

Institutionalising intersectionality in Portugal: towards a multiple approach?¹

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Abstract

Current literature about intersectionality focuses on analysing how does an intersectional approach look like and how it is being put into policymaking practice. This paper aims at filling the existing gap within Portuguese literature, which has hardly ever addressed this topic. The main objective is to shed light on how and to what extent this new strategy is becoming embedded in Portuguese policy processes and structures. Following Hancock's typology, I will argue that Portugal is applying a mixture of approaches, where both a unitary and a multiple perspective are present (Hancock, 2007). The former is mostly represented by anti-discrimination legislation and equality machineries, which still try to combat inequalities separately. For analysing the introduction of a multiple perspective, I will have a look at very recent plans (integration of migrants, social inclusion etc.), which not only include a more complex diagnosis where inequalities are seen as connected, but also introduce some key shifts which aim at tackling intersections among different inequalities (interdepartmental agencies, new methodologies etc.). Finally, Portuguese tradition on creating participatory councils will be considered in order to assess the extent to which an intersectional approach is likely to be introduced. I will argue that all of those elements are contributing to the inclusion of a multiple approach as well as to the potential fulfilment of some key requirements coupled with intersectionality (expertise, participation etc.).

Key words: intersectionality, Portugal, inequalities, multiple approach

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1. Introduction

During the last decades, feminist research agenda has widened in order to grasp not only inequalities related to gender, but also its intersections with other strands such as class, race or ability (See for instance Crenshaw, 1989, 1993, 2002; Brewer *et al.*, 2002; Browne and Misra, 2003). The underlying aim is to highlight the extent to which women's experiences are shaped by more than one inequality. This combination of axes does not merely represent an addition of oppressions but an intersection among them which creates a unique and qualitatively different situation. In parallel with this general concern, literature has recently opened a new avenue of analysis. In this case the aim is not only to scrutinize the effects of the cross-cutting axes but also to explore how these intersections have been tackled by public policies, if this is the case. Generally speaking, scholars have claimed that in order to implement better and fairer policies where women -and men- were not considered as homogeneous, an intersectional perspective is needed (Lombardo and Verloo, 2008a, 2008b; Squires, 2005; Beveridge and Nott, 2002). This new approach is expected to overcome a common shortcoming based on a twofold tendency to *super-inclusion* (a group-centred problem is seen as general) and to *sub-inclusion* (a general problem is seen as group-centred), which are both related to the incapability to consider those individuals at the intersections (Crenshaw, 2002). Given this new approach, the interest on studying whether or not intersectionality has been introduced in the policy making has clearly increased. The guiding question of this emerging research agenda is, can we find any evidences indicating that intersectionality is being put into practice? In other words, are the public policies being revised in order to take into account the fact that inequalities are not always independent? And going a step forward, is this new strategy being institutionalized?

As literature has pointed out when referring to gender mainstreaming, the transversal inclusion of a transformative aim such as equality between men and women is far from being smooth. Rather, this strategy has been described as mostly diluted in the mainstream –or *malestream*–, trapped both by its misunderstanding and its limited implementation (See for instance Benschop and Verloo, 2006; Beveridge and Nott, 2002; Daly, 2005; Mósessdóttir and Erlingsdóttir, 2005). Besides, its main requirements –political will, resources, knowledge and specific actions– are far from being fulfilled. Given this discouraging landscape, this former experience should be used in order to address intersectionality, trying to learn lessons from gender mainstreaming (Woodward, 2008; Squires, 2008a) and seeking to depict which are the new elements needed for making it possible. Although both strategies seek to combat structural inequalities (gender, race, sexual orientation, disability etc.) by revising the existing policies, intersectionality - which has also been named as mainstreaming equality or diversity- adds a greater degree of complexity by considering not only each inequality by itself but also its intersections. Adaptation to this new perspective seems to be even harder than the challenge represented by gender mainstreaming a few years ago. Due to this, scholars have also discussed about how we can address intersecting inequalities and which are the main requirements for better implementing this strategy (See for instance Lombardo and Rolandsen, 2009; Verloo, 2006; Center for Women's Global Leadership, 2001).

The Portuguese case offers a great opportunity for exploring these two emerging questions –institutionalization and requirements–, since this country is undertaking its first steps towards intersectionality. Inequalities are increasingly treated as intersectional, moving from the former *unitary* approach (Hancock, 2007), where they

had been treated as completely independent, to an incipient *multiple* approach, where additions and interactions are at least mentioned. Growing cooperation among equality bodies as well as the approval of several policy plans focused on tackling several strands at the same time, indeed point to the emergence of a more complex perspective. Besides, Portugal counts with a special feature, that is, its long tradition on setting up participatory organisms focused on engaging civil society organizations. Thus, nowadays there are not only old participatory councils attached to the equality machineries, but also new emerging organisms, which are clearly and intentionally intersectional. Both elements give us the opportunity to explore the extent to which an evolution towards an *intersectional* approach is likely to occur, as well as to assess these participatory experiences. In doing so, I will start by addressing the literature on intersectionality, seeking to explore some of the main pending questions. Subsequently, I will analyse the Portuguese main pieces of law concerning anti-discrimination and equality bodies, as well as the most recent policy plans. In addition, several exploratory interviews with policy makers and civil society actors will help to complete and contrast the information included in these policy documents². The core idea is to map the introduction of intersectionality in this country as well as to figure out what is the Portuguese way of dealing with this emerging strategy.

