Safo), an organization focused on defending lesbians' rights⁷⁴. Regarding issues beyond discrimination on grounds of sexual orientation, the LGBT movement has been actively engaged in the referendum on abortion. Indeed, they published a joint press release supporting the "yes"⁷⁵ vote. Although a concern with other inequalities is generally absent, gender does seem to be a relevant inequality axis at least to some extent.

Thus, intimate citizenship is largely not an intersectional sub-issue. This is due to the fact that only abortion related texts take into consideration at least women's diversity. Divorce and marriage as well as same-sex partnerships are seen as being

⁷³ <http://clix.expresso.pt/gen.pl?p=stories&op=view&fokey=ex.stories/406680>

⁷⁴ <http://www.clubesafo.com/>

⁷⁵ Text available at <http://www.panterasrosa.com/html/home.html>

affected only by marital status and sexual orientation respectively. Gender as well as other inequalities are completely absent, regardless of the sort of text. As a result, this topic does not help us to establish how intersectionality is named or tackled within Portuguese equality policies.

6.4 Intersectionality in gender based violence issues

Gender based violence is one the most intersectional topics among QUING sub-issues. Unlike non-employment and intimate citizenship, it pays attention to other inequalities beyond class and gender is not displaced by the inclusion of other axes. This gendered perspective as well as reference to other inequalities implies that this topic is significant in addressing intersectionality in Portuguese public policies.

In the case of domestic violence, it is commonly accepted that other axes beyond gender are relevant. For instance, the *III National Plan against Domestic Violence 2007 – 2010* includes two different issues. Regarding diagnosis, it states that violence leads to economic vulnerabilities, basically because it prevents access to the labour market. In this case, gender is seen as having an impact on class. Prognosis is not linked with that finding and only considers that more knowledge is required about the situation of migrants. These limited references to class and migrant status become less significant if we take into account that the previous plan, corresponding to 2003-2006, had introduced other inequalities to a larger extent, particularly migrant status⁷⁶. This plan mentioned that migrant females are a main target group since they may suffer certain kinds of violence such as genital mutilation which have previously been disregarded. The objective is to prevent discrimination based on migrant status and to guarantee that Portuguese authorities are also concerned about the violence suffered by non-Portuguese citizens. It would therefore seem that the latest plan represents a step backwards since it does not mention other kinds of gender based violence or concrete actions in order to combat them. In addition, it seems that no data were gathered with the purpose of acquiring more knowledge about violence within women's groups. The consequence is that no detailed diagnosis is currently available.

With regard to legislation, intersectionality is absent in the main law on domestic violence. Indeed, Law 7/2000, of 27 May, reinforcing measures to protect the victims of violence, does not pay attention to other inequality axes that may interact with gender. On the contrary, it considers women as a unitary category. A similar feature is present in the parliamentary debates concerning this law, given that only one voice (the Communist Party) includes a category interacting with gender. In this case, class is considered as related to domestic violence, with the feminization of poverty identified as a cause underlying women's vulnerability.

⁷⁶<http://www.cm-loures.pt/RedeSocial/Plano%20Nacional%20contra%20a%20Viol%C3%Aancia%20Dom%C3%A9stica.pdf>

Civil society also includes a more or less intersectional point of view. For instance, documents belonging to the Penelope Project⁷⁷ note that some findings have already indicated that certain groups of victims suffer violence to a larger extent, namely elderly or migrant females. As a result, more research is needed in order to achieve a greater knowledge about the experience of these groups.

Women's organizations are also concerned about migrants' situation. Especially significant is the role played by the *Portuguese Association of Victim Support*⁷⁸ (APAV), which has not only set up a Refugee Centre (AUVIDRE) targeted at migrant women victims of domestic violence, but has also gathered interesting statistics. Concerning the latter, APAV has been elaborating their own statistics since 2005 in order to establish new key indicators⁷⁹. Intersectionality is deeply embedded within their database since age, marital status, continent of origin and labour status are all used in drawing victims' profiles. The objective is to spread their methodology to official institutions in order to develop improved databases and policies.

