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Article

Sexual harassment at work: a comparative analysis of legislative perspectives in Brazil and Mozambique

Assédio sexual no trabalho: uma análise comparativa das perspectivas legislativas no Brasil e Moçambique

Acoso sexual en el trabajo: un análisis comparativo de las perspectivas legislativas en Brasil y Mozambique

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Abstract

Objective: to comparatively analyze the legal advances of Brazil and Mozambique in addressing sexual harassment in the workplace, highlighting the impacts of this practice on victims' health and verifying the effective guarantee of the right to dignity and health in labor relations. **Methods**: qualitative, descriptive, and comparative study, carried out through a documentary analysis of Brazilian and Mozambican legislation, as well as institutional reports, international conventions, and academic literature. The analysis included the Brazilian Penal Code, national labor legislation, Mozambique's Law No. 24/2019, its labor legislation, and International Labour Organization Convention No. 190, complemented by empirical studies that demonstrate the prevalence and consequences of harassment in different contexts. **Results:** it was found that, although both countries

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recognize sexual harassment in their penal codes, significant limitations remain. In Brazil, the requirement of a hierarchical relationship restricts protection, while in Mozambique the typification is recent and not very specific, lacking robust institutional mechanisms. Underreporting was also observed as a recurring problem, especially in Mozambique, along with the insufficiency of public policies for prevention and victim support. **Conclusion:** despite normative advances, Brazil and Mozambique still face significant obstacles in ensuring comprehensive protection for victims of workplace sexual harassment. The comparison highlights the need to strengthen legislation and implement effective public policies for prevention, oversight, and psychosocial support, in order to guarantee women workers' dignity and the fundamental right to health.
Keywords: Sexual harassment; Right to health; Working conditions.

Resumo

Objetivo: analisar, comparativamente, os avanços jurídico-legais do Brasil e de Moçambique no enfrentamento ao assédio sexual no ambiente laboral, destacando os impactos dessa prática sobre a saúde das vítimas, a efetiva garantia do direito à dignidade e à saúde no âmbito das relações de trabalho. **Metodologia:** análise expositiva crítica da norma deontológica, em face da nova Objetivo: analisar, comparativamente, os avanços jurídico-legais do Brasil e de Moçambique no enfrentamento ao assédio sexual no ambiente laboral, destacando os impactos dessa prática sobre a saúde das vítimas, a efetiva garantia do direito à dignidade e à saúde no âmbito das relações de trabalho. Metodologia: estudo qualitativo, descritivo e comparativo, realizado por meio de análise documental das legislações brasileiras e moçambicanas, além de relatórios institucionais, convenções internacionais e literatura acadêmica. Foram examinados o Código Penal brasileiro, a legislação trabalhista nacional, a Lei nº 24/2019 de Moçambique, sua legislação trabalhista e a Convenção nº 190 da Organização Internacional do Trabalho, complementados por estudos empíricos que evidenciam a prevalência e as consequências do assédio em diferentes contextos. **Resultados:** verificou-se que, embora ambos os países contemplem a figura do assédio sexual em seus códigos penais, persistem limitações. No Brasil, a exigência de vínculo hierárquico restringe a proteção, enquanto em Moçambique a tipificação é recente e pouco específica, sem mecanismos institucionais robustos. Observou-se, ainda, a subnotificação como problema recorrente, sobretudo em Moçambique, além da insuficiência de políticas públicas de prevenção e acolhimento aos trabalhadores vítimas do assédio. **Conclusão:** apesar dos avanços normativos, Brasil e Moçambique enfrentam obstáculos significativos para assegurar proteção integral às vítimas de assédio sexual no trabalho. A comparação evidencia a necessidade de fortalecimento das legislações e da implementação de políticas públicas eficazes de prevenção, fiscalização e apoio psicossocial, a fim de garantir a dignidade e o direito à saúde das trabalhadoras.
Palavras-chave: Assédio Sexual; Direito à Saúde; Condições de Trabalho.