2. Institutionalising intersectionality: debates and pending questions

During the 90s, the EU witnessed a debate on the necessity to broaden the equality agenda beyond gender, seeking to spread the feminist achievements to other inequalities (Bell, 2008). Although the first steps towards these new priorities took place in the 80s with the inclusion of a social dimension in the EU policies (Mabbet, 2005), one of the first signs of this emerging concern was the Green Paper “European Social Policy” published in 1993 (European Commission, 1993). Social inclusion was marked as a key aim and the general emphasis put on class, stemmed from the centrality of work and employment in this document, was accompanied with relevant references to other intersecting axes such as sex, age, disability, race or marital status. This sort of timid approaches gained momentum in 1997 with the approval of the Treaty of Amsterdam, which by including six strands in the EU fundamental legislation meant a clear ‘non-return’ point. Directives 2000/43/CE concerning race and ethnic discrimination along with Directive 2000/78/CE guaranteeing equal treatment in work indeed confirmed that, at least, there was a clear political will on reinforcing hard law concerning antidiscrimination, as well as on translating these achievements to the Member States. During the 00s, the strategy was that of developing soft instruments such as plans, communications and specific programs. The *European Action Program Against Discrimination (2001-2006)*, the program PROGRESS or the *European Year for Equal Opportunities for All* are relevant examples of this new approach. In this case, the purpose is not as tightly connected with the transposition of legislation as it was in the past. Rather, the underlying idea was to spread a more flexible approach where the

² The semi-structured interviews took place in Lisbon in 2-4 March. The interviewed were Dina Canço (Main Advisor of the Commission for Citizenship and Gender Equality), Gonçalo Moita (Advisor of the High Commissariat for Immigration and Ethnic Minorities), Timoteo Macedo (President of Solidaridade Imigrante), Carmen Rasquete (Advisor of APAV), Paulo Côrte-Real (President of ILGA-Portugal), Manuela Góis, Joana Sales and Manuela Tavares (Executive Members of UMAR). The idea was that of including representatives of the main equality machineries as well as of relevant civil society associations, representing different strands and which take part in the Portuguese participatory councils.

emphasis put on antidiscrimination was combined with proactive equality policies. Besides, inequalities were no longer seen as merely separated but as added and/or intersecting. The necessity to combat multiple discrimination and to adopt an integrated approach indeed became a *locus communis*.

This new equality agenda and its influence at the national level opened a new field of analysis focused on addressing its implementation not only in the EU but also in the Member States. One of the first debates concerns legislation, since the approval of key texts such as the TA and the abovementioned directives has raised the question of how to better protect individuals against discrimination. Generally speaking, these norms have been positively valued since they not only mean an enlargement of rights, but also a movement towards the removal of the former hierarchy among strands (Skjeie and Langvarsbraten, forthcoming; Bell, 2008). Their binding character also entailed a direct impact on the national legislation, though with remarkable variations among countries (See for instance Squires, 2007; Mabbet, 2005). Nevertheless, there is still a debate on the efficiency of this integrated approach –one piece of law for all the axes-, since there is no evidence of its capacity to address multiple inequalities (Kantola and Nousiainen, 2009; Fredman, 2005; Hannet, 2003). In addition, there is nor a consensus on the appropriateness of the inclusion of close lists with concrete grounds of discrimination, where groups might once again fight for their recognition and inclusion (Yuval-Davis, 2006).

When referring to the equality bodies, there are also strong controversies brought about the emergence of this integrated approach. The European strategy centred on creating one equality body for all the strands, along with the inclusion in the ‘Race Directive’ of the obligation to this inequality to be covered by an concrete organism, has triggered a countless set of shifts in the national realm (Bell, 2008; Squires, 2007, 2008b; Cormack and Niessen, 2005). Thus, both the ‘soft’ and the ‘hard’ pressure caused the Member States to rethink their institutional instruments for dealing with inequalities. Expectedly, these emerging shifts are far from being smoothly accepted. On the contrary, there is both a feminist concern on how not to lose the improvements already achieved –gender mainstreaming, equality machineries etc.-, and a general discussion on what are the main advantages and challenges posed by these single bodies. Regarding the former, scholars and activists have reflected on the extent to which this integrated and anti-discriminatory approach could undermine the feminist transformative and structural perspective (Lombardo and Verloo, 2008b; Bustelo, 2008). When it comes to the latter, the thing is whether or not the advantages of having a single body – more influence, adaptation to individuals’ complexity, coherence etc.- can counteract its evident challenges –complexity, contradiction among objectives, decrease of resources etc.- (Niessen *et al*, 2004).

Besides this general debate, literature has been focused on how to implement intersectionality. First, there is a general concern regarding what is the appropriate approach for dealing with this new strategy. Hancock’s typology is frequently invoked as a meaningful tool for assessing its implementation. It allows us to make a distinction between approaches based on three main elements: how many categories are addressed, what is the relationship posited between them and how are they conceptualized (Hancock, 2007). While the *unitary* approach corresponds to those policies/analyses where each inequality is treated as separate and mostly static, the *multiple* approach tends to address more than one inequality though also in a very fixed way. The *intersectional* approach nuances this limited conception and treats the relation between categories as an open empirical question, with a very dynamic perspective. Case studies have shown the extent to which the unitary and the multiple approach still prevail (See

Bustelo, 2008; Alonso and Nunes, 2008; Forest *et al.*, 2008). Whilst wondering how to move towards an intersectional approach, scholars have highlighted that some elements might be necessary for making it possible. In addition to some general recommendations concerning data bases, rights protection systems or contextual analysis (See for instance Center for Women's Global Leadership, 2001), participation and consultation have emerged as one of the most recommended actions (Lombardo and Rolandsen, 2009; Squires, 2008b; Yuval-Davis, 2006). Thus, the engagement of civil society in the policy process appears as an accurate tool for hindering both an *oppression olympics*³ within which several groups might compete for resources and recognition, and the potential pitfall of reifying identities and reproducing the internal hierarchies (Squires, 2008a; Crenshaw, 1993). Finally, it seems to be useful for knowing more about people at the intersections (Lombardo and Verloo, 2008b; Yuval-Davis, 2006; Donaghy, 2004).

Following sections will seek to contribute to this emerging research agenda by exploring the specificities of the Portuguese case. The core idea is to shed light on how the legislation, the equality machineries and the engagement of civil society have been shaped in order to deal with intersectionality, if this is the case. Additionally, I will try to fill the gap present on Portuguese literature which has been more centred on providing a static portrait of the individuals at the intersections than on analysing how multiple inequalities should be tackled by public policies⁴.