The *Platform for Women's Rights* is much more focused on intersectionality when addressing certain types of violence, namely genital mutilation, due to the fact that Portugal is receiving migrants from African countries where these practices still prevail⁸⁰. They emphasise the risk of importing these kinds of crimes. As we can see, genital mutilation is increasingly visible in different kinds of documents and this shift is broadening the gender based violence agenda.

Regarding human trafficking, attention to the situation of migrant is also gaining momentum. Earlier key texts were mainly blind to intersectional realities. For instance, the main law passed in 2001 not only disregarded migrant status but also gender inequalities⁸¹. In addition, only one voice in the related parliamentary debate mentioned gender and age as relevant axes, and then only to emphasise that women as well as young girls are more vulnerable to sexual exploitation. We have to wait until 2007 to find a document treating migrants as a target group: the *I National Plan to Fight Human Trafficking (2007 – 2010)*. This plan considers women and children as more vulnerable to those kinds of crimes, with the interaction of gender, age and class. In fact, poverty is much more probable among these groups. The plan proposes several measures concerning migrant communities such as research, collaboration with migrants' associations and the introduction of cultural mediators.

Sexual harassment related documents do not pay much attention to inequalities interacting with gender. For example, the Law 65/98 not only ignores gender relations but also other axes that could be closely related to the workplace. Nevertheless, one voice in the parliamentary debate does state that it is necessary to protect certain individuals who are particularly vulnerable, namely because of their "age", "illness" or

⁷⁷ This report was part of an overall project co-financed by the European Commission under the DAFNE Program – *Fight against the Violence towards Women and Children*.

⁷⁸ www.apav.pt

⁷⁹ Statistics available at <http://www.apav.pt/estatisticas.html>

⁸⁰ This concerning is available at http://www.plataformamulheres.org.pt/index.php?option=com_content&task=view&id=56&Itemid=95

⁸¹ Law 99/2001 of 25 August 2001, has criminalized trafficking in human beings for sexual exploitation, <http://www.dre.pt/pdf1sdip/2001/08/197A00/54505451.PDF>

“pregnancy”. However, these minor axes are not seen as interacting with gender; therefore a unitary approach still prevails.

Civil society offers better examples regarding how to deal with intersecting inequalities. For instance, UGT’s document concerning sexual harassment takes into consideration at least eight relevant categories, namely “class”, “age” “gender”, “race”, “religion”, “sexual orientation”, “nationality” and “affiliation”. Generally speaking, UGT observes that work relations are unequal *per se* and, as a result, those axes are always significant. When referring to sexual harassment specifically, age, gender and class emerge as key categories. Indeed, they offer a concrete profile of victims, who are mainly young women with precarious jobs. In this text, other axes of inequalities are thus explicitly named, with much more attention to intersecting identities.

In summary, gender based violence topics tend to take into account several inequalities. Intersectionality is not explicitly named but a multiple as well as unitary approach are present. This means that in some cases concrete target groups appear within de-gendered documents. On the other hand, references to more vulnerable individuals, namely those at the intersections, are included as well. It is worth noting that reference to migrant status is gaining momentum. Thus, migrant females are described as suffering several sorts of violence, mainly domestic violence, sexual exploitation and more recently, genital mutilation. Civil society is playing a significant role in shaping that agenda and in this topic is better at recognising intersectionality than the institutional actors.

6.5 Conclusions on framing intersectionality

As we have seen above, intersectionality is not a key issue when considering Portuguese gender policies. Although we can find some evidence that women are described as a diverse group, other inequalities are rarely introduced. It seems that recent plans, not belonging to the original documents selected for coding in QUING, are much more intersectional than the ones analysed in this section. This means that if we want to assess intersectionality in Portugal we should attend to the most recent policies since it is here that there is evidence of an incipient strategy.

Nevertheless, the selected documents provide a clear vision of how intersectionality has been tackled thus far. For instance, texts show an emphasis on certain inequalities that are more likely to be included than others. This is the case of class, age and gender, which are present within almost all sub-issues. This is due to the fact that the feminization of poverty, mainly among young and elderly women, is described as a key problem affecting several topics, for instance employment, domestic violence or sexual harassment. More recently, migrant status is also emerging as a relevant inequality axis. Thus, documents regarding care work, reproductive rights or gender based violence take into consideration that migrant females have to deal with additional and/or different problems.

