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Sexual Harassment in Institutions of Higher Education: Some Critical Insights Based on the Case of Portugal

Sofia Neves, PhD,^{1,2} Mafalda Ferreira, PhD,² Joana Topa, PhD,^{1,2} Estefânia Silva, PhD,^{1,2}
Ariana Correia, PhD,^{1,2} Mafalda Sousa, MSc,¹ and Janete Borges, PhD³⁻⁵

A Glance at the Portuguese Socio-Historical Context

As Portugal lived under a dictatorship for almost 50 years, policies and legislation on women's rights began to be developed only after the instauration of democracy in 1975 (Monteiro and Ferreira, 2016). In the second half of the 20th century, especially after the feminist movement gained strength, broader discussions about sexual harassment (SH) in Portugal began to emerge. A greater awareness of SH as a form of gender-based violence and discrimination resulted from the increased consciousness surrounding issues of gender equality and women's rights during the 1960s and 1970s. In the 80s and 90s, the debate on this issue intensified, driven by social movements and international legislation, such as the Convention on the Elimination of All Forms of Discrimination Against Women (United Nations, 1979), to which Portugal has been a signatory since 1980.

Although other initiatives were created in the 90s to address domestic violence and violence against women (Correia et al., 2024), the first study on SH against women in the workplace was conducted in 1989 (Amâncio and Lima, 1994). Twenty-five years later, the study was reconducted (Torres, 2016), revealing interesting comparative findings regarding, for instance, SH frequency. In the first study, the frequency of SH was 34.1%, while in the second study, it was 14.4%, which might be explained, as pointed out by Torres (2016), by the profound social and legal changes in what gender equality is concerned. In fact, since 1997, with the Resolution of the Council of Ministers no. 49/97 (Official Gazette, 1997), the Portuguese government has launched national plans to promote equality, contributing to assuring the principle 13. of the Portuguese constitution—the principle of equality—is fully respected. Accordingly, the legal framework has been altered, as described in the next section.

Legal Framework

When the Portuguese Labor Code was approved in 2003, SH and mobbing were included, following Directive 76/207/EEC of the Council (February 9, 1976), amended by Directive 2002/73/EC of the European Parliament and the Council (September 23, 2002) (Moreira and Martins, 2019). The Portuguese Labor Code establishes that SH is any unwanted behavior of a sexual nature, in verbal, nonverbal, or physical form, with the purpose or effect of disturbing or constraining a person, affecting his or her dignity, or creating an intimidating, hostile, degrading, humiliating, or destabilizing environment (Law 7/2009, February 12, Article 29). Recently the law was amended (Law 73/2017, August 16) in what concerns the prevention of SH and mobbing. These are now severe counter-orders, requiring that companies with seven or more employees adopt codes of conduct for preventing and combating harassment at work.

SH is also a criminal offense described in Article 170 of the Portuguese Penal Code (Law 83/2015, August 4). Since 2015, due to the implementation of the Istanbul Convention (Council of Europe, 2011), anyone who harasses another person by performing acts of exhibitionist character, by making proposals of sexual content, or by constraining them to engage in sexual contact could be punished for a crime of SH. The penalty can comprise imprisonment for up to 1 year or a fine¹ of up to 120 days. According to GREVIO (2019), Article 170 is more limited in scope compared with the

¹The fine is a primary monetary penalty, measured in days, ranging from 10 to 360. Each day corresponds to an economic consequence between 5 and 500, based on the guilty person's financial condition and personal responsibilities (Ministério Público, 2025).

¹Department of Social and Behavioral Sciences, University of Maia, Maia, Portugal.

²Interdisciplinary Center for Gender Studies (CIEG/ISCSP-ULisboa), Lisboa, Portugal.

³ESS, Polytechnic of Porto, Porto, Portugal.

⁴Centre for Health Studies and Research of the University of Coimbra (CEISUC), Coimbra, Portugal.

⁵REQUIMTE/LAQV, ESS, Polytechnic of Porto, Porto, Portugal.

objective of Article 40 of the Istanbul Convention, which aims to hold accountable and subject to legal or criminal punishment any form of sexual conduct, whether verbal, nonverbal, or physical, that is unwanted by the victim, regardless of whether it falls under the categories of “exhibitionist” behavior or a sexual “proposal.” Hence, the experts vehemently recommended the revision of the legislation, emphasizing that laws about SH and other sexual offences should be founded on the absence of voluntary permission from the victim. Both labor and penal codes are gender-neutral in their formulation of SH and have no reference regarding the specific context of the Institutions of Higher Education (IHE), despite their broad application. As Mousmouti (2022) argued, and we agree, “different realities, stereotypes and behaviors all play a role in shaping the content of the law and can have a distinct impact on women and men” (p. 226). Thus, when the law ignores the particularities of people’s and groups’ experiences, as well as the contexts where the phenomena occur, the likelihood of its application being ineffective is high.

Criminal and Scientific Data on SH

From 2015 to 2022, eight people were detained in Portugal for SH, seven men and one woman (Internal Security System, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023). However, no data on formal complaints on SH were presented in the Annual Reports of Internal Security, the document mapping Portuguese criminality. Within the same period, 570 SH criminal processes were concluded in the Portuguese courts of first instance, averaging 71.25 cases per year (Directorate-General for Justice Policy, 2024). Data are nonspecific regarding SH in IHE.

