

## Democratising intersectionality? participatory structures and equality policies in Portugal

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**Abstract.** Scholarly work on intersectionality has shown some concern on whether this policy strategy is implemented in a participatory manner. The case of Portugal has been of particular interest since the country features a long tradition of involving civil society in the making of equality policies. This article revisits the Portuguese case in order to analyse recent developments. First, the participatory and coordinated approach adopted so far to deal with inequalities is described. Second, the analysis focuses on gender-based violence policies to help capturing new advancements. These policies have been recently enlarged to tackle the situation of women at the intersections and civil society actors have been actively involved in the policy-making process. In particular, the case of policies to combat female genital mutilation illustrates how participatory structures contribute to bring an intersectional perspective. The analysis of the Portuguese case allows thus reflecting on the potential benefits of democratising intersectionality as well as its limits.

**Keywords:** Intersectionality; participatory approach; Portugal; equality policies.

## [es] ¿Democratizando la interseccionalidad? estructuras participativas y políticas de igualdad en Portugal

**Resumen.** Los estudios referidos a la interseccionalidad han realizado gran hincapié en la necesidad de que este enfoque de actuación se implemente de manera participativa. El caso de Portugal ha sido de especial interés dado que dicho país se caracteriza por una larga tradición en materia de incorporar a la sociedad civil en el proceso de elaboración de las políticas de igualdad. Este artículo revisa el caso portugués con el objeto de analizar los avances más recientes en este ámbito. En primer lugar, se describe el enfoque coordinado y participativo aplicado hasta la fecha para abordar las desigualdades. El análisis se centra en las políticas de lucha contra la violencia de género para explorar los últimos desarrollos al respecto. Dichas políticas han sido ampliadas con el objeto de abordar la situación de las mujeres que se encuentran en la intersección de varias desigualdades, y los actores de la sociedad civil han tenido una participación activa en dicho proceso. En concreto, las actuaciones en materia de mutilación genital femenina nos sirven para ilustrar como las estructuras participativas contribuyen al desarrollo de un enfoque interseccional. El análisis del caso portugués permite así reflexionar sobre los beneficios y los riesgos de democratizar la interseccionalidad.

**Palabras clave:** Interseccionalidad; enfoque participativo; Portugal; políticas de igualdad.

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## 1. Introduction

Intersectionality practice has progressively become an open empirical question for feminist policy analysis. The recognition of the intersecting nature of inequalities brought significant changes to the making of equality policies in Europe, including the emergence of an integrated approach promoted by the European institutions and mirrored by several Member States (Walby and Verloo, 2012; Krizsan, Skieje and Squires, 2012; Kantola and Nousiainen, 2009). These transformations fuelled a vibrant debate on how to best tackle inequalities and what instruments, approaches, and quality criteria should inform equality policies in the future. Intersectionality *practice* became then a central concern, complementing developments in terms of *theory*. Interestingly, preoccupations with the democratisation and inclusiveness of the policy-making process have been at the heart of this emerging body of work. The inclusion and articulation of intersecting inequalities in policy documents are positively assessed. Still, progress made in terms of *content* should run in parallel to improvements in terms of *process*, so that institutions also combat the exclusion of intersectional groups and voices (Strid, Walby and Armstrong, 2013; Montoya and Rolandsen-Agustín, 2013; Lombardo and Rolandsen-Agustín, 2012).

Despite this growing interest on issues of democratisation, there is little evidence on how the institutionalisation of a participatory approach to intersectionality looks like in practice. There are few empirical analyses exploring the limits and challenges that it might pose, and conversely, its benefits in terms of inclusion and democratisation. Portugal offers precious material to explore both elements as it represents one of the few European countries with a long-lasting tradition of engaging civil society in the making of equality policies. Equality bodies have involved consultative mechanisms since their very creation (Alonso, 2012; Alonso *et al.*, 2012). These structures hold great potential for leading to a participatory approach that brings intersectionality both in terms of content *and* process. This study will focus on the case of gender-based violence (GBV) policies, which have been increasingly encompassing multiple inequalities, and ensuring the involvement of civil society. More concretely, we will look at actions tackling female genital mutilation (FGM) undertaken in the last 14 years as a way to illustrate those advancements and to explore the challenges in democratising intersectionality. To do so, these will be the driving questions of the analysis: Are FGM policies implemented in a participatory manner? How are intersectional groups involved in the process? What benefits and challenges does this participation bring? Do process-related improvements lead to a betterment of policy content as literature predicts?

To explore this rather uncharted territory, this study undertakes an in-depth revision of the main FGM policy measures put in place Portugal since 2002. The documentary analysis comprehends all relevant existing pieces of legislation, policies, internal and external evaluations, as well as international reports that examine Por-

tuguese policies in a comparative perspective<sup>3</sup> (see annex 1). Complementary, we attempted to gather information from civil society organisations involved in the adoption and implementation of current FGM policies<sup>4</sup> in order to grasp other aspects that may not be reflected on those sources. Both sets of data provide a broad overview of the policies undertaken so far as well as valuable material to assess the strengths and pitfalls of participatory approaches to intersectionality.

The remainder of the article proceeds as follows. Section 2 briefly summarises academic debates on intersectionality practice and sets the importance of addressing participation and democratisation issues. Section 3 presents succinctly the progressive inclusion of intersectional concerns in Portuguese equality policies and remarks on the distinctive tradition of involving civil society groups. The next section delves into FGM policies, exploring their participatory component and its contribution. The conclusive section sums up the main findings of the study and discusses its contribution to the literature debates.