When referring to more than one axis, documents combine a unitary as well as a multiple approach. This means that sometimes they mention inequalities as being

completely separate, as if they were affecting different individuals, while some texts have started to consider that inequalities may interact, acting together or combined. In such cases, intersectionality is mostly named as 'added' vulnerabilities or 'more' vulnerable individuals. It is not possible to say that one approach is prevailing, since we can find examples of both strategies. Nevertheless, recent plans and machineries tend suggest the latter approach, since inequalities are tackled jointly.

Regarding the actors, there is a continuum from the more intersectional perspective to the less intersectional. Concerning the latter, laws are clearly blind to the interaction among inequalities. Indeed, not only are the axes of class or age largely absent but even gender is often omitted. Parliamentary debates are slightly more intersectional since some of the representatives have tried to point to governmental shortcomings. Regarding the other extreme of the continuum, civil society documents as well as some governmental plans are the ones which take into account intersectionality to a greater extent. The most recent plans include references to the multiple inequalities experienced by women and have also attended to specific groups, particularly migrants. Civil society organizations have also shaped their opinions to take into account that women's realities are different. The issue of abortion is particularly notable since it has brought about a much more intersectional perspective within civil society.

7. Identifying changes and the relevance of different forms of intersectionality

In this section we analyse the different sub-issues, attending to two main aspects: first, we analyse the most significant turning points influencing intersectionality in Portugal; secondly, we look at current trends in order to identify whether or not policies and actors are enhancing their intersectional perspective.

7.1 Changes in general legislation and machinery

Portugal previously tackled inequalities as if they were separated. During the 70s the first equality bodies emerged, namely those related to gender equality –the *Commission for Equality in Labour and Employment* and *Commission of Women's Condition*- and disabled people -*Permanent Commission for Rehabilitation*. Few social inequalities were addressed and if they were addressed it was in a segregated way. Some minor shifts have taken place within equality machineries over the last decades, although the main transformations have happened since 2000. First of all, the range of inequalities which have been introduced in the public agenda have been notably broadened. Race, ethnicity, age and migrant status are seen as new inequality axes emerging from the composition of Portuguese society. In order to tackle this diversity, the 2000's have witnessed the emergence of several machineries such as the two commissariats regarding migrants and ethnic minorities and one institute for youth issues. According to these emerging priorities, new antidiscrimination legislation was approved and a wider range of inequalities were covered.

Moreover, policy making has evolved into adopting a more transversal perspective. This is due to the introduction of new political priorities such as social inclusion, integration of migrants and gender equality. Those objectives are so comprehensive that separate strategies are inadequate for achieving them. As a consequence, interdepartmental bodies and cooperation among governmental structures have gained momentum during recent years, mainly in 2007, when several new plans were approved. Examples are the Interdepartmental Commission dealing with the PNAI and the Inter-ministries department of the *Advisory Council of the Commission for Citizenship and Gender Equality*. In addition to institutionalised cooperation, recent plans regarding issues like gender or migrants require the involvement of many departments and bodies, namely all those related to other inequalities. In summary, new political aims are leading to a more intersectional perspective, given that structural inequalities cannot be tackled efficiently without involving the government as a whole.

Regarding gender equality policies, two main findings emerge: firstly, the CIG has increased its cooperation with other governmental institutions in order to develop better policies. Its Advisory Council is a good example of this transversal perspective, since it gathers all ministries in a sole institution with the objective of implementing gender oriented actions. The CIG has also been very involved in the aforementioned

plans, which are expected to include a gender perspective as well as intersectionality within new policies.

Regarding gender equality plans, there has been a clear evolution towards a more intersectional point of view. The first plan only included a few references to old or young women. The second plan represented a turning point, since age, class as well migrant status were taken into account in order to combat, for instance, poverty among elderly women or unemployment among migrant females. In this case, inequalities were named as added vulnerabilities given that gender interacts with other axes. The last plan continues to reinforce intersectionality and states that women suffer cumulative discrimination which must be tackled jointly. Gender plans are therefore increasingly demonstrating an intersectional approach, given that gender mainstreaming is now more or less linked to women's diversity.

