

FEDERAL OMBUDSPERSON SECRETARIAT FOR PROTECTION AGAINST HARASSMENT

# ANNUAL REPORT

# JULY 2022 - JUNE 2023

وفاقی محتسب سیکر ٹریٹ برائے انسد ادِہر اسیت FEDERAL OMBUDSMAN SECRETARIAT FOR PROTECTION AGAINST HARASSMENT FOSPAH © © @ @fospah.gov.pk © @ @fospah Annual Report on the Observance and Implementation of Principles of Policy (2022-23) Under Article 29(3) of the Constitution of Islamic Republic of Pakistan, 1973



# Al Quran

O you who believe, stand up as witnesses for God in all fairness, and do not let the hatred of a people deviate you from justice. Be just: This is closest to piety; and beware of God. Surely God is aware of all you do.

## (Surah Al-Maidah, Ayat 08)

Indeed, Allah commands you to return trusts to their rightful owners and when you judge between people, judge with fairness. What a noble commandment from Allah to you! Surely Allah is All-Hearing, All-Seeing.

## (Surah An Nisa, Ayat 58)

And for all, We have made heirs to what is left by parents and relatives. And to those whom your oaths have bound [to you] - give them their share. Indeed Allah is ever, over all things, a Witness.

## (Surah An Nisa, Ayat 33)

Allah commands you regarding your children: the share of the male will be twice that of the female. If you leave only two "or more" females, their share is two-thirds of the estate. But if there is only one female, her share will be onehalf. Each parent is entitled to one-sixth if you leave offspring. But if you are childless and your parents are the only heirs, then your mother will receive one-third. But if you leave siblings, then your mother will receive onesixth—after the fulfilment of bequests and debts. "Be fair to" your parents and children, as you do not "fully" know who is more beneficial to you. "This is" an obligation from Allah. Surely Allah is All-Knowing, All-Wise.

## (Surah An Nisa, Ayat 11)

O believers! Stand firm for justice as witnesses for Allah even if it is against yourselves, your parents, or close relatives. Be they rich or poor, Allah is best to ensure their interests. So do not let your desires cause you to deviate "from justice". If you distort the testimony or refuse to give it, then "know that" Allah is certainly All-Aware of what you do.

## (Surah An Nisa, Ayat 135)

## LIST OF ABBREVIATIONS

- Act 2010: The Protection Against Harassment of Women at the Workplace Act, 2010 (Amended in 2022)
- Act 2020: The Enforcement of Women's Property Rights Act, 2020
- **CCTV:** Closed Circuit Television
- CDA: Capital Development Authority
- **CEDAW:** Convention on the Elimination of All Forms of Discrimination Against Women
- **COMSATS:** The Commission on Science and Technology for Sustainable Development in the South

Fig.: Figure

FOSPAH: Federal Ombudsperson Secretariat for Protection against Harassment

GEWE: Gender Equality and Women's Empowerment

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

ILO: International Labour Organization

MoU: Memorandum of Understanding

NED: Nadirshaw Edulji Dinshaw

PBSA: The Pakistan Boys Scout Association

PCSIR: Pakistan Council of Scientific & Industrial Research

**PEMRA:** The Pakistan Electronic Media Regulatory Authority

PTV: Pakistan Television Corporation

SCMR: Supreme Court Monthly Review

**SDGs:** United Nations Sustainable Development Goals

## LIST OF FIGURES

- Fig. 1: Ombudsperson offices across the globe
- Fig. 2: Constitutional rights of women
- Fig. 3: Global Gender Gap Index 2023
- Fig. 4: Literacy rate in Pakistan
- Fig. 5: Age specific labour force participation rate of workers by Gender
- Fig. 6: Women's inheritance rate
- Fig. 7: FOSPAH's leadership across the years
- Fig. 8: Aggregate number of cases from 2011-2023
- Fig. 9: Aggregate number of cases by Gender from 2011-2023
- Fig. 10: Aggregate number of cases by Gender and Sector from 2011-2023
- Fig. 11: Trend of cases over the years
- Fig. 12: Number of cases reported from each Province
- Fig. 13: Number of cases registered by each Gender at FOSPAH's head office, Islamabad from 2022-2023
- Fig. 14: Number of cases from each Sector from 2022-2023
- Fig. 15: Number of cases from each Province registered at FOSPAH's head office, Islamabad from 2022-2023
- Fig. 16: Number of cases registered at FOSPAH's regional office, Lahore from 2022-2023
- Fig. 17: Number of cases registered at FOSPAH's Regional Office, Karachi from 2022-2023

#### **LIST OF TABLES**

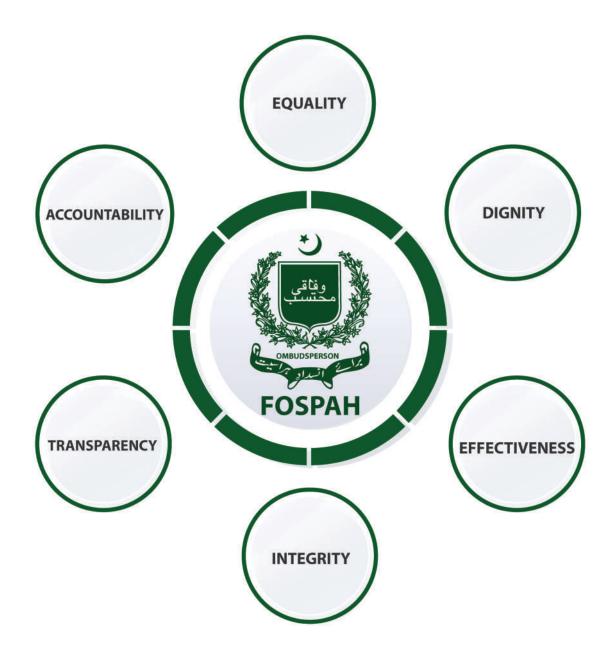
Table 1: Number of cases registered yearly at FOSPAH'S head office, Islamabad

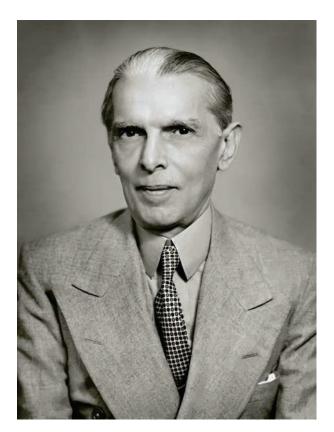
Table 2: Number of cases registered at FOSPAH's head office in 2022-2023

# **FOSPAH Governing Framework**



# **Our Values**

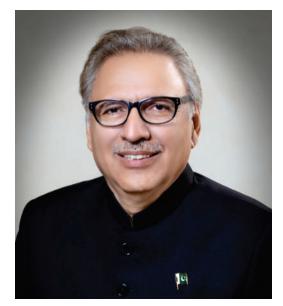




Quaid-e-Azam **Muhammad Ali Jinnah Founder of the Nation** 

# "No nation can rise to the height of glory unless your women are side by side with you"

(Muslim University Union, Aligarh, March 10, 1944)



Message from the President

The Federal Ombudsperson Secretariat for Protection against Harassment (FOSPAH) is a quasijudicial independent statutory body that was created by the Parliament of Pakistan in 2010 for the purposes of addressing workplace harassment faced by working men and women and for securing the financial rights of women in immovable and movable property. The Constitution of the Islamic Republic of Pakistan, 1973 and our religion Islam mandate the equality of women and men and enjoin upon the State and society to safeguard the rights of women. To demonstrate its commitment to the cause of women's empowerment and to reduce and ultimately eliminate the prevailing gender inequities, the State of Pakistan set up FOSPAH with the hope of bringing about a gender equal Pakistan.

As the President of Pakistan, I act as the appellate authority for the orders passed by the various Ombudspersons, including those passed by FOSPAH. I am pleased to observe that in my five years in office, FOSPAH has decided around 3,095 complaints of harassment and property deprivation. Although, these results are impressive, much more needs to be done by the State, FOSPAH and the public to ensure that an increasing number of women, men and transgendered persons come forward to report harassment and claim their rights in property. The Presidency is committed to supporting FOSPAH achieve its vision of a Pakistan free from gender discrimination. Being a firm believer in gender equality and women's empowerment, I have personally presided over the representations filed against FOSPAH's orders and have disposed of representations expeditiously.

As we move into a new year, I expect that FOSPAH will continue to expand its outreach to protect women's rights. There is a dire need to increase awareness about the role and performance of FOSPAH through multiple channels of communication, so that more aggrieved women could seek relief from this forum. I would like to felicitate FOSPAH for its valuable contributions throughout the year 2022-2023. I am also glad that FOSPAH is using technology to facilitate women in resolving their issues. Let us reaffirm our commitment to providing a safe and secure environment for gender diversity at work and public places. I wish FOSPAH all the best in future endeavours.

**Dr. Arif Alvi** Honorable President of Islamic Republic of Pakistan



## Message from the Ombudsperson

The Office of the Federal Ombudsperson Secretariat for Protection against Harassment (FOSPAH) is an independent body created by Parliament in the year 2010 with the objective of creating a safe working environment for professional men and women, which is free from harassment, abuse and intimidation with a view towards fulfilment of their right to work with dignity. In the year 2020 FOSPAH was also given the mandate of adjudicating the property disputes of women whilst in 2022 the scope of FOSPAH's parent statute (Act of 2010) was expanded to provide added protection to all persons from workplace harassment.

Since its inception in 2010, FOSPAH has been headed by three Federal Ombudspersons. I assumed charge as the fourth Federal Ombudsperson on March 1st, 2023. In this role, I shall draw on over two decades of experience in the field of human rights and women's empowerment, focused particularly on evidence-based decision-making. In my term in office, I hope to build on the work of my predecessors towards creating a conducive working environment for women, men and transgendered persons and, towards enhancing women's financial standing by securing them their due shares in movable and immovable assets.

FOSPAH is committed to the principles of non-discrimination, dignity and respect for all and, advocates for a Pakistan that is gender equal. FOSPAH strives to achieve these ideals through raising awareness about women's rights and by expeditiously resolving complaints of harassment and property deprivation at no cost to the parties. To achieve its objectives, FOSPAH needs a strong institutional framework with a competent team and efficient legal and administrative systems. My goal is to strengthen our legal and administrative human resource capacity and systems as a priority. Simultaneously, I plan to improve the quality of FOSPAH's case handling and decisions. We have begun research on and enunciation of the scope of our amended law (2022) on harassment and on the recently enacted law on property rights for women. An important aspect of prevention is awareness of the law and redressal mechanisms. FOSPAH has developed and begun the implementation of a systematic outreach strategy to apprise people of their rights under the Acts on harassment and property rights.

FOSPAH provides an annual report to the government and all relevant stakeholders under Article 29(3) of the Constitution of Islamic Republic of Pakistan, 1973. This report highlights our achievements and challenges. It also shows extensive outreach and engagement with the citizens, public organizations and non-government organizations. These efforts have resulted in increased reporting and greater awareness as well as embedding institutional measures for compliance of the law. Our efforts have also led to institutional strengthening of FOSPAH with a stronger technical and administrative team.

Through consistent engagement with the Government, private bodies and the public, FOSPAH endeavors to eliminate harassment at the workplace and to promote women's economic empowerment across Pakistan. These coordinated efforts shall help FOSPAH build a society where rights of all citizens will be upheld and, where women and other marginalized communities can thrive and reach their true potential.

**Ms. Fauzia Viqar** Honorable Federal Ombudsperson FOSPAH

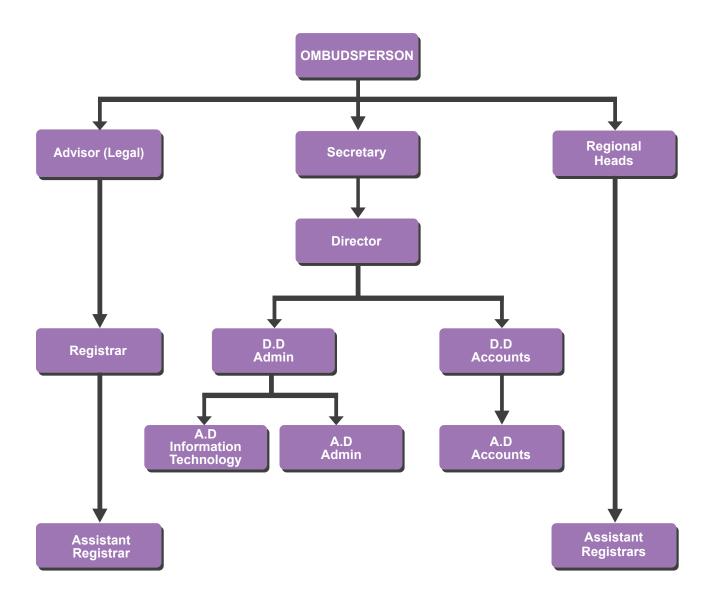
# **VISION**

A society free of gender discrimination where women's rights are fully upheld

# **MISSION**

Protecting every person's right to dignity and nondiscrimination and promoting the economic empowerment of women

# **ORGANOGRAM OF FOSPAH**



# **EXECUTIVE SUMMARY**

In the fiscal year July 2022 to June 2023, the Federal Ombudsperson Secretariat for Protection against Harassment (FOSPAH) exemplifies the organization's steadfast dedication to its statutory mandate of combatting workplace harassment and safeguarding women's property rights. Established pursuant to the legislative framework of "the Protection against Harassment of Women at the Workplace Act, 2010" and subsequently fortified by the Protection Against Harassment of Women at the Workplace (Amendment) Act, 2022, FOSPAH operates as an autonomous, quasijudicial body. Its scope of responsibilities has been broadened with the enactment of "the Enforcement of Women's Property Rights Act, 2020, necessitating the speedy adjudication of women's property rights cases. Under the astute leadership of the Federal Ombudsperson, Ms. Fauzia Viqar, FOSPAH remains resolute in its commitment to fostering a safe work environment and expeditiously redressing grievances pertaining to harassment and property rights violations. Aligned with its overarching vision of facilitating women's socio-economic empowerment and fostering gender parity within Pakistan, FOSPAH upholds a zero-tolerance stance against workplace harassment and discriminatory practices.