## 2. Intersectionality in practice: Towards democratisation?

Intersectionality theory has largely been devoted to the conceptualisation of inequalities as mutually constitutive. This involves emphasising that social structures such as race, gender or class inextricably shape each other in a manner that makes it impossible to capture their autonomous effects (for a review see Weldon 2008). This approach has been one of the most important theoretical contributions to the analysis of gender and equality policies to date and has led to the revision of some of the main foundations of this field of study (Hancock, 2011).

It is commonly accepted that an intersectional perspective is needed in order to implement fairer policies in which women —and men— are not considered as homogeneous (Lombardo and Verloo 2009; Squires 2007; Hankivsky 2005). This is nowadays a central quality criterion for the adoption and implementation of ‘good’ policies, which tackle inequalities in their full complexity. However, there is significant scholarly consensus on the fact that this improvement only occurs when an intersectional perspective is included both in terms of content *and* process (Strid, Walby and Armstrong 2013; Montoya and Rolandsen-Agustín, 2013; Lombardo and Rolandsen-Agustín, 2012). Inequality categories should systematically be taken into account in policy documents, in a way that they are mentioned, analysed and properly tackled through different policy actions. Yet, the quality of such interventions is also based on their capacity to be inclusive of different social groups (Lombardo and Rolandsen-Agustín, 2016; Krizsan and Lombardo, 2013). These groups should inform the policy-making process to assure that public institutions are responsive to the needs of increasingly diverse societies. This two-fold concern replicates former

<sup>3</sup> In total, we analysed over 30 different items encompassing all the policy documents made public in the period analysed (see annex 1). They were identified thanks to a thorough revision of former studies (See Arnaut, 2013) and of the official website of the Commission for Citizenship and Gender Equality. The content analysis undertaken revolved around two of the driving questions of the article: How are intersectional groups involved in the process? What benefits and challenges does this participation bring?

<sup>4</sup> Civil society organisations currently taking part in the FGM inter-sectorial working group were asked to participate in a short survey about their contributions to FGM policy-making and implementation in Portugal. The survey was launched in early November 2016 and was composed of five open-ended questions which were sent by e-mail. The purpose of this survey is to gather up-to-date insights from civil society organisations involved in this group. Only the Women’s Association Alternative and Answers (UMAR) answered the survey.

feminist comparative analyses in which successful gender policies were based both on the inclusion of the women's movement demands and on their active involvement in the policy process (McBride and Mazur, 2012).

Intersectionality theory has shown a remarkable capacity to change the nature of equality regimes in Europe (Walby and Verloo, 2012; Krizsan, Skieje and Squires, 2012; Kantola and Nousiainen, 2009). Many equality policies and bodies have abandoned former single-ground approaches to embrace multiple inequalities. This includes the approval of new anti-discrimination legislation or the creation of unitary equality machineries mirroring the European *Agency for Fundamental Rights*, which covers several inequalities. These changes have raised some concern amongst feminist scholars, as they might entail the scattering of expertise, the loss of appreciation of the specific characteristics of each strand, or the prevalence of anti-discrimination approaches (Woodward, 2008; Walby, 2005). Still, the improvement of policies in terms of *content* is widely recognised, as inequalities are no longer seen as completely separate categories.

The involvement of civil society groups in the making of those policies has shown fewer developments though. Albeit participatory structures are common across Europe, they have experienced little changes in response to intersectionality (Krizsan, Skieje and Squires, 2012). Scholarly works have remarked their potential for down-sizing and channelling the underlying tensions among organisations representing different strands (Lombardo and Verloo 2009; Squires 2008), which often engage in the so-called *oppression olympics* (Martinez quoted in Hancock 2007:68), for acquiring more information and knowledge on multiple inequalities (Yuval-Davis 2006; Donaghy 2004) and for providing stronger oversight of the implementation process (Walsh and Xydias 2014; Montoya, 2009). Overall, institutionalised participatory processes appear to increase "the possibility of policy documents including a more explicit, articulated, transformative, inclusive and less biased approach to intersectionality" (Lombardo and Rolandsen 2011:490). Similarly, they contribute to create the institutional space to democratise decision-making on social justice issues (Bassel and Emejulu 2010). Whereas policy-makers become more aware of their own biases, civil society groups gain ownership over policies on issues of concern for them (Krizsan and Popa, 2014). Intersectional groups contribute to the democratisation of policy-making processes by providing an articulation of policy preferences and priorities that represents their needs and interests (Walsh and Sydias 2014; Hunt and Zajizek 2008). Interestingly, rather than being detrimental to their success, their very existence appears to increase governmental responsiveness to both general and specific issues of equality (Weldon, 2011, 2006).

However, scholars have also highlighted the potential pitfalls of participatory structures and processes. In some instances, participation contributes to reproduce power imbalances and strengthen the position of dominant groups, fuelling the competition for influence and resources (Rolandsen-Agustín, 2012; Verloo, 2005). In other cases, it leads to the co-optation of civil society voices by systematically excluding them from the final decision-making process and jeopardising their autonomy (Krizsan and Popa, 2014; Lombardo and Rolandsen-Agustín, 2011). Issues of voice *and* empowerment appear thus as equally important for guaranteeing the contribution of civil society voices to the development of intersectional policies (Verloo, 2005, 2006). The potential benefits of democratising intersectionality are only fully met under certain conditions (e.g. respect, recognition, etc.). These findings go in line with broader reflections on participatory democracy, which revolve around the

need to combat multiple oppressions —horizontal inclusion— as a way to guarantee equal participation in the public sphere —vertical inclusion— (Martínez, 2016).

