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From Written Law to Lived Law: Mapping Discrimination Based on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in Portugal

De la ley escrita a la ley vivida: mapeando la discriminación por orientación sexual, identidad y expresión de género y características sexuales en Portugal

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Abstract
Portugal has made significant progress in promoting the rights of LGBTI+ people since the beginning of the twenty-first century, establishing itself as one of the European countries with a progressive legal framework. Nevertheless, questions remain regarding the extent to which these advances translate into effective protection against discrimination across different spheres of life. This article analyzes the landscape of discrimination based on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) in Portugal, drawing on the findings of a *National Study on the Needs of LGBTI+ People and Discrimination on SOGIESC Grounds*, commissioned by the Portuguese Commission for Citizenship and Gender Equality. The research adopted a qualitative and intersectional approach, using focus groups and semi-structured interviews with representatives of associations and collectives working with LGBTI+ populations, involving a total of 22 organizations. The findings indicate that the participating organizations perceive discrimination based on SOGIESC as structural and widespread, despite formal legal recognition. Its incidence varies across the country, being more pronounced in inland and island regions, and affects the groups covered by the acronym LGBTI+ in different ways. Trans people, particularly trans women, as well as migrants, racialized individuals and sex workers, emerge as the most vulnerable groups. The persistence of discrimination across multiple contexts, including healthcare, education, employment, social protection, and family life, confirms the existence of a significant gap between written law and lived law, highlighting the need to enhance public policy measures.

Keywords: LGBTI+; SOGIESC; discrimination; intersectionality; territorial inequalities; Portugal.

Resumen
Portugal ha registrado avances significativos en la promoción de los derechos de las personas LGBTI+ desde el inicio del siglo XXI, consolidándose como uno de los países europeos con un

marco jurídico progresista. No obstante, persisten dudas sobre la traducción de estos avances en una protección efectiva frente a la discriminación en los distintos ámbitos de la vida. Este artículo analiza el panorama de la discriminación por motivos de orientación sexual, identidad y expresión de género y características sexuales (SOGIESC) en Portugal, a partir de los resultados del *Estudio Nacional sobre las Necesidades de las Personas LGBTI+ y la Discriminación por Motivos de SOGIESC*, encargado por la Comisión para la Ciudadanía y la Igualdad de Género de Portugal. La investigación adoptó un enfoque cualitativo e interseccional, recurriendo a grupos focales y entrevistas semiestructuradas con representantes de asociaciones y colectivos que trabajan con personas LGBTI+, con un total de 22 entidades participantes. Los resultados indican que las organizaciones participantes perciben la discriminación basada en la SOGIESC como estructural y generalizada, a pesar del reconocimiento legal formal. Su incidencia es desigual en el territorio nacional, siendo más acentuada en las regiones del interior y en las islas, y afecta de manera diferenciada a los grupos comprendidos en el acrónimo LGBTI+. Las personas trans, en particular las mujeres trans, así como las personas migrantes, racializadas y trabajadoras sexuales, emergen como los grupos más vulnerables. La persistencia de la discriminación en múltiples contextos – salud, educación, trabajo, protección social y vida familiar – confirma la existencia de una distancia significativa entre la ley escrita y la ley vivida, lo que pone de relieve la necesidad de reforzar las políticas públicas.

Palabras clave: LGBTI+; SOGIESC; discriminación; interseccionalidad; desigualdades territoriales; Portugal.

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1. INTRODUCTION

Since the beginning of the twenty-first century, Portugal has followed a remarkable trajectory in promoting the rights of LGBTI+ people at both the legal and political levels (Andrade & Saleiro, 2020; Hines & Santos, 2018; Vale de Almeida, 2021). Although this process began relatively late and initially focused exclusively on sexual orientation, Portuguese legislation gradually expanded to include gender identity and expression and, more recently, sex characteristics, positioning the country among those with the most comprehensive legal frameworks in this field. This evolution is embedded in Portugal's tradition of strengthening human rights and the principles of equality and non-discrimination, strongly influenced by international and European recommendations (United Nations General Assembly, 2008; Council of Europe, 2013, 2019; European Commission, 2020). According to the ILGA-Europe ***Rainbow Europe Map***, Portugal has maintained a prominent position among European countries over the past decade, ranking fourth in 2021 and remaining among the highest-scoring countries in 2025 (ILGA-Europe, 2025). Its score of 67% reflects consistent performance, although it remains below countries such as Malta (89%), Belgium (85%), and Iceland (84%).

However, the consolidation of an advanced legal framework does not necessarily imply the elimination of discrimination or the guarantee of equality for LGBTI+ individuals in daily life. European and national studies consistently demonstrate that discrimination based on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) remains prevalent in Portugal and occurs in various social contexts (FRA - European Union Agency for Fundamental Rights, 2020).

To address this gap, this article draws on the *National Study on the Needs of LGBTI+ People and on Discrimination on the Grounds of Sexual Orientation, Gender Identity and Expression, and Sex Characteristics* (SOGIESC) (Saleiro et al., 2022), commissioned by the

Portuguese Commission for Citizenship and Gender Equality (CIG), the public body responsible for coordinating equality policies in Portugal. The study aimed to deepen understanding of the experiences of discrimination faced by LGBTI+ individuals in Portugal from the perspective of organizations and collectives that represent or work directly with this population, privileging knowledge produced in practice-based contexts. By focusing on the knowledge and experiences of these entities, this study aimed to identify dimensions of discrimination that are often overlooked by quantitative methods, particularly those associated with institutional practices, territorial inequalities and the intersection of multiple vulnerability factors. Accordingly, a qualitative and intersectional approach is employed, acknowledging that discrimination based on SOGIESC does not affect all LGBTI+ individuals homogeneously but is shaped by intersecting axes of inequality, including gender, migration status, social class, race and ethnicity, age, and disability (Crenshaw, 1991; Calderon-Cifuentes, 2021). Territory is likewise understood as a structuring factor in opportunities and vulnerabilities, conditioning access to rights, services, and support networks, as well as the visibility and safety of LGBTI+ people (Brown et al., 2007; Domínguez Ruiz, 2023; FRA, 2024; Movement Advancement Project, 2019).

This article seeks to contribute to debates on the limits of formal recognition of LGBTI+ rights (see Hines et al., 2018) in Portugal. It employs the distinction between written law and lived law as an analytical framework to examine the relationship between the formal recognition of rights and their everyday experience. While written law refers to the legal recognition of rights through legislation and public policies, lived law refers to how these rights are experienced, implemented, and negotiated within institutions and daily social practices. Drawing on the perspectives of representatives of organizations working with LGBTI+ individuals, the analysis investigates the social, institutional, territorial, and intersectional mechanisms through which discrimination continues to be reproduced despite significant legislative progress.

To achieve these objectives, this article addresses the following research questions: First, how do organizations representing and working with LGBTI+ individuals characterize the current state of discrimination against LGBTI+ people in Portugal? Second, how do experiences of discrimination differ across institutional and territorial contexts and among different groups within the LGBTI+ population?