7.2 Changes in non employment

In looking at non-employment related documents, we can observe that intersectionality is not a key perspective. On the contrary, references to other inequalities beyond class and gender are extremely weak. This is due to the fact that the Portuguese main sub-issues –tax benefits, reconciliation and pay gap- are addressed without taking into account women's diversity.

Despite this weak development, antidiscrimination legislation has presented some interesting achievements. Indeed, 2003 represented a clear turning point for inequalities additional to gender. The Labour Code modification passed in that year guaranteed that discrimination based on the grounds of sexual orientation, religion, race, marital status, ethnicity and disability will be punished. In this example, unequal treatment is only covered for cases belonging to the workplace and the main perspective is obviously antidiscrimination. Nevertheless, it represents a step forward since it broadens the scope of the axes being considered.

Governmental plans are paying much more attention to diverse situations within labour market. Indeed, migrants, women, youth as well as elderly people are now considered target groups within employment related policies. For example, the *National Plan for Employment 2005-2008*⁸² is strongly related to gender equality as well as to youth and migrants' access to the labour market. The same objectives and target groups were included within the *III National Action Plan for Inclusion 2006-2008*, which is not only focused on labour market oriented actions, but also on other issues such as health and education. Although being recent plans which have probably not yet been fully implemented, they represent a step towards intersectionality. In fact, they show us how employment policies are becoming based upon new key statistics which seek to describe reality in much more depth and complexity. Women, migrants, as well as youth and elderly people are now under the spotlight.

⁸² <http://www.dgeep.mtss.gov.pt/estudos/pne/pne2005.pdf>

Concerning civil society, there are also some developments. Here it is possible to consider one of the key actors, trade unions. Concerning gender and class, trade unions are actively involved in recent gender related debates, especially the CGTP. First, they have started to monitor equality machineries, namely the CITE, and have emphasised that due to a combination of limited resources and a lack of political will, this body is rather paralysed⁸³. In addition, they are trying to participate within current debates as well as to create new ones. Regarding the former, trade unions are deeply engaged in recent discussions about modification to the Labour Code which is still being elaborated⁸⁴. Their suggestions have been partially focused on gender related issues, such as maternity leave or reconciliation⁸⁵. In addition to a gender perspective, some references to other discriminations were also included, such as those related to religion or ethnic origin. Regarding the latter, they are also trying to create a new debate about the gender pay gap since Portugal is the European country with the biggest difference between men and women's wages⁸⁶.

Beyond these findings, trade unions are also creating new alliances with migrants' associations. For instance, they have acted jointly in a current campaign called "For the regularization of people without identity papers and against the xenophobic wave and the Sarkozy Agreement"⁸⁷. A common manifesto related to this issue was signed by trade unions, many associations of migrants as well as one women's organization (UMAR). This is a good example of how class oriented organizations are broadening their scope of equality targets. In this instance, migrants are being taken into consideration in order to achieve social objectives regarding the labour market and citizenship. Moreover, there was particular concern over governmental policies oriented to migrants, such as the plan related to migrants' integration; this plan prompted several trade union opinions, which emphasised many interesting shortcomings such as the absence of references to illegal migrants⁸⁸.

In summary, although non-employment issues are still largely seen as non intersectional, recent years have witnessed relevant shifts towards a multiple approach. Legislation about discrimination at the workplace, new plans addressing some collectives as well as current civil society concerns can be seen as the main steps forward.

⁸³ http://www.cgtp.pt/index.php?option=com_content&task=view&id=1103&Itemid=255

⁸⁴ Law Project n.º 216/X approving a Labour Code Revision.