The report traces the evolutionary trajectory of FOSPAH, highlighting the pivotal contributions of esteemed individuals such as Justice Musarrat Hilali, Justice (R) Yasmin Abbasey, Ms. Kashmala Khan and Ms. Fauzia Vigar. During the reporting period (2022-23), FOSPAH experienced a manifold increase in workload following the enactment of Act 2020. Despite the challenges posed by the global COVID-19 pandemic, FOSPAH received the highest-ever total of 767 complaints since its inception in 2010, in the year 2022-23, demonstrating its commitment to addressing harassment issues. Aggressively projecting its role in line with legislative provisions, FOSPAH implemented improved online monitoring of harassment/property cases with introduction of online complaint management systems across all its offices, including the head office and regional offices. It initiated internship programs for young graduates, aiming to foster talent and prepare them for future challenges in upholding justice and gender equality. FOSPAH introduced biometric systems for the staff attendance and installed CCTV surveillance systems for security purposes across its offices. Despite resource constraints, FOSPAH's active participation in national and international advocacy campaigns, notably the "16 Days of Activism Against Gender-Based Violence," underscores its commitment to raising awareness and combating gender-based violence in all its manifestations. FOSPAH plays an indispensable role in ensuring the dispensation of justice and accountability through its handling of precedent-setting cases and proactive investigative endeavours. Testimonials provided by individuals, who approached FOSPAH serve as poignant testament to the transformative impact of FOSPAH's interventions in securing property rights and administering justice.

Statistical analyses presented in the report furnish invaluable insight into FOSPAH's operational efficacy and societal impact. Despite operational challenges, FOSPAH's holistic approach to combatting harassment through targeted awareness campaigns, advocacy initiatives and strategic collaborations underscores its pivotal role in advancing gender equality and justice within Pakistani society. By forging robust partnerships, expanding outreach endeavours and embracing technological innovations for enhanced case management and awareness dissemination, FOSPAH endeavours to fortify its position as a bulwark against harassment and an advocate for gender equity within the national landscape. Looking ahead, FOSPAH is committed to the pursuit of advancing women's constitutional rights and the realization of its vision for a more equitable society. Future plans entail a concerted focus on expanding outreach efforts, consolidating strategic partnerships, augmenting regional presence and harnessing technological advancements to streamline case adjudication processes and amplify awareness campaigns. By redoubling efforts to raise awareness, fostering synergistic alliances with stakeholders and harnessing innovative methodologies, FOSPAH aims to reinforce its pivotal role in championing gender equality, safeguarding against harassment and nurturing a culture of mutual respect and dignity within the fabric of Pakistani society.

# **TABLE OF CONTENTS**

List of Abbreviations	iii
List of Figures	iv
List of Tables	iv
FOSPAH Governing Framework	V
Our Values	vi
Message from the President	viii
Message from the Ombudsperson	ix
Vision	Х
Mission	Х
Organogram of FOSPAH	xi
Executive Summary	xii

	INTRODUCTION	
01	1.1 Our Mandate: What is FOSPAH?	01
UI	1.2 Why Was the Creation of FOSPAH Needed?	04
	<b>1.3 FOSPAH through the Years</b>	06
	STATISTICS OF THE CASES	

<ul> <li>2.1 Status of Cases Registered at FOSPAH: 2011-2023</li> <li>2.1.1 Number of cases reported by each Gender</li> <li>2.1.2 Number of cases reported by each Sector and Gender</li> </ul>	08 08 09	
<ul> <li>2.2 Number of the Cases Registered Annually at the FOSPAH's Head Office, Islamabad from 2011 to 2023</li> <li>2.2.1 Trend of cases over the years</li> <li>2.2.2 Number of cases reported from each Province</li> </ul>	10 10 11	00
2.3 Statistics of Cases Registered at the FOSPAH Head Office, Islamabad: July 2022 - June 2023 2.3.1 Gender-Wise Bifurcation 2.3.2 Sector-Wise Bifurcation 2.3.3 Number of cases reported from each Province	12 12 12 13	02
2.4 Statistics of Cases Registered at the FOSPAH Regional Office, Lahore: July 2022 - June 2023	14	
2.5 Statistics of Cases Registered at the FOSPAH Regional Office, Karachi: July 2022 - June 2023	14	

## SIGNIFICANT CASES AND TESTIMONIALS

18
18
19
20
20
21
22
22

	3.2 Significant Cases under the Enforcement of the Women's Property Rights Act, 2020	23
	3.2.1 Naseem Akhtar & Others Versus Iftikhar Hussain & Others	23
	3.2.2 Rukshanda Kokab & Others Versus Hakeem Rizwan Hafeez & Others	23
	3.2.3 Maria Shamail Kazmi Versus Shahid Kazmi	24
03	3.2.4 Sadaf Siddiqui and Shazia Siddiq Versus Muhammad Irfan Siddique & Others	24
	3.2.5 Ramla Tehzeen Versus Zeeshan & Others	24
	3.2.6 Abeera Bibi Versus Khalid Mehmood & Others	24
	3.3 Testimonials	25
	3.3.1 Toshiba Amjad	25
	3.3.2 Nadia Bibi	25

## **OUTREACH ACTIVITIES AND ACHIEVEMENTS**

4.1 Outreach Activities and Community Engagement264.1.1 Institutions engaged264.1.2 Activities conducted in 2022274.1.3 Activities conducted in 202334	
4.2 FOSPAH's Presence in the Media414.2.1 Print Media414.2.2 Electronic Media464.2.3 Social Media48	04
4.3 Institutional Strengthening504.3.1 Administrative measures504.3.2 Financial management514.3.3 Effective discharge of legislative mandate51	
4.4 Conclusion 52	

## ANNEXURE

Code of Conduct (English)	54
Code of Conduct (Urdu)	55

# CHAPTER NO. 01 INTRODUCTION

In Pakistan, the institution of the Ombudsperson plays a vital role in safeguarding the rights and interests of the public by investigating complaints of maladministration and human rights violations. Established initially under Article 276 of the Interim Constitution of 1972 and later solidified in the Constitution of 1973, office of the Federal Ombudsperson, known as Wafaqi Mohtasib, was officially instituted through the enactment of the Office of Wafaqi Mohtasib (Ombudsperson) Order, 1983. This office, now a constitutional fixture by virtue of Article 270-A, commenced operations on August 8, 1983. Mohtasib's role is instrumental in bridging the gap between administration and citizens, stimulating better administrative practices and preventing the misuse of discretionary powers. Pakistan has several other Ombudsperson agencies, such as Provincial Ombudsperson offices in Punjab, Balochistan, Khyber Pakhtunkhwa and Sindh. At federal level there are specialized Ombudsperson roles which include the Banking Mohtasib, Federal Insurance Ombudsperson, Federal Tax Ombudsperson and Federal Ombudsperson for Protection against Harassment. These various Ombudsperson agencies collaborate through the Forum of Pakistan Ombudsperson and are also affiliated with the Asian Ombudsperson Association and the International Ombudsperson Institute for international cooperation. Pakistan's governance system features the office of Ombudsperson to address administrative grievances and ensure accountability whereas FOSPAH specifically works to combat workplace harassment and safeguard women's property rights.

#### 1.1. Our Mandate: What is FOSPAH?

FOSPAH is an autonomous quasi-judicial statutory body, governed by the Protection Against Harassment of Women at the Workplace Act, 2010 (Act 2010), which is been amended in 2022. This legislation aims to provide a safe working environment for women by prohibiting and redressing harassment. The Ombudsperson appointed under this Act has the authority to receive and investigate complaints of harassment, take measures to resolve disputes, recommend disciplinary action, impose penalty or compensation if harassment is proven. In 2022, the definition of harassment was expanded even further to cover a wider range of behaviours such as stalking and cyberstalking, as well as sexually demeaning attitudes. Moreover, with the addition of Section 2(h)(ii), gender-based discrimination also constitutes as harassment. Following is the amended definition of harassment:

"Harassment means;

(i) any unwelcome sexual advance, request for sexual favours, stalking or cyber stalking or other verbal, visual or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment; or

(ii) discrimination on basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mind set or notion, resulting in discriminatory behaviour on basis of gender against the complainant." Besides the mandate against harassment, FOSPAH has also been entrusted to adjudicate cases pertaining to women's property rights with the enactment of the Enforcement of Women's Property Rights Act, 2020 (Act 2020). This objective of the Act is explicitly enshrined under its preamble which is reproduced as under.

".... to provide for the protection of the rights of ownership and possession of properties owned by women, ensuring that such rights are not violated by means of harassment, coercion, force or fraud."

FOSPAH is empowered to take up fresh complaints under Section 4 of the Act 2020. Section 4 provides that any woman can approach Ombudsperson in case she is deprived of her ownership or possession rights by any means. The phrase 'by any means' is of great significance to enhance the jurisdiction of this Forum. Its constructive interpretation suggests that the substantive point to establish the jurisdiction is the deprivation of woman of her property right and the means of such deprivation will create no hindrance. The Ombudsperson is empowered to restore the property rights of a woman if she has been deprived through misappropriation of inheritance share or otherwise acquired property by the family. Ombudsperson is equally empowered if such deprivation is a result of actions of any Governmental body or private enterprise. The nature of the property is also immaterial, the safeguards given under the Act 2020 are applicable to movable as well as immovable property. The aforementioned provision of law is reproduced as follows:

"1) Any woman deprived of ownership or possession of her property, by any means, may file a complaint to the Ombudsperson if no proceedings in a court of law are pending regarding that property."

In addition to the remedy provided under Section 4 of the Act 2020, FOSPAH is also empowered, under Section 7 of the Act 2020, to take up the complaints, the subject matter of which is pending adjudication before any court of law. The aforementioned provision is reproduced as follows:

"1) Where proceedings in a court of law are pending in relation to the ownership or possession of any property claimed to be owned by a woman, she may file a complaint under this sub-section to the Ombudsperson."

Under the leadership of Ms. Fauzia Viqar, incumbent Federal Ombudsperson Against Harassment, FOSPAH's vision revolves around the socio-economic freedom and empowerment of women. The objective is to promptly address grievances related to workplace harassment and women's property

rights, providing instant relief to the aggrieved parties. FOSPAH firmly believes that awareness plays a pivotal role in reducing and discouraging harassment and the deprivation of women's property rights. The mission statement underscores FOSPAH's commitment to safeguard the respect and dignity of the entire workforce and to deliver justice to women deprived of their legal share in any property including the inherited property. The all-

FOSPAH's vision revolves around the socio-economic freedom and empowerment of women.

encompassing mission is encapsulated in our vision of 'Creating a Gender-Equal Pakistan' with 'zero-tolerance' for workplace harassment and women's deprivation of their property rights.

When the mandate of Ombudsperson offices is analysed, it seems that globally Ombudsperson offices work to promote the principles of good governance by providing remedies to citizens against maladministration. In addition to mal-administration, these offices work to promote and safeguard human rights and resolve the complaints against human rights violations. While there is no dedicated Ombudsperson for the protection of women rights against harassment at workplace, there are several states, where the Ombudsperson office explicitly identifies women welfare as one of their crucial fields of work and also work for gender equality. These offices include; Women's Institute of Spain, Commission for Protection against Discrimination of Bulgaria, Ombudswoman for Gender Equality of Croatia, Ombudsman for Equality of Finland and Commission for Gender Equality of South-Africa.

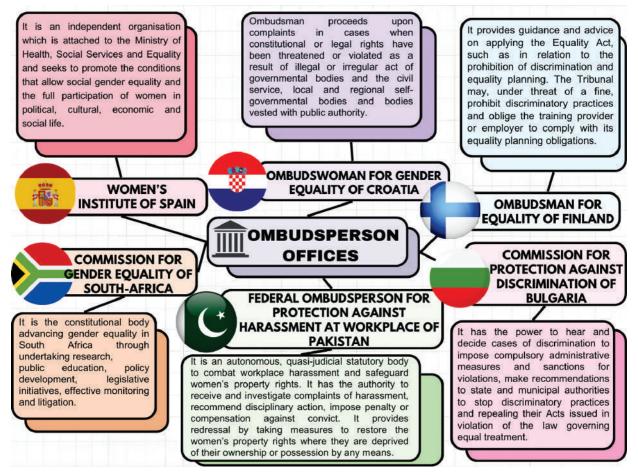


Fig. 1: Ombudsperson offices across the globe

FOSPAH stands out as a unique entity compared to other gender equality Ombudsperson offices due to its specialized focus on addressing harassment at workplace within the Pakistani context. Unlike many gender equality Ombudsperson offices worldwide, which have broader mandates covering various dimensions of gender inequality, FOSPAH's exclusive concentration on workplace harassment enables it to target a specific and pervasive issue within the country. This focused approach allows FOSPAH to develop specialized expertise, tailored interventions and dedicated resources to combatting harassment in work environments, which may be particularly beneficial in contexts where such forms of discrimination are prevalent. FOSPAH's unique focus and legislative backing position it as a crucial institution to materialise Pakistan's efforts to promote gender equality and create safer, inclusive and more equitable work environments for all genders particularly vulnerable groups.