This paper first analyzes Portugal's trajectory in recognizing LGBTI+ rights, with particular emphasis on legislative developments and public policies related to SOGIESC. It then characterizes the current state of discrimination in Portugal. The article then presents the methodological approach and examines empirical findings from organizations representing and working with LGBTI+ populations, focusing on their assessment of the current situation, territorial inequalities, the diversity of experiences across LGBTI+ groups, and the contexts in which discrimination occurs.

2. DISCRIMINATION ON THE GROUNDS OF SOGIESC IN PORTUGAL

2.1. A BRIEF OVERVIEW OF LGBTI+ RIGHTS IN PORTUGAL: LEGISLATION AND PUBLIC POLICIES

Legislation

The evolution of Portuguese legislation has been characterized by a gradual process of consolidating civil and social rights concerning sexual and gender diversity. Nearly two decades after the decriminalization of homosexuality in 1982, Law no. 7/2001 recognized same-sex civil unions and granted rights equivalent to those of heterosexual couples in matters such as housing and inheritance. In 2010, with the approval of Law no. 9/2010, Portugal became one of the first European countries to legalize same-sex marriage, a legal milestone of symbolic and social importance that affirmed the legitimacy of same-sex relationships and reinforced the secular nature of the state.

The expansion of family rights continued with Law no. 2/2016, which recognized the right to adoption and co-adoption by same-sex couples, and Law no. 17/2016, which granted access to medically assisted reproduction to all women, regardless of marital status or sexual orientation. However, Law no. 90/2021 on surrogacy restricted access to cases of medically proven infertility, thereby excluding same-sex couples and illustrating the persistence of legal and political limitations regarding homoparentality. Collectively, these reforms reconfigured traditional conceptions of family by legally recognizing a plurality of family forms and expressions.

In terms of trans rights, Law no. 7/2011 established the first legal framework for the recognition of gender identity, allowing changes to name and sex marker in civil registration through an administrative procedure. However, it retained a pathologizing and biomedical approach by requiring a clinical diagnosis of "gender identity disorder", thus contradicting the principle of self-determination. The approval of Law no. 38/2018 marked a decisive shift by enshrining the right to self-determination of gender identity and expression, as well as the protection of sex characteristics, abolishing the requirement for medical diagnosis and placing emphasis on individual agency. Portugal thus joined the restricted group of European countries adopting self-determination-based legislation, reinforcing equality between trans and cis individuals within a human rights framework rather than a pathologizing one (Moleiro & Pinto, 2020; Saleiro, 2021a). Despite this, Portuguese legislation falls short of ensuring the universal right to gender identity in accordance with international standards. It retains age restrictions (minimum age of 16), omits non-binary registration options, and excludes non-national residents (Saleiro, 2021a).

Law no. 38/2018 also prohibits medical interventions on intersex individuals without informed consent until they are able to participate in the decision-making process. However, the implementation of this provision remains incomplete due to the lack of technical protocols from the Portuguese Directorate-General of Health (DGS).

The mainstreaming of equality in SOGIESC-related matters has gradually been incorporated into sectoral legislation. Since 2004, the Portuguese Constitution has recognized sexual

orientation as a protected category under Article 13. However, the lack of explicit references to gender identity and sex characteristics remains a significant legislative gap. In the realm of labor law, Law no. 99/2003 introduced the prohibition of discrimination based on sexual orientation, and Law no. 28/2015 later explicitly included gender identity. Equality in employment is now legally protected, with criminal penalties for discriminatory conduct. The ACT (Portuguese Authority for Working Conditions) has further reinforced this protection by developing complaint forms for harassment and discrimination that specifically acknowledge sexual orientation and gender identity as protected categories, thereby facilitating inspections in response to complaints.

In the field of education, Law no. 60/2009, governing sexuality education in schools, addresses sexual orientation, while the ***Student Statute and School Ethics Code*** (Law no. 51/2012) incorporates non-discrimination based on sexual orientation and gender identity. Order No. 7247/2019, which was subsequently revoked by a Constitutional Court decision, established guidelines for recognizing gender identity and expression in educational settings and functioned as a benchmark for inclusive practices before its revocation. The lack of a new, equivalent legal instrument has resulted in a normative vacuum, leading to inconsistent interpretations across schools.

In the health sector, Article 11 of Law no. 38/2018 mandated the establishment of specialized services within the National Health Service and required the DGS to develop a technical intervention model. In 2019, the ***National Health Strategy for LGBTI+ People*** identified key structural barriers and proposed specialized services and professional training (DGS, 2019). Although this represented an important step, implementation remains incomplete due to the lack of binding clinical guidelines.

Further legislative advances included the prohibition of discrimination in blood donation (Law no. 85/2021), and the inclusion of sexual orientation in the Basic Housing Law (Law no. 83/2019). Nevertheless, explicit SOGIESC protections remain absent from areas such as social protection, sport, and access to goods and services.

In the field of criminal law, Laws no. 59/2007 and 19/2013 enshrine sexual orientation and gender identity as aggravating circumstances in hate crimes, thereby strengthening legal protection against homophobic and transphobic violence. Law no. 27/2008 also reinforced the right to asylum based on persecution grounded in SOGIESC, aligning Portugal with European standards of international protection. More recently, Law no. 15/2024 prohibited and criminalized practices intended to forcibly "convert" sexual orientation, gender identity or expression.

Public Policies

The consolidation of LGBTI+ rights does not take place exclusively through legislation, but also through the evolution of public policies. Since the mid-2010s, SOGIESC-related issues have been increasingly integrated into public policy, although this process has often been uneven and reactive. The ***V National Plan for Gender Equality, Citizenship and Non-Discrimination*** (2014–2017) was the first policy framework to include specific measures addressing LGBTI+ populations, primarily focused on awareness-raising and training (Ilharco et al., 2018). Its final evaluation highlighted the need for stronger strategic dimensions and measurable targets

(Ilharco et al., 2018). The *National Strategy for Equality and Non-Discrimination – Portugal +Equal* (ENIND 2018–2030) and its *Action Plan* (PAOIEC 2018–2021) (Resolução do Conselho de Ministros no. 61/2018) marked a substantial progression by incorporating strategic objectives such as knowledge production, the mainstreaming of SOGIESC in public policies, and combating discrimination. Key measures included integrating LGBTI+ organizations into the National Support Network for Victims of Domestic Violence (RNAVVD), providing funding for capacity-building projects, and implementing training initiatives for law enforcement agencies.

Since 2020, the structural funding framework of PT2020 has enabled the creation of three specialized support structures and one emergency shelter managed by civil society organizations, strengthening the institutional presence of LGBTI+ services, although these remain concentrated primarily in Lisbon and Porto. At the local level, Lisbon distinguished itself through the approval of Municipal LGBTI+ Plans (Câmara Municipal de Lisboa, 2019; 2025), which encompass measures for awareness-raising, training, employability support, and the prevention and combat of violence. Municipalities such as Matosinhos have also provided municipal housing for autonomy projects and supported specialized services for LGBTI+ people in situations of vulnerability (Associação Plano i, n.d.).