⁸⁵ These references are mainly present in CGTP documents. See

<http://www.cgtp.pt/images/stories/imagens/2008/09/apreciacaoroposta216.pdf>

⁸⁶ http://www.cgtp.pt/index.php?option=com_content&task=view&id=1046&Itemid=255

⁸⁷ http://www.cgtp.pt/index.php?option=com_content&task=view&id=1119&Itemid=144

⁸⁸ See for instance the CGTP position available at

http://www.cgtp.pt/index.php?option=com_content&task=view&id=644&Itemid=144

7.3 Changes in intimate citizenship

Concerning intersectionality, intimate citizenship related documents are not very relevant. This is due to two main facts. First, a unitary approach still prevails in this issue, since texts are mostly focused on a sole category, either marital status or sexual orientation. In addition, those axes always appear without considering gender.

In order to infer how this issue will evolve in relation to intersectionality, we may look at regulations that have strongly mobilized civil society. Within the QUING period, abortion is clearly the most interesting topic. Indeed, the second referendum on abortion in 2007 constituted a turning point in civil society alliances, given that different inequality organizations which had never worked jointly organised common campaigns. Unlike in the previous referendum in 1998, the LGTB movement as well as trade unions were deeply engaged in supporting the “yes” vote and mobilizing civil society as a whole.

This experience probably reinforced the connections among these kinds of organizations since emerging debates are also leading to new joint campaigns. This is the case in one of the hottest topics in 2008, the modification of the Civil Code with the aim of allowing same-sex marriages. The Green Party as well as the Left Block have presented a couple of law proposals in order to move legislation forward and go beyond current regulations which only permits cohabiting couples⁸⁹. These proposals constituted a great window of opportunity for the LGTB movement, which has used the last few months to create a new debate about discrimination based on the ground of sexual orientation. Indeed, they have gathered signatures among civil society with the objective to present a formal petition to the Parliament⁹⁰. Regarding other organizations, this emerging struggle has triggered new alliances as well as consolidated the existing ones. Regarding the former, trade unions have recently reinforced their support to LGTB concerns. Indeed, the law proposals were actively defended in special manifestos and press releases⁹¹. Women’s organizations, which have already collaborated within abortion campaigns, have also emphasised their backing. For instance, a joint announcement emphasising that all types of discrimination must be stopped was published both by the ILGA Portugal and UMAR, as well as other organizations⁹².

Beyond these intersectional alliances, the law proposals have provoked relevant struggles within political parties. One example is the internal conflict suffered

⁸⁹ Left Block proposal available at <http://app.parlamento.pt/webutils/docs/doc.doc?path=6148523063446f764c3246795a5868774d546f334e7a67774c325276593342734c576c75615668305a586776634770734d6a41324c5667755a47396a&fich=pjl206-X.doc&Inline=true>. The one belonging to Green Party is available at <http://app.parlamento.pt/webutils/docs/doc.doc?path=6148523063446f764c3246795a5868774d546f334e7a67774c325276593342734c576c75615668305a586776634770734d6a45344c5667755a47396a&fich=pjl218-X.doc&Inline=true>

⁹⁰ <http://www.ilga-portugal.pt/noticias/20081009.htm>

⁹¹ http://www.cgtp.pt/index.php?option=com_content&task=view&id=1122&Itemid=106

⁹² <http://www.ilga-portugal.pt/noticias/20081008.htm>

by the Socialist Party, which is now in the government⁹³. Its official position states that this topic was not included in its electoral program so its approval must be postponed. This reluctant position has triggered a struggle among several sectors of the party. Politicians mainly belonging to the government strongly defended that position while younger representatives who have been actively engaged in Socialist Youth campaigns about same-sex partnerships agree with Civil Code modification. The conflict got even worse when the former decided to impose the cohesion for roll call voting in that topic. The opposition of the SP as well as of the PDS (Social Democrat Party) and CDS-PP (Popular Party) meant that these law proposals were not approved. As a consequence, the LGTB movement name the 10th of October, the date when the voting took place, as a shameful day for Portuguese democracy⁹⁴.

Regarding divorce regulation, we find less significant debate. Indeed, only women's organizations were trying to include some modifications in the Law n^o245/2008. For instance, the *Women Lawyers' Association* proposals aimed at introducing references concerning victims of domestic violence⁹⁵. In this case, marital status is linked with gender inequalities.

Although intimate citizenship related topics have not tended to be either intersectional or gendered within the QUING period, recent proposals may lead to relevant shifts. Indeed, these new hot debates, mainly on same-sex marriage, are contributing to the consolidation of "old" alliances which were set up in the abortion campaigns. Sexual orientation, gender and marital status are also gaining momentum as significant inequality axes.