#### 1.2 Why was the Creation of FOSPAH Needed?

The Constitution of Pakistan contains specific guarantees of equality and protection of women. This constitutional architecture for protection and preservation of fundamental human rights including protection against harassment rests on the following key provisions:

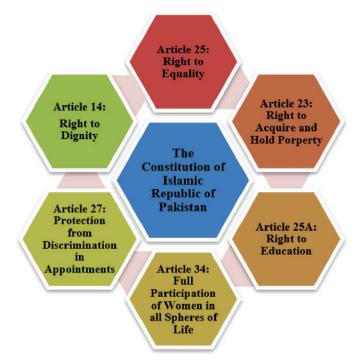
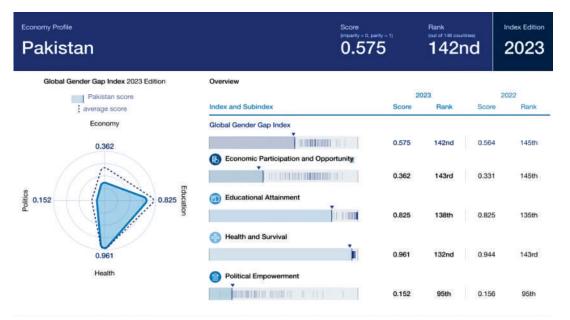


Fig. 2: Constitutional rights of women

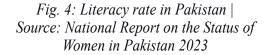
However, it is regrettable that 50 years after the Constitution was adopted the ideals of the Constitution and of our founding fathers remain a distant dream for most of our women. There is no denying that in recent times Pakistan has made progress in closing the gender gap, moving to the 142nd position in the Global Gender Gap Index in 2023 from the 145th position in 2022. However, the social indicators in Pakistan still leave much to be desired. This ranking is based on the following sub-Indicators; Economic Participation and Opportunity, Health and Survival, Educational Attainment and Political Empowerment. In terms of economic participation and opportunities, Pakistan's ranking is relatively low, at 143rd, with notable low numbers in labor-force participation, wage equality, estimated earned income, representation in leadership positions and technical professional roles. Educational attainment ranks at 138th, with challenges in literacy rate and enrolment rates in secondary and tertiary education. Health and survival indicators show Pakistan at 132nd, with notable gender imbalances in sex ratio at birth and healthy life expectancy. In political empowerment, Pakistan ranks 95th, with disparities evident in women's representation in parliament and ministerial positions. Despite progress in certain areas, particularly in economic participation and educational attainment, gender disparities persist, with political empowerment presenting the widest gap. With this ranking only Iran, Algeria, Chad and Afghanistan are below Pakistan.



#### Fig. 3: Global Gender Gap Index 2023

The literacy rate in Pakistan is 49.6% for women compared to 72% for men as of 2022 whereas labour force participation of women is at around 21% compared to 81% for men. Harassment at the workplace significantly contributes to Pakistan's poor ranking for women in economic participation. Harassment against women, particularly sexual harassment, is pervasive in Pakistan, occurring in various settings such as workplaces, homes, public transportation, educational institutions and public spaces like markets and parks. Alarmingly, more than 80% of women and young girls experience harassment





from men in these environments. Exploiting the perceived weakness and helplessness of women, perpetrators subject them to daily acts of harassment, instilling fear and silencing victims. Societal norms often dictate that women remain silent on such issues, fearing blame from family, society and even authorities. This culture of silence further empowers harassers, as victims especially young girls

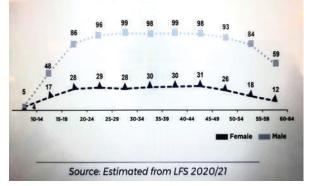


Fig. 5: Age specific labour force participation rate of workers by Gender

feel unqualified and apprehensive about sharing their experiences. Consequently, perpetrators operate with impunity, perpetuating a cycle of harassment without repercussions. Such systemic challenges require robust interventions to combat harassment, protect women's rights and foster a culture of accountability and support for victims. Additionally, the stark disparity in property ownership, with only 3% of women owning houses compared to 72% of men, reflects entrenched gender inequalities. According to the Demographic and Health Survey 2017-18, 97% of women across Pakistan



Fig. 6: Women's inheritance rate | Source: Pakistan Demographic and Health Survey 2017-18

could not inherit land or house. Patriarchal norms, legal obstacles and limited access to financial resources further hinder women's ability to own property. State intervention through legislative reforms and implementation of policies promoting equal property rights can facilitate positive change and contribute to gender equality in Fig. 6: Women's inheritance rate | Source: Pakistan Demographic and Health Survey 2017-18 economic participation and property ownership in Pakistan.

The creation of FOSPAH arose from this very recognition that there is critical need to address and resolve factors that hinder

women's advancement. Workplace harassment, was recognised as a pervasive issue that affects economic participation and empowerment of women the most, albeit other genders can also be adversely impacted. The Act 2010 was enacted as a significant step in recognizing the fundamental rights of individuals, particularly women, to a dignified work environment. It soon became evident that in order to guarantee the socio-economic freedom and independence of women, additional measures were required to extend protection to women's property rights. The Act 2020 aimed to bridge this gap by providing comprehensive safeguards against harassment, coercion, force, or fraud that could potentially violate women's ownership and possession rights. FOSPAH thus emerged as a response to the necessity of providing protection to employees at the workplace and women deprived of their property rights. FOSPAH's legislative framework, therefore, reflects its commitment to upholding the principles of equality, dignity and justice embedded in the Constitution of the Islamic Republic of Pakistan.

#### 1.3. FOSPAH Through the Years

Over the years, FOSPAH has undergone a remarkable transformation, driven by a commitment to combat workplace harassment and promote gender equality. Under the stewardship of Justice Musarrat Hilali (January 13, 2011 - January 14, 2013) and Justice (R) Yasmin

# Integration of technology to enhance accessibility.

Abbasey (March 14, 2013 - February 26, 2018), FOSPAH laid the groundwork

for its functions and expansion. The period of 2016-2017 witnessed pivotal initiatives such as parliamentary engagement, the establishment of regional offices and the integration of technology to enhance accessibility. Through extensive nationwide awareness seminars and training sessions, FOSPAH strengthened its outreach, while prudent financial management ensured regulatory compliance, setting a solid foundation for future endeavours. These efforts not only raised awareness about



workplace harassment but also empowered individuals to assert their rights, contributing to a more equitable work environment across Pakistan.

In subsequent years, under the leadership of Honorable Federal Ombudsperson Kashmala Tariq (2018 to March 2023), FOSPAH's efforts surged forward. The implementation of televised campaigns, online

# Increase in outreach activities

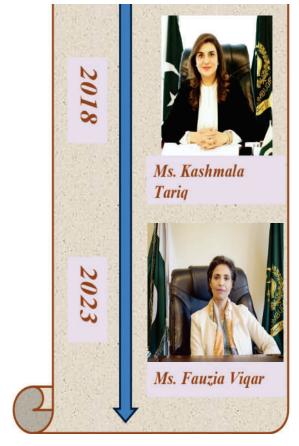
c o m p l a i n t registration and the digitization of cases marked

significant milestones in the organization's journey. Despite facing resource constraints, FOSPAH expanded its reach and improved infrastructure, demonstrating resilience and efficiency in its operations. The period also saw a notable increase in awareness campaigns, exemplifying FOSPAH's commitment to empowering individuals and fostering a harassment-free work environment across Pakistan. These initiatives not only facilitated easier access to justice but also helped to shift

#### Dynamic leadership changes have propelled FOSPAH into a beacon of hope.

societal attitudes Fig. 7: FOSPAH's leadership across the years towards harassment and discrimination, laying the groundwork for more inclusive workplaces.

In recent years, FOSPAH continued its trajectory of progress under the leadership of incumbent Hon'ble Ombudsperson, Ms. Fauzia Viqar. The organization witnessed increased participation from seasoned lawyers, leading to accelerated case adoption and closure. Strengthened partnerships, robust monitoring systems and innovative internship programs further enhanced FOSPAH's capacity to address workplace harassment effectively. Through strategic advocacy on social media platforms and extensive outreach activities, FOSPAH reinforced its commitment to providing easily accessible and speady justice and promoting gender equality. The dynamic leadership changes have propelled FOSPAH into a beacon of hope, showcasing its potential to drive positive change and safeguard the rights of individuals in Pakistan's workforce. As FOSPAH continues to evolve and adapt to the changing landscape, its dedication to fostering a safe and inclusive workplace reflects a broader commitment to advancing human rights and dignity for all.



# CHAPTER NO. 02 STATISTICS OF THE CASES

#### 2.1 Status of Cases Registered at FOSPAH: 2011-2023

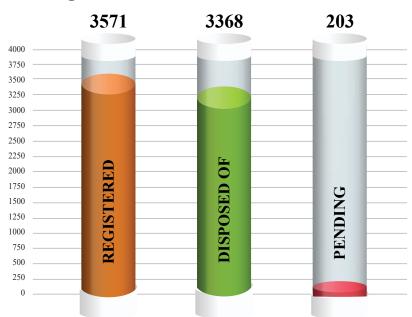


Fig. 8: Aggregate number of cases from 2011-2023

#### 2.1.1. Number of cases reported by each Gender

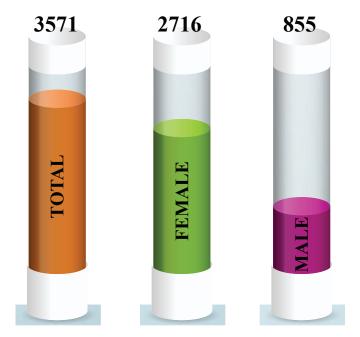
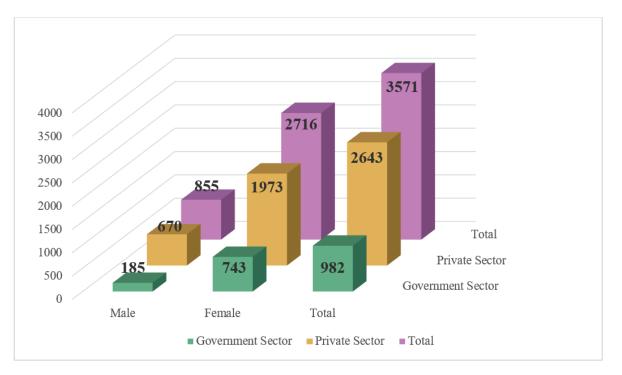


Fig. 9: Aggregate number of cases by Gender from 2011-2023

Chapter 02



#### 2.1.2 Number of Cases reported by each Sector and Gender

Fig. 10: Aggregate number of cases by Gender and Sector from 2011-2023

From 2011 to 2023, a total of 3571 cases were registered with the FOSPAH, out of which 3368 cases were disposed of, leaving 203 cases pending. This indicates a relatively high disposition rate, suggesting effective handling and resolution of reported cases within the specified timeframe. Of the total complainants, 2716 were female and 855 were male, demonstrating a significant gender disparity in the reported cases, with females being disproportionately affected by workplace harassment. Furthermore, a notable portion of the complaints (982) originated from the government sector, with a higher number of female complainants (743) compared to male complainants (185). Conversely, the private sector accounted for a larger portion of the complaints (2643), with a similar gender disparity, as evidenced by 1973 female complainants and 670 male complainants. These findings highlight the prevalence of workplace harassment across both government and private sectors, with female employees being particularly vulnerable to such incidents. Effective measures are imperative to address this gender-based issue comprehensively and ensure a safe and harassment-free work environment for all employees, irrespective of gender or sector.

#### 2.2 Number of Cases Registered Annually at the FOSPAH'S Head Office, Islamabad from 2011 to 2023

Year	No. of	<b>Region/ Province</b>				
Ital	Cases	Federal	Punjab	Sindh	KPK	Baluchistan
2011	40	16	9	8	7	0
2012	44	14	16	3	10	1
2013	75	28	30	8	4	5
2014	30	12	8	6	3	1
2015	128	47	56	15	7	3
2016	77	31	32	10	3	1
2017	88	31	36	18	3	0
2018	272	93	118	24	18	19
2019	432	135	206	42	47	2
2020	355	143	153	33	21	5
2021	492	165	202	76	39	10
2022	857	296	381	83	83	14
2023	681	271	225	137	42	6
Total	3571	1282	1472	463	287	67

Table 1: Number of cases registered yearly at FOSPAH'S head office, Islamabad

## 2.2.1 Trend of cases over the years

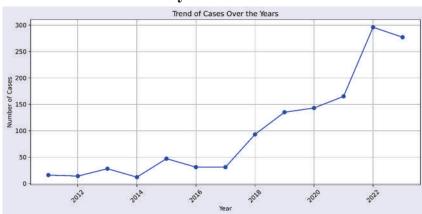
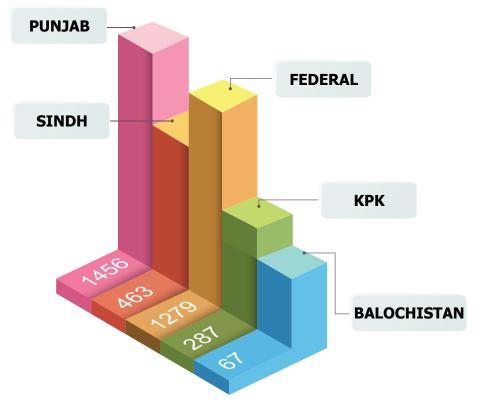


Fig. 11: Trend of cases over the years



#### 2.2.2 Number of cases reported from each Province

Fig. 12: Number of cases reported from each Province

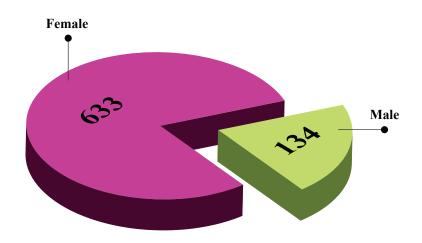
The data presented reflects a comprehensive overview of reported cases across different regions of Pakistan from 2011 to 2023. Over this period, a discernible pattern emerges, with the number of reported cases generally increasing each year, albeit with some fluctuations. Punjab consistently registers the highest number of reported cases, followed closely by Sindh, while the Federal region also reports a significant number of incidents, particularly in recent years. In contrast, Khyber Pakhtunkhwa and Balochistan tend to have lower numbers of reported cases, indicating potential disparities in the prevalence of harassment or in reporting practices across regions. Notably, the year 2022 stands out with the highest number of reported cases across all regions, suggesting a potential surge in awareness, reporting, or incidence of harassment during that period. Conversely, 2017 witnessed a slight decrease in reported cases compared to the previous year, particularly in the Federal region. These trends demonstrate the prevalence of ongoing challenge of workplace harassment in Pakistan and emphasize the importance of continued efforts to address and prevent such incidents nationwide, with a focus on promoting awareness, improving reporting mechanisms and ensuring effective implementation of anti-harassment laws.