The COVID-19 pandemic exposed and intensified existing vulnerabilities among LGBTI+ populations. In response, Resolution no. 69/2020 recommended strengthening support measures for LGBTI+ organizations, reinforcing their integration into social protection networks and recognizing the essential role of civil society.

As of 2025, Portugal remains one of the European countries with the highest levels of legal and political recognition of LGBTI+ rights. The legal framework is robust and comprehensive, and it aligns with international human rights standards. However, persistent structural challenges continue to constrain its effectiveness. The consolidation of legal equality does not necessarily translate into equality as lived in practice, making it necessary to shift the analysis from the normative framework to the concrete experiences of discrimination. This transition – from written law to its everyday application – frames the following section, which reviews the literature on discrimination against LGBTI+ people in Portugal.

2.2. DISCRIMINATION AGAINST LGBTI+ PEOPLE IN PORTUGAL

The disparity between formal legal rights and actual lived equality is evidenced by data from the FRA (2020): 40% of LGBTI+ individuals in Portugal reported experiencing discrimination in the year prior to the survey, revealing the persistence of symbolic, relational and structural barriers.

Schools represent a primary context where such inequalities are observable from an early stage. International research documents higher risks of victimization, absenteeism, and academic failure among LGBTI+ youth (Day et al., 2018; Toomey & Russell, 2016), as well as more negative perceptions of school climate. In Portugal, the FRA (2020) shows that two out of three LGBTI+ young people aged 15 to 17 experienced discrimination at school, and approximately half were victims of bullying. The National School Climate Survey (Pizmony-Levy et al., 2018) reinforces this picture: a substantial proportion of students feel unsafe because of their sexual orientation or gender expression, avoid school spaces, and miss classes due to fear or discomfort.

Homophobic comments are frequent and, in many cases, teachers and staff fail to intervene, reinforcing the normalization of prejudice. These findings suggest that Portuguese schools remain, for many LGBTI+ young people, spaces of vulnerability, where cisheteronormativity continues to operate as the dominant matrix of curricula, relationships, and institutional cultures.

The labor market represents a significant context for the perpetuation of inequality. International research shows that LGBTI+ individuals experience limited professional opportunities (Tomic et al., 2026) and a higher risk of poverty, exacerbated by intersections with gender, class, or race/ethnicity (Badgett et al., 2019; Conron et al., 2018). According to FRA (2020) data, in Portugal, one in five LGBTI+ individuals reported experiencing discrimination at work or during the job search process. Additionally, 30% perceived a prevailing atmosphere of rejection in the workplace within the five years preceding the survey. 40% had never disclosed their sexual or gender identity to colleagues, and the majority rarely or never felt supported in situations involving discriminatory remarks or behavior. Tans and intersex individuals experience disproportionately high rates of discrimination in employment access and within the workplace. The ADIM Project (Pichardo et al., 2019) showed that a significant proportion of LGBTI+ workers in Portugal and Spain are exposed to rumors, jokes, or negative comments at work, witness colleagues facing disadvantages due to their LGBTI+ status, and, frequently, avoid certain spaces or events to prevent intrusive questions regarding their personal lives. Many LGBTI+ people develop identity management strategies (Machado, 2016; Santos & Alcaire, 2020), including selective disclosure or systematic concealment of their sexual orientation or gender identity, which, although protective, entail high costs in terms of mental health, well-being, and job satisfaction.

In the field of healthcare, discrimination takes multiple forms, ranging from explicit practices of exclusion or invalidation to institutional and symbolic mechanisms that adversely affect access, quality of care, and the therapeutic relationship. The project "Health in Equality" (ILGA Portugal, 2014) revealed that invisibility and silence concerning sexual orientation and sexual behaviors are prevalent in medical consultations. In many cases, healthcare professionals automatically assume heterosexuality and fail to consider the possibility that the patient may identify themselves as LGB. A significant proportion of respondents had never discussed their sexual orientation with healthcare professionals and, in some cases, withheld this information in contexts where it would have been clinically relevant. Participants also reported experiences of explicit discrimination, ranging from insulting remarks to the refusal of care or differential treatment of same-sex partners during healthcare encounters. Among trans and non-binary people, challenges are more severe. The literature points to a lack of training, cisnormative practices in accessing gender-affirming care, and the misuse of pronouns (ILGA Portugal, 2014; Macedo, 2018; Marinho et al., 2020). FRA (2020) notes that healthcare professionals discriminated against 21% of trans individuals in Portugal, a rate nearly twice that observed in the broader LGBTI+ population. Furthermore, a significant majority had never disclosed their LGBTI+ identity to healthcare providers, potentially undermining accurate diagnosis, preventive care, and the therapeutic relationship.

Throughout the life course, discrimination assumes specific configurations. During adolescence, in addition to school-based violence, many LGBTI+ individuals face misunderstanding and prejudice within their families. National and international studies indicate that family environments can serve as sources of conflict, rejection, and, in severe instances, explicit violence (Freitas et al., 2016; Ramalho, 2023a; Watson et al., 2009; Saleiro et al., 2022, exacerbating

mental health problems, suicidal ideation, and difficulties in self-acceptance. Conversely, parental support has a significant protective effect, enabling more positive adjustment and higher levels of well-being (Shilo & Savaya, 2011; Watson et al., 2019). In intimate relationships, stigma affects the quality and stability of partnerships. Many couples avoid expressing affection in public because of concerns regarding potential aggression (FRA, 2020). Discrimination experienced by LGBTI+ couples, as well as internalized prejudice, negatively affects relationship quality, levels of commitment, and the mental health of partners (LeBlanc et al., 2015).

In later adulthood, discrimination often converges with ageism. Older LGBTI+ individuals face increased risks of loneliness, social isolation, health complications, economic insecurity, and reliance on services insufficiently equipped to address sexual and gender diversity (Fredriksen-Goldsen et al., 2013). In Portugal, pioneering studies on LGBTI+ aging have shown that many older gay and bisexual men are single, have no children, conceal their sexual orientation, and have limited support networks (Opus Gay, 2016; Pereira et al., 2021), reflecting a past marked by repression and the absence of specific public policies for this group of people.

In light of the preceding discussion, the subsequent section outlines the methodological approach used to examine how organizations serving or representing LGBTI+ populations perceive and record ongoing forms of discrimination.

3. METHODOLOGY

3.1. PROCEDURE

The study adopted a qualitative research design based on focus groups and semi-structured interviews. Data were collected from representatives of associations and collectives working with or representing LGBTI+ people to explore contemporary forms of discrimination based on SOGIESC in Portugal.

An a priori intersectional sampling strategy (Spadacio et al., 2024) informed participant selection. In addition to national LGBTI+ organizations, the study included organizations and collectives representing specific groups within the community, such as trans, non-binary, and lesbian individuals. Organizations whose primary focus was not LGBTI+ populations, but other groups exposed to discrimination, such as migrants, sex workers, people living with HIV, and individuals experiencing homelessness, were also included. This approach acknowledges that these populations may not consistently access mainstream LGBTI+ organizations. To ensure territorial diversity, an extensive mapping of local LGBTI+ organizations and collectives was undertaken through systematic internet searches, allowing the inclusion of organizations from different regions of Portugal and reflecting their distinct socio-geographical contexts. Approximately 30 organizations were invited to participate. Some did not respond to the invitation, and others were unavailable on the scheduled dates.