7.4 Changes in gender based violence

We cannot point to any turning point in the issue of gender based violence. On the contrary, shifts are being introduced progressively. Thus, we have witnessed a slight evolution towards greater consideration of some categories, mainly migrant status. In these cases, migrant females have emerged as a significant target group when dealing with different kinds of violence. Indeed, not only domestic violence but also human trafficking related documents are increasingly addressing their specific situation. Both institutional and civil society documents show this sort of concern, highlighting that concrete measures are needed in order to tackle this new reality. In addition, both actors are paying much more attention to kinds of violence that have not been tackled thus far, such as genital mutilation which is increasingly present in Portuguese debates.

Although one of the most intersectional issues, gender based violence is not a hot debate in Portugal. As a result no relevant shifts can be identified. It seems that the

⁹³ We can find several references in Portuguese newspapers. See for instance http://tsf.sapo.pt/PaginaInicial/Portugal/Interior.aspx?content_id=1020946

⁹⁴ <http://www.ilga-portugal.pt/noticias/20081003.htm>

⁹⁵ <http://clix.expresso.pt/gen.pl?p=stories&op=view&fokey=ex.stories/406680>

most expected change, namely the introduction of a gender perspective, has already been achieved.

7.5 Conclusions

As we have seen above, Portuguese policies have become slightly more aware of other inequalities besides gender. When referring to gender equality policies, that category tends to appear as interacting with others. This multiple discrimination approach is coherent with recent plans, which aim at tackling several inequalities at the same time. In addition, the institutional structure was modified with the purpose of dealing with this new strategies and objectives. Accordingly, the current decade has witnessed a clear evolution to a more intersectional approach.

Regarding other issues, the tendency is to maintain a unitary as well as a multiple approach, especially in relation to institutional texts. Civil society it is not really emphasising that this perspective must be changed, but at least it is getting more concerned about other topics that should be addressed. For example, trade unions and women's organizations are supporting same-sex marriage and migrants' regularization. These constitute good examples of how to construct policy networks that cross cut inequality axes. These emerging alliances are expected to increase awareness about individuals at the intersections, although they address these topics from a unitary approach. The coming years could give us more information about how civil society strategies can influence public policies, mainly with reference to the recent engagement in new participatory bodies.

8. General conclusions.

Our first general conclusion is that intersectionality is an incipient issue in Portugal. Thus, the main steps towards this new perspective have taken place only in recent years. Shifts that occurred in 2007, when several plans were approved in order to tackle a wide scope of inequalities, are especially interesting. These are the ones addressing social inclusion, human trafficking, integration of migrants and the *European Year of Equal Opportunities for All*. They are good examples of intersectional documents within which many axes are not only seen as relevant but also as interacting with each other. This current evolution means that coded documents belonging to the QUING period are less relevant in order to assess how Portugal is dealing with intersectionality. Accordingly, we must address this new perspective taking into consideration both past (coded) and present (not coded) shifts.

Regarding legislation and equality bodies, the starting point was to treat inequalities separately. Following this principle, many laws were approved with the aim of creating an anti-discrimination legal framework, and several equality machineries were set up in order to tackle their own inequality ground. This was the main strategy until 2007, when aforementioned plans tried to introduce a perspective much more similar to Hancock's multiple approach (Hancock, 2007). In these cases, one objective (e.g. social inclusion, integration of migrants etc.) implies that several inequalities must be tackled at the same time, since all of them are relevant. In addition, they are seen as interacting, which means that they may appear as added, multiple or cumulative. This multiple approach has also influenced the institutional structure, given that these new plans require new interdepartmental bodies as well as new forums centred on civil society participation. The core objective is to gather new voices and to guarantee the involvement of the government as a whole.

During the QUING period, the intersectionality perspective is rather weak. Unitary and multiple approaches are combined but references to intersections among inequalities are actually scarce. When referring to the latter perspective, documents tend to mention the existence of multiple discriminations or added vulnerabilities which are shaping individuals' situations. This special labelling means that intersectionality is not explicitly named but it is implicitly considered.