3. Institutionalising intersectionality in Portugal: cross-cutting approaches

a) Anti-discrimination legislation and equality machineries: the unitary approach

Until very recently, Portugal has developed a unitary approach with some privileged strands. In line with other countries, inequalities have been mostly seen as independent, counting with separate bodies and pieces of law (See for instance Squires, 2007). Gender, race⁵ and disability have enjoyed a prevalent position while other axes such as age or sexual orientation have been mostly ignored. When it comes to legislation, the Constitution represents the most relevant umbrella against discrimination, stating that each citizen has the right to enjoy equal treatment regardless his/her ancestry, sex, race, language, country of origin, religion, political or ideological convictions, education, economic situation, social condition and sexual orientation (art. 13). This closed but exhaustive list was enlarged in 2004 in order to include sexual orientation, which had not been covered by any law yet⁶. This fact meant that Portugal became one of the first countries in the world to constitutionally protect against this sort of discrimination (Roseneil *et al.*, 2008). The Labour Code goes even a step further and includes a very exhaustive list of nineteen inequality axes. Thus, after the transposition of Directives 2000/43/CE and 2000/78/CE in 2003 and the modification of this Code in

³ Martínez quoted by Hancock (2007).

⁴ Even though there are remarkable studies on the interactions between class and gender (Estanque, 2004; André, 1996; Ferreira, 1994), on the special situation of male and female migrants (Peixoto, 2008; Teixeira and Albuquerque, 2005; Wall and São José, 2005) as well as on social movements, there is not a great emphasis on studying neither dynamic interaction among strands (See Santos, 2004; 2006; Albuquerque, 2005) nor their impact on public policies (See Cardoso, 2000).

⁵ I will use the term race when referring to what in Portuguese policies and laws includes race, nationality, colour and ethnicity.

⁶ Constitutional Law 1/2004 of 24 July (Sixth Constitutional Revision).

2009, a wide variety of discriminations are referred, from ancestry to education or political convictions⁷. In spite of this broad legislation, hierarchy among inequalities can be inferred by having a look at the specific pieces of law concerning each strand, since some of them count with a special position. When referring to gender and disability, legislation has been developed since either the last years of the *Estado Novo*⁸ or the very beginnings of the democratic period⁹. After that, the tendency was that of reinforcing the previous guarantees by successive pieces of law. While in the case of gender the core idea was to conquer equal treatment with respect to men, disability related policies were closely linked to specific measures focused on facilitating social integration. Even though race is not as soon developed as these strands, *Law 134/1999 forbids discrimination based on race, colour, nationality or ethnic origin* was passed one year before the approval of the ‘Race Directive’¹⁰. This premature development shows the extent to which these sort of inequalities had already entered in the Portuguese agenda. It must be noted that, in spite of this wide range of legislation, multiple discrimination is still to be covered since, in line with many countries, complaints must be presented at separate organisms in order to be accepted.

Equality machineries directly reproduce this unitary and hierarchical approach. Like the abovementioned legislation, gender and disability count with their own body since the 70s. The former issues count with an outstanding and extremely premature development in Portugal. The embryonic version of the current equality body, the *Working Group for the Participation of Women in the Economic and Social Life*, was indeed created in 1970, four years before the *Carnation Revolution*. The intention of the *Estado Novo* to implement some reforms focused on liberalization, along with the presence of some gender –or women- advocates inside the regime, facilitated this early development (Valiente, 1998)¹¹. These specificities distinguish Portugal from other countries whose institutional feminism is to be understood as a matter of women’s movement claims or left-wing governments (1998). Besides these foundations, the first democratic governments instead of eliminating the working group opted for setting up a stable organism, the *Commission of the Feminine Condition*, which was officially created in 1977¹². Work related to the *Ist Conference on Women* of the UN as well as a general interest on modernization and democratization acted as main incentives for this consolidation (Valiente, 1998; Tavares, 2000). What is more, in 1979 the state feminism was reinforced by creating a specialized organism focused on promoting gender equality on training and employment, the *Commission for Equality on Work and Employment* (CITE). This extremely early development depicts the extent to which the policies related to women count with a long and stable trajectory in Portugal. In spite of a few reforms, subsequent decades witnessed the consolidation of this institutional feminism. However, the last shift, the replacement of the former *Commission for Equality and Rights for Women* by the current *Commission for Citizenship and Gender Equality* (CIG), meant one of the most relevant modifications ever introduced. The purpose was that of broadening the previous competencies by including a general

⁷ See the last version of the Labor Code, Law 7/2009 of 12 February, approving the Labor Code.

⁸ See for instance Law 6/1971 of 8 November, approved the basis concerning rehabilitation and social integration of individuals with deficiencies.

⁹ See for instance Law 392/1979 of 20 September, guarantees equal opportunities and equal treatment in work and employment for women.

¹⁰ In spite of this previous piece of law Directive 2000/43/CE was in any case transposed by Law 18/2004 of 11 May.

¹¹ The role played by Maria Lourdes Pintasilgo is frequently highlighted (See Monteiro, 2008).

¹² The *Commission of the Feminine Condition* worked informally since 1975, though it was officially created by Law-Decree 485/1977.

promotion of citizenship as well as an explicit reference to gender instead of women, seeking to include men as part of the further policies. The reference to citizenship is tightly linked to the intention to cover sexual orientation, which does not count with a specific organism yet¹³. In addition, it refers to the growing interest on addressing women's multiple inequalities¹⁴. These sort of shifts let us to intuit that a new equality agenda is being introduced in this organism.