Resumen

Objetivo: analizar comparativamente los avances jurídico-legales de Brasil y Mozambique en el enfrentamiento del acoso sexual en el ámbito laboral, destacando los impactos de esta práctica en la salud de las víctimas y verificando la garantía efectiva del derecho a la dignidad y a la salud en las relaciones de trabajo. **Métodos:** estudio cualitativo, descriptivo y comparativo, realizado a través del análisis documental de las legislaciones brasileña y mozambiqueña, además de informes institucionales, convenios internacionales y literatura académica. El análisis incluyó el Código Penal Brasileño, la legislación laboral nacional, la Ley n.º 24/2019 de Mozambique, su legislación laboral y el Convenio n.º 190 de la Organización Internacional del Trabajo, complementados con estudios empíricos que evidencian la prevalencia y las consecuencias del acoso en diferentes contextos. **Resultados:** se constató que, aunque ambos países contemplan la figura del acoso sexual en sus códigos penales, persisten limitaciones. En Brasil, la exigencia de una relación jerárquica restringe la protección, mientras que en Mozambique la tipificación es reciente y poco específica, careciendo de mecanismos institucionales sólidos. También se observó la subnotificación como un problema

recurrente, especialmente en Mozambique, así como la insuficiencia de políticas públicas de prevención y apoyo a las víctimas. **Conclusión:** a pesar de los avances normativos, Brasil y Mozambique aún enfrentan obstáculos significativos para garantizar la protección integral de las víctimas de acoso sexual en el trabajo. La comparación evidencia la necesidad de fortalecer las legislaciones e implementar políticas públicas eficaces de prevención, fiscalización y apoyo psicosocial, con el fin de asegurar la dignidad y el derecho a la salud de las trabajadoras.

Palabras clave: Acoso sexual; Derecho a la Salud; Condiciones de Trabajo.

Introduction

Harassment is legally defined as the act of "constraining someone with the intention of obtaining a sexual advantage or favor, with the perpetrator taking advantage of their position as hierarchical superior or ascendancy inherent in the exercise of employment, position or function"[1]. The legal definition, however, is considered limited because it does not cover all the forms of sexual harassment that occur in the workplace. For Higa[2] the provision that conceptualizes sexual harassment unnecessarily broadens the criminal scope, introducing yet another crime of low offensive potential, punishable by alternative measures, which minimizes the criminal response and reinforces the aggressor's sense of impunity.

In 2019, the International Labor Organization (ILO)[3] through Convention 190, determined that sexual harassment is a violation of human rights, reinforcing the need for states to adopt preventive policies and measures to eliminate it from the workplace. Therefore, combating sexual harassment at work is part of a larger agenda of protecting human dignity and equality, central pillars of the international human rights system.

There have been studies showing how sexual harassment impacts on victims' mental health and therefore on their fundamental right to health[4,5], noting that victims often fail to report their aggressors for fear of reinforcing the stigma placed on them and because of the associated shame and guilt[6]. The psychological impacts are vast and potentially disturbing, as victims face a range of mental health problems, from anxiety and depression to obsessive disorder and psychosomatic symptoms[7].

This set of symptoms not only compromises workers' quality of life, but also constitutes a violation of their right to health. In addition, research with nurses describes obscene speech, illegitimate requests with indecent behavior, body touching, the display of obscene images on cell phones and malicious looks[8,9].

In this vein, a study on the prevalence of violence in the workplace, carried out in public hospitals in Africa, found records of sexual harassment suffered by health professionals, mainly nurses[10]. In her investigation, Boafo[10] found that, in the research period from September 2013 to April 2014, 592 nurses in Ghana reported sexual abuse in their workplace. In this context, data from the Cape Verde National Police indicate that, in 2022, there was a 15% increase in reports of sexual harassment in the workplace, i.e. around 330 more cases reported than in the previous period[11].