If we pay attention to the QUING issues, we can find significant variations. Both general gender equality policies and gender based violence emphasise the interactions between gender and other axes. Concerning the former, we must highlight its evolution towards intersectionality, since the latest plans are much more concerned about women's diversity as well as about the interactions between gender and other inequalities. Regarding these plans, which are not directly related to gender policies, their comprehensive objectives have led to new and significant shifts. In this case, the CIG (*Commission for Citizenship and Gender Equality*) has actively participated in their elaboration and implementation, mainly in order to mainstream gender. New inequality axes have also gained visibility in gender based violence. Examples are recent plans and civil society actions within which migrant status appears as relevant and new types of violence are becoming significant. Non-employment related documents are less

important since although several axes are mentioned, they are treated as separate and de-gendered. As a result age, gender or migrant status are included but disregarding their connections, and emerging issues such as demographic decline or care work are not connected to either women's or migrants' situations. In the negative extreme of the *continuum*, we can find texts concerning intimate citizenship which show a weak intersectional perspective. Indeed, the scope of inequalities is rather narrow and references mostly describe axes as independent. As a consequence, a unitary approach still prevails when referring to issues such as divorce and marriage or same-sex partnerships. Apart from these findings, it does not seem that intersectionality is displacing gender. This is due to the fact that Portuguese documents, especially laws, tend to be de-gendered - irrespective of the range of axes included. Indeed, most regulations and plans are conceived as neutral, with no gender perspective at all.

Concerning the actors, we also must distinguish between coded and uncoded texts since some variations among them are relevant. Regarding the former, it seems that civil society is better at doing intersectionality than the Portuguese institutions. Indeed, their documents mention some concerns that have never been introduced before. This is the case of trade unions highlighting sexual harassment among young women with precarious jobs, or women's organizations paying attention to migrant women and gender based violence. Apart from those documents, we also can deduce some intersectional concerns from civil society mobilizations around abortion and same-sex partnership, which represented a window of opportunity for triggering alliances and common objectives. Women's organizations, LGTB movements as well as trade unions set up relevant ties which are still alive. Thus, we can observe how recent debates about same-sex marriage or migrants' situation are generating new joint campaigns.

In spite of this incipient intersectional perspective within civil society, it is also apparent that the governmental level has had a key role in introducing this new perspective. Indeed, recent plans (not coded) as well as present changes in equality machineries are important shifts. Thus, interdepartmental commissions, intersectional objectives and new strategies have been introduced in order to take into consideration several inequality axes. In this case, a top-down approach appears as relevant since political will is notable. Europeanization emerges as the main underlying reason of this new governmental concern, due to the fact that almost all the new plans are trying to accomplish European objectives and follow EU recommendations. This is not an unexpected finding since the Portuguese literature has addressed the EU explanatory variable many times. It seems that regarding intersectionality we can observe the same features as other research has already pointed out. This is the case of the literature related to top-down approaches within public policies, namely to the gender oriented ones (Ferreira, 1998), or of the research analysing the Europeanization of polity, politics and policies in Portugal (see for instance Matos, 2006; Guibentif and Gonçalves, 2008; Paulo and Leston-Bandeira, 2006; Magone, 2006). Regarding the new intersectional plans, it seems that evolution has taken place because of *policy*

transfer and/or a *policy learning* process⁹⁶. This means that in spite of being issues where non-binding rules (*soft law*) still prevails and no transposition is required, Portuguese authorities have adopted the EU guiding principles.

Finally, it is worth highlighting that no conflicts have emerged as a result of the introduction of intersectionality. Although actors have different concerns, we could not find struggles among inequalities, either regarding their machineries or concerning their associations. Thus, it is much more probable to find joint actions or campaigns as well as common objectives than to discover points of conflict. Same-sex marriage appears as the main emerging conflict at the moment, since government as well as other important parties have hindered the approval of new regulations which have been strongly supported by civil society.