### 3. Intersectionality and equality policies in Portugal

Portugal has been described as both a forerunner because of the early creation of equality bodies in the country, and a latecomer due to its weak welfare state and lack of parity in politics, among other things (see Ferreira, 1998). In regard to intersectionality, Portuguese policies have predominantly adopted what Hancock characterises as a *unitary approach* (2007)<sup>5</sup>. Each inequality has been independently tackled, with separate machineries, acts and policies targeted at single groups (women, ethnic minorities, disabled etc.) (Alonso, 2012, 2010). Portugal was among the first countries to support state feminism in the seventies and to develop a favourable location for gender administrative bodies in the institutional framework. An affirming international environment marked by the 1<sup>st</sup> UN World Conference on Women, the transformative character of the first democratic cabinets, and the presence of women's cooperative constellations composed of femocrats and activists explain this early development (Monteiro, 2011). In this same decade, Portugal set up a disability-related machinery, whereas ethnicity-based inequalities had their own administrative body prior to 2000. Despite the approval of several 'umbrella' acts against discrimination —the Constitution and the Labour Code—, the legislative and policy frameworks replicate this approach and have traditionally tackled inequalities in a separate manner, showing also some degree of hierarchy amongst them.

However, recent developments point to an emerging interest in tackling intersecting inequalities and evolving towards what Hancock labels as a *multiple approach* (2007). This approach is intended to address more than one inequality, albeit in a rather static manner. Thus, emphasis is put on intra-category diversity, and policies tend to focus only on some intersectional groups (migrant women, black women, etc.)<sup>6</sup>. Portugal witnessed in 2007 a reform in the three main equality machineries in parallel with major shifts in the *Presidency of the Council of Ministers*. The former *Commission for Equality and Women's Rights* (CIDM) was replaced by the *Commission for Citizenship and Gender Equality* (CIG). The inclusion of the term 'citizenship' in this new nomenclature had to do with the current interest in tackling multiple inequalities<sup>7</sup>. Indeed, the aim was to highlight that due to the structural roots of gender inequalities, other grounds of discrimination such as sexual orientation, ethnicity or disability might result in greater disadvantages for women. These emerging concerns were also reflected in the subsequent equality policy plans<sup>8</sup>, which included either explicit references to multiple inequalities or actions targeted at specific groups (Alonso, 2012, 2010). Those plans entailed greater collaboration amongst different

<sup>5</sup> According to Walby et al., the Portuguese model would be a mixture of a 'single' and a 'asymmetric' approach as inequalities are treated separately with some of them being dominant (2012).

<sup>6</sup> These new policies fall under Walby et al.'s 'additive' approach, where groups that suffer multiple inequalities are specifically addressed as "doubly disadvantaged" (2012).

<sup>7</sup> This last reform also meant the inclusion of 'sexual orientation' in the CIG's agenda, a strand that had not been tackled before in Portuguese policies.

<sup>8</sup> Explicit references were included in the national plans approved by the CIG, whereas actions directed to groups at the intersections were introduced in the national plans for the integration of immigrants, the integration of people with disabilities or for social inclusion (Alonso, 2012).

equality bodies. All them have their respective interdepartmental structure (gender equality, immigration, social inclusion, etc.), which links several departments and equality bodies. The CIG and the *High Commission for Immigration and Intercultural Dialogue* (ACIDI) are involved in all of them, showing the traditional prominence of their specific equality policies (Alonso, 2012).

Portugal did not appear to have any intention of merging its equality architecture in line with the EU and other Member States (Krizsan, Skieje and Squires, 2012; Squires 2007). Yet, the reforms undertaken in 2007 led to the creation of several inter-departmental structures to ensure coordination amongst plans and actions and the adoption of new goals related to multiple inequalities<sup>9</sup> (Alonso 2012, 2010).

Portugal also has a distinctive tradition of involving civil society in the making of equality policies. Each equality body set up consultative mechanisms right after its creation (Alonso *et al.*, 2012; Valiente 1998)<sup>10</sup>. These long-term structures are quite exceptional in the European context and illustrate an example of a democratic innovation with great potential to foster deliberation. Interestingly, some of them have been affected by the inclusion of intersectional concerns. The case of the CIG's Advisory Council must be highlighted because this structure was reformed in 2007 in order to widen the scope of represented strands. In connection with its new policy agenda relating to multiple inequalities experienced by women and to sexual orientation, the Advisory Council reached a point in which it spanned NGOs addressing gender, ethnicity, disabilities, age, religion, sexual orientation and intersecting inequalities. Although this reform has raised some concern as regards the loss of focus on women's equality issues<sup>11</sup>, the inclusion of a variety of voices has been positively assessed. Their participation is seen as a suitable way of meeting other organisations, overcoming initial disagreements, increasing awareness regarding multiple inequalities, and, more importantly, as a means of paving the way for the adoption of a truly intersectional approach (Alonso, 2012). These findings align with analyses on participatory democracy, which speak for its potential to diminish political disengagement, misinformation or social fragmentation, and to nurture a vibrant public sphere (Talpin, 2011).