In this context, the research is based on the following problem question: to what extent do the legal systems of Brazil and Mozambique ensure effective protection for victims of sexual harassment in the workplace, especially with regard to guaranteeing the dignity of the human person and the fundamental right to health? Based on the hypothesis that, although both countries have criminalized sexual harassment and made progress on the legal front, there are still structural limitations and institutional weaknesses that compromise the effectiveness of comprehensive protection for victims.

Therefore, the aim of this study was to comparatively analyze the legal advances made in Brazil and Mozambique in tackling sexual harassment in the workplace, highlighting the impacts of this practice on the health of victims and the effective guarantee of the right to dignity and health in the context of employment relations.

The choice of countries is justified, firstly, by the fact that they share the same legal framework of Portuguese origin, which allows for a consistent comparative analysis with Brazil. Both the Brazilian and Mozambican legal systems have historically been influenced by Portuguese law, so the similarities and differences between the two reveal not only common paths, but also different institutional responses to the problem of sexual harassment.

Secondly, Mozambique is a relevant example in the Lusophone African context, as it incorporated the following into its 2019 Penal Code[12], which defines sexual harassment, albeit in a limited way. This recent incorporation provides fertile ground for observing how a developing country with profound social and gender inequalities has tackled the issue, especially in formal and informal labor relations.

Finally, Mozambique was selected because it represents a scenario in which underreporting and the absence of robust institutional mechanisms to protect victims are even more evident. In this sense, the contrast with the Brazilian reality - in which, despite the gaps, there is greater normative production and increasing judicialization of the issue - contributes to identifying advances, limits and possibilities for improvement in the protection of women workers' right to health in contexts that are diverse, yet culturally and linguistically close.

Methodology

This is a qualitative, descriptive and comparative study carried out using documentary analysis. The survey was carried out between May and July 2025 in three articulated stages: 1) a search for legislation on the official portals of the Brazilian government (Planalto) and the Mozambican government (Imprensa Nacional); 2) a consultation of international standards in the repository of the International Labor Organization (ILO); and 3) a survey of scientific and doctrinal literature in the databases Google Scholar, SciELO and institutional repositories (such as that of the Eduardo Mondlane University).

The search criteria were to identify criminal and labor laws that typify sexual harassment, as well as studies that address its impact on health. The keywords used in Portuguese, English and Spanish were: "sexual harassment", "right to health", "work environment" and "gender violence".

The time frame of the research covered the period between 2012 and 2025. The choice of a 13-year interval is justified by the scarcity of specific scientific studies addressing the intersection between sexual harassment in the workplace and the right to health in both countries, as well as the recognized fragility in the production of official data and the persistence of high rates of underreporting. This extended interval made it possible to capture both the doctrinal evolution that began in the last decade and the most recent legislative updates, such as the Brazilian laws of 2022/2023 and the Mozambican legislation of 2019/2023.

In this sense, the inclusion criteria included current legislation, ratified standards and scientific articles published in the established time frame that dealt directly with the intersection between harassment and health. Exclusion criteria included documents that were not directly related to the topic,

texts in non-selected languages, repealed legislation that did not correlate with the historical analysis, and studies that dealt with harassment outside the work context.

The analysis focused on federal legislation, such as the Brazilian Penal Code[1] and Law No. 13/2023[13] of Mozambique, as well as international standards, in particular ILO Convention No. 190[3] ratified in Mozambique in 2024 and in the process of ratification in Brazil since 2023. Also considered were doctrinal productions and scientific articles that examine sexual harassment from a legal, psychological and health perspective, as well as official reports and data that show its prevalence and the challenges of dealing with it in different contexts.

This methodological approach made it possible to construct a comparative study between Brazil and Mozambique, highlighting regulatory advances and gaps still present in the effective protection of victims and in guaranteeing the fundamental right to health in work environments.