# 2.3 Statistics of Cases Registered at FOSPAH's Head Office, Islamabad: July 2022-June 2023

Table 2: Number of cases registered at FOSPAH's head office in 2022-2023

No. of Cases Registered	No. of Cases Decided	In Progress Cases
767	646	121

#### 2.3.1. Gender-Wise Bifurcation



*Fig. 13: Number of cases registered by each Gender at FOSPAH's head office, Islamabad from 2022-2023* 

#### 2.3.2. Sector-Wise Bifurcation

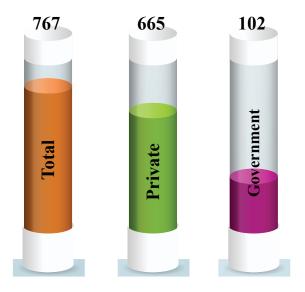
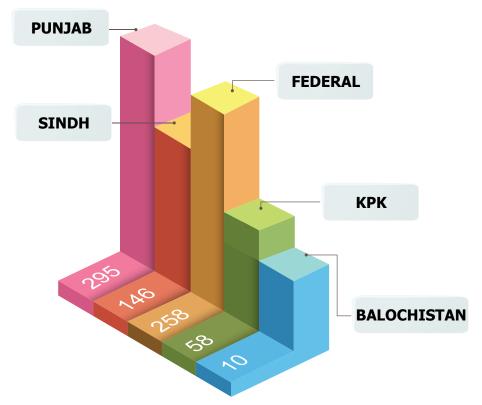


Fig. 14: Number of cases from each Sector from 2022-2023

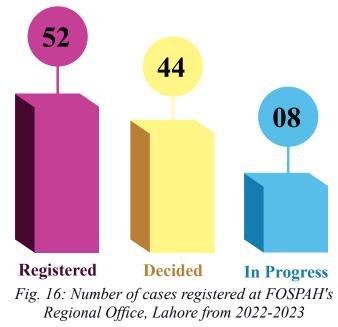


#### 2.3.3 Number of cases reported from each Province

*Fig. 15: Number of cases from each Province registered at FOSPAH's head office, Islamabad from 2022-2023* 

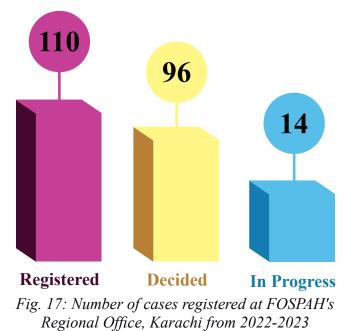
During the reporting period from July 2022 to June 2023, the FOSPAH Head Office, Islamabad, handled a total of 767 cases, encompassing both workplace harassment and women's property issues. Emphasizing the imperative of swift case resolution mandated by law, 646 cases have been disposed of. Among the complainants, 633 were female and 134 were male, illustrating a pronounced prevalence of workplace harassment experienced by women. The cases were sourced from both Private and Government sector, with 655 cases originating from the Private sector and 102 from the Government sector. Geographically, the cases were distributed across different regions, with highest number of cases (295) from Punjab followed by the Federal territory with 258 cases. Sindh, Khyber Pakhtunkhwa and Balochistan reported 146, 58 and 10 cases, respectively. Such figures represent the prevalence of both workplace harassment and women's property rights issues across various sectors and regions of the country and a need for FOSPAH to further optimize its services for greater outreach and better administration of justice.

2.4 Statistics of Cases Registered at FOSPAH's Regional Office, Lahore: July 2022–June 2023



During the period from July 2022 to June 2023, the FOSPAH Regional Office, Lahore handled a total of 52 cases. Adhering to the imperative of expeditious case resolution mandated by law, only 8 cases remain pending, demonstrating the office's commitment to swift justice delivery. The disposition of the majority of cases indicates the efficacy and diligence with which the regional office operates in addressing issues of workplace harassment and ensuring the protection of women's rights in the workplace.

2.5 Statistics of Cases Registered at FOSPAH Regional Office, Karachi: July 2022-June 2023



Throughout the reporting period from July 2022 to June 2023, the FOSPAH Regional Office in Karachi documented a total of 110 cases. In accordance with the legal mandate emphasizing the prompt resolution of cases, the office has effectively processed the majority of these cases, with only 14 in progress. This demonstrates the office's commitment to expeditiously addressing complaints of workplace harassment and ensuring timely justice for individuals affected.

The statistical data presented reveals significant trends regarding the operations of FOSPAH in Pakistan. Over this period, a total of 3,571 cases were registered with FOSPAH, reflecting the persistent prevalence of workplace harassment issues in the country. Of these cases, 3,368 were disposed of, indicating the institution's efforts in addressing complaints effectively. Notably, the majority of complainants were female, comprising 2,716 individuals, emphasizing the disproportionate impact of harassment on women in the workplace. Moreover, a notable disparity exists between complaints originating from the government sector (982 cases) and the private sector (2643 cases), highlighting the need for targeted interventions across different employment sectors. The data portrays FOSPAH's pivotal role in promoting a harassment-free work environment and advocating for gender equality in Pakistan.

# CHAPTER NO. 03 SIGNIFICANT CASES AND TESTIMONIALS

This chapter highlights significant cases during the reporting period, July 2022 to June 2023, showcasing the pivotal role played by FOSPAH in providing expeditious and effective redressal to the aggrieved individuals. Through the disposal of complaints effectively, FOSPAH strives to advance the fundamental human

Swift justice system is instrumental in realization of Women's fundamental rights.

rights protected under the Constitution of Pakistan. Article 14 ensures protection against harassment by affirming the inviolability of human dignity and privacy. Article 25 guarantees equality before the law and prohibits discrimination on the basis of sex. Article 27 further prohibits gender-based discrimination in employment, emphasizing equal opportunities for all citizens. Article 23 asserts every citizen's right to acquire, hold and dispose of property, including women. In addition to Constitutional protections, Pakistan is under international obligations to transmute international standards to its domestic legal framework. Following are some of the commitments Pakistan has under international law.

#### • Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

In 1996, Pakistan ratified CEDAW, thereby affirming its commitment to eradicate gender-based discrimination across various domains, encompassing employment, education and political engagement. Pursuant to CEDAW's provisions, Pakistan is mandated to adopt effective measures aimed at preventing and remedying instances of sexual harassment and discrimination encountered by women within the workplace, thereby guaranteeing their entitlement to labour within an environment characterized by safety, respect and the absence of coercion or intimidation (CEDAW, Article 11).

#### • International Labour Organization (ILO) Conventions

Pakistan, as a member state of the International Labour Organization (ILO), has acceded to various conventions pertinent to the protection of women's rights in the labour sphere. Notably, ILO Convention No. 111 pertains to the eradication of discrimination in employment and occupation, explicitly prohibiting differential treatment based on gender, thereby mandating equitable opportunities and treatment for women in the workforce. Furthermore, Pakistan has ratified ILO Convention No. 190, focusing on Violence and Harassment in the World of Work, underscoring the imperative to prevent and redress all manifestations of workplace violence and harassment, including instances of sexual harassment. These conventions collectively put oblige Pakistan to take measures for fostering a workplace environment characterized by gender equality, safety and dignity for all workers, particularly women, in accordance with international labour standards.

#### • International Covenant on Civil and Political Rights (ICCPR)

Under Article 26 of the ICCPR, Pakistan is obligated to ensure equal protection of the law without discrimination based on sex. This provision safeguards women's rights against discrimination in all spheres of life, including property ownership, inheritance and access to employment opportunities.

#### • International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 7 of the ICESCR guarantees the right of everyone to enjoy just and favourable conditions of work, including fair wages, equal opportunities and safe working environments. This provision obligates

Pakistan to ensure that women are protected from harassment and discrimination in the workplace, contributing to their economic empowerment and gender equality.

#### Beijing Declaration and Platform for Action

Pakistan played a pivotal role in the development of the Beijing Declaration and Platform for Action during the Fourth World Conference on Women in 1995, spearheaded by Prime Minister Benazir Bhutto. Signing the Beijing Declaration in the same year, Pakistan committed to achieving the 12 outlined areas focused on Gender Equality and Women's Empowerment (GEWE). This commitment was further solidified through the National Plan of Action in 1998, marking the country's first comprehensive agenda for GEWE. A review in 2019 highlighted progress in key areas, including inclusive development, poverty eradication, freedom from violence, participation, accountability and fostering peaceful and inclusive societies.

#### • United Nations Sustainable Development Goals (SDGs)

Pakistan has affirmed its dedication to realizing the United Nations' Sustainable Development Goals (SDGs), among which is Goal 5: Gender Equality. This goal is centred on the eradication of all forms of discrimination and violence directed at women and girls. Within this framework, Target 5.1 of the SDGs specifically



concentrates on the cessation of any discrimination targeting women and girls, encompassing acts such as sexual harassment. Additionally, Target 5.4 of the SDGs emphasizes the importance of acknowledging and valuing unpaid care and domestic work, with a parallel focus on guaranteeing a secure working environment for all employees, inclusive of women. The targets require Pakistan to take steps for fostering gender equality, addressing discriminatory practices and ensuring the well-being and safety of all individuals in the workforce, aligning with global aspirations for sustainable development.

Against this backdrop of international commitments, FOSPAH's role becomes paramount and it has steadfastly adhered to the mandate of ensuring a safe and respectful working environment for all individuals as well as enforcement of women's property rights. The cases discussed in Section 3.1 and

FOSPAH's role is instrumental in the discharge of Pakistan's International Commitments.

Section 3.2 encapsulate a diverse spectrum of issues both in the domain of harassment and property matters, each meticulously investigated and adjudicated through decisive action by FOSPAH. Following are some of the issues dealt by FOSPAH in the domain of harassment and property.

#### > Forms of Harassment in Cases before FOSPAH

- Verbal Abuse: Instances where individuals have faced verbal harassment or derogatory remarks in the workplace, leading to hostile work environments and psychological distress.
- Discrimination: Cases involving discrimination based on gender, age, ethnicity, or disability, highlighting systemic biases and inequalities within organizational structures.
- Physical Harassment: Instances of physical assault or intimidation in the workplace, posing significant threats to individuals' safety and well-being, warranting immediate intervention and redressal.
- Sexual Harassment: Cases of unwelcome sexual advances, requests for sexual favours, or other verbal, non-verbal, or physical conduct of a sexual nature, creating intimidating, hostile, or offensive work environments and infringing upon individuals' dignity and rights.

• Retaliation: Cases where individuals face retaliation or victimization for reporting harassment, highlighting the need for robust protection mechanisms and legal safeguards.

#### Issues Concerning Property Disputes

- Deprivation of the Right to Inherit: Matters concerning the unlawful deprivation of women's rightful inheritance, often resulting from cultural or familial pressures, thereby perpetuating gender disparities in property ownership.
- Denial of Possession by Housing Societies: Instances where housing societies unlawfully deprive individuals of their rightful property possession, exacerbating legal complexities and undermining property rights.
- Coercion: individuals are coerced or manipulated into relinquishing their property rights due to power differentials or threats of adverse consequences.

Among the landmark cases are those which have established precedents or spurred modifications in workplace protocols and procedures. These landmark cases stand as potent reminders of FOSPAH's

#### FOSPAH consistently exhibits its dedication to the promotion of equity and justice.

commitment to safeguarding the rights and dignity of every individual within the workplace milieu. Whether contesting systemic discrimination or holding perpetrators accountable for their transgressions, FOSPAH consistently exhibits its dedication to the promotion of equity and justice. These cases also exemplify the

tangible impact of FOSPAH's interventions in upholding the rights and dignity of individuals, particularly women, in the face of harassment. Furthermore, testimonials from those who have sought recourse through FOSPAH's mechanisms serve as poignant reminders of the critical role played by such institutions in safeguarding rights and ensuring accountability. These testimonials provide first-hand accounts of the challenges faced by individuals in confronting harassment and the transformative effects of FOSPAH's support and intervention in their lives.

# 3.1. Significant Cases under the Protection Against Harassment of Women at the Workplace Act, 2010

#### 3.1.1 Dr. Tabinda Khawaja Versus Abdul Rehman & others

In Appeal No. FOH-HQR/0000524/2022, Dr. Tabinda Khawaja appealed under Section 6 of the Act 2010, challenging the findings/recommendations of the departmental harassment committee dated 19-12-2022. Dr. Tabinda Khawaja, the Appellant alleged bias and partiality on the part of the committee in favour of the Respondent, Mr. Abdul Rehman. The Appellant

The failure to provide with the opportunity to cross-examine witnesses as mandated by Section 4(3)(c) of the Act 2010 is a procedural irregularity.

contended that despite filing a complaint against the Respondent for workplace harassment, no action was taken and she faced pressure to withdraw her complaint. She further argued that the recommendations of the harassment committee, which imposed penalties on her were unjust and arbitrary, depriving her of her constitutional rights. The Respondent countered by alleging that the Appellant filed a fabricated complaint against him with the collusion of her associates and management, causing him severe mental distress. He urged the dismissal of the appeal and the implementation of penalties against the Appellant.

Upon review, it was found that the Ministry of National Food Security and Research had constituted an inquiry committee to investigate the allegations against the Respondent. However, procedural irregularities were noted, such as the failure to provide both parties with the opportunity to cross-examine witnesses as mandated by Section 4(3)(c) of the Act 2010. Additionally, discrepancies were

Fresh inquiry is mandated in case procedural irregularities mar the findings. observed regarding the participation of Dr. Shoaib Saleem, a co-opted member of the committee, raising doubts about the fairness of the inquiry. The Appellant had also raised objections regarding the committee's impartiality, which were substantiated by the absence of one committee member

during her personal hearing. Moreover, statements of certain individuals were recorded without being cross-examination afterwards, further undermining the integrity of the inquiry process.

Considering these deficiencies, it was concluded that the inquiry conducted did not adhere to the requirements outlined in Sections 3 and Section 4 of the Act 2010. Consequently, the recommendations of the committee were deemed unreliable and non-actionable. Therefore, it was deemed appropriate to set aside the committee's recommendations and remand the case to the concerned department for a fresh inquiry in accordance with the law. In light of the above, **the appeal was allowed**, **the recommendations of the committee were annulled and the case was remanded for a fresh inquiry to be conducted within a fortnight.** Either party aggrieved by the findings of the new inquiry could appeal to this Forum accordingly.