Disability is also an example of a strand with a long institutional history. The very first body was established in 1971, when the *National Rehabilitation Secretariat* was approved aim at integrating people with deficiencies¹⁵. In line with other equality bodies, during the last decades this institution has witnessed a countless variety of reforms. The last one occurred in 2007, when the *National Institute of Rehabilitation* (INR) was set up. Anyhow, this is obviously a consolidated policy issue with more than thirty years of history. When it comes to race, the first steps towards institutionalization happened in the end of the 90s. They were mostly caused by the presence of a second wave of immigration taking place in the country. Although Portugal is historically an emigration state, both the decolonization process and the inclusion in the EU triggered two main waves of immigrants occurred in the 70s and the 90s respectively (Abranches, 2008). As a result, the government opted for creating two different organisms for dealing with this new reality. On the one hand, in 1996 a *High Commissioner on Immigration and Ethnic Minorities* (ACIME) was established with the purpose of promoting social dialogue with immigrants. Even though it started with a very limited staff and conceptualized as an individual position, the tendency was that of increasing its resources and shifting it into equality machinery¹⁶. Thus, since 2002 it was no longer a commissioner but a commissariat. The last shift, occurred in 2007, meant the replacement of the former ACIME by the new *High Commissariat on Immigration and Intercultural Dialogue* (ACIDI), which was conceived for making immigration policy more transversal as well as for fostering dialogue among cultures, ethnicities and religions. Besides this body, Portugal also set up a *Commission for Equality and Against Racial Discrimination* in 1999. It is conceived as an independent organism, focused on accompanying all the existing complaints. Still, it is integrated both by institutional and civil society representatives, which constitutes a limited degree of independency (Malheiros, 2007). These three 'strong' axes go with the presence of less relevant machineries covering other inequalities such as the *Portuguese Institute of Youth* (IPJ) or the *Commission for Religious Freedom* created in 1993 and 2001 respectively.

This general landscape informs us about the extent to which the unitary approach has tended to prevail in Portugal. There has been a long tradition on tackling discriminations based on sex and disabilities, along with the emergence of race and age during the 90s. All of these bodies have been centred on their own strand and there has been no place for considering multiple discriminations. Although cooperation among bodies has seldom occurred, almost all the organisms have been placed in the

¹³ Beyond the LGTB activism, this introduction is to be understood because of the addition of some elements. First, it must be noted the presence of Elza Pais in the presidency of the CIG, who has been awarded by ILGA-Portugal because of being one of the few Portuguese politicians who explicitly refer to gays, lesbians and transsexuals. On the other hand, the government of the *Socialist Party* has also shown a clear will on adapting their agenda to the LGTB movement claims. Indeed, same sex marriage is supposed to be included in its next electoral program.

¹⁴ Interview Dina Canço (Main Advisor of the CIG).

¹⁵ Here, I mention the term deficiencies instead of disabilities because it is still commonly used in Portugal, even when referring to official institutions and social movements. In any case, it is worth to note that the *National Institute for Rehabilitation* is trying to progressively introduce the term disabilities.

¹⁶ See Law-Decree 251/2002 and Law-Decree 27/2005.

Presidency of the Council of Ministers since their creation. This meant that with the exception of the INR which has been always included in the *Ministry of Employment and Social Solidarity*, inequalities have always been addressed as transversal issues, requiring a slight holistic approach. This striking pattern started with the *Commission of the Feminine Condition* placed in the Presidency since its very beginnings, and continued with the subsequent bodies. What is more, the inclusion of this Commission in a concrete ministry during the 90s triggered a deep conflict and even caused its president's demission (Valiente, 1998). This fact shows the extent to which the Portuguese equality bodies are used to count with a prevalent and transversal position. Anyhow, we must have a look at very recent policies in order to notice a multiple approach.

b) New policy plans and emerging bodies: introducing the multiple approach

Given this fragmented landscape, the European integrated approach based on a single body covering all strands might be challenging the Portuguese way of dealing with inequalities. Generally speaking, both equality and general policies are quite influenced by the EU. When referring concretely to intersectionality, the CIG and the ACIDI take part in the EU most relevant networks of equality bodies, that is, of the EQUINET and the *Fundamental Rights Agency*. It would be rather expectable that this engagement as well as the European priorities could influence these national bodies. As scholars have shown, the strategy focused on setting up single body has triggered a variety of reactions depending on the country and/or the organism. This means that both strong resistances (Lombardo and Verloo, 2008b) and smooth acceptance (Squires, 2007) have been reported. When addressing Portugal, it is noteworthy that the creation of a unique equality body is not being taking into consideration at all. Rather, this country seems to opt for maintaining its 'old' organisms. In any case, looking at the very recent policies we can infer the extent to which a multiple approach is gaining momentum.

First of all, the reform that took place in 2007 in the Presidency of the Council of Ministers acted as an opportunity for these organisms to be reformed¹⁷. The ACIDI opted for broaden its scope of competencies by stating that immigration policies must be transversal, integrated and coherent. This entails a greater emphasis on the engagement of the whole government. On the other hand, the CIG added a key reference to the promotion of citizenship which is strongly related with its increasing concern on how to deal with other inequalities beyond gender. As I have mentioned above, one of the main purposes was to cover sexual orientation discrimination. Nonetheless, the reform also stemmed from the emerging emphasis put on women's multiple inequalities. This concern is especially evident when having a look at the last gender equality plan where it is explicitly recognized that "women have to face multiple discrimination based on their race, territory of origin, religion, disability, age or sexual orientation". In parallel, there is also an emerging agenda concerning other types of gender violence, namely human trafficking and genital mutilation, which not only had never been considered before but that also represent the inclusion of other strands beyond gender. Finally, its *Advisory Council* has been modified for including a wide variety of organizations so that inequalities interacting with gender can be considered.

¹⁷ Law-Decree 202/2006 of 27 October approves the organic Law of the Presidency of the Council of Ministers.