The selection sought to maximize diversity in terms of geographical coverage, fields of intervention and the populations represented, thereby ensuring a broad range of perspectives on discrimination experienced by LGBTI+ people in Portugal.

Focus groups were conducted in October 2021. Each session lasted approximately two hours and included four to five organizations, resulting in a total of 19 participating organizations across four groups.

In addition, semi-structured interviews were conducted with representatives of the three associations belonging to the RNAVVD. These interviews were carried out in November 2021 and lasted one to two hours. Alongside the objectives shared with focus groups, they specifically explored experiences of victimization, institutional responses to violence, and barriers to accessing protection and justice among LGBTI+ individuals.

All focus groups and interviews were conducted by the same researcher, who also coordinated the overall research project.

The combination of focus groups and semi-structured interviews facilitated triangulation of data collection methods (Denzin, 1978), yielding complementary evidence and a more comprehensive understanding of discrimination against LGBTI+ people in Portugal.

3.2. PARTICIPANTS AND ETHICAL CONSIDERATIONS

A total of 22 organizations participated in the study, including community-based and activist associations, human rights organizations, specialized victim support services, and organizations involved in educational, healthcare, and social interventions with LGBTI+ populations.

Focus group composition was purposively defined according to the organizations' main fields of intervention. Focus Group 1 brought together associations representing LGBTI+ people operating outside the country's major urban centers. Focus Group 2 comprised organizations representing trans, non-binary and intersex people. Focus Group 3 included national LGBTI+ organizations, while Focus Group 4 involved organizations working with populations experiencing heightened social vulnerability, including LGBTI+ people. The three associations interviewed individually were members of the RNAVVD (Table 1).

Table 1. *Associations and collectives involved in focus groups and interviews*

Focus Group 1	• (A)MAR – Açores pela Diversidade [Azores for Diversity] • As Cores dos Açores [The Colors of the Azores] • Atitude Colectiva – Associação para a Promoção dos Direitos das Pessoas LGBTI [Association for the Promotion of the Rights of LGBTI People] (Viseu) • Associação Xis – Grupo para a Promoção e Proteção dos Direitos LGBTI [Group for the Promotion and Protection of LGBTI Rights] (Algarve) • LGBT Leiria

Focus Group 2	• API – Ação pela Identidade [Action for Identity] • GRIT – Grupo de Reflexão e Intervenção Trans [Trans Reflection and Intervention Group] • GTP – Grupo Transexual Portugal [Transsexual Portugal Group] • Projeto Anémona [Anemone Project] • TransMissão – Associação Trans e Não-Binária [Trans and Non-Binary Association]
Focus Group 3	• AMPLOS – Associação de Mães e Pais pela Liberdade de Orientação Sexual e Identidade de Género [Association of Mothers and Fathers for the Freedom of Sexual Orientation and Gender Identity] • Clube Safo [Safo Club] • Opus Diversidades [Opus Diversities] • rede ex aequo – Associação de Jovens LGBTI e Apoiantes [Association of LGBTI Youth and Supporters]
Focus Group 4	• APF Algarve [Portuguese Association for Family Planning – Algarve Branch] • APF Norte – Espaço Pessoa [Portuguese Association for Family Planning – Northern Branch, Pessoa Center] • Associação Existências - Saúde, Bem-Estar e Inclusão Social [Health, Well-being, and Social Inclusion] (Coimbra) • Casa T – Centro de Acolhimento, Sociabilização e Autonomia Transvestigênere [Reception, Socialization, and Autonomy Center for Transvestigene People] • GAT Intendente [Group for Activism and Treatment]
Semi-structured interviews	• Casa Qui – Associação de Solidariedade Social [Social Solidarity Association] • ILGA Portugal – Intervenção Lésbica, Gay, Bissexual, Trans e Intersexo [Lesbian, Gay, Bisexual, Trans, and Intersex Intervention] • Plano i – Associação para a Igualdade e Inclusão [Association for Equality and Inclusion]

Source: author's own elaboration

From an ethical perspective, all participating organizations received detailed information about the aims of the study, the voluntary nature of their participation, the research procedures, and the exclusive scientific use of the information collected. All participants provided written informed consent before data collection commenced.

3.3. DATA ANALYSIS

Focus groups and semi-structured interviews were audio-recorded, transcribed in full, and analyzed using thematic content analysis (Guest et al., 2012) in accordance with the methodological principles proposed by Bardin (2011). The analysis employed a theoretically informed, pattern-oriented approach to identify recurrent themes concerning the experiences and mechanisms of discrimination reported by participating organizations.

After transcription, all documents were imported into MAXQDA to support data management, coding, and comparison (Kuckartz & Rädiker, 2019).

A predominantly deductive coding framework was developed based on analytical dimensions established by the study objectives. These dimensions informed the construction of a coding scheme comprising primary categories and corresponding subcategories, which structured the thematic organization of the data. The coding framework included categories relating to: (i) the characteristics of the participating organizations; (ii) discrimination affecting LGBTI+ people; (iii) the LGBTI+ groups perceived as most exposed to discrimination; (iv) contexts and settings in which discrimination occurs; (v) the needs of LGBTI+ people; and (vi) intervention sectors and proposed policy measures. The application of this coding framework ensured consistency in the identification and classification of meaning units while facilitating systematic comparison across interviews and focus groups (Schreier, 2012).

In accordance with the principles of thematic analysis with an intersectional sensibility (Spadacio et al., 2024), data interpretation also considered the focus group in which each discourse was produced and the organizational profile of the participating entity. This approach facilitated the identification of differences associated with territorial scope, organizational mission, and the populations represented.

The research team collaboratively developed the coding framework. One researcher undertook the initial coding, and a second member of the team subsequently reviewed it. All coding disagreements were resolved through collective discussion until consensus was achieved on the final interpretation. Although the deductive coding framework effectively addressed the research objectives, the analysis also revealed unexpected yet analytically significant themes. These included the emerging effects of the increasing circulation of "gender ideology" narratives in Portuguese society.

4. RESULTS

4.1. BETWEEN FORMAL RIGHTS AND LIVED DISCRIMINATION: ORGANIZATIONS' PERSPECTIVES

The participating organizations unanimously recognized the progressive consolidation of LGBTI+ rights in Portugal over recent decades. This recognition is clearly anchored in the legislative advances achieved since the early twenty-first century, particularly in the fields of sexual orientation and, more recently, gender identity and expression, and sex characteristics, as previously

described. In line with previous analyses of LGBTI+ activism and the institutionalisation of these struggles in Portugal (Cascais, 2006; Hines & Santos, 2018; Vale de Almeida, 2021), the organizations identified this trajectory as the outcome of a historical process of social and political mobilisation, in which the associative movement itself played a central role as an agent of advocacy, knowledge production, and dialogue with the State.