This lack of controversial features in the political and the social arena may vanish due to recent shifts within the institutional structure and/or in policy tools. As we have already seen, new bodies related to civil society engagement are expected to enhance participation within associations as well as create new “meeting points” between them. This could not only lead to cooperation but also to general struggles and competition for achieving resources. Concerning new strategies such as mainstreaming social inclusion, we could expect similar conflicts, since introducing this perspective might mean that gender (or another inequality) becomes omitted. In that case, we could witness a competition among two types of mainstreaming, one belonging to gender inequalities and one oriented to a wide range of axes.

Giving these new findings, it is clear that intersectionality is an emerging issue in Portugal and that it must be addressed by further research. In fact, its institutionalization (legislation, plans, machineries) as well as its presence within civil society organizations indicate that during the following years we may witness an evolution which might lead to a greater incorporation of intersectionality in Portuguese policies.

⁹⁶ This is an emerging approach among scholars focused on Europeanization. See for instance López-Santana, 2006; Bruno *et. al.*, 2006; Howell, 2004; Radaelli, 2003.

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ANNEX- Occurrences of intersectionality in Portugal coded policy documents

The tables below gathers the occurrences of intersectionality in the Portugal coded documents. They provide information about the number of times intersectionality has been coded “yes” (occurrences), differentiating among sub-issues. It also gives information about the extent these occurrences are present in the diagnosis as well as in the prognosis dimensions. The category ‘Texts’ refers to the total number of texts that were coded in each issue. It includes the number of supertexts that were produced in the analysis. This means that in some cases one document, namely the parliamentary debates, could lead to several texts (supertexts).

The data on occurrences is only partially coherent with the interpretations that we have mentioned above. Indeed, they show that the sub-issue qualified as the less intersectional is one of the most coded as “yes” (intimate citizenship) while issues qualified as more concerned about interactions among inequalities are mostly coded as showing less intersectionality. We can explain these inconsistencies taking into consideration that coded occurrences referred mainly to axes not interacting with others, such as sexual orientation or marital status. General gender equality policies, gender based violence and to lesser extent non-employment related texts, show less occurrences but their mention is more relevant due to the wide scope of covered inequalities and to the interactions established among them. In summary, quantification of occurrences by itself could lead to confusion since qualitative analyses offer other nuances.

Table. 1 Occurrences of intersectionality code in General Gender+ Equality Policies

GENERAL GENDER+EQUALITY POLICIES							
	Texts	Diagnosis		Prognosis		TOTAL	
		Occurrences	Nº of docs	Occurrences	Nº of docs	Occurrences	Nº of docs
General gender+ equality legislation	6	2	2	3	1	5	3
General gender+ equality machinery	2	3	1	0	0	3	1
TOTAL	8	5	3	3	1	8	4

Table. 2 Occurrences of intersectionality code in Non-employment

NON-EMPLOYMENT							
	Texts	Diagnosis		Prognosis		TOTAL	
		Occurrences	Nº of docs	Occurrences	Nº of docs	Occurrences	Nº of docs
Tax-benefit policies	5	3	1	3	1	6	2
Care work	4	4	2	0	0	4	2
Reconciliation	5	0	0	1	1	1	1
Pay gap	4	2	2	0	0	2	2
TOTAL	18	9	5	4	2	13	7

Table. 3 Occurrences of intersectionality code in Intimate Citizenship

INTIMATE CITIZENSHIP							
	Texts	Diagnosis		Prognosis		TOTAL	
		Occurrences	Nº of docs	Occurrences	Nº of docs	Occurrences	Nº of docs
Divorce, marriage and separation	4	1	1	1	1	2	2
Sexual orientation discrimination	5	2	2	0	0	2	2
Reproductive rights	5	5	1	1	1	6	2
TOTAL	14	8	4	2	2	10	6

Table. 4 Occurrences of intersectionality code in Gender Based Violence

GENDER BASED VIOLENCE							
	Texts	Diagnosis		Prognosis		TOTAL	
		Occurrences	Nº of docs	Occurrences	Nº of docs	Occurrences	Nº of docs
Domestic violence	6	3	1	0	0	3	1
Sexual harassment	4	1	1	0	0	1	1
Trafficking	5	3	2	0	0	3	2
TOTAL	15	7	4	0	0	7	4