Besides these general shifts on equality machineries, last years have also witnessed the inclusion of a multiple approach in policy plans. Even though until very recently policy documents were mostly blind to the presence of intersecting inequalities (Alonso and Nunes, 2008)¹⁸, the newest texts concerning the equality agenda reflect a growing interest on overcoming the unitary approach (Table 1.). First of all, there are many examples of policy plans which either explicitly or implicitly recognize that inequalities can no longer be addressed as if they were isolated. What is more, most of them include a concrete reference to the existence of multiple discriminations. Combination of strands tends to be limited by the presence of a prevalent axis, which is quite expectable in specialized documents addressing concrete issues such as gender equality or the integration of disabled. Documents regarding consolidated policies and ‘old’ equality bodies therefore maintain their respective focus on a specific strand. This means that only the plan related to the *European Year for Equal Opportunities of All* and the one concerning human trafficking, show an almost infinite combination of oppressions. When referring to the strategies, it is worth to highlight that antidiscrimination legislation and equal treatment are not the sole options. Rather, specific measures and to a lesser extent mainstreaming seem to be also part of the Portuguese equality policies. For instance, the *III National Plan for Social Inclusion* includes a special methodology for dealing with these multiple discriminations. In this case, *mainstreaming social inclusion*, that is, to take into consideration the promotion of social inclusion in all policies, is expected to be implemented. Even if its concrete results are almost null until now, the introduction of this new strategy obviously raises the question of its compatibility with gender mainstreaming, which is supposed to be present since the approval of the first gender equality plan in 1997. As scholars have pointed out when referring to *mainstreaming diversity*, this coincidence does not exclude the possibility to witness a conflict between two types of mainstreaming and/or an evolution towards gender disappearance (See for instance Woodward, 2008).

Table. 1. Type of approach and type/s of strand/s included per policy plan¹⁹.

PLAN	APPROACH
III National Plan for Equality: Citizenship and Gender 2007 – 2010.	Multiple (<i>gender</i> + race, territory of origin, religion, disability, age or sexual orientation)
Plan for the Integration of Immigrants	Multiple (<i>race/ ethnicity/ color/ religion</i> + gender)
I Action Plan for the Integration of People with Deficiencies or Disabilities 2006-2009	Multiple (<i>disability</i> + sex, social condition or ethnicity)
III National Plan for Social Inclusion 2006-2008	Multiple (<i>class</i> + age, gender, citizenship, disability or ethnicity)
National Plan for the European Year for Equality for All	Multiple (gender + age + sexual orientation + race/ethnicity + religion + belief + disability)
I Plan Against Human Trafficking	Multiple (class + gender + age + ethnicity + race + citizenship)
Program against Genital Mutilation	Multiple (<i>gender</i> + age, race, citizenship, religion)

Source: own data.

¹⁸ The analysis of the texts selected in the QUING Project corresponding to the period 1995-2007 was not very useful for addressing intersectionality in Portugal since it is only present in the very recent documents. For more information see Alonso and Nunes, 2008.

¹⁹ In Italic the prevalent axes.

These policy documents are not only relevant when addressing the individuals at the intersections, but also for entailing a great degree of cooperation among the equality machineries. Due to the complex aims to be accomplished as well as the strands to be considered, all of these plans state that many governmental areas must be involved in their design and development. As it has been noted, Portuguese equality bodies count with the special feature of taking part in the Presidency of the Council of Ministries since their creation. This fact has facilitated not only a mutual knowledge but has also generated a broad strategy based on coordinating all the governmental plans, leading to a dense ‘net’ of policies²⁰. When referring to equality policies, this cooperation goes with the creation of a wide range of interdepartmental structures (Table. 2). The sole example of a stable organism set up by law is the *Inter-Ministerial Section* belonging to CIG, which seeks to involve all the governmental areas into gender policies. Anyhow, although the other ones are temporary structures attached to concrete actions, it is worth to note that they indicate the presence of a clear strategy based on considering that all of those issues -integration of migrants, social inclusion, human trafficking etc.- are not only transversal but also referred to several inequality strands. The presence of the CIG and the ACIDI in all these interdepartmental organisms shows the extent to which gender and race are considered both horizontal and interconnected issues.

As opposed to other countries, it seems that Portugal opted for an intermediate strategy, neither maintaining completely isolated bodies nor setting up a single one. ‘Old’ equality bodies are far from being questioned since they are indeed leading many of these ‘new’ structures, which gives them a chance to be reinforced. Even if there is still a limited real cooperation among organisms, this Portuguese way of dealing with intersectionality provides a new manner of solving the single body ‘dilemma’. Thus, this combination of independent equality machineries with several coordinating and decisional organisms might overcome the weaknesses attached both to the separate (independent organisms) and the integrated model (single organism). In this case there is ‘watchdog’ coupled with each inequality, seeking to guarantee that it is transversally combated instead of transversally diluted. In parallel, the main role played by these ‘old’ bodies is balanced by the creation of these ‘new’ structures focused on coordination, negotiation and mutual knowledge, which could represent an appropriate manner for tackling intersecting inequalities. In this case, the EU model has a limited impact. Although some European priorities such as the social inclusion programs or the European years have had a clear impact on the Portuguese policies, it is evident that Portugal is far from being directly implementing the integrated model. Instead, a *third way* of dealing with intersectionality can be inferred. EU policies seem therefore to be more an opportunity for introducing a multiple discrimination agenda that was already there, than a simple process of Europeanization.

²⁰ Coordination goes beyond plans attached to the equality machineries and is indeed amplified to other plans that have indirectly to do with equality such as the *National Plan for Employment* or the *Health National Plan*.

Table 2. Type of member/s per organism.

STRUCTURE	MEMBERS
Inter-Ministerial Section of the Advisory Council (CIG)	<ul style="list-style-type: none"> o All the Ministries
Mission Structure (European Year for Equal Opportunities of All)	<ul style="list-style-type: none"> o CIG o ACIDI o IPJ o INR o 2 departments o Coordination of the National Plan for Social Inclusion.
Working Group (National Plan for Social Inclusion)	<ul style="list-style-type: none"> o INR o CITE o CIG o ACIDI o 9 departments o 2 external committees
Inter-ministerial Commission (National Plan for Social Inclusion)	<ul style="list-style-type: none"> o CIG o ACIDI o 12 departments o Autonomous Regions (Açores and Madeira)
Inter-ministerial Commission (Plan for the Integration of Immigrants)	<ul style="list-style-type: none"> o ACIDI o 7 departments o General Labor Inspector
Technical Commission (Plan Against Human Trafficking)	<ul style="list-style-type: none"> o CIG o ACIDI o INE o 14 departments
Inter-sector Group (Program against Genital Mutilation)	<ul style="list-style-type: none"> o CIG o ACIDI o 3 departments
Interdepartmental Group (1 Action Plan for the Integration of People with Deficiencies or Disabilities 2006-2009)	<ul style="list-style-type: none"> o INR o CIG o 14 departments

Source: own data.

c) Participatory organisms and the engagement of civil society: a window towards intersectionality?