#### 4. Female genital mutilation policies: intersectional in process *and* content?

The policies to prevent and combat gender-based violence in Portugal have a legacy of nearly 20 years. The first national action plan to promote equal opportunities in Portugal was issued in 1997 (Resolution of the Council of Ministers no. 49/97). One of the objectives of this plan was to prevent violence and ensure adequate protection to women victims

<sup>9</sup> Examples of the structures in place in this period are: the Inter-Ministerial Section of the CIG Advisory Council; the Working Group and Inter-Ministerial Commission for the National Plan for Social Inclusion; or the Inter-Ministerial Commission for the Plan for the Integration of Immigrants.

<sup>10</sup> Since their creation in 1977, the CIG and the National Institute for Rehabilitation (INR) have an Advisory Council—with an NGO section—and a National Council for the Rehabilitation and Integration of People with Deficiency respectively. Something similar can be said for the National Youth Council of the Portuguese Institute of Sports and Youth (IPDJ) and the Advisory Council for Immigration Affairs (16) of the High Commission for Immigration and Intercultural Dialogue (ACIDI), both created in conjunction with the main equality body.

<sup>11</sup> Some prominent women's organisations that had participated in this structure almost since its creation no longer do so. This shift has allowed feminist groups like the Movimento Democrático de Mulheres to argue that the Advisory Council has once again evolved towards a less feminist position, leading to the development of policies for women without women (Alonso, 2012).

of violence crimes. Two years later, following the celebration of the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights and the recognition that violence against women, children and elderly constitute a violation of fundamental rights of people resulted in the approval of the first national plan against domestic violence in 1999 (Resolution of the Council of Ministers no. 55/99). Since then, four additional plans to fight GBV were systematically issued. Whereas the first plan focussed on combatting domestic violence, the following plans broaden their scope of intervention towards considering other forms of GBV like sexual harassment and violence, rape, forced marriage, honour crimes, female genital mutilation, trafficking of human beings, as well as violence in armed conflicts (in line with the United Nations' Resolution 1325). The development and implementation of these policy instruments have been based on partnerships. Since 1997, all plans have been promoting a concerted intervention between governmental and non-governmental institutions. From 2007, civil society groups started to be involved in the development of the national action plans through public consultations and specific contributions from non-governmental organisations.

### **Putting female genital mutilation in the policy agenda: the key role of civil society organisations**

The activism, determination and involvement of civil society organisations were crucial to underpin policies to end female genital mutilation (FGM) in Portugal (Arnaud, 2013). Even though the Portuguese Association for Family Planning (APF) started undertaking advocacy work on FGM in the end of the nineties, the first policy developments to combat FGM in Portugal go back nearly 15 years ago and were triggered by initiatives from the civil society (Table. 1). In May 2002, the Women's Association Alternative and Answers (UMAR) organised the first initiative about FGM in Portugal, inviting for this purpose representatives of a non-governmental organisation (Sinin Mira Nassiquê) that, at that time, was developing a project in Guinea Bissau to offer an alternative to those performing FGM (*Fanado Alternativo*). The experiences shared in this event caught the attention of Sofia Branco, a Portuguese journalist, who decided to carry out a journalistic investigation on FGM being practised in Portugal. In this same year, the first articles about FGM were published in a daily newspaper. Following these initiatives, in September 2002, the Prime-Minister (Durão Barroso) publicly declared that FGM was a national concern and that action should be taken up beyond law enforcement.

In 2003, the first policy measures addressing FGM were issued within the framework of the second National Plan against Domestic Violence (2003-2006). The Government formally affirmed its position against FGM in a measure targeting migrant women (measure no. 6). More specifically, three activities were defined: sensitise migrant communities about all forms of FGM as a violation of human rights; criminalise FGM; and prepare Health Care Centres and Hospitals to provide professional assistance to women and girls, as well as the communities originating from countries where FGM is commonly practised. Explicit references to FGM in the gender-based violence policy agenda represent a significant step towards considering types of violence that affect specific groups of women. This therefore translates a formal consideration for multiple inequalities in gender-based violence policy-making. Also in 2003, the Family Planning Association (APF) carried out the first study, funded by the United Nations Population Fund (UNFP), to identify perceptions and assess the

knowledge of health professionals (including medical doctors, nurses, and social workers) concerning FGM, and to obtain a rough estimation of the number of cases they had come across within their practice.

FGM remained in the gender equality policy agenda during the subsequent years and civil society organisations continued playing a relevant role in this regard. In 2007, the policy measures addressing FGM became part of the third National Plan for Equality-Citizenship and Gender (2007-2010). FGM was referred to as a specific measure (Measure F) under the area of gender-based violence, which aimed at improving the knowledge about FGM and existent interventions in this area.