As a technological support resource, Manus Artificial Intelligence was used exclusively to help create and organize the comparative tables (Tables 1 and 2) presented in the results section. It should be noted that the use of the tool was limited to the visual systematization and formatting of the data, and that the selection of legal provisions, the critical documentary analysis and the theoretical foundation were carried out entirely by the authors based on the primary sources and literature cited, guaranteeing the ethical rigor and originality of the study.

Results and discussion

The comparative analysis of the selected documents resulted in the organization of the findings into three main analytical categories: 1) Legal Recognition and Labour Approach, which examines the typification of the crime in the penal codes and labour laws; 2) Institutional and Reporting Mechanisms, which evaluates the effectiveness of protection channels and judicialization data; and 3) Impacts on Health and Human Dignity, which articulates the normative gaps with the psychosomatic damage suffered by the victims. These categories serve as a basis for dialog between the legislation and the scientific literature, highlighting the disparities between the normative advances and the practical reality in Brazil and Mozambique.

The results of the research were systematized in Table 1, which shows a comparison between the legal aspects of Brazil and Mozambique related to sexual harassment at work, making it possible to highlight both the regulatory advances and the gaps that still exist in each country.

Table 1. Legal comparison between Brazil and Mozambique on aspects concerning sexual harassment in the workplace

ASPECT	Brazil	Mozambique
Legal recognition	Art. 216-A of Law No. 10.224/2001 - Penal Code[1]	Art. 205 of Law No. 24/2019 - Penal Code[12]
Approach in the workplace	Recent laws: 14.457/2022, 14.540/2023 and 14.612/2023, which aim to deal with this in the workplace[14,15,16]	Lack of specific provision in the Labor Law - Laws No. 23/2007 and 13/2023[13,17]
Criminal law criteria	Requires hierarchical relationship; criticized for limiting protection[2,18]	Also requires a relationship of subordination, which restricts the scope of the rule[19]

ASPECT	Brazil	Mozambique
Public data on formal complaints	+33,000 lawsuits between 2020 and 2024; only 8% formalize complaints[20,21]	Extreme underreporting; lack of robust official data[22]
Institutional protection mechanisms	Laws providing for public programs, but with little practical effectiveness[2,23]	Lack of accessible channels and low enforcement[19,24]

Source: Own elaboration, 2025.

The analysis shows that there are important differences and convergences between the regulatory frameworks examined. Although both countries include sexual harassment in their Penal Codes, there are still significant gaps in terms of the scope of protection, the practical effectiveness of the measures and the availability of institutional mechanisms for reporting and sheltering victims. These aspects reveal not only different levels of regulatory maturity, but also common challenges related to under-reporting, the weakness of prevention policies and the low effectiveness of protective measures in the workplace.

In Brazil, although the legislation requires a hierarchical link for sexual harassment to occur[1] the literature points to advances in the visibility and judicialization of the issue, associating it with serious impacts on the psychological health and dignity of female workers. Higa[2] points out that sexual harassment at work must be understood not just as an isolated crime, but as a structural expression of gender inequality, which explains its persistence and the institutional resistance to tackling it effectively. This perspective makes it possible to understand why, even in the face of the existence of legal classification, there is underuse of accountability instruments and persistent cultural barriers to reporting.

This context is related to the fact that the inclusion of women in the workplace was not initially the result of formal recognition of gender equality, but rather the search for more accessible and cheaper labor. In this context, combined with the historically preconceived idea of male superiority, it was only from the 1980s onwards, driven by feminist movements, that greater participation by women in the workplace was ensured. On the other hand, the spread of sexual harassment has gained visibility, being reported and tackled more frequently, due to the obvious damage to the victim's health and disregard for their legitimate right to dignity[2].