In parallel with the abovementioned requirements -legal protection, coordination among equality bodies, consideration of intersectional identities in the equality plans etc.-, literature has also generated a debate on whether or not civil society participation is also needed for implementing this strategy. On the one hand, intersectionality not only represents a great opportunity for broadening and problematizing the equality agenda, but also a strong challenge to those inequalities –organisms, advocates and civil society organizations- that had been already consolidated. This fact poses the question of how to deal with this winners-losers ‘dilemma’ and its respective *oppression olympics*²¹. In this sense, some studies have underlined that the movement towards an integrated approach has indeed triggered certain degree of competition among inequalities (Rolandsen, 2008; Lombardo and Verloo, 2008b). Due to this fact, the engagement of civil society voices in the policy making appears as a relevant tool for channelling this underlying and almost inherent tension. What is more, dialogue among groups is appropriate for diminishing essentialism and questioning internal hierarchies, blurring the division between *insiders* and *outsiders* (Squires, 2008a; Crenshaw, 1993). Previous unitary approaches indeed ended up reifying identities and giving little place for those individuals at the intersections. Intersectionality is expected to nuance this

²¹ Martínez quoted by Hancock (2007).

pattern by promoting external –coalitions, alliances etc.- and internal debate, as well as by addressing inequalities in a more deliberative and *open* way (Cole, 2008; Squires, 2008a; Yuval-Davis, 2006). In line with this, participation seems to be one of the best ways for avoiding some of the most relevant shortcomings attached to gender mainstreaming, that is, its technocratization and depoliticization (See for instance Squires, 2005, 2008a). The core idea is to overcome the bureaucratic approach which has been labeled as neither transformative nor participatory, and to promote a more deliberative process. Finally, from a more practical point of view, consultation with civil society is also appropriate for acquiring an accurate knowledge about the individuals at the intersections. Given the complexity to achieve an infinitive variety of disaggregated data as well as the risk to be trapped in the Crenshaw's 'dilemma' –visibility vs. stigmatization-, civil society groups appear as an easy and reliable way of grasping intersectional inequalities. The EU is one of the institutions that has bet for the presence of these 'experts through experience' the most. Thus, the strategy has been that of financing transnational NGO's networks and of establishing that civil society involvement is a main mean for achieving the EU targets²².

When it comes to Portugal, participation also plays a relevant role. As opposed to other countries, organisms focused on engaging civil society exist since the very beginnings of each equality policy. The CIG and the INR indeed set up their respective advisory councils in 1977, in parallel with their own creation. It has been argued that this special feature is to be understood as a consequence of the corporatist tradition of the *Estado Novo*, during which the State tended not only to involve some social movements but also to create them (Nicholls, 2007). These origins along with the *top-down* approach that still prevails in Portuguese policy-making determine that these structures should be considered more as merely *consultative* than *incorporative* (2007). Anyhow, they have had a relevant role on creating official ties with civil society organizations aim at facilitating their contribution to policy design and implementation. Due to this, it is worth to explore their potential role with regards to intersectionality.

Concerning the gender equality machinery, contacts with women's associations were already established in 1974 in order to prepare the *1st Conference on Women* held in Mexico. These informal ties were consolidated in 1977 when, in parallel with the creation of the *Commission*, an *Advisory Council* was set up. It counted with a twofold objective²³. On the one hand, civil society engagement was guaranteed by the presence of a NGO's section, where women's and feminist associations were represented. Besides, an Inter-ministerial section was in charge of involving all governmental areas. Both elements point to the presence of a premature interest on horizontal implementation and social partnership²⁴. When comparing with other countries, Portugal has the special feature of not only having institutional feminism before a relevant feminist movement, but also of being the machinery which treated to engage civil society since its very beginnings (Valiente, 1998)²⁵. In spite of its stable thirty-year trajectory, NGO's section has experienced three main stages. During the 70s and the 80s, it actually had a salutary effect on women's movement, facilitating the creation of ties and cooperative relations²⁶ (Tavares, 2000). The 90s witnessed the first conflicts concerning the equality body. Not only the inclusion on a concrete ministry was controversial, but also the

²² See for instance the *European Action Program Against Discrimination (2001-2006)*.

²³ Law-Decree 485/77.

²⁴ See www.cig.gov.pt.

²⁵ Frequently, feminist movements emerge before the equality bodies and they have to fight for the creation of these structures and for their own engagement in policy making.

²⁶ This cooperation meant that some non consensual topics such as abortion were kept out of the agenda.

reform of the advisory council, which led to several general organizations not related to women to be included (Tavares, 2000; Bento, 2000). The consequence was that of decreasing the activity and the common actions. Last shifts on the equality machinery along with the growing interest on addressing multiple inequalities caused the last modification of this participatory organism which took place in 2007. The idea was to include both the LGTB movement and other sort of associations representing different inequalities such as disabilities or race, which are expected to facilitate a multiple approach. Obviously, these new participants led to women's associations with a long trajectory to be excluded. Unsurprisingly, these shifts have been criticized once again by highlighting that this organism is progressively losing its feminist perspective²⁷. The strategy based on tackling women's multiple inequality 'without' women is therefore not accepted.

Beyond the CIG, all the equality machineries have set up their participatory structures since the start of each policy. This is the case of the *National Council for the Rehabilitation and Integration of People with Deficiencies*²⁸ belonging to the INR, the *National Council of Youth*²⁹ attached to the IPJ and finally the *Advisory Council for Immigration Affairs* corresponding to the ACIDI³⁰. Even though all of them are focused on fostering civil society engagement in their respective issues, the latter organism has the special characteristic of giving to the immigrant communities the responsibility to decide their own representatives³¹, which entails a greater degree of participation. The core idea is that of making policies not only *for* immigrants but also *with* immigrants³².