However, this acknowledgment of formal progress does not translate into an optimistic assessment by the participating organizations of the lived experiences of LGBTI+ people. Drawing on their experience of supporting LGBTI+ people, organizations argued that legal advances, although fundamental, have had a limited impact on transforming institutional practices, attitudes and cultures.

As one association noted, although Portugal is often presented as an international example in the field of LGBTI+ rights, *"when we look at reality - and the testimonies that reach us confirm this - we see that LGBTI+ people continue to face multiple difficulties in many areas"* (Plano i). Participants across the different organizations expressed similar perspectives, highlighting the persistence of discrimination despite the existence of an advanced legal framework.

The fact that organizations continue to be heavily sought out by LGBTI+ people, often during crises, family conflicts, violence or exclusion, reinforces this interpretation that *"laws do not change mindsets"* (AMPLOS) and that the cultural change required to eradicate discrimination is a slow and resistant process.

This gap becomes particularly evident in daily experiences reported by participants, where discrimination based on SOGIESC is described not as an episodic phenomenon but as a recurrent feature of daily life for many LGBTI+ people. This pattern was especially evident among trans individuals, for whom discrimination was described as omnipresent, manifesting itself through ordinary interactions, such as intrusive stares, derogatory comments, laughter or insinuations. As one participant explained: *"Discrimination happens all the time, both physical and psychological. Just going to a café is enough — there are intrusive stares, sniggers, people next to you making loud remarks"* (GTP). Organizations' accounts reinforce previous evidence that the consolidation of legal rights has not been accompanied by equivalent changes in institutional practices and social attitudes (Saleiro, 2021b).

Legislative advances and increased social visibility of LGBTI+ people were also described as producing an ambivalent effect. On the one hand, these advances create conditions for greater identity affirmation and a reduction in concealment strategies; on the other hand, increased visibility amplifies exposure to discrimination in environments where cisheteronormative norms persist. Organizations observed that younger LGBTI+ people are increasingly willing to express their gender identity openly, despite the heightened risks of stigmatization and violence. As ILGA Portugal noted, they show *"less tolerance for submitting to a gender expression that is not their own as a form of protection"* (ILGA Portugal). These findings suggest that increased visibility may coexist with continued exposure to discrimination. This apparent paradox is also reflected in recent European evidence, which indicates that greater openness regarding sexual orientation and gender identity has occurred alongside persistently high, and in some areas rising, levels of harassment and violence (FRA, 2024).

The situation of discrimination experienced by LGBTI+ people in Portugal is not disconnected from the broader political and discursive context in which these dynamics unfold. Several organizations drew attention to the growth of discourses that challenge the inclusion of SOGIESC within the human rights framework, often mobilizing the notion of "gender ideology" to delegitimize LGBTI+ rights. These discourses, widely disseminated internationally (Akram et al., 2025), resonate with conservative and populist sectors of Portuguese society, albeit with less structural impact thus far than in other geographic points, including other European countries. Nevertheless, organizations emphasized that such discourses are not innocuous: they produce concrete effects in people's daily lives by conferring moral and ideological legitimacy on discriminatory practices and, in some cases, on acts of violence. The suspension of the administrative order regulating the inclusion of trans children in schools is cited as a paradigmatic example of the institutional impact of these movements. Beyond its immediate legal consequences, this event was regarded as evidence of the vulnerability of these achievements. Organizations' accounts further suggest that the coexistence of advances in rights and the rise of reactionary discourses generates a growing sense of insecurity, particularly among younger people, who grow up in a context marked by contradictory messages of recognition and rejection. As one organization states, *"we see more and more positive things happening, but we also see the advance of the far right"* (Atitude Colectiva), creating a climate of uncertainty regarding the sustainability of the progress achieved.

Some organizations reported that discrimination has *"come out of the closet"* and become *"less concealed"* compared to previous periods (ILGA Portugal), indicating that discrimination may coexist or even intensify in parallel with legislative progress. Organizations' accounts suggest that the implementation and long-term sustainability of legal rights depend not only on legislative reform but also on broader political and cultural environments that shape their social legitimacy. This interpretation resonates with recent European evidence pointing to the fragility of advances in LGBTI+ equality in the face of growing anti-rights and anti-gender discourses (FRA, 2024).

Finally, the findings highlight that the impacts of discrimination are not territorially homogeneous and vary among different groups encompassed by the LGBTI+ acronym. An intersectional approach emerged consistently across participants' accounts as a guiding principle for both intervention and political advocacy.

4.2. TERRITORIAL INEQUALITIES

Territory emerges as a key factor shaping experiences of discrimination based on SOGIESC. Discrimination was described as varying by place of residence and being more pronounced in inland, peripheral, and island regions. This pattern has also been identified in other countries (Domínguez Ruiz, 2023; Movement Advancement Project, 2019). The phrase *"where we are makes a difference"* ((A)mar Açores) encapsulates this perception, highlighting territory as a structuring factor of opportunities, vulnerabilities, and access to rights.

Organizations working outside the major urban centers described more conservative social contexts, characterized by greater social surveillance, reduced anonymity, and lower acceptance of sexual and gender diversity, consistent with previous research (Browne et al., 2007). As one organization noted, *"I never thought the Algarve was so narrow-minded, backward and*

conservative, and that there was so much discrimination. There is a great deal of discrimination; prejudice is brutal" (Xis). In island contexts, geographical and social isolation serve as an aggravating factor, contributing to the reproduction of dynamics of exclusion and silencing: *"Here [in the Azores] we are more isolated. There is still that enormous social isolation that still needs to be addressed"* (As Cores dos Açores).

One of the clearest manifestations of these territorial inequalities was the limited visibility of LGBTI+ people outside the major urban centers. According to organizations working in these territories, the public visibility of LGBTI+ people remains extremely limited. This absence of visibility is often associated with remaining "in the closet" or with migration to urban centers. As one association summarised, *"unlike what happens in the large cities on the mainland, where there is visibility and we walk down the street and see [same-sex] couples, in the Azores this does not exist; and when it does, it is someone from outside or someone who is here temporarily and then leaves"* ((A)mar Açores).

Territorial invisibility was also closely associated with unequal access to information and public services, constituting a form of discrimination that restricts the effective enjoyment of legally enshrined rights. Organizations were particularly critical of the lack of knowledge about SOGIESC-related legislation among professionals working in essential services such as healthcare, social security, justice, and local public administration. This lack of awareness was described as a barrier to the exercise of rights, even when such rights are legally recognized. One testimony illustrates this reality: *"What we see in the Azores, and what is very serious, is a huge lack of training among people who directly interfere with our rights and freedoms (…) they are completely unaware of the very progressive legislation we have in Portugal, and they prevent us from exercising our rights as citizens"* ((A)mar Açores).

Specific cases were reported concerning difficulties in applying legislation related to same-sex marriage and parenthood, despite these rights having been enshrined for over a decade. The need to contact services on the mainland to clarify procedures that are legally well established reveals the vulnerability inherent in territorial implementation of equality policies. These examples point to uneven institutional implementation across territories.