#### 3.1.2 Hajra Sarwar Khan & Others Versus Abbas Khan

In Complaint No. FOH-HQR/0000483/2022: Ms. Hajra Sarwar Khan and Ms. Shehnaz Begum, along with three others, filed a complaint against the Commissioner for Afghan Refugees, KPK, alleging adverse actions in retaliation for a previous harassment complaint. The background revealed that Atta

Ullah Khan and Wahid Khattak were previously found guilty of harassment and dismissed from service based on a complaint filed by Ms. Hajra Sarwar Khan and Ms. Shehnaz Begum. However, the present complaint sought to prevent further adverse actions and reinstate the terminated

#### Administrative matters are outside the jurisdiction of FOSPAH.

employees. In response, the Accused explained that Ms. Shehnaz Begum and Mr. Khalid Rehman were contractual employees of the United Nations High Commissioner for Refugees (UNHCR), who were retrenched due to budget constraints and the abolition of posts. The defence clarified that the termination was not specific to the Complainants but affected multiple posts due to budgetary reasons.

Given the judicial decisions and the specific jurisdiction of this Forum, which focuses on workplace harassment matters, the complaint for reinstatement of the Complainant was deemed administrative in nature and beyond the Forum's scope. The complaint was dismissed to prevent futile litigation in light of the case reported as PLD 2021 SC 784. While the majority of the Complainants were no longer in service, Ms. Hajra Sarwar Khan remained employed. **The Commissioner was directed to address her grievances fairly and refrain from retaliatory actions,** in accordance with the spirit of the Act 2010. In light of such findings, the complaint was dismissed and directives were issued regarding Ms. Hajra Sarwar Khan's ongoing employment situation.

#### 3.1.3 Muhammad Qaiser Versus Chairman Pakistan Council of Scientific & Industrial Research & others

In Appeal No. FOH-HQR/0000396/22, the Appellant, Dr. Muhammad Qaiser, contested the decision of the inquiry committee to impose a major penalty of reduction in rank from BPS-19 to BPS-18 and transfer him from Pakistan Council of Scientific & Industrial Research (referred to as "PCSIR") Labs Complex, Peshawar. The Appellant was accused of harassment by Ms. Hina Tariq, a junior scientific officer at the Medicinal Botanic Centre, where the Appellant served as the PSO/Head. The Respondent, Ms. Hina Tariq, alleged that on November 11, 2021, the Appellant called her to his office during a lunch break and made inappropriate advances, causing her to escape the room in fear. An inquiry committee was formed to investigate the allegations, comprising of four members chaired by Dr. Sarwat Ismail. The committee found the Appellant guilty of harassment and recommended the imposed penalty. The Appellant challenged the inquiry proceedings, contending that he was not afforded the opportunity to cross-examine witnesses nor was he given written statements of the witnesses' testimonies, as mandated by Section 4(3)(c) of Act 2010. The Appellant argued that the constitution of the inquiry committee with four members contravened Section 3(2) of the Act 2010, which requires a three-member committee.

Upon thorough scrutiny of the case, it was evident that procedural irregularities marred the inquiry process. The committee failed to adhere to the prescribed procedures, undermining the fairness and integrity of the investigation. Despite the committee's diligent efforts, the procedural lapses

#### The severity of the punishment should be commensurate with the gravity of the offense.

compromised the validity of its findings. Consequently, the imposed penalty was deemed harsh and severe in light of the gravity of the allegations. In accordance with Section 6(3) of the Act, 2010, the **impugned order was set aside and the Appellant was reinstated to his former position.** The competent authority at PCSIR Labs

Complex was directed to implement the decision and submit a compliance report within fifteen working days. This order underscores the importance of adhering to procedural safeguards in conducting inquiries into allegations of workplace harassment, ensuring the principles of natural justice and due process are upheld.

#### 3.1.4 Hafsa Tariq Versus Khizer Hayat & others

The case under Complaint No. FOH-HQR/0000090/19 involved allegations of sexual harassment and misuse of personal data within the workplace of Multan Electric Power Company (hereinafter referred to as "MEPCO"), in violation of the Act 2010. Hafsa Tariq, a Commercial Assistant at MEPCO, filed a

complaint alleging harassment by several colleagues, including Khizer Hayat (Accused No. 1), Mian Sohail Afzal (Accused No. 2), Sohail Abbas (Accused No. 3) and Jamshed Ahmed Niazi (Accused No. 4). The complaint detailed instances of harassment, including sexual advances and the hacking of the Complainant's WhatsApp account, contravening Section 2(h)

Women's right to have working environment safe from harassment is a fundamental right under the Constitution of Pakistan.

of the Act 2010. During the proceedings, extensive evidence was presented, including witness testimonies which were thoroughly cross-examined by the opposing parties. It was revealed that Accused No. 1 had confessed to hacking the Complainant's WhatsApp account under

pressure from Accused No. 2, his immediate superior. Accused No. 2 denied involvement and alleged that the complaint was fabricated due to professional jealousy and disputes. Upon thorough examination

Combatting sexual harassment in the workplace is must to uphold the dignity of individuals. of the evidence, the Forum found Accused No. 1 guilty of sexual harassment, as defined in Section 2(h) of the Act 2010 and **imposed a major penalty, including dismissal from service and a fine of Rs. 5 Lacs under Section 4(4)(ii)(d) and Section 4(4)(ii) (e) of the Act 2010.** Accused No. 2 was also found guilty of sexual harassment and **subjected to a major penalty, including demotion to a lower post and a fine of Rs. 10 Lacs, under Section 4(4)(ii)(a) and Section 4(4)(ii)(e) of the Act** 

**2010.** Accused No. 3 and Accused No. 4 were exonerated due to lack of substantial evidence against them. This order emphasizes the severity of sexual harassment in the workplace and underscores the need to uphold the dignity and rights of individuals, as mandated by the Act 2010. It highlights the societal and organizational repercussions of harassment, calling for strict measures to combat such behaviour and ensure a safe working environment for all employees, in accordance with Articles 25 and 34 of the Constitution of Pakistan, 1973.

#### 3.1.5 Syeda Shahida Pirzada Versus Khalid Mehmood Lakhan

In Complaint No. FOH-ONL/0000018/21, the Complainant, represented by her counsel, Mr. Saeed Khan Niazi and Ms. Sobia Kiran, alleged sexual harassment against the Accused, Khalid Mehmood Lakhan. The case had been delayed due to various adjournments requested by the Accused's counsel,

Intentional avoidance of due process of law cannot be allowed to hinder the just disposal of complaint. causing significant hardship to the Complainant, who had to travel from Multan along with her witnesses for the proceedings. Despite the presence of the Complainant and her witnesses, the Accused's counsel sought further adjournment, citing personal reasons. Faced

with substantial difficulties in attending the proceedings, the Complainant insisted on presenting all of her evidence. The past history of the Accused's delaying tactics, including a dismissed writ petition and imposition of fines, was highlighted by the Complainant's counsel to support their argument that the Accused was intentionally prolonging the case. However, the Accused's counsel abruptly left the proceedings, leaving the witnesses unexamined. In response, the Complainant's counsel referred to a judgment of the Honourable Supreme Court of Pakistan, reported as 2020 SCMR 300, arguing that the right to defence should be closed due to intentional delays by the Accused. The complaint, supported by affidavits of the Complainant and witnesses, charged the Accused with sexual harassment under Section 2(h) of Act 2010. Since the witnesses were not cross-examined, their statements were deemed admitted and correct. Additionally, an inquiry conducted by PTV found the Accused guilty of sexual harassment. Based on the evidence and circumstances, the Accused was found guilty of sexual harassment under the Act. Consequently, **he was dismissed from service under section 4(4)(ii)(d) and fined Rs. 10 lacs under section 4(4)(ii)(e) to compensate the Complainant for mental anguish and suffering under the Act, 2010. The order was directed to the competent authority, MD PTV, to impose the penalties within one week and submit a compliance report to the Registrar at FOSPAH accordingly.** 

#### 3.1.6 Nasira Jillani Versus Asrar Hussain

In Complaint No. FOH-HOR/00000220/2021, Ms. Nasira Jillani, the Complainant, alleged sexual harassment against Mr. Asrar Hussain, the Accused, during their duty on flight PK9713/9716 (ISB-MED-MUX-ISB) on August 28, 2021. The Complainant claimed that the Accused stood very close behind her while she was picking food from the microwave oven,

causing her distress. Despite the Accused's denial and his Circumstantial Evidence can submission of a report alleging misconduct by the Complainant, an inquiry by the airline revealed that something outlandish had occurred between the two cabin crews, prompting both parties to

## be sufficient evidence to establish Harassment.

file complaints against each other. During the proceedings, the Complainant and a witness, Ms. Farah Kanwal, testified in support of the harassment allegations, corroborating their statements from the departmental inquiry. Their consistent accounts, coupled with the Accused's weak defence and lack of significant support from his witnesses, led the Forum to find the Accused guilty of sexual harassment. Consequently, under section 4(4)(i)(b) of the Act 2010, minor penalty of withholding, for a specific period, promotion or increment, was imposed with the order directed to the competent authority for implementation within seven days, along with a requirement for a compliance report to be submitted to the Registrar at FOSPAH.

#### 3.1.7 Khadija Shahin Versus Tahir

In Complaint No. FOH-HQR/0000541/18, Ms. Khadija Shahin, the Complainant, lodged a grievance complaint against her teacher, Muhammad Tahir, Assistant Clinical Instructor at the College of Nursing, PIMS Islamabad, under Act 2010. Despite initial delays and challenges regarding the constitution of the inquiry committee, subsequent legal proceedings clarified this Forum's jurisdiction, allowing for a thorough examination of the case's merits. Ms. Shahin alleged various forms of sexual harassment by the

Sexual harassment within educational institutions is of such severity that it warrants major penalty.

Accused, including unwelcome advances, inappropriate messages and threats of academic repercussions. The order in this case draws support from legal precedent, including the Lahore High Court's acknowledgment of the pervasive impact of harassment on individuals

and societies, as well as the Supreme Court's recognition of the dignity-violating nature of harassment, particularly against women. After comprehensive scrutiny of evidence and testimonies, the Forum found the Accused guilty of sexual harassment, leading to his removal from service and imposition of a fine as compensation for Complainant. Through this decision, the Forum upheld the spirit of justice and accountability envisaged in the Act 2010, reaffirming the commitment to combatting harassment in educational institutions and beyond.

## **Did you know?**

Unwanted offers, messages, unwanted touch, mental & physical intimidation, verbal abuse are harassment REPORT TO FOSPAL

### 3.2 Significant Cases under the Enforcement of the Women's Property Rights Act, 2020

#### 3.2.1 Naseem Akhtar & Others Versus Iftikhar Hussain & Others

In Complaint No. FOH-HQR/0000218/21, the Complainants sought the enforcement of their right in their inherited property. The issue of jurisdiction was raised by the Respondents, contesting the Forum's

authority due to certain properties being located outside its territorial jurisdiction. However, upon examination of the record and reports from revenue officials, it was determined that the Subject Properties, which included land in Moza Tarlai Kalan, Tehsil & District Islamabad and

#### FOSPAH has jurisdiction to the extent of properties situated in Islamabad.

a house in Sector I-8/1, Islamabad, fell within the territorial jurisdiction of the Forum. The disposal of the complaint entailed instructing the revenue officer of Moza Tarlai Kalan to attest the mutation of inheritance and ensure the restoration or conferment of possession of the property to the Complainants. Additionally, the Capital Development Authority (CDA) was **directed to transfer ownership of the house in Sector I-8/1, Islamabad, to the legal heirs** in accordance with Shariah Law.

#### 3.2.2 Rukshanda Kokab & others Versus Hakeem Rizwan Hafeez & others

Complaint No. FOH-HQR/0000354/2022 concerns a dispute over the ownership of House No. 13 Street No. 38 Sector G-6/2, Islamabad, originally owned by Abdul Hafeez Malik (late) and Begum Shamshad Hafeez Malik. The Complainants, Mrs. Rukhshanda Kokab, Mrs. Rizwana Manzoor and Mrs. Uzma Shehryar, daughters of the deceased couple, alleged that their brothers, Mr. Hakeem Rizwan Hafeez and Mr. Irfan Hafeez Malik, were obstructing the transfer of their respective shares in the property, thus depriving them of their rightful ownership under Shariah law. After a thorough examination of the evidence and arguments presented by both parties, it was established that the disputed property belonged

## Right to inheritance is an absolute right.

to the parents of all involved parties and remained in their names in the CDA records. Furthermore, there was no dispute regarding the legal heirship of the Complainants and Respondents. Given the nature of the complaint, falling under Section 4 of the Act 2020 and

considering that no legal proceedings were pending, the Forum was empowered to decide the matter at hand under Section 5 of the Act 2020.

Consequently, the Forum found that the Complainants had been unlawfully deprived of their property rights and the Deputy Commissioner, Islamabad, was directed to take necessary measures to restore possession of the property to the Complainants, ensuring the proper transfer of title. Additionally, recognizing the rightful entitlement of all parties as legal heirs, FOSPAH ordered to updated the CDA records to reflect the names of the Complainants and Respondents as the new owners of the property inherited from their deceased parents. The parties were directed to follow the required procedures at the CDA office for the necessary amendments in the records and compliance with the order was mandated within fifteen days, to be reported to the Registrar at FOSPAH.

#### 3.2.3 Maria Shamail Kazmi vs Shahid Kazmi

The Complainant, Maria Shamail Kazmi, lodged a complaint against her paternal uncle, Shahid Kazmi, the Respondent, alleging unauthorized possession of two motorcycles and one car belonging to her deceased father's estate. The Respondent unlawfully retained and possessed the aforementioned vehicles, thereby depriving the Complainant of her rightful inheritance under Sharia law. Following the intervention of FOSPAH, the Respondent transferred possession of the said vehicles to the Complainant within one month.

#### 3.2.4 Sadaf Siddiqui and Shazia Siddiq vs Muhammad Irfan Siddique & others

The Complainants, Sadaf Siddiqui and Shazia Siddiq, filed a complaint against their brother, alleging the denial of their rights in their father's estate, which included residential and commercial properties. The

respondents refused to acknowledge the entitlement of the Complainants to their rightful shares in the estate. Subsequently, following the intervention of FOSPAH, the Respondents transferred the due shares of the Complainants in the

FOSPAH's intervention leads to amicable resolution of property disputes.

**residential property.** Additionally, they acquired the shares of the Complainants in the commercial property at a reasonable consideration.

#### 3.2.5 Ramla Tehzeen vs Zeeshan & others

The Complainants initiated a complaint against their brother, asserting the denial of their entitlement to their father's estate, comprising of immovable property situated in G-9, Islamabad. The Respondents contested the rights of the Complainants in the said property. Following the intervention of FOSPAH, the **Respondents opted to acquire the shares of the Complainants in the property at the rate of Rs.** 2,500,000.