Given both this Portuguese tradition on creating participatory structures as well as the European interest on promoting them, it is rather expectable that the 'new' equality bodies also seek to involve civil society actors. This is the case of the national plans for social inclusion and for the *European Year for Equal Opportunities for all*. The former counts with a *Non Governmental Forum for Social Inclusion* (FNGIS), created in 2006 so that civil society can contribute to the design, implementation and evaluation of these sorts of policies. Its emergence can not be understood without considering EU policies, since civil society engagement is one of the four pillars of the EU social inclusion strategy and in addition, this institution did not hesitate on asking Portugal for fulfilling this requirement³³. As a result, the third and the fourth national plans have already been enriched with the contribution of a wide variety of NGOs. Regarding the *European Year for Equality for All*, it could be expected that the EU model was also relevant. Anyhow, the CIG, which was in charge of leading this plan in Portugal, profited from this opportunity for fostering the multiple approach it was already treating to introduce³⁴. For doing so, a special structure representing six equality strands plus some intersectional identities was set up (EMAEIOT).

²⁷ See for instance the opinion of two of the oldest feminist organizations, the Portuguese Communist Women (MCP) [http://www.pcp.pt/index.php?option=com_content&task=view&id=31701&Itemid=195] and the Women's Democratic Movement (MDM).

[http://www.mdm.org.pt/index.php?option=com_content&task=view&id=102&Itemid=42].

²⁸ It was created by Law-Decree 346/77 of 20 August.

²⁹ It was initially created by Law-Decree 333/93 of 29 September.

³⁰ Law-Decree 39/98 of 27 February.

³¹ In Portugal, immigrants' associations are usually divided by country or region of origin. In line with this, the COCAI is integrated by one representative for each PALOP country (ex colonies with Portuguese language), that is, Brazil, Cape Verde, Guinea, Angola and Santo Tome, and one representative for each new community (Chinese, Eastern and Romania).

³² Interview with Gonçalo Moita (Advisor of ACIDI).

³³ See for instance *European Council report on Social Integration* (15223/01 ADD 1).

³⁴ Interview with Dina Canço (Main Advisor of the Presidency of CIG).

All these participatory structures stem from the interest on involving civil society in the policy making. But, in order to make intersectionality possible, more than one axis should be represented. Otherwise, they would reproduce the former unitary approach. In this sense, it is worth to raise the question of who is represented in the participatory councils? (Table 3.). Generally speaking, their composition partially reflects the type of approach adopted by the plan/machinery they belong to. Thus, a *continuum* can be drawn from those developing an evident unitary approach (INR), those including a slight multiple approach with more than one strand to be represented (ACIDI and IPJ) and, finally, those that inform us about the presence of an incipient multiple perspective (CIG, FNGIS, EMAEIOT). Concerning the latter, organisms attached to the gender equality machinery –advisory council and EMAEIOT- as well the one corresponding to the social inclusion plan, include a wide variety of organizations. When referring to CIG, this composition can not be understood without considering its growing interest on addressing women’s multiple inequalities.

Table 3. Type of strands represented per participatory organism.

ORGANISM	INEQUALITIES
NGO’s Section of the Advisory Council (CIG)	Gender + citizenship + sexual orientation + disability + age+ intersectional identities
Advisory Council (ACIDI)	Citizenship /ethnicity /race + class
National Council for the Rehabilitation and Integration of People with Deficiencies (INR)	Disability
National Council of Youth (IPJ)	Age + intersectional identities
Non Governmental Forum for Social Inclusion (Ministry of Work and Social Solidarity)	Gender + citizenship + disability + ethnicity + age
EMAEIOT- Mission Structure for the European Year for Equal Opportunity for All (CIG)	Gender + citizenship + sexual orientation + disability + race + age+ religion + intersectional identities

Source: own data

Due to this intersectional composition and their participatory aims, how do the civil society organizations assess these sort of structures? Do they consider them as an opportunity to build coalitions? As a challenge to what they have already achieved? The oldest and most relevant council is the one belonging to the CIG, with more than thirty years of experience. As it has been noted, its progressive modifications have been criticized because of the decreasing presence of the women’s movement. Additionally, some voices have questioned the extent to which this organism has contributed to feminist to be instrumentalized and neutralized, keeping many relevant issues out of the agenda (Bento, 1998; Amâncio, 1998). Given this context, it is worth to explore how other organisms are being valued. Exploratory interviews with civil society representatives have provided us with some additional clues. Although NGO’s are aware of their limited impact in the policy making, it must be highlighted that participatory councils are positively appraised. They are indeed labeled as an

appropriate way of making contacts with other groups, of improving the awareness concerning multiple discriminations and of managing divergences. Regarding the LGTB movement, participation means even more that this, since sexual orientation related NGO's had never been represented in official organisms before. When asked about the emergence of conflicts, all the interviewed agreed on the presence of an inherent tension among groups. Curiously enough, this fact has been positively valued, stating that divergences are not only expectable when gathering many different groups but also desirable. In spite of this smooth acceptance, it is also commonly claimed that, besides tackling multiple inequalities and fostering this deliberative process, specific policies and organisms are still needed. The main concern is that of recognizing that each inequality counts with its own characteristics. In words of one of the interviewed, "it is only possible to elaborate a plan which addresses a lot of discriminations, if the specificities of each one are taken into account"³⁵. This nuance poses the challenge on how to hinder the approach "on size fits all", which disregards that there is no a magic recipe for dealing with all inequalities (Verloo, 2006). Other idea that has been repeatedly mentioned is the necessity to hinder stigmatization. Although NGOs are aware of the presence of multiple discriminations, they point to the potential pitfall of reifying stereotypes about concrete groups. The Crenshaw 'dilemma' emerges once again by underlining that to address an intersectional inequality and to stigmatize a group are extremely close processes (Crenshaw, 1993). To sum up, social movements have intuitively pointed to the intersectionality main pitfalls, highlighting that its inclusion can go with several unintended consequences.