In Mozambique, despite the classification introduced by Law No. 24/2019[12] the labor legislation - both Law No. 23/2007[17] and Law No. 13/2023[13] - remains silent by not treating sexual harassment as an autonomous violation. This regulatory gap has a direct impact on the lives of female workers, as it makes it difficult to hold employers and aggressors accountable, and weakens institutional protection for victims. In this context, Samuel[19] shows that many women, even when faced with situations of harassment in higher education institutions, choose not to formalize complaints due to fear of retaliation, lack of confidence in the investigation mechanisms and the associated social stigma.

This suggests that, as in Brazil, the barrier is not only normative, but also cultural, aggravated by the lack of robust public policies that favor reporting and comprehensive protection[2,19]. In Mozambique, sexual harassment in the workplace is not recognized as a form of violence and needs to be more specific. The Mozambican Penal Code, repealed in 2019 and replaced by Law No. 24/2019[12] provides for the crime of sexual harassment in Article 205.

However, it can be seen that, although both countries demonstrate, in their national legislation, a concern to protect the victims of sexual harassment, the Brazilian text is more forceful, using the expression "constrain", which means "to force someone to do something by the use of violence, intimidation or force"[16] while in the Mozambican text the verb used is "importuner", which means "to bother or cause annoyance, especially with insistent requests; to be annoying; to aggravate, aggravate, annoy, torment"[12], making it less categorical[25].

This distinction in terminology between the penal codes, 'constranger' in Brazil and 'importunar' in Mozambique, is not merely semantic, but has a direct impact on health protection. While the Brazilian term suggests more serious violence, the Mozambican expression can minimize the perception of harm, making it difficult for the victim to recognize the suffering as a violation that can be repaired. This terminological weakness contributes to the permanence of symptoms such as post-traumatic stress and feelings of powerlessness[26,27], since the victim does not find categorical support for their trauma in the legal text.

Still within this context, it should be remembered that the Brazilian text was incorporated into the Penal Code in 2011, while in Mozambique, sexual harassment was included in Law No. 24 only eight years later (2019), which left the Mozambican legal system silent on sexual harassment at work, unlike Brazil, which continues to evolve on the subject with recent complementary laws (Laws 14.457/2022 and 14.450/2023).

This delay in creating laws reinforces the impunity of employers and aggressors, especially in sectors where gender inequality is more pronounced, such as the informal and rural sectors. In addition, the lack of legal protection means that victims of sexual harassment in Mozambique face prolonged psychological damage, without prevention policies or psychosocial support, which accentuates the indifference and impacts of harassment on the victim's health.

When comparing Brazil-Mozambique legislation, it is also clear that the absence of legislation in Mozambique for a longer period than in Brazil has fostered cultural and institutional barriers, with fear of retaliation and a lack of reporting channels, aggravating the naturalization of gender violence, which is confirmed by the fact that there is more judicialization in Brazil.

The hierarchical dependency relationship is covered in both texts, as shown in Table 2.

Table 2. Comparative text of the Mozambican and Brazilian Penal Codes in relation to sexual harassment

Mozambican legal text	Brazilian legal text
Art. 205 - Anyone who, abusing the authority conferred on them by their functions or taking advantage of their status as hierarchical superior or ascendancy inherent in the exercise of employment, position or function, embarrasses someone with the intention of obtaining a sexual advantage or favor, shall be punished with imprisonment for up to 2 years and a corresponding fine.	Constraining someone with the intention of obtaining a sexual advantage or favor, taking advantage of the agent's status as hierarchical superior or ascendancy inherent in the exercise of employment, position or function.

Source: Brazilian Penal Code and Law No. 24/2019 of Mozambique[1,12].

Mozambican labor legislation, especially the Labor Law - Law No. 23/2007[19] does not deal specifically with sexual harassment as an autonomous violation. This gap compromises the accountability of employers and makes it difficult to protect victims, especially in sectors with great inequality of power between workers and managers. This regulatory omission reinforces the culture of silence and impunity, particularly in rural and informal contexts, where sexual harassment is recurrent [21].