The organizations' accounts indicate that mere inclusion within national territory does not necessarily ensure effective protection. Instead, organizations attributed experiences of discrimination to shortcomings in the local implementation of public policies. As one participant explained: *"The place is Portugal, because in Portugal I have laws that protect me. But who protects me when I am in Portugal trying to exercise my rights and the institution does not allow it, out of ignorance?"* ((A)mar Açores).

In response to these inequalities, organizations emphasized the importance of territorializing equality policies, consistent with the recommendations of the Congress of Local and Regional Authorities of the Council of Europe (2021). They highlighted the potential of municipal equality plans as proximity-based instruments. Municipal equality plans adopted in municipalities such as Lisbon and Matosinhos (Associação Plano i, n.d.; Câmara Municipal de Lisboa, 2019, 2025) illustrate how local government can play an active role in reducing territorial inequalities. They also demonstrate the potential to bridge the gap between rights recognized at the national level and their effective realization at the local level, provided they

are supported by sustained political commitment and institutional capacity. However, organizations also criticized their currently uneven implementation and predominantly symbolic nature, emphasizing that many local-level initiatives rely almost exclusively on the efforts of LGBTI+ associations, with little structured and sustained engagement from local authorities.

Organizations working outside the major urban centers argued that nationally uniform policies are often inadequate to address the diversity of territorial contexts. Accordingly, they argue that public policies should be designed with greater flexibility, allowing adaptation to local realities and valuing the knowledge of local LGBTI+ organizations as a fundamental resource for constructing effective responses.

These findings reinforce previous research highlighting the importance of territorial approaches to LGBTI+ equality (Browne et al., 2007; Domínguez Ruiz, 2023; Movement Advancement Project, 2019). They further demonstrate that, although rights are formally recognized nationwide, their effective realization depends on local authorities' ability to implement national equality commitments through context-specific local responses.

4.3. INTERSECTIONAL EXPERIENCES OF VULNERABILITY

Organizations' accounts indicate that discrimination based on SOGIESC is not experienced uniformly across LGBTI+ populations. Participating organizations described discrimination and vulnerability as emerging through the interaction between SOGIESC and other social markers, such as gender, migration status, race/ethnicity, age and disability, which shape differentiated experiences of discrimination (Calderon-Cifuentes, 2021). This interpretation is consistent with intersectionality theory (Crenshaw, 1991), which conceptualizes inequality as the product of interacting systems of power rather than the simple accumulation of individual identities.

Trans people emerged almost unanimously as the group perceived to experience the highest and most persistent levels of discrimination. Participating organizations attributed this pattern to the challenges of social gender affirmation and the increased visibility of trans identities. This perception is consistent with European data identifying trans people as particularly exposed to discrimination across multiple domains of life (FRA, 2020). As one organization summarised, *"I still believe that the group within the LGBTI+ acronym that has the most specific issues is trans people"* (Atitude Colectiva).

Organizations described this discrimination as extending across multiple spheres of life: *"the most discriminated group is the T group, because of all the issues related to healthcare (…). We have issues in school, we have social transition (…), and then employment"* (AMPLOS). The complexity and intensity of these challenges justified the creation of dedicated structures and forms of representation within the LGBTI+ movement. However, organizations also emphasized that these experiences of discrimination are not homogeneous across trans populations, identifying trans women as being particularly vulnerable. Representatives of victim support services, such as Casa Qui, reported a higher demand from trans women. This pattern is consistent with previous research showing that the intersection of cisnormativity and sexism places trans women at heightened risk of violence, housing insecurity, and socioeconomic marginalization (Hess, 2025; Jackson et al., 2022).

Participating organizations further associated this vulnerability with the increased probability that trans women may be socially identified as trans. This interpretation is supported by Miller and Denise (2015) finding that gender nonconformity, defined as the extent to which others may perceive a person as trans, is associated with increased exposure to discrimination. These findings suggest that visibility does not operate merely as an individual characteristic but as a relational process through which gender is interpreted and evaluated in everyday interactions.

This process may persist even after legal gender recognition. Although legal recognition can remove certain barriers, it does not prevent discrimination when trans identity continues to be socially perceived. As one association states, "***the impact of this discrimination is more visible***", resulting in some cases in situations of greater vulnerability (ILGA Portugal). These accounts highlight a significant gap between legal and social recognition: while the law may formally recognize an individual's gender identity, everyday interactions may continue to be shaped by normative assumptions about bodies, appearance, and gender classification. In this sense, the findings illustrate how formal legal recognition does not automatically translate into equal recognition or protection in lived experience.

Migration status also emerged as a central axis of inequality, particularly shaping the experiences of trans people. Organizations described how the absence of Portuguese nationality and the resulting barriers to fundamental rights, including legal gender recognition, place migrant trans people in situations of heightened precarity, corroborating previous findings (Ramalho, 2020). They also report that everyday violence disproportionately affects migrant trans people from Latin America, particularly Brazil, combining transphobia, racism and xenophobia: ***"the vast majority of people for whom violence is identified on an almost daily basis are people with immigrant status"*** (API). Immigration status functions as a structural condition that mediates access to legal protection, public services, and institutional recognition, thereby reinforcing existing inequalities faced by transgender people.

Many of the participating organizations provide services to migrant and sex worker LGBTI+ populations, frequently encountering cases involving administrative irregularity. In such cases, discrimination related to SOGIESC is intensified by the stigma surrounding sex work and by exclusion from healthcare and social support services (Ramalho, 2020, 2023b). As one association explains, ***"when their condition is more visible (…) it makes access [to support] more difficult and creates more barriers from others"*** (Associação Existências). These intersecting vulnerabilities were described as contributing to reduced use of basic services and perpetuating cycles of vulnerability, illustrating how institutional barriers reproduce and reinforce inequalities.

Accounts of extremely critical situations experienced by migrant trans women provide perhaps the clearest demonstration of how intersecting systems of inequality operate in practice. An organization highlights the murder of Gisberta Salce, a Brazilian trans woman killed in Porto in 2006, as a symbolic reference. This case underscores that, despite subsequent legislative advances, migrant trans women in Portugal continue to experience life trajectories marked by violence and institutional neglect. The association's testimony describes a situation of severe violence followed by obstacles to healthcare resulting from the victim's irregular administrative status: ***"This year a trans woman sex worker, undocumented and racialized, was practically lynched. Furthermore, in order not to be lynched, she fell from a height of ten meters and had***

to undergo emergency surgery. (…) Moreover, suddenly she was told that, because she was undocumented, she had to pay €15,000 to the public hospital" (Opus Diversidades). This case demonstrates how broader structural inequalities condition the effectiveness of legal protections. Although discrimination is formally prohibited, the combined effects of migration status, administrative irregularity, racialization and gender identity may limit individuals' access to the legally guaranteed rights and protections.

Unlike trans people, whose discrimination was frequently associated with social visibility, lesbian and bisexual women were described as remaining largely invisible, both within society and within parts of the LGBTI+ community, particularly in peripheral territories and socioeconomically disadvantaged contexts. As one association noted, *"there are many working-class lesbian women who live very isolated lives, who do not know other lesbians and who do not usually access or contact LGBTI+ services"* (Clube Safo). Participants identified this social invisibility as limiting their opportunities to establish community networks and access specialized services, thereby reducing their access to social and institutional support.