Despite the nonexistence of a national study on the prevalence concerning SH in IHE, results from research have been suggesting high rates of victimization, especially among women.

A Portuguese nongovernmental association reported that 94.1% of the 518 women surveyed experienced SH, 21.7% were victims of sexual coercion, and 12.3% were raped (Martinez, 2021). Across all identified categories of unwanted sexual experiences at the University of Coimbra, most women mentioned male individuals as perpetrators, be they partners, teachers, acquaintances, hierarchical superiors, or colleagues. Also, the Academic Federation of the University of Lisbon (2019) concluded that more than a third of students ($N = 995$) were subjected to comments, photos, and/or videos of unwanted sexual character/content, with 32% claiming to have experienced, without consent, situations in which sexual acts and/or movements were simulated. Nearly 29% were confronted with indecent exposure. A study conducted by Amaro et al. (2024), with a sample from seven IHEs in Portugal, found that 34.8% of the 3399 participants were victims of SH, with 97.5% occurring outside the university. The most identified aggressors were nonfaculty staff or a love partner, followed by coworkers, student colleagues, relatives, and professors.

These results are aligned with several international studies. Bondestam and Lundqvist (2020) concluded that on average one out of four female students are victims of SH in HEI. Although SH mostly affects women, minority groups, such as migrants and non-binary people (Ceccato and Loukaitou-Sideris, 2021), are also exposed, with serious negative

consequences for their overall well-being, physical and mental health, and work or academic performance (European Union Agency for Fundamental Rights, 2015; Humbert et al., 2022; Latcheva, 2017).

In the last years, Portuguese media have been reporting several cases of SH in IHE, involving situations in which the aggressors are male professors and the victims are female students.

In consequence, the Minister of Higher Education recommended, in 2022,² the creation of codes of conduct and channels for complaints of SH in all IHE, regardless of public or private. The recommendation was not mandatory, which means each IHE could autonomously decide to institute those recommended codes and channels.

In 2023,³ the same minister conducted a survey that revealed that, in the last 5 years, 38 complaints of SH in IHE were made. Moreover, Law 61/2023 (November 9) was created to assure psychological support responses for victims of SH in HEI, extending the scope of the codes of good conduct for the prevention and combating of SH to all members of the academic communities. The Law also establishes that the Portuguese government must foster a data-driven culture, ensuring the collection and dissemination of common qualitative and quantitative information from IHE. The referred initiatives might contribute to increasing reporting rates and help requests, and also to know better the actors, the dynamics and the impacts of SH, fomenting better and more efficient prevention strategies.

Final Remarks

Portugal has made substantial advancements in tackling sexual harassment, thanks to its adherence to international obligations, enhanced legal structures and public policies, and accomplishments in promoting gender equality.

The increasing public awareness of the severity of the issue pushed the government to take measures to prevent and combat SH in IHE. Despite this, the absence of data on the prevalence of SH in IHE makes it difficult to map and characterize the trends, processes, and consequences of the phenomenon. Although the recommendations toward the creation of codes of conduct and channels for complaints, along with the psychological support responses for victims of SH, are relevant measures to redefine the organizational culture of the IHE, it’s also crucial to promote mechanisms able to challenge conservative and stereotypical representations of what SH is and how it affects victims. The blaming perspective is still present in Portuguese society, increasing the number of cases unreported and contributing to the aggressors’ impunity.

The ongoing fight to eradicate SH in IHE requires a concerted effort of sensibilization, training, and support, but also a social change that addresses deeply ingrained cultural beliefs and practices. Hence, a multifaceted strategy

²<https://observador.pt/2022/05/19/ministra-recomenda-medidas-contra-assedio-as-instituicoes-de-ensino-superior/>

³<https://www.publico.pt/2023/04/27/sociedade/noticia/inquerito-ministerio-revelou-38-queixas-assedio-sexual-universidades-2047670>

is required to nurture values that promote respect, safety, and responsibility.

Never disrespecting victims' will to report or not SH victimization to police authorities or IHE, we believe that implementing specific policies that unequivocally forbid SH in IHE could be crucial to help them make a decision. Well-defined protocols for reporting, investigating, and resolving SH cases, and a flowchart of action, after a complete assessment and diagnosis of the IHE reality, must be collaboratively defined and disseminated. The institutional approach should take into account that SH is not an individual or interpersonal problem but a structural form of violence based on gender inequalities (Eyre, 2000).

In addition, bystanders and community approaches should be applied, enhancing the potential of active intervention in SH cases (Mainwaring et al., 2023). By enabling individuals who witness sexual harassment to take safe action and engaging communities to respond together, a culture of responsibility and support can be encouraged.

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Address correspondence to:

Sofia Neves, PhD

Department of Social and Behavioral Sciences

University of Maia

Avenida Carlos de Oliveira Campos

Castêlo da Maia

4475-690 Maia

Portugal

E-mail: asneves@umaia.pt