Table 1. Timeline of policies against Female Genital Mutilation in Portugal

YEAR	POLICY MEASURE
2003	First bill for the introduction of a specific criminal law to prosecute FGM
2003	Second National Plan against Domestic Violence (2003-2006) (measure no. 6 tackles FGM)
2007	Modification of the Penal Code, particularly article 144, to include the acts of removing or affecting, in a serious way, the capacity of sexual fruition of a person
2007	Third National Plan for Equality-Citizenship and Gender (2007-2010) (FGM was referred to under the area of Gender-Based Violence)
2009	First Programme of Action for the Elimination of FGM (2009-2011)
2011	Second Programme of Action for the Elimination of FGM (2011-2013)
2012	Guideline for health professionals about FGM
2012	Procedures guide about FGM for criminal police staff
2012	First edition of the Prize against FGM (Prémio Contra a MGF-Mudar aGora o Futuro)
2013	Third Programme of Action for the Prevention and Elimination of Female Genital Mutilation (2014-2017)
2014	Law No. 24/2014 recognises victims of FGM as vulnerable asylum seekers with special needs
2014	Bills for the introduction of a specific criminal law to prosecute FGM
2014	Procedures manual for the local Commissions for the Protection of Children and Youth at Risk (CPCJ) to actively collaborate in the prevention and elimination of FGM
2014	First data about girls and women who have undergone FGM retrieved from the Health Data Platform
2015	Launch event in Lisbon of EIGE's study on the estimation of girls at risk of female genital mutilation in the European Union (Portugal was one of the pilot countries)
2015	First FGM prevalence and risk study in Portugal
2015	Law No. 83/2015 introducing Article 144-A of the Penal Code which criminalises all FGM types, as well as any preparations for committing the crime
2016	Launch of the campaign 'Right to live without Female Genital Mutilation'

Source: compiled by the authors.

## Creating an institutional space to democratise policy-making on female genital mutilation

In 2007, there was an important turning-point in the approach to tackle FGM in Portugal. At that moment, APF was participating in an EU-funded project<sup>12</sup> aimed at de-

<sup>12</sup> Developing National Action Plans to Prevent and Eliminate Female Genital Mutilation (FGM) in the European Union

veloping national action plans to prevent and eliminate FGM in the EU. APF had the opportunity to present its contributions to this project to the then Secretary of State of the Presidency of the Council of Ministers, Jorge Lacão, and to the then president of the central gender equality machinery, Elza Pais. At this occasion, APF suggested that a working group on FGM could be created to support action towards the elimination of FGM. The Secretary of State welcomed the idea and became the mentor of an inter-sectorial group composed of several sectors with different expertise, including public administration, intergovernmental institutions, and civil society organisations.

As a result of the efforts undertaken by this inter-sectorial group, the first Programme of Action for the Elimination of FGM (2009-2011) was launched on 6 February 2009, within the framework of the third National Plan for Equality-Citizenship and Gender (2007-2010). The first programme of action focused mainly on prevention, and included awareness-raising and capacity-building actions targeting specific groups and the general population. In the end of 2009, there was a relevant addition to the inter-sectorial group with the aim of reaching some of the FGM practising migrant communities in Portugal. On 10 December 2009, the Executive Secretary of the Community of Portuguese-speaking Countries (CPLP)<sup>13</sup> and its Youth Forum expressed their support for the programme of action and formally joined the working group on this date.

Although the first Programme of Action was not independently evaluated, the external evaluation of the third National Action Plan for Equality (Ferreira et al., 2011) assessed the execution of Measure F. As referred to in this report, FGM, as a form of gender-based violence, was a prominent area covered by the third National Action Plan for Equality. Alongside the creation of a specific programme of action, a working group was set up to support its implementation.

In 2011, the second Programme of Action for the Elimination of FGM (2011-2013), was issued and remained framed within the fourth National Plan for Equality—Gender, Citizenship and Non-Discrimination. The inter-sectorial group was then enlarged to public organisations representing the policy areas of internal affairs and justice, as well as to an association representing the Guinean-Bissau migrant community (Associação Uallado Folai)—the latter was already involved towards the end of the first programme of action—. The role of the inter-sectorial group was reinforced in the second Programme of Action as its members became officially responsible for the implementation of the respective policy measures. In line with what is argued by Krizsan and Popa (2014), this change spurred the role of civil society organisations that intervene in the areas of women's, health and reproductive rights, and represent the biggest migrant practising community living in Portugal. Their involvement was central for gaining ownership over policies that are related with their scope of intervention. Moreover, as reasoned by some scholars (see Walsh and Xydias, 2014; or Hunt and Zajizek, 2008), widening the intersectional composition of the working group presumably allowed for the articulation of policy preferences and priorities translating the needs of the envisaged migrant communities. As concluded in EIGE's pioneer mapping of the

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<sup>13</sup> The Community of Portuguese-speaking Countries (Comunidade dos Países de Língua Portuguesa) was created in 1996 and includes Angola, Brazil, Cape Verde, Guinea Bissau, Mozambique, Portugal, São Tomé and Príncipe, and Timor-Leste. CPLP aims at promoting: 1) a political-diplomatic agreement between its member-states (for reinforcing their presence at international level); 2) a cooperation on education, health, science and technology, defence, agriculture, public administration, communications, justice, public security, culture, sports and media; and 3) a materialisation of projects for promoting and disseminating the Portuguese language.

EU Member States' policy initiatives and interventions in the field (Arnaut, 2013), the involvement of migrant communities in developing policy instruments is crucial for ensuring that their interests and needs are properly considered.

In December 2013, the third and most recent Programme of Action for the Prevention and Elimination of Female Genital Mutilation (2014-2017) was issued. There was, however, a change in relation to the National Plan framing this programme. Whereas the last two programmes of action were included within the framework of the National Plans for Equality, the third programme of action was framed under the Fifth National Plan for the Prevention and Fight against Domestic and Gender-based Violence as FGM is internationally understood as a form of gender-based violence. However, the third Programme of Action continues to be articulated with the National Plan for Equality because FGM, as any other form of gender-based violence, is grounded in persistent inequalities. According to the Programme of Action's text, the CIG is responsible for coordinating the implementation of the measures foreseen in the Programme, while being supported by the inter-sectorial working group. The composition of the group has maintained its multidisciplinary and multi-level features as different policy areas are represented and different types of organisation are involved. Not only this configuration allows for the adoption of a holistic approach to address FGM, it also empowers civil society groups towards the ownership of policies that are relevant for them. The group is currently composed of several Ministries and other public institutions<sup>14</sup>, international organisations<sup>15</sup>, and five civil society organisations<sup>16</sup>, of which three are migrant associations representing communities from countries where FGM is commonly practised.