The organizations further observed that discrimination affecting lesbian and bisexual women changes throughout the life course rather than diminishing with age. The period of late coming out was described as a particularly vulnerable period, potentially triggering family conflict, employment instability, and disputes regarding parental custody. These findings suggest that discrimination is influenced not only by sexual orientation but also by the timing and social context in which sexual identities become visible.

Additionally, disability or functional diversity increased vulnerability by creating relationships of dependency, especially when individuals depended on family members for care. In these circumstances, dependency itself was described as increasing exposure to *"forms of violence and abuse"* (Clube Safo).

With regard to intersex individuals, the findings indicate that invisibility constitutes the primary form of discrimination. Although Portugal has a pioneering legal framework for the protection of sex characteristics, organizations recognized the lack of data and knowledge regarding these individuals' access to services and current clinical practices. As one association summarises, *"we still have great difficulty in knowing (…) how many intersex people are accessing services, which services, and what kind of support or lack of support they receive"* (API), thereby limiting the ability to assess the actual impact of the legislation. These findings provide empirical support for Carpenter's (2016) observation that "despite human rights advances, many challenges remain, not least in implementation of reforms to ensure that clinical practices meet human rights norms" (p. 78), illustrating that the effectiveness of legal protections ultimately depends on their implementation within institutional practice.

4.4. CONTEXTS OF DISCRIMINATION

Organizations identified discrimination based on SOGIESC across a wide range of institutional, public and private contexts throughout the life course of LGBTI+ people. These findings show that discrimination persists across multiple interconnected contexts despite existing legal protections.

Healthcare has been identified as one of the principal institutional contexts where discrimination persists, reinforcing previous findings that this sector remains highly resistant to change despite legislative advances (Gomes et al., 2023). Its prominence in the accounts of participating organizations reflects the central importance of healthcare access for many LGBTI+ individuals, particularly trans and non-binary people, whose interactions with health services are closely intertwined with the individual and social experiences of gender identity.

Organizations report persistent difficulties in accessing healthcare, as well as experiences of discrimination during the provision of care. In response to these barriers, the Anémona Project was created to improve the training of healthcare professionals: *"it emerged from the perception that the trans community, including non-binary people, face great difficulties in accessing healthcare, and when they do access it, they are subjected to discrimination"* (Projeto Anémona). The lack of specific training among healthcare professionals is identified as one of the main barriers to equitable healthcare, given the limited attention devoted to gender identity in medical curricula and other health-related training programs. Many healthcare professionals, including general practitioners, remain unfamiliar with the current legislation and clinical guidelines, which contributes to the continued pathologization of trans and non-binary identities. These findings are consistent with previous research identifying insufficient professional training and cisnormative clinical practices as persistent barriers to equitable healthcare for LGBTI+ people (ILGA Portugal, 2014; Macedo, 2018; Marinho et al., 2020).

Despite international guidelines advocating the depathologisation of trans identities (World Health Organization, 2018; World Professional Association for Transgender Health, 2012), organizations continue to report practices of gatekeeping in access to gender-affirming treatments and procedures. Self-determination, enshrined in law for legal recognition, has not yet been extended to bodily self-determination (Davy, 2011). The findings further indicate that the expectation that trans people conform to stereotypical narratives of trans identities disadvantages those whose gender experiences and expressions do not align with normative models. These results demonstrate that discrimination occurs not only in access to healthcare but also through the continued failure to recognize trans identities within clinical practice, where, as GRIT noted, *"identity is not respected"*. Such approaches are also reflected in clinical reports within the National Health Service, which still occasionally include diagnoses such as "sexual identity disorder".

Organizations also reported the persistence of clinical approaches that remain, to varying degrees, oriented towards the "conversion" of sexual orientation or gender identity, despite the publication of professional guidelines by the Portuguese Psychologists' Association (Ordem dos Psicólogos Portugueses, 2020). The continued prevalence of these practices provides justification for the recent criminalization of conversion practices in Portugal.

Discrimination in healthcare also affects lesbian and bisexual women, particularly in the field of sexual and reproductive health. Organizations point to the prevalence of heteronormative assumptions in medical consultations, which may lead women to conceal their sexual orientation or avoid healthcare services altogether, a pattern previously identified in studies (ILGA Portugal, 2014; FRA, 2020).

Organizations have reported challenges in determining the ongoing occurrence of non-consensual medical interventions on intersex children and in evaluating the effectiveness

of follow-up support provided to their families. This lack of information makes it difficult to assess whether existing protections are being effectively implemented.

The ***family*** was also identified as a context in which discrimination based on SOGIESC occurs. Data from the 2020 National Study on assistance to LGBTI+ victims of domestic violence provided by specialized services confirms that, unlike what is observed in the general population, violence against LGBTI+ people occurs predominantly within the family of origin and is often perpetrated by parents (Saleiro et al., 2022). Data from the 2019 Eurobarometer supports this perception, indicating that the family remains the social sphere least receptive to the acceptance of sexual and, in particular, gender diversity.

Although organizations acknowledge significant progress, particularly in the support provided by some families to trans children and young people (Meadow, 2011; Rahilly, 2015), they also emphasize that such advancements occur alongside ongoing instances of repression, psychological violence, and, in more severe cases, expulsion from the family home. Greater family acceptance, reflected in statements such as *"families are more open and sensitive, we notice that, we see a radical difference"* (Plano i), together with the emergence of family associations, such as AMPLOS, suggests ongoing but still incomplete social change. Family-based discrimination may take particularly serious forms during childhood and adolescence, significantly affecting mental health and future life trajectories. Organizations report cases of suicidal ideation and suicide attempts associated with family rejection, in line with recent data on Portuguese non-heterosexual young people experiencing family problems (Sagnier & Morell, 2021, p. 57).

Family discrimination was also reported beyond childhood and adolescence, extending into adulthood and old age. This pattern was particularly evident among lesbian women whose life trajectories have been shaped by previous heterosexual relationships and parenthood. Individuals who come out later in life or who are in situations of dependency may experience rejection from family members. As one association notes, *"lesbian women of a certain age, over 50, experience a great deal of loneliness, which is often also linked to discrimination by family members (…) a son or daughter who becomes the caregiver of this mother and says that they do not accept it"* (Clube Safo). Family discrimination may become particularly acute in situations of increased vulnerability, such as older age or functional dependency.

In addition to the family environment, ***schools*** also represented a significant context in which discrimination was consistently reported, especially concerning LGBTI+ children and young people, as supported by previous studies (Fernandes et al., 2021; Gato et al., 2020). Bullying based on SOGIESC was described as a persistent phenomenon, manifested through direct aggression, derogatory use of sexual or gender identity, and increasingly through cyberbullying.