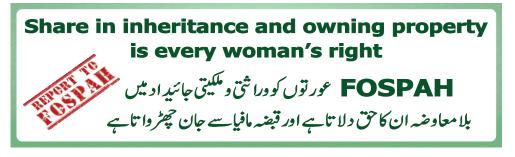
#### 3.2.6 Arbeena Bibi Versus Khalid Mehmood & Others

In Complaint No. FOH-HQR/0000220/2022, Complainants Arbeena Bibi, Suraya Begum and Walayat Jan sought their rightful shares of inheritance from their father's land in Moza Pahag Sihala, Islamabad. They alleged deprivation of ownership and possession by their brothers, Khalid Mehmood and Allah

#### FOSPAH enforces property rights of women where there is a clear title.

Dita. Supporting their claim, the Complainants provided revenue records indicating their ownership of eight shares through inheritance mutation No. 1728. There was no defence taken by the Respondents to counter this claim. The Forum concluded that the

Complainants have been unjustly deprived of their property rights. The Forum directed the Deputy Commissioner Islamabad to restore or transfer possession and title of the property to the Complainants and required a compliance report within seven days.



#### 3.3. Testimonials

#### 3.3.1 Toshiba Amjad

Ms. Toshiba Amjad sought recourse with FOSPAH, lodging a grievance complaint concerning the deprivation of her rightful inheritance from her deceased husband's estate by her in-laws. Following adherence to the requisite legal procedures, FOSPAH expeditiously decided on the matter, ensuring the enforcement of her property entitlements in the pertinent estate. In expressing her sentiment towards FOSPAH, Ms. Toshiba Amjad offered the following testimonial:

My journey as a widow was plagued with numerous challenges, particularly concerning my rights to inherit my late husband's estate. The ordeal of facing the cruelty of my in-laws compounded the already

difficult situation. Forced to leave my home with my children, I felt helpless and uncertain about our future. However, through the guidance of FOSPAH, a beacon of hope emerged in my darkest hour. Learning about their mission to empower women in safeguarding property rights gave me renewed strength. Fortunately, FOSPAH's support and legal expertise became invaluable assets in reclaiming what rightfully belonged to my family. Their dedication and tireless efforts led to a favourable

"FOSPAH's support and legal expertise became invaluable assets in reclaiming what rightfully belonged to my family." ~ Toshiba Amjad

outcome, securing a significant share of my husband's inheritance amounting to 20 lakh and 70 thousand rupees. This victory not only provided financial stability but also restored a sense of justice and dignity to our lives. Words cannot express my gratitude to FOSPAH for being our steadfast advocates during a time of need. I am forever indebted to them for their invaluable assistance and support".

#### 3.3.2 Nadia Bibi

Ms. Nadia Bibi lodged a complaint with FOSPAH against the head of the Pakistan Boys Scout Association (PBSA). Her grievance stemmed from the retention of her dowry articles, which were left in a residence quarter allotted to her father, an employee of PBSA. Upon the conclusion of her father's service, PBSA reclaimed the quarter, withholding the dowry articles. Ms. Nadia Bibi sought FOSPAH's

"My experience with FOSPAH not only restored my confidence but also reaffirmed my belief in justice." ~ Nadia Bibi intervention, resulting in the amicable resolution of the dispute and the restoration of her property. Reflecting on her experience with FOSPAH, Ms. Nadia Bibi provided the following testimonial:

"When I found myself unlawfully removed from my rightful share of property, I turned to FOSPAH for assistance. Their

guidance and support were invaluable as I sought to regain possession of what was rightfully mine. Seeking justice from conventional courts can be daunting, especially for women facing injustices like mine. FOSPAH did not just offer legal aid; they stood by me every step of the way. Their expertise in property rights issues and their dedication to helping women reclaim their rightful assets made all the difference. I urge any woman facing similar challenges regarding property rights to seek help from FOSPAH. Their effective remedies and efficient assistance make a world of difference. My experience with FOSPAH not only restored my confidence but also reaffirmed my belief in justice. I am deeply grateful to FOSPAH for the legal aid they provided, which helped me reclaim what was rightfully mine".

## **CHAPTER NO. 04 OUTREACH ACTIVITIES AND ACHIEVEMENTS**

Throughout the year, FOSPAH has engaged in diverse initiatives aimed at advancing its mission and vision, which includes combatting workplace harassment and advocating for women's property rights. These initiatives encompass a broad spectrum of activities, ranging from active involvement in national campaigns to the establishment of strategic partnerships and the implementation of impactful awareness programs. The primary objective of these engagements is to effectively communicate FOSPAH's mandate, mission and vision to the public. This includes providing clarity on our jurisdictional scope, the types of complaints we entertain and the expeditious justice system we uphold.

#### 4.1 **Outreach Activities and Community Engagement**

FOSPAH actively participates in national as well as international campaigns and movements, demonstrating commitment to our cause of eradicating harassment and discrimination from society. Through tireless efforts and collaborations with international organizations, ministries, educational institutions, corporations and national entities, we ensure widespread awareness and adherence to our code of conduct. By fostering increased awareness, we aim to translate our vision for the country into reality. Conducting outreach programs, seminars, meetings and workshops, FOSPAH educates the general public and various stakeholders about our Acts and the importance of implementing the Code of Conduct. To address critical issues, we collaborate with key stakeholders during events like the "16 days of activism against gender-based violence". Our collaborations vary from activities such as active participation in national campaigns, forging strategic partnerships through the signing of MoUs, launching advocacy campaigns, facilitating mentorship programs and leveraging digital platforms for sensitizing individuals. These partnerships amplify our achievements and impact, garnering international attention and support for our mission. Reflecting on the accomplishments of the 2022-23 period, we are encouraged by the progress made and remain steadfast in our dedication to creating a society free from harassment and discrimination.

#### 4.1.1 Institutions engaged

FOSPAH actively collaborates with a diverse array of institutions both domestically and internationally, in pursuit of advancing its overarching mission and vision. These include international organizations such as the United Nations, Government Bodies such as Ministries responsible for gender affairs, educational institutions like Bahria University, NED University of Engineering and Technology, Lahore University of Management Sciences and Institute of Business Administration and organizations such as the Islamabad Women Chamber of Commerce and Industry and the Pakistan Western Canada Trade Association. Our engagement efforts are meticulously curated in a way to target key stakeholders, ensuring an increased awareness and firm adherence to our established code of conduct. These stakeholders include Government officials shaping policies, the judiciary, lawyers, foreign dignitaries advocating for gender equality, NGOs dedicated to advancing women's rights, civil activists championing social justice, students and faculty from academic institutions and professionals from diverse sectors. Increasing awareness among these groups is crucial for bringing to fruition our vision of a society and a nation that is more prosperous, equitable and conducive to sustained progress in the realm of gender equality.

### 4.1.2 Activities conducted in 2022

DEC 2022	AWARENES ACTIVITIES	SECKETAKIAI FOR	
22.07.2022	AWARENESS SEMINAR FOR KPK POLICE	OUTCOME	
	FOSPAH's regional office in Peshawar organized a 5-day awareness seminar where they trained KPK Police which included SPs, DSPs, SHOs and Ios. The objective was to enhance their capacity in addressing cases related to workplace harassment and property deprivation.	Consequently, operations within the KPK Police Force became more streamlined. Furthermore, the KPK Police was able to guide a greater number of individuals to FOSPAH for grievance redressal.	
30.07.2022	UNIFYING CITIZENS AND POLICE		
	The awareness seminar was jointly organised by FOSPAH's Regional Office in Peshawar and Police Awam Saath Saath, to encourage cooperation between citizens and law enforcement agencies.	A police-operated mobile app, "Emergency Helpline for Marginalized Segments" r(EHM App), catering to women, religious minorities, trans communities, and seniror citizens, was launched.	
14.09.2022	3RD INTER-PARLIAMENTARY UNION		
	Ms. Kashmala Khan spoke on "Women at the Centre of the Development Agenda", whilst addressing the National Assembly at the 3rd Inter-Parliamentary Union Regional Seminar on Sustainable Development Goals for Asia-Pacific Parliamentarians.	Parliamentarians were informed about the imperative of female participation and inclusion in order to achieve the 17 Sustainable Development Goals by 2030.	
06.10.2022	13TH ANNUAL GENERAL MEETING BY ISLAMABAD WOMEN CHAMBER OF COMMERCE AND INDUSTRY		
	Ms. Kashmala Khan was invited to the 13th Annual General Meeting as the Chief Guest by Islamabad Women Chamber of Commerce and Industry.	ef collaboration between FOSPAH and the	





18.10.2022	OICOA GENERAL ASSEMBLY MEETING	OUTCOME	
	Ms. Kashmala Khan was the Pakistani representative at the General Assembly Meeting of the Organization of the Islamic Countries Ombudsman Association (OICOA) in Baku, Azerbaijan.	Diplomatic relations were strengthened and strategies for upholding human rights within Organisation of Islamic Cooperation (OIC) Member States were deliberated upon.	
25.10.2022	AUSTRALIAN DEPUTY HIGH COMMISSIONER VISITS FOSPAH		
	The visit by the Australian Deputy High Commissioner, Ms. Joanne Fedrickson, and Political Secretary, Ms. Mary Robertson, to FOSPAH Head Office in Islamabad aimed to foster discussions with Ms. Kashmala Khan regarding women's property rights and the harassment law.	The Australian dignitaries commended the FOSPAH team for their efforts in curtailing workplace harassment and for mitigating women's dispossession from their property. Ms. Kashmala Khan led discussions on cooperation to address these social issues.	
10.11.2022	PWCTA VISIT TO FOSPAH		
	Ms. Bushra Rehman (President, PWCTA) and Mr. Malik Sohail (Secretary General, PWCTA) visited FOSPAH's Head Office in Islamabad.	The discussions with PWCTA were characterised by mutual cooperation to support gender equality at the workplace.	
29.11.2022	IBA WORKSHOP: ADDRESSING HARASSMENT AT THE WORKPLACE		
	Ms. Kashmala Khan was invited as the Chief Guest at IBA's workshop on workplace harassment, where the focus was on recognizing, addressing, and preventing instances of workplace harassment.	Pakistan's evolving workplace landscape was highlighted, emphasising the shift towards inclusivity. This encouraged participants to gain practical skills in recognizing, addressing and preventing harassment and social misconduct.	





01.12.2022	SEMINAR AT ALLIED BANK, KARACHI	OUTCOME
	Ms. Kashmala Khan was invited to Allied Bank, Karachi to spread awareness regarding Workplace Harassment and Women's Property Rights.	Employees were briefed on the prevalence of harassment and its various forms, including sexual harassment and gender-based discrimination. They were educated on the procedures and channels available for filing complaints of harassment.
05.12.2022	VISIT TO NED UNIVERSITY, KARACHI	
	Ms. Kashmala Khan was invited to NED University, Karachi to speak on Workplace Harassment and Women's Property Rights.	Participants, including students and workers, were educated about harassment legislation, reporting mechanisms, and practices to promote a safe workplace culture.
07.12.2022	FEDERAL OMBUDSPERSON VISITS COMSATS UNIVERSITY	
	Ms. Kashmala Khan was invited to COMSATS University to contribute to ongoing discussions and initiatives aimed at strengthening policies and resources for a safe and inclusive environment conducive to learning and professional growth at the university.	COMSATS University, Islamabad incorporated HEC's Policy on Protection Against Sexual Harassment in Higher Education Institutions.
08.12.2022	SEMINAR AT GENDER CRIME CELL, NATIONAL POLICE BUREAU	
	Ms. Kashmala Khan was invited as the Chief Guest for a one-day seminar on "Fighting Violence Against Women by Promoting Inclusive Policing at Gender Crime Cell, National Police Bureau.	The Gender Crime Cell incorporated inclusive policing practices into its operations to effectively combat violence against women.



09.12.2022	THE INTERNATIONAL CONFERENCE ON ETHICAL & QUALITY REPORTING ON CHILD LABOUR	OUTCOME	
	The event highlighted the need for responsible reporting and advocacy efforts to protect vulnerable children from labour exploitation. Panelists emphasised the media's role in holding perpetrators accountable.	Ethical reporting practices concerning child labour issues were adopted, with FOSPAH playing an influential role in efforts to eradicate child labour and inculcate a safe and inclusive environment for children.	
10.12.2022	INTERNATIONAL HUMAN RIGHTS DAY		
	Ms. Kashmala Khan, along with Justice Qazi Faez Isa, Senator M. Talha Mehmood, Justice Syed M. Anwar, and Mr. Raheem Awan attended a one-day seminar on International Human Rights Day at the International Islamic University, Islamabad.	Representatives from the judiciary and the legislature reinforced their commitment towards advancing and protecting human rights, commemorating the significance of International Human Rights Day.	
14.12.2022	VISIT TO BUIC		
	Ms. Kashmala Khan visited Bahria University to raise awareness about workplace harassment and the significance of establishing a safe working environment free from harassment, ensuring that workers are able to work with dignity. Additionally, she provided insights into FOSPAH's mandate concerning women's property rights.	Proactive measures were taken by the university to address and prevent harassment. This not only led to a greater sense of empowerment amongst individuals to speak up against harassment but also fostered a culture of accountability and support within Bahria University.	