The intersectional composition of this working group has been increasingly enlarged over the last 10 years. As argued in recent scholarly work, this trend can potentially encourage the integration of diverse experiences and expertise, ensure that the priorities and needs of civil society groups are considered in the design, implementation and evaluation of policies, and thus improve their quality. At the same time, the intersectional composition of this working group may also contribute to the betterment of a participatory democracy. As highlighted by Talpin (2011), the latter appears to create the necessary conditions to foster a lively public sphere and reduce political disengagement, misinformation or social fragmentation.

### **The involvement of civil society organisations in policy- and decision-making to end female genital mutilation in Portugal**

Throughout the last decades, not only have civil society groups brought FGM into the policy agenda, they have also been actively involved in the design, implementation and evaluation of legal and policy instruments.

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<sup>14</sup> Ministry of Internal Affairs, High Commissioner for Immigration and Intercultural Dialogue, Camões Institute for Cooperation and Language, National Commission for the Protection of Children and Youth at Risk, Directorate-General of Education, Directorate-General of Health, Directorate-General of Justice Policy, Judiciary Policy School, Institute of Employment and Professional Training, Republic Attorney's General, and Superior Council of the Judiciary.

<sup>15</sup> CPLP and the International Organisation for Migration.

<sup>16</sup> UMAR, APF, Balodiren Association, AJPAS-Association for Community Intervention, Social and Health Development, and AMRT-Improvements Association and Recreation of Talude.

A first pertinent example relates to building a stronger legal framework to prosecute FGM in Portugal. The topic was first brought to the national parliament in 2003 when a conservative right-wing political party (Democratic and Social Centre —People's Party, CDS-PP) proposed, for the first time, the introduction of a specific criminal law to prosecute FGM. This bill was discussed in the national parliament, but was not approved back then. In 2007, the issue was again debated and culminated in a modification of the Penal Code, particularly in article 144, to include the acts of removing or affecting, in a serious way, the capacity of sexual fruition of a person. Eleven years after the first discussions in the national parliament, in 2014, three bills proposals were again proposed to strengthen the legislation to prosecute FGM. A specific law was finally issued in 2015 (Law No. 83/2015) to honour the commitment of Portugal in relation to the ratification of the Istanbul Convention. Article 144-A of the Penal Code criminalises all FGM types, as well as any preparations for committing the crime. Several civil society organisations were particularly heard during the last discussions<sup>17</sup>, while others have publicly expressed their views about the need of such law in the preceding years. Equally relevant were the changes made in relation to the provisions establishing the conditions and procedures to grant asylum or subsidiary protection. Law No. 24/2014 recognises victims of FGM as vulnerable asylum seekers with special needs.

Following their mandate, the inter-sectorial group is playing a crucial role in supporting the setting up of policy initiatives, content —and process— wise. A few examples are referred to hereafter as they represent important policy developments in which civil society groups were particularly involved (and thus contributing to the integration of intersectional perspectives in the content of policies). Relevant instruments were created to support and strengthen the action of the health and justice sectors in 2012, and of the child protection sector in 2014, with the collaboration of civil society organisations. The inter-sectorial group was also engaged in the preparation of the regulatory conditions of a prize (Arnaud, 2013) created by the then Secretary of State for Parliamentary Affairs and Equality, Teresa Morais, in 2012. Although there was a specific structural funding programme to financially support gender-based violence projects, this prize was particularly shaped to fund FGM community intervention projects. The reasoning for establishing this specific prize was that civil society organisations representing African communities were not eligible to apply for structural funding (e.g. an association that is not sufficiently structured in a formal point of view) and their prevention initiatives need to be financially supported because of their privileged access to FGM-practising communities. In order to measure the magnitude of the problem in Portugal, in 2014, the Foundation for Science and Technology (FCT) launched a call to fund an FGM prevalence and risk study in the country. Simultaneously, Portugal was one of the three EU Member States to be selected to test a pilot methodological approach to estimate FGM risk in the European Union. The involvement of civil society organisations, especially migrant associations, was essential to recruit female and male migrants from FGM-practising communities to participate in both studies. Their involvement was also fundamental to gain a deeper understanding about the phenomenon. More recently, in 2016, the Portuguese Government launched, in cooperation

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<sup>17</sup> Portuguese Association of Female Lawyers, Portuguese Association for Victims' Support, Women's Association against Violence, UMAR, and P&D Factor.

with civil society organisations<sup>18</sup>, an awareness-raising campaign in the national airports, as well as in the airport of Guinea Bissau. The objective of this campaign was to provide information about FGM to the general public.

### **Addressing the full complexity of female genital mutilation in Portugal: are structures and processes intersectional?**

Whereas the development of specific policy instruments and structures to tackle FGM in Portugal appear to have positively contributed to democratise the making of FGM policies in Portugal, some challenges and drawbacks could be recognised in the process through which these policies are adopted and implemented.