Discriminatory practices are not limited to peers and sometimes also involve teachers, non-teaching staff and school leadership. Associations described school practices such as derogatory remarks, unauthorized disclosure of sexual orientation or gender identity (outing), refusal to use chosen names and repression of affective expression. Organizations' accounts indicate that discrimination operates not only through peer relationships but also through institutional interactions within schools. As ILGA Portugal noted, many LGBTI+ people report experiences in which *"it is not only peers, but also assistants and teachers who make remarks (…) [or] refuse to use the chosen name"*.

For trans children and young people, discrimination is often exacerbated by inconsistent institutional practices regarding access to appropriate accommodation and respect for chosen names and pronouns. A lack of consistent institutional guidance combined with institutional resistance and limited professional knowledge has been described as a contributing factor to absenteeism, school dropout, and psychological distress. As Xis noted, *"There is a great deal of discrimination in schools (…) since 2017, I have witnessed three cases in which youth suicide is disguised, where the real causes are not disclosed in order to avoid traumatizing the family even more"*.

School management and parents' associations have also expressed resistance to the introduction of LGBTI+ issues in schools, characterizing them as unnecessary, inappropriate, or dangerous. This resistance impedes essential awareness-raising and training initiatives for various stakeholders within the school community. These accounts suggest that institutional resistance extends beyond individual discriminatory behaviors to the organizational level. As rede ex aequo noted, *"sometimes schools are afraid that parents may not react positively to these sessions"*.

The ***labor market*** was likewise identified as a recurrent context of discrimination in organizations' discourse, affecting both access to employment and retention in the workplace. Organizations described how, despite existing legal protections, many LGBTI+ individuals continue to face significant barriers and often choose, where possible, to conceal their sexual orientation or gender identity to avoid discrimination.

Barriers to employment were described as particularly pronounced for trans people, particularly trans women (Hernández-Melián, 2025). Recognition that a person is trans may be sufficient to prevent recruitment, pushing many into informal or precarious forms of work, including sex work (Ramalho, 2020), frequently described as a *"last resort"* (APF Norte). Access to employment was described as even more constrained for migrant and racialized trans people.

In the field of ***social protection***, residential care institutions were described as problematic settings due to their binary organization based on sex assigned at birth, placing trans people in situations of heightened vulnerability and institutional violence. Organizations also reported cases of trans children and young people being placed in inappropriate facilities. Similar concerns were raised regarding shelters for victims of domestic violence, which were described as insufficiently prepared to accommodate LGBTI+ people (Ramalho, 2020). In the case of older people, residential care settings were described as environments where renewed invisibility occurs, and the expression of sexual orientation or gender identity is suppressed: *"a person goes to a care home and suddenly has to pretend not to be a lesbian"* (Clube Safo). Organizations also reported that the Commissions for the Protection of Children and Young (CPCJ) displayed limited sensitivity to SOGIESC-related issues and experienced difficulties in recognizing discriminatory parenting practices, thereby compromising the effective protection of LGBTI+ children and young people.

The ***justice system***, in turn, emerges as a context of discrimination, despite its institutional responsibility to guarantee rights, protect victims, and ensure access to justice. Organizations reported that the devaluation of complaints, inadequate procedures, and insufficient institutional sensitivity contribute to the underreporting of hate crimes and discourage individuals from utilizing formal protection mechanisms.

Institutional vulnerability assumes particularly critical forms in custodial settings, where LGBTI+ people, particularly trans individuals, are exposed to heightened risks of violence and violations of fundamental rights. The placement of trans people in prisons corresponding to their registered sex where this does not reflect their gender identity constitutes a denial of identity and exposes them to heightened risks, as illustrated by one association's account: *"it is a service user who (…) was detained in a men's prison, abused in every possible way (…) she has a highly feminine gender expression (…) and she was (…) in a male prison because her legal name is male"* (Plano i). These testimonies highlight the discrepancy between protective legislation and its practical application and are consistent with analyses showing that prison institutions can perpetuate subalternisation and increased vulnerability affecting trans people (Ferreira, 2018).

Housing was also identified as a relevant context of discrimination, particularly for trans people and migrants. Organizations described discriminatory practices by landlords and neighbors that resulted in housing loss. Casa T, a community-based response created to support trans women at risk of eviction during the pandemic, exemplifies the challenges faced in both securing housing and residing in neighborhoods characterized by discrimination.

Discrimination has also been documented in other settings, including the ***media***, ***public spaces*** and certain ***LGBTI+ environments***, which can perpetuate exclusionary practices. Organizations' accounts suggest that stereotyping, the invisibilisation of groups in more vulnerable situations and discriminatory practices within the LGBTI+ community may restrict access to resources and support services for some individuals.

5. CONCLUSIONS

This analysis, based on a review of the Portuguese legal and policy framework and, above all, in an in-depth examination of the perspectives of organizations that represent and work with LGBTI+ populations, demonstrates the ongoing gap between written law and lived law. It demonstrates that the consolidation of legal rights, although fundamental, does not in itself guarantee the elimination of discrimination or the effective enjoyment of rights by LGBTI+ people in Portugal.

In addition to the central finding, this study makes several additional contributions. First, it shows that the implementation of rights is territorially uneven, resulting in significant differences in access to services, institutional responses, and opportunities for exercising citizenship. Second, it demonstrates that discrimination does not affect all LGBTI+ individuals uniformly but is shaped by intersecting factors such as sexual orientation, gender identity and expression, sex characteristics, migration status, racialization, sex work, social class, age, disability and place of residence, producing differentiated patterns of vulnerability and exclusion. Finally, it highlights the analytical value of organizations working with LGBTI+ populations as privileged observers of institutional shortcomings and everyday forms of discrimination, which often remain insufficiently visible through legal analysis alone.

Collectively, these findings point to the importance of enhancing public policies by mainstreaming SOGIESC considerations across sectoral policies and by developing specific measures

that are sensitive to different inequalities and intersecting forms of vulnerability. Furthermore, they reinforce the need for differentiated local responses, capable of translating formal rights into effective equality in daily life.

In a context marked by the emergence of discourses that challenge SOGIESC-related rights at both national and international levels, it is essential to reaffirm their grounding in the field of human rights and resist attempts at relativization or delegitimation. In this regard, the production of scientific knowledge plays a strategic role. The National Study underlying this article illustrates how research can inform public policies, support decision-making processes, and generate operational recommendations (Saleiro et al., 2022). The challenge lies in ensuring their uptake and implementation, so that the legal rights lead to dignified, safe, and equal living conditions for all LGBTI+ people in Portugal.

6. LIMITATIONS AND FUTURE RESEARCH

Two main limitations should be acknowledged. First, the empirical data were collected from representatives of organizations rather than directly from LGBTI+ individuals. Although these organizations are well positioned to identify structural patterns of discrimination, their perspectives reflect the populations, contexts, and areas of intervention in which they operate. Second, the fieldwork was conducted in October and November 2021, whereas the legal and policy framework was updated to 2025. Consequently, the empirical findings reflect the organizational perspectives collected in 2021 and do not capture the potential effects of legislative and policy developments introduced subsequently.

Future research would benefit from incorporating the perspectives of LGBTI+ people themselves and examining how recent legislative and policy developments have influenced their daily experiences across different territorial and institutional contexts.



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