#### 4.1.3 Activities conducted in 2023

JAN- JUN	2023
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AWARENESS ACTIVITIES

01.03.2023	TAKING THE OATH	OUTCOME
	President Dr. Arif Alvi administered the oath of office to Ms. Fauzia Viqar as Federal Ombudsperson for Protection Against Harassment.	Following the conclusion of Ms. Kashmala Khan's tenure. The Oath- Taking Ceremony marks the beginning of Ms. Fauzia Viqar's 4 year tenure as the Federal Ombudsperson for Protection Against Harassment.
09.05.2023	IHCBA VISITS FOSPAH	
	President Islamabad High Court Bar Association Mr. Naveed Malik; General Secretary Rizwan Shabir Kiyani; and Joint Secretary Jamil Rajput visited FOSPAH Head Office, Islamabad, and met Ms. Fauzia Viqar. A plan was devised to promote legal awareness amongst practising Advocates in Islamabad regarding FOSPAH's mandate.	During the meeting, the importance of female representation in the IHCBA was emphasised, leading to a significant milestone: the IHCBA elected its first female Additional Secretary, Ms. Nusrat Perveen, in 2024.
25.05.2023	VISIT TO WAFAQI MOHTASIB	
	Federal Ombudsperson Ms. Fauzia Viqar met Wafaqi Mohtasib Ejaz Ahmad Qureshi at the Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad	FOSPAH's accomplishments were commended and potential collaborations were planned to further spread the message of FOSPAH's mandate amongst the general public.
31.05.2023	SEMINAR IN BALOCHISTAN	
	The Provincial Ombudsperson Secretariat, Balochistan organized a one- day seminar on "The role of Ombudsman in safeguarding public rights and good governance".	The crucial role of Ombudspersons in swiftly delivering free-of-cost justice to marginalised citizens was enunciated, providing participants with a better understanding of FOSPAH's role in ensuring accessible justice.





01.06.2023 COUNTERING FEMICIDE		OUTCOME	
	A seminar on "Countering Femicide Epidemic- Noor Mukadam's Journey of 730 Days" was organized by the National Commission on the Status of Women in collaboration with the Institute of Strategic Studies.	Participants were briefed on FOSPAH's efforts to combat femicide by providing swift justice to victims of workplace harassment and women deprived of their property.	
05.06.2023	RECLAIMING SPACE: WOMEN'S PERSPECTIVE ON THE CONSTITUTION		
	The two-day seminar, organized by the Ministry of Law & Justice in collaboration with the Women's Parliamentary Caucus, focused on analyzing constitutional provisions from a gender perspective and proposing constitutional amendments for promoting gender equality in Pakistan.	The seminar significantly enhanced the understanding of the gender perspective within constitutional provisions, with FOSPAH advocating for an equality policy and stronger enforcement mechanisms. Valuable recommendations were made for future reforms to promote gender equality in Pakistan.	
15.06.2023	MEETING WITH IG POLICE PUNJAB		
	Ms. Fauzia Viqar met IG Police Punjab, Dr. Usman Anwar to inquire about the administrative measures being taken by the Punjab Police Force to ensure a safe and favourable work environment for women.	The issues and grievances of women dealing with the police were decisively resolved.	
15.06.2023	VISIT TO CENTRAL JAIL KOT LAKHPAT		
	Ms. Fauzia Viqar convened meetings with provincial police forces and prison departments, and conducted a visit to Central Jail Kot Lakhpat. The objective was to evaluate the treatment of female inmates by police and prison authorities.	A successful evaluation of the treatment of female inmates in Central Jail Kot Lakhpat was conducted.	



#### THE FEDERAL OMBUDSPERSON SECRETARIAT FOR PROTECTION AGAINST HARASSMENT (FOSPAH)

# 21.06.2023 CDA CHAIRMAN VISITS FOSPAH Image: Comparison of the comparison of

Enforcement of Women's Property Rights

CDA along with the Office of the Chief Commissioner Islamabad extended full support and commitment to safeguarding women's property rights. This ongoing cooperation aims to ensure legal protection and enforcement of women's property rights.

**OUTCOME** 



Act 2020.

Ms. Fauzia Viqar addresses the national deliberation on 'Reclaiming the Space: Reading the Constitution from Women's Perspective'.

Ms. Fauzia Viqar visits Central Jail Kot Lakhpat to assess the treatment of women prisoners by Police and Prison authorities.





## **Outreach activities conducted by FOSPAH**



### **Outreach activities conducted by FOSPAH**







Seminar On COUNTERING FEMICIDE EPIDEM 's Journey of 730 Days ( 20 Jul 2 ORGANISED BY IAL COMMISSION ON THE STATUS OI In Collaboration With TUTE OF STRATEGIC STUDIES ISLA











## **Outreach activities conducted by FOSPAH**

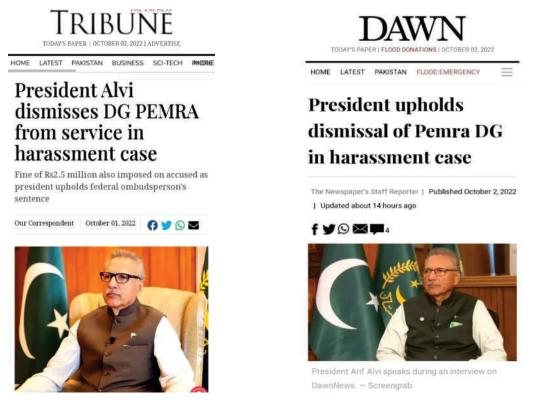
#### 4.2. FOSPAH's Presence in the Media

Through media presence, we intend to disseminate information about our Acts and highlight the significance of adhering to the Code of Conduct. These platforms serve as crucial avenues for raising public awareness. Visitors are also welcomed at our FOSPAH head office to engage in discussions that align with our organizational vision. FOSPAH extends its outreach through regional offices in Karachi, Lahore and Peshawar ensuring a broader impact on our mission.

#### 4.2.1 Print Media

#### i. President Alvi dismisses DG PEMRA from service in harassment case

In a case involving allegations of sexual harassment within the Pakistan Electronic Media Regulatory Authority (PEMRA), President Dr. Arif Alvi upheld the decision made by the Federal Ombudsperson for protection against harassment of women. The accused, Haji Adam, who served as the Director General Admin and HR at PEMRA, was found guilty of sexually harassing a subordinate at the workplace. The victim filed a complaint detailing instances of harassment she faced while working at the PEMRA headquarters in Islamabad, including demeaning behaviour and threats of termination if she did not comply with his demands for sexual favours. Despite accused's' claims of innocence, no material evidence supporting his defence was found. The evidence presented indicated accused's inappropriate behaviour, including lewd conversations and threats. President Alvi affirmed the sentence of dismissal from service and increased the fine imposed on Adam to Rs2.5 million from Rs2 million, emphasizing the gravity of the offense and the need to curb harassment against women. He stressed the importance of providing a safe working environment for women to realize their full potential, expressing regret over the delays and repeated hearings endured by the victim and highlighting the courage required for women to come forward with such complaints.



ii. Former Federal Ombudsperson (FOSPAH) Kashmala Khan was invited to the 13th Annual General Meeting 2022-2023 as Chief Guest by the Islamabad Women Chamber of Commerce and Industry held at Islamabad Club. Honorable Kashmala Khan graced the occasion and took oaths from the office bearers and executive committee members for the year 2022-2023.



اسلام آباد، ويمن حمير آف كامرى كافتخ مديداران اي عرد كاطف لرب إلى





#### Rizwana Asif elected president of IWCCI unopposed

TIMES REPORT	sash from newly	women, she said that	crotus of women
Industry (IWCCI) The annual general meeting of IWCCI was held after which the ulaction results were announced in which Rizwana Anif was alaccad as frostidem while Sonia Salaem was elected as SP and selerist Absan was elected as VP e d $e$ a 1 Ombudsperson for Protection atalast	and ascurod all holps of the woman- arrangements so that they can do hole of mind. Laser in hor posci, likewan Aari maid that the is grass- dal for the mast of businesswame and dall of the the mast of businesswame and dall of the transt hy saving womes with- adding womes with- dall of the transt hy saving womes with- dall of the saving saving womes with- provided to all the provided to all the provided to all the saving the saving saving saving saving the saving savi	weenen is a graar goal of for which all efforts should be made. The also paid rich tributes to the services of the state of the tributes of Saima. Ansatri and said that sho ner only only any served the weenen but also played an arrive role in highlighting the land of weenen but blands and weenen but states of weenen but states and sample saint short address saint short address saint in their address senses were deserved.	should be given top performs as the calami- ty has budly his the calami- tic bally his the calami- tic consequences and its consequences and its consequences and already at a low ethic According to United Nations Revelopmont has not been the second number of the second has not been the second beam ment to bear the beam of the second beam of the second beam of the second second provided and provided the second second provided and provided the provi- sion of the more making life more

iii. The decision of FOSPAH was upheld by Honorable President Dr. Arif Alvi. Honorable President awarded "Sacking orders of Commissionerate officers over Harassment with a penalty of Rs. 500,000/- each"



## Sacking order of commissionerate officers over harassment upheld

Bureau Report | Published October 3, 2022 | Updated 2 days ago

The federal ombudsperson for protection against harassment of women at workplace, Kashmala Tariq, had on March 2, 2022, found the two officers guilty of sexually harassing their two women colleagues and ordered their removal from service.

She also fined them Rs500,000 each and ordered the payment of that amount to the two harassed women.

The two complainants, serving against different posts, had alleged that the accused were sexually harassing them and they were being 'victimised' on one pretext or the other on refusal to 'bow down to the illicit demands' of the two. iv. President Dr. Arif Alvi administered the oath of office to Ms. Fauzia Viqar as Federal Ombudsperson for Protection Against Harassment at Workplace.

## PAKISTAN TODAY



v. By Daily Pakistan: Pakistan's former envoy to Italy was found guilty of sexually harassing a female employee. Federal Ombudsperson Kashmala Khan imposed a major penalty of "Dismissal from service" on Accused Mr. Nadeem Riaz, Head of Mission, Embassy of Pakistan Rome, Italy in a Harassment case along with a "fine of Rs. 50 Lacs" to be paid to the Complainant as compensation and cost of litigation.



#### vi. President Alvi lauds FOSPAH's four-year performance

THENEWS







ISLAMABAD: President Arif Ahri, Federal Ombudsperson Kashmala Khan and others at the launching ceremony of Federal Ombudsperson for Prolection Analysis Harassment's Annual Report at Diwan-e-Sade

# Islamabad : Federal Ombudsperson Kashmala Khan in collaboration with UN Women Pakistan launched a report on 'FOSPAH's transformation from 500 to 5,000 cases.'

President Dr. Arif Alvi was the chief guest of the Federal Ombudsman Secretariat for Protection Against Harassment at Workplace (FOSPAH) four-year performance audit launching ceremony, says a press release.

The guest of honour, Sharmeela Rassool, country representative of UN Women Pakistan, guest of honour Adnan Rafiq, country director, United States Institute of Peace Pakistan, senators, ambassadors and people from different spheres of life attended the ceremony.

The welcome speech was delivered by the Federal Ombudsperson Kashmala Khan, wherein she put light on the performance audit of the Federal Ombudsman Secretariat for Protection against Harassment (FOSPAH).

In the past four years; 2018 to 2022, where the total disposal off cases were 5,000, whereas previously from 2010 to 2018 were 482.

The concept of 'Work Smart' and efficient utilisation of the physical, budgetary, infrastructure and effectiveness of human resources have enabled FOSPAH to achieve this progress i.e. four offices, online complaint system, hearing sessions through skype, digitalisation, speedy justice (60 days), no cost.

While addressing the stakeholders, federal ombudsperson invited all to put their efforts to further improve this department for long term dispensation of durable, sustainable and swifter justice.

Country Representative of UN Women Pakistan, Sharmeela Rassool also addressed the audience and appreciated the achievements of Federal Ombudsperson Kashmala Khan. Country Director United States Institute of Peace, Adnan Rafiq, in his speech said that FOSPAH has achieved a remarkable progress within a short span of time and minimal budget along with less resources.

President Dr. Arif Alvi delivered the closing speech and shared his views on workplace harassment and women's property rights and applauded Federal Ombudsperson Kashmala Khan for her efforts in the past four years.



- 4.2.2 Electronic Media
- i. Federal Ombudsperson Ms. Fauzia Viqar met with the heads of provincial police and prison departments and visited Central Jail Kot Lakhpat to assess the treatment meted out to women prisoners by Police and Prison authorities.



ii. FOSPAH's regional office in Peshawar organized a five-day awareness seminar for KP Police which included SP's, DSP's, SHO's and investigating officers.



iii. The decision of FOSPAH was upheld by Honorable President Dr. Arif Alvi. Honorable President awarded "Dismissal from Service and 25 Lac penalty" to DG PEMRA in Harassment case.







#### 4.3. Institutional Strengthening

Institutional strengthening encompasses various measures undertaken by FOSPAH to fortify its administrative, financial and legislative capacities. Administratively, efforts are focused on ensuring smooth operations and regulating employee service rules through periodic updates and efficient management practices. Financially, FOSPAH emphasizes robust financial management systems to optimize resource allocation, monitor spending and navigate budget constraints effectively. Legislative mandates are rigorously pursued, with FOSPAH actively engaging in legislative processes to address emerging challenges and uphold its statutory responsibilities. Succeeding paragraphs give an overview of FOSPAH's performance in terms of administrative, financial and legislative measures.

#### 4.3.1 Administrative measures

Administration is the system of planning, organizing, managing, directing and controlling the human and other resources in an organized way, to accomplish the objectives of the organization. It is the fundamental responsibility of FOSPAH Secretariat to ensure smooth functioning of the institution and to regulate the employee service through a framework. Following measures have been undertaken by FOSPAH in its administrative capacity during the reporting period:

- FOSPAH has rapidly expanded its setup including synergizing its Regional Offices in Lahore, Karachi, Peshawar due to increase in workload manifold. However, compared to workload pressure, the staff strength was not enough during the reporting period to meet the requirements of FOSPAH.
- In 2023 FOSPAH initiated the process of revision of FOSPAH "Employees Service Rules" as part of its re-organization and re-structuring plan. Efficient management requires resources like staff, funding, materials, knowledge, skills, experience and training, feedback of the employees, leadership and vision. The combined effect of these ten factors gives an impetus to make achievement of set targets/goals easy. Keeping these elements in view, FOSPAH management is focused on proper planning and division of work and decentralization of authority.
- Monthly/quarterly surprise checks by the senior management at the employee's desks to check the record, pending cases is an important element of FOSPAH's management to increase administrative efficiency. It is also necessary to appreciate the good work of employees through recognition of their services and monetary incentives to improve their output.
- > Improved monitoring systems have been put in place by taking the following steps:
  - Online monitoring of Regional Offices, Karachi, Lahore and Peshawar through installation CCTV system at Head Office.
  - Installation of Biometric system at Head Office and Regional Offices.
  - Installation of CCTV System both in the office and court rooms.
  - Online system is introduced to facilitate the Complainants via three modes, (i) Complaint Management and Information System, (ii) Social Media updates for publication of cause lists and awareness activities and (iii) case hearings through Video Conferencing system.
  - Three months' Internship program initially for Law, IT and Media young graduates has been started to facilitate their exposures, fostering their abilities/talent out of highly motivated candidates, to prepare them for future challenges.