The actions taken by the FGM inter-sectorial working group have been generally praised by those interviewed during the external evaluation of the third National Action Plan for Equality. In comparison to other similar structures, this group was described to have indeed contributed to the design and implementation of the policies of the first Programme of Action (Ferreira et al., 2011). Actually, this inter-sectorial group was identified as a good practice for combatting FGM by EIGE in 2012 (EIGE, 2013), and referred to in the Istanbul Convention Guide as an example of a coordinating body that needs to be set up to comply with article 10 §1, i.e. a structure to coordinate, implement and evaluate policies tackling violence against women and domestic violence, including FGM.

The evaluation of the second Programme of Action for the elimination of FGM (ISCSP, 2013) has shown, however, that civil society organisations taking part in the inter-sectorial group and in the CIG's Advisory Council had had a limited participation in the planning and development of this Programme of Action. This appears to be related to what has been described by Krizsan and Popa (2014) and Lombardo and Rolandsen-Agustín (2011) as the co-optation of civil society voices. The participation and contributions from civil society groups in FGM policy-making tend to be limited, and thus jeopardise their autonomy. In addition, civil society groups felt that their empirical knowledge was generally underused (ISCSP, 2013). This dismissal of knowledge and lack of involvement was especially felt in the policy design phase of the second Programme of Action which, in the opinion of civil society organisations (ISCSP, 2013), impacted negatively on the quality of the policy measures (e.g. replication of ineffective measures from the preceding programme). This pitfall had already been noticed in 2011 when Ferreira et al. (2011) reported that gender-based violence policies in general, and those of FGM in particular, could be improved in terms content and process if the experiences and expertise of civil society groups were better coordinated in relation to the execution of certain policy measures. Likewise, ISCSP (2013) concluded that the involvement of the inter-sectorial group (and particularly of its civil society groups) was reduced to a selected, infrequent and ad-hoc participatory process. According to Sintomer and Ganuza, these sorts of perceptions are rather to be expected in Portugal as participatory processes are generally to be characterised by a top-down approach, and of a consultative nature (Sintomer

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<sup>18</sup> P&D Factor, AJPAS, Corações com Coroa, UMAR and the National Committee for the Abandonment of Harmful Practices of Guinea-Bissau.

and Ganuza, 2011). Both features tend to clash with the expectations of civil society groups.

The quality of policy-making and implementation also seems to be affected by the diversity of ‘voices’ that are invited to participate in these processes. The need for establishing more partnerships with migrant organisations has been acknowledged (ISCSP, 2013) in order to foster the quality and efficacy of policies. In fact, the poor involvement of groups that know the culture of FGM-practising communities and have power to change their attitudes and behaviours was identified as a ‘threat’ for future policy developments (ISCSP, 2013).

## 5. Conclusions

Portugal has a nearly 40-year history of engaging civil society organisations in the making and implementation of equality policies. In the last decade, those same policies featured an increasing interest in tackling intersecting inequalities. This case study offered, thus, precious material to explore how a participatory approach to intersectionality would look like in practice, as well as the challenges and benefits it might pose. Scholarly works consistently sustain that participatory mechanisms hold great potential to contribute to create institutional space to democratise decision-making on social justice issues and to improve the inclusion of an intersectional perspective. Those structures have positive impacts both in terms of *process*—more democratic, inclusive etc.—and *content*—transformative, intersectional etc.

The analysis of gender-based policies in Portugal and, in particular, of the development of actions to combat FGM proved suitable for a pioneer study of both elements. The longitudinal analysis of gender-based violence policies since the late nineties shows the growing concern over multiple inequalities. Five national action plans have been issued since then and, across time, their scope has been progressively enlarged to combat different forms of gender-based violence. In the beginning of the 2000s, attention was drawn to female genital mutilation by civil society organisations. Advocacy and lobby by civil society groups were crucial to bring this form of gender-based violence onto the policy agenda. This has meant an important advancement towards bringing in an intersectional perspective by recognising that specific forms of violence affect different groups of women. Besides developing a specific programme of action to tackle FGM (which has been continuously renewed since 2009), an inter-sectorial working group was created to ensure a concerted intervention to eliminate this form of violence in Portugal and incorporate a participatory component into FGM policies. The inter-sectorial group adopts both a mainstreaming and intersectional approach. First, several policy sectors (such as health, justice, migration) are represented in the group which allows for a holistic strategy to address FGM. Second, civil society organisations are engaged in this structure and they represent different groups and voices, including associations working with migrants originating from countries where FGM is commonly practised.

In line with what has been previously discussed by scholarly work, the involvement of civil society groups in FGM policies in Portugal is allowing them to gain ownership over policies on matters they work on, and to democratise to some extent policy-making processes by ensuring that their needs and priorities are covered in policy measures. The prioritisation of FGM at policy level (operationalised through

the creation and continuous renovation of specific programmes of action) and the establishment of a group that is involved in the design and implementation of policies tackling this phenomenon, provide thus evidence of the improvement of intersectionality practice both in terms of *content* and *process*. What is more, this article provides several examples of the positive influence of the participation of civil society groups in the making of *better* policies. However, some challenges and limitations have been recognised in both regards, whereby the *process* seems to directly affect the *content*. First, the co-optation of civil society voices has been noticed. The participation of civil society organisations in designing and implementing the programmes of action tends to be limited as their empirical knowledge seems to be dismissed or underused. Second, the diversity of civil society groups involved in the working group is still suboptimal, and there is an imbalanced share of governmental and non-governmental organisations in the group. Third, securing a long-term participation of organisations working with migrants originating from FGM-practising communities appears to be difficult as proved by the relatively high rotativity of this kind of organisations in the inter-sectorial working group<sup>19</sup>. These *process*-related limitations may have a negative impact on the *content* of the policy measures as reported by ISCSP (2013). As pointed out by former studies, civil society groups need to be given voice on a systematic basis and to be empowered to ensure an autonomous and effective contribution from non-governmental organisations to the development of intersectional policies.