Therefore, Mozambican labor legislation has significant gaps in tackling sexual harassment in the workplace. Law No. 13, of August 25, 2023[13] which establishes the new Labour Law, brought important innovations in terms of organizing labour relations and valuing the dignity of the human person in the professional context. However, even with this normative update, sexual harassment is not dealt with in a specific and autonomous way in the legal text, which makes it difficult to effectively hold aggressors accountable and to fully protect victims.

Like Brazil, Mozambique is a signatory to international human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified in 1997, and ILO Convention No. 190[3]. Despite ratification, the country has so far failed to implement effective legislative and institutional measures to give full effect to these commitments[3]. This shortcoming is made clear in Mozambique's Gender Equality Profile, a situational diagnosis produced by the Community of Portuguese-Speaking Countries (CPLP) in 2022, according to which gender-based violence remains widespread, while the production of disaggregated data is fragile and accountability mechanisms are incipient[28].

With regard to the health of victims, the literature shows that psychological damage, post-traumatic stress, feelings of helplessness, a constant state of alert, recurring memories of incidents, degradation and a desire to leave the profession are consequences of the suffering resulting from sexual harassment[26,27], whether in Brazil or elsewhere.

These elements indicate that, although there are formal commitments at international level, the lack of consistent domestic policies and effective institutional instruments compromises the materialization of rights that have already been recognized, perpetuating the naturalization of gender violence and the difficulty of effectively protecting victims in work contexts[28]. Women in subordinate positions, especially in the agricultural sector and domestic service, are more exposed and vulnerable to sexual exploitation, without accessible protection mechanisms[21]. For this reason, the African Commission on Human and Peoples' Rights has urged Mozambique to adopt a more robust set of rules to tackle sexual harassment in the workplace[24].

Final considerations

The comparative analysis between Brazil and Mozambique shows that, although both countries have made progress in classifying sexual harassment in their legal systems, there are still significant gaps in effectively tackling this practice in the workplace. In Brazil, although criminal and labor legislation recognize sexual harassment, the requirement of a hierarchical link and the low effectiveness of punitive measures still restrict the protection of victims. In Mozambique, the recent classification of the offence and the lack of specific institutional mechanisms reveal the fragility of the rules and the difficulty in implementing the international commitments that have already been ratified.

It can be seen that in both Brazil and Mozambique, sexual harassment is a recurring practice that stems, among countless other factors, from gender inequality, based on a patriarchal and sexist culture, where women submit to gender violence in order to keep their jobs.

Thus, a joint analysis of the Brazilian and Mozambican experiences makes it possible to understand how different normative arrangements, although derived from the same legal tradition, have repercussions on the effectiveness of protecting the dignity of working women and their right to health. By proposing this comparative dialogue, the aim is not only to highlight the advances and limitations of each legal system, but also to contribute to the formulation of more inclusive and effective public policies to combat sexual harassment in the workplace, strengthening the international human rights and gender equality agenda.

The persistence of underreporting, the scarcity of disaggregated data and the lack of effective public policies perpetuate the naturalization of gender-based violence in both countries, albeit more markedly in Mozambique. These elements compromise the full protection of female workers and make it urgent to adopt measures that go beyond legal provisions, including the creation of accessible reporting channels, prevention programs, awareness-raising policies and psychosocial support mechanisms for victims.

Therefore, tackling sexual harassment at work requires an integrated approach, combining the strengthening of legislation, the effectiveness of institutions and the promotion of a culture of gender equality. The comparative experience between Brazil and Mozambique shows that combating sexual harassment in the workplace is not only a legal challenge, but also a social and cultural one, which requires coordinated efforts to fully guarantee the right to dignity and health of female workers.

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Authors' contributions

B.M.M.R. Vasconcelos: conception/design of the article, data analysis and interpretation, writing of the article, critical revision of the article and approval of the final version of the article.
W.P. Pessoa: conception/design of the article, data analysis and interpretation, writing of the article, critical revision of the article and approval of the final version of the article.
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