This quite smooth acceptance of participatory and partially 'intersectional' organisms is far from being accidental. Rather, civil society organizations have been developing a cooperative strategy since the beginnings of the 00s, when the *Portuguese Social Forum* took place. This event acted as a turning point, triggering very strong ties among civil society organizations (Santos, 2005). After that, the tendency was that of reinforcing common campaigns (Gay Pride, World March of Women etc.) as well as of increasing their concern on intersecting inequalities. When referring to the former, NGOs have developed a wide variety of alliances, provoking that individual actions seldom occur. Portuguese 'hottest' debates, that is, the approval of laws concerning legalization of abortion and same-sex couples, were indeed a milestone in this evolution. Social mobilization was extraordinary and cross-cutting alliances, mainly between women's movement, trade unions, LGTB associations and migrants, were a key element on explaining the successful achievements. Due to these external contacts, the internal way of dealing with inequalities has also been affected. Many organizations have not only improved the awareness on their own diversity, but have also created special sections aim at debating on how other strands might affect their members³⁶. This tendency might indicate a slight evolution from traditional coalitions, that is, agreements concerning concrete issues where differences among groups are merely hidden, to *rainbow coalitions*, where specificities are visible, debates about oppressions are open and mutual support goes beyond occasional moments (Young, 2000)³⁷.

³⁵ Interview with Paulo Côte-Real (President of ILGA-Portugal).

³⁶ See for instance the Group GIRLS (*Group for Intervention and Reflection on Lesbianism*) belonging to ILGA-Portugal and the *Women's Migrants Group* corresponding to Solidaridade Imigrante.

³⁷ This concept was introduced by Sheila Collins aim at analysing the coalition of blacks, Latinos, Asian Americans, American Indians, and poor whites during the US presidential election in 1984 (See Collins, Sheila (1986), *The Rainbow Challenge: The Jackson Campaign and the Future of U.S. Politics*, New York: Monthly Review Press.). Young introduces it as part of her analysis concerning a heterogeneous public space.

The ‘new’ and the ‘old’ participatory organisms, especially those which are more intersectional, seem to contribute to this incipient cooperation, creating new ‘meeting points’ for civil society organizations. Generally speaking, Portuguese long tradition on creating these sort of structures as well as civil society experiences on building coalitions seem to have paved the way for constructing a slight deliberative way of dealing with intersectionality. Although these are only advisory councils with little impact on policy making, they represent a clear example of how to facilitate the fulfilment of some of its most relevant requirements: representation, knowledge and deliberation.

4. Conclusions

In general, Portuguese policies opt for implementing intersectionality by combining different approaches. First, equality bodies and legislation are mostly conceived for tackling one single axis and hierarchy among inequalities is far from being eliminated. On the other hand, very recent policies point to the presence of an incipient multiple approach, where inequalities are explicitly considered as multiple and/or additive and machineries are expected to develop a very close collaboration. Unlike the EU, the strategy is that of maintaining several organisms centred on concrete strands, along with a growing interest on considering that both policy aims and their respective institutions must be interconnected by what can be named as the ‘cobweb’ of intersectionality. In addition to this, Portugal has also shown a great interest on engaging civil society on this emerging equality agenda. Given that participatory organisms count with a long tradition in this country, it is rather expectable that intersectionality can not be conceived without including social movements to certain extent. This is the reason why new plans related to several strands as well as the CIG, who seeks to introduce women’s multiple inequalities as part of the agenda, opted for including a wide variety of associations in their respective structures. These recent shifts facilitate an intersectional approach to be included, since these participatory processes actually treat intersectionality as an *open empirical -and political- question*. All of these elements point to the presence of a Portuguese way of dealing with intersectionality. Neither an integrated approach nor a strong unitary approach is likely to be implemented. Rather, it seems that both the national context and current political priorities have led to a *third way* of confronting this challenge.

Beyond this concrete case, this paper has also sought to contribute with some initial reflections on how intersectionality can be put into practice. Relying on the example of gender mainstreaming, it is evident that a strategy focused on eliminating structural inequalities is not likely to be smoothly introduced. What is more, if we are trying to eliminate not only the patriarchy but also other basic systems of oppression, it is pretty probable that this strategy might face many resistances. This means that in order to include intersectionality as part of the *policy routines*, some elements should be required. As gender policies have shown, *velvet triangles* are one of the tools that are useful the most. Thus, alliances between equality machineries (femocrats), feminist scholars and women’s movement have been described as an accurate manner of including gender issues in the policy agenda. When referring to taking into account several strands, these coalitions might be also necessary for involving the government as a whole as well as for creating a deliberative dialogue among actors. In this case, the necessity to build *rainbow triangles* could also be explored.

Besides overcoming these expectable resistances, gender mainstreaming has also shown the extent to which knowledge and procedural tools should also be available. Intersectionality poses an even harder challenge in order to make the implementation possible. Complexity of categories to be explored as well as problems related to the stigmatization of groups point to the necessity to provide the *actors normally involved in the policy making* with a greater degree of expertise. Civil society participation seems in this case to be one of the main strategies for generating knowledge about people at the intersections. These ‘experts through experience’ indeed appear as an exploratory way of removing existing stereotypes about groups, problematizing fixed identities and avoiding bureaucratization.

New research agenda is therefore expected to reflect on how to make intersectionality technically possible and actually transformative. However, it is worth to note that in order to emphasize its transformative aims some debates are still to be raised. Indeed, literature addressing the institutionalisation of intersectionality seldom stresses the extent to which some strands can be partially –or completely- incompatible. As it has been vastly recognized, feminism is far from being smoothly accepted by some ‘oppressed’ groups but considered as a threat to their internal cohesion. As a result, the question of whether *multiculturalism is good for women* –and for other groups- still remains an open one when referring to this emerging strategy. Different and/or irreconcilable meanings of equality thus should once again be revisited.

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