These challenges and pitfalls should not discourage the continuation of the instruments and structures created to tackle FGM. Instead, they should be perceived as an opportunity for improving the content of policies and the process through which they are developed, and thus for democratising intersectionality in policies and structures. Similarly, further work needs to be done regarding a participatory approach to intersectionality delving into the challenges and potentials identified here, especially from a comparative perspective.

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<sup>19</sup> The Association Uallado Folai, partly involved in first and second programmes of action is no longer part of the inter-sectorial group. Recently, AMRT decided to leave the group because they could not ensure their participation in the group's meetings.

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**Annex 1. List of documents analysed**

<b>Year</b>	<b>Title of document</b>
1977	Decree-Law no. 485/77, 17 November, institutionalising the Commission on the Status of Women
1991	Decree-Law no. 161/91, 9 May, creating the Commission for Equality and Women's Rights
1997	Resolution of the Council of Ministers no. 49/97, 24 March, approving the Global Plan for Equal Opportunities
1999	Resolution of the Council of Ministers no. 55/99, 15 June, approving the National Plan against Domestic Violence
2003	Resolution of the Council of Ministers no. 88/2003, 7 July, approving the Second National Plan against Domestic Violence
2003	Law proposal no. 229/IX from the right-wing Democratic and Social Centre-People's Party to include a specific criminal law to prevent and punish FGM in the Penal Code
2007	Resolution of the Council of Ministers no. 83/2007, 22 June, approving the Third National Plan against Domestic Violence
2007	Decree-Law no. 164/2007, 3 May, defining the Commission for Citizenship and Gender Equality as the body responsible for implementing the public policies on citizenship and gender equality
2007	Resolution of the Council of Ministers no. 82/2007, 22 June, approving the Third National Plan for Equality-Citizenship and Gender
2007	Law no. 59/2007, 4 de September, modifying the Penal Code, particularly article 144 to include the acts of removing or affecting, in a serious way, the sexual fruition capacity of a person
2009	First Programme of Action for the Elimination of FGM, framed within the Third National Plan for Equality-Citizenship and Gender
2010	Resolution of the Council of Ministers no. 100/2010, 17 December, approving the Fourth National Plan against Domestic Violence
2011	Resolution of the Council of Ministers no. 5/2011, 18 January, approving the Fourth National Plan for Equality-Gender, Citizenship and Non-Discrimination
2011	Second Programme of Action for the Elimination of FGM, framed within the Fourth National Plan for Equality-Gender, Citizenship and Non-Discrimination
2011	Evaluation study of the Third Plan for Equality, Citizenship and Gender: Final Report for the Commission for Citizenship and Gender Equality
2013	Interim report about the execution of the Second Programme of Action for the Elimination of Female Genital Mutilation (2012)
2013	EIGE's Good practices in combating female genital mutilation
2013	Analytical country report: Portugal (in European Institute for Gender Equality, "Study to map the current situation and trends of FGM: Country reports")
2013	Execution report about the Second Programme of Action for the Elimination of Female Genital Mutilation (2013)
2013	Evaluation Study of the Fourth National Plan for Equality-Gender, Citizenship and Non-Discrimination (2011-2013): Final Report
2013	Evaluation Study of the Second Programme of Action for the Elimination of Female Genital Mutilation (2011-2013): Final Report
2013	Resolution of the Council of Ministers no. 102/2013, 31 December, approving the Fifth National Plan for the Prevention and Combat of Domestic and Gender-based Violence
2013	Third Programme of Action for the Prevention and Elimination of Female Genital Mutilation, framed within and an annex of the Fifth National Plan for the Prevention and Combat of Domestic and Gender-based Violence
2014	Law No. 24/2014 recognises victims of FGM as vulnerable asylum seekers with special needs
2014	Law proposal no. 504/XII/3. <sup>a</sup> from the left-wing party Bloco de Esquerda to modify the Penal Code to establish female genital mutilation as an independent crime
2014	Law proposal no. 515/XII/3. <sup>a</sup> from the right-wing Democratic and Social Centre-People's Party to create the crime of female genital mutilation
2014	Law proposal no. 517/XII/3. <sup>a</sup> from the Social Democratic Party to establish female genital mutilation as an independent crime
2014	Parliamentary hearing no. 1-GT-ILCI-XII within the framework of the ratification of the Istanbul Convention and the law proposals mentioned above. The Portuguese Association of Female Lawyers was heard.
2014	Parliamentary hearing no. 4-GT-ILCI-XII within the framework of the ratification of the Istanbul Convention and the law proposals mentioned above. Four civil society organisations were heard: Portuguese Association for Victim Support, Association of Women against Violence, Women's Association Alternative and Answers, and P&D Factor
2014	Council of Europe-Amnesty International's "The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence-A tool to end female genital mutilation"
2015	Law No. 83/2015 introducing Article 144-A of the Penal Code criminalising all FGM types, as well as any preparations for committing the crime
2015	Interim report about the execution of the Third Programme of Action for the Prevention and Elimination of Female Genital Mutilation (2014)
2016	Interim report about the execution of the Third Programme of Action for the Prevention and Elimination of Female Genital Mutilation (2015)