- Preparation of monthly Judgments Reports.
- Preparation of FOSPAH Annual Report.
- Timely updating of FOSPAH activities on its Website
- Publication of a special report on "FOSPAH Transformation 500 (2010-2018) to 5000 (2018-2023) cases" in collaboration with the UN Women
- Arrangement for holding of seminars and conference and special campaigns for creation of awareness among the masses about FOSPAH Laws and women rights.

#### • 4.3.2 Financial management

It is a part of the strategic financial planning to manage the finances and its alignment with the set goals and objectives, by following the dictates of economy, efficiency and effectiveness. FOSPAH is trying to put in place a feasible/economical money spending strategy to ensure effective use of precious national resources. Following measures have been undertaken by FOSPAH to manage its finances during the reporting period:

- FOSPAH's accounts are being kept up-to-date and unnecessary spending are being avoided by observing the dictates of financial economy and efficiency without compromising on the public service delivery.
- FOSPAH has introduced many internal checks in its Budget and Finance section to ensure transparency in its processes. FOSPAH has also started to submit "Budget by Outputs" to the Finance Budget Review Committee for the allocation of proper share of the funds to its Regional Offices with satisfactory results based on the previous year's performance.
- FOSPAH's has initiated the "Financial Management Reforms Strategy" during the reporting period on the following lines:
  - Making Budget Strategic by linking it to policy, planning and budgeting.
  - Enhancing financial reporting standards and practices to provide accurate, timely and transparent financial information.
  - Strengthening internal control systems through compliance with laws and regulations.
  - Leveraging technology and innovation to streamline financial processes is started to update FOSPAH's financial system.
  - Making the budget result oriented by introducing Output Based Budgeting.
  - Reconciliation of accounts with the AGPR on monthly basis.
  - Enhancing the capacity of FOSPAH Regional Offices in preparing, executing and monitoring their budget.
  - Got conducted the audit of its accounts by the Federal Audit.

#### 4.3.3 Effective discharge of legislative mandate

FOSPAH is aggressively projecting its role in line with the provisions of the Acts as per its mandate Following achievements during the reporting period indicates the journey of FOSPAH:

With the enactment of Act 2020, workload of the FOSPAH has been increased manifold;

The highest ever total number of 767 complaints were received during the reporting period from 1st July, 2022 to 30th June 2023, since the establishment of FOSPAH in 2010. Out of total complaints, 646 have been disposed off while only 121 cases are pending. In the years 2011-12, a total number 84 complaints were received, during the next five years (2013-2017) the number was 398 while 1251 complaints were registered during four years (2018-2021) which was more than three times of the complaints received during previous 7 years (2011-2017).

In addition, following "Outreach Programs/Activities" have been undertaken to make people at large aware of their rights with respect to the legislative mandate of FOSPAH;

- Conducted Awareness Campaigns by holding seminars/workshops in various public/private sector organizations both at Head Office and Regional offices level.
- Conducted Training sessions both in Public/Private sector organizations.
- Publication and distribution of awareness material like Calendars, Code of Conduct, Banners, Flyers, Handbills and Streamers.
- Effective use of social media for creation of awareness by using social media handles (Instagram, Facebook, Twitter and FOSPAH Website).
- Launch of awareness campaigns both in Print & Electronic Media.
- Observed "16 days of Activism Campaign" against gender-based violence and harassment of women from 25th November to 10th December, 2022, as a part of this global initiative and arranged a number of activities under it and also held a mega event at Aiwan-e-Saddar.

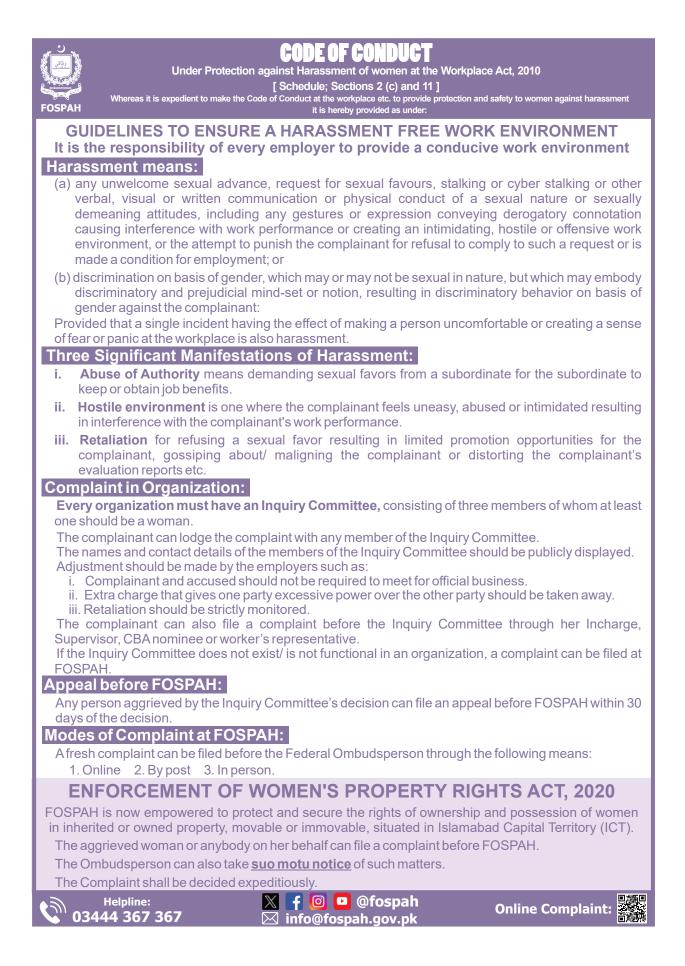
#### 4.4. Conclusion

The Annual Report of the FOSPAH for the fiscal year spanning July 2022 to June 2023 provides a comprehensive overview of the organization's steadfast commitment to its statutory obligations under the Act 2010, subsequent legislative amendments and Act 2020. Throughout its journey, FOSPAH has remained dedicated to contribute to a safe and inclusive work environment, regardless of gender and advocating for the enforcement of women's property rights in Pakistan. FOSPAH continues to work belligerently against the endemic discrimination against women that is prevalent in the country. Under the leadership of the Ms. Fauzia Viqar, Federal Ombudsperson Against Harassment, FOSPAH has responded promptly and methodically to evolving challenges in the domain of gender-inequality in Pakistan. It has generated great strides in the realm of women's empowerment by ensuring their socioeconomic independence whether in a professional setting or personal domains. Nevertheless, FOSPAH's mission is far from over; the journey toward ensuring that every woman in Pakistan receives her rightful share of property and that every workspace in the nation provides a safe environment free from harassment and gender discrimination for men, women and transgender individuals continues.

During the reporting period, FOSPAH navigated an amplified caseload due to the enactment of the Act 2020, with diligence and efficacy. Despite the adversities wrought by the global health crisis, FOSPAH emerged as a beacon of accountability and justice, handling a record number of complaints amidst the unprecedented challenges posed in the post COVID-19 pandemic period. The disposition demonstrated by FOSPAH in disposing of 646 cases while effectively managing 121 pending cases signify its commitment to expeditious resolution and the preservation of due process. Moreover, FOSPAH's proactive measures to enhance monitoring systems across the head as well as regional offices through the

implementation of online monitoring mechanisms, biometric authentication and CCTV surveillance, attest to its commitment to transparency, efficiency and adherence to best practices. The institution's embrace of technological advancements, including the introduction of online complaint management systems and virtual hearings via video conferencing, represents its adaptability in sustaining accessible avenues for grievance redressal.

Furthermore, FOSPAH's endeavour to nurture future legal and technological talent through internships initiatives reflect a proactive stance towards capacity building of the youth. In light of these achievements, FOSPAH remains committed to its mandate and poised to harness the synergies of collaboration, innovation and legislative alignment to chart a course toward a more just, equitable and gender-inclusive society for all. FOSPAH, in its future prospects, envisages the establishment of more regional offices to enhance its reach, particularly in serving underprivileged individuals such as women from rural areas. FOSPAH aims to play a pivotal role in policy and rule-making endeavours aimed at enhancing legislation and its implementation to further safeguard the rights and dignity of all individuals. FOSPAH intends to continue its internship program to contribute to nurturing young talent and fostering a cadre of professionals dedicated to advancing the cause of gender equality and human rights in Pakistan. Through these concerted efforts, FOSPAH remains steadfast in its mission to uphold the principles of justice, equality and dignity for all.



**صابطہ اخلاق** کام کی جگہ پر خوانین کو ہر اسمال کرنے سے تحفظ کیلیے ضابطہ اخلاق ایکٹ، ۲۰۱۰ شیڈول (دفعات ۱۲(ج)اور ۱۱) جبہ خواتین کوہر اسال کے جانے کے خلاف تحفظ فراہم کرنے کے لیے کام کی تجہوں پر ضابطہ اخلاق بتانا ضروری ہے۔جو ڈیل میں فراہم کیا گیا ہے : ہر ادارے پر لازم وملزوم ہے کہ وہ اپنے ادارے میں کام کرنے والوں کو ہر اسیت کے خلاف ان کے حقوق کی آگاہی دے اور ضابطہ اخلاق کام کے نمایاں مقامات پر آویز اں کرے۔ ہراسیت کیاہے: کوئی بھی ناپند بدہ جنسی عمل، جنسی خواہشات کااظہار، گھور نایاسا تہر سٹاکنگ مادیگر زمانی، بصری ماتح پری رابطہ ماجنسی نوعیت کاجسمانی پر تاؤیا جنسی طور پر توہین آمیز سلوک سمیت کوئی بھی اشارے پااظہار، توہین آمیز مفہوم کا اظہار کرنے والے کام جو کہ کار کر دگی میں مداخلت کا باعث بنتے ہیں، دھمکی آمیز، معاند انہ یا جار حانہ کام کا ہاحول بنانا، باشکایت کنندہ کوالیی درخواست کی تغمیل کرنے سے انکار کرنے پر سز ادبنے کی کو شش کر نابا ملاز مت کے لیے شرط رکھنا؛ با جن کی بنیاد پر امتیازی سلوک، خواہ دہ جنسی نوعیت کاہو بانہ ہو، لیکن جو امتیازی ادر متعصبانہ ذہنیت دکھا تاہو، جس کے نتیجے میں شکایت کنندہ کے خلاف جنس کی بنیاد پر امتیازی سلوک کیاجائے۔ ا۔ **افتیامات کاغلا استعال:** کوئی بھی بااختیار افسر جو اپنے ماتحت کو نو کری میں فائدہ پہنچانے کی غرض سے جسمانی تعلق رکھنے پر مجبور کرے۔ ہراسیت کی تین قشمیں: ۲۔ دفتری ماحل میں خوف وہر اسیت پید اکرنا : جس سے کام کرنے کی جگہ پر ملاز مین اپنے آپ کو غیر محفوظ سمجھیں۔ ۳۔ ا**نگامی کارد کی:** ایساافسر جو این ناجائز خواہشات یوری نہ ہونے پر انتقامی طور پر اپنے ماتحت کے کام میں رکاوٹ پید اکرے۔ ۹ ہرادارے پر پدلازم ہے کہ وہ" تحفظ برائے ہر اسیت بمقام کار ایک ۲۰۱۰ " کے تحت انگوائر کی کمیٹی بنائے۔ اکلوائری کمیٹی(۳) افراد پر مشمّل ہو گی جن میں سے کم از کم ایک خاتون کا ہونالاز می ہے۔ ادارے میں شکایت کمیٹی کے کسی بھی فر د کو کی حاسکتی ہے۔ اینے ادا رے میں انگوائر کی تمیٹی کے ممبر ان کے نام اور را لطے کی تفصیلات دفتر میں نما باں مقامات پر آویز اں کرے۔ انكوائزي شميثي دوران انگوائری در خواست گزار اور الزام کننده کوایک دو سرے سے علیحدہ کر دیاجائے۔ کوشکایت: انقامی کاردائی پر کڑی نظر رکھی جائے گی۔ • شکایت کنندہ ایٹی شکایت اپنے انجارج، سپر دائزر، سی لی اے کے نامز دیاکار کن کے نما ئندے کے ذریعے بھی درج کر داسکتی ہے۔ اگرادارے میں اکوائری کمیٹی موجود نہیں ہے یافعال نہیں ہے تو FOSPAH میں شکایت درج کردائی جاسکتی ہے۔ • متاثرہ فردجو کہ کمیٹی کے فصلے سے متفق نہ ہو،وہ FOSPAH میں اپنل کر سکتا ہے۔ FOSPAH میں اپیل: • اپیل فیصلہ آنے کے معادن کے اندر کی جاسکتی ہے۔ ادارے کے علادہ دفاقی محتسب برائے انسد ادم اسیت کے پاس بھی شکایات درج کر دائی جاسکتی ہیں۔ FOSPAH میں شکایت: • FOSPAH میں شکایت آن لائن بایزرید ڈاک باخود بھی جمع کروائی حاسکتی ہے۔ نفاذِ حقوق جائيد ادبرائے خواتین ایکٹ ۲۰۲۰ الی خواتین جن کواپنی منقولہ یاغیر منقولہ دراشتی اور ملکیتی جائیداد، جو کہ اسلام آباد کی حدود میں واقع ہیں، سے محروم رکھا گیا ہے وہ اپنی شکایت وفاقی محتسب میں درج کر دائیں۔ متاثره خانون خود مابذریعه نما ئنده شکایت دائر کرسکتی ہے۔ وفاقى محتسب ازخود نوٹس لينے كا اختيار تجير كھتا ہے۔ شکایت کافیصلہ کم سے کم وقت میں کیا جائے گا۔ Online Complaint: **Helpline:** 🖹 🛉 🔟 🕒 @fospah 03444 367 367 🖂 info@fospah.gov.pk

For lodging harassment and women's property rights complaints **REACH US AT:** 

# HELPLINE: 03444 367 367

## FOSPAH HEAD OFFICE, ISLAMABAD

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**Online Complaint**