

**OFFICE OF THE FEDERAL OMBUDSPERSON
FOR PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE, ISLAMABAD**

FORM OF ORDER SHEET
Complaint No. FOH-HQR/00167/2024

Date of Institution: 11-06-2024

Serial No. of Order of Proceedings	Date of order of Proceedings	Order of other proceedings with Signature of Federal Ombudsperson		
		TITLE:	Sehar Zareen	VS
1	2	3		
27	02-06-2025	<p><u>Subject: Final Order.</u></p> <ol style="list-style-type: none"> 1. Sehar Zareen (hereinafter referred as Complainant), serving as Deputy Director in the Urban Unit of the Commissionerate for Afghan Refugees (CAR), has filed a formal sexual harassment complaint against Mr. Taeem UI Haq, Logistic Clerk (hereinafter referred as Accused No. 1), and Mr. Badar Munir, Project Director (hereinafter referred as Accused No. 2) of the Community Development Unit (CDU). 2. According to the Complainant, Accused No. 1 engaged in consistent bullying and sexual harassment, including the use of abusive language, inappropriate gestures such as rubbing his private parts in her presence, and shouting at her on multiple occasions. His behavior became particularly disrespectful when she requested office supplies such as pens and files. To avoid further confrontation, she began avoiding his office. However, he continued to harass her indirectly by issuing unreasonable instructions, threatening not to mark her attendance, and hiding the attendance register. 3. Regarding Accused No. 2, Mr. Badar Munir, the Complainant noted that he had been appointed as Project Director after an inquiry had been initiated against him in his previous posting at the KP Healthcare Commission. She also stated that he was recently arrested in a rape case, widely reported in the local media. The Complainant previously had a dispute with another individual, Mr. Ehsan Ullah, over repeated harassment, which led to the filing of a complaint. She believes this initiated a malicious campaign against her 		

involving Mr. Ehsan Ullah, Mr. Taeem UI Haq, and Mr. Badar Munir—all reportedly from Charsadda.

4. During her first meeting with Accused No. 2, he allegedly stated that Mr. Ehsan Ullah was a close friend and began questioning her about the past dispute. She further alleged that Accused No. 2 often attended office in an intoxicated state, stayed late beyond official hours, and pressured her to remain as well. On several occasions, upon her visit to his office, he reportedly played pornographic videos on his phone at loud volume, making her uncomfortable and forcing her to leave.
5. When she objected to such behavior, Accused No. 1 began making derogatory remarks about her family, falsely claiming that her father sold vegetables, despite the fact that he is a retired police officer. On another occasion, he made inappropriate comments about her in-laws, accusing her of using their status in the media and drama industry to gain favors. He urged her to call and verify their backgrounds, which she ignored.
6. The Complainant was forced to mark her attendance in a register controlled illegally by Accused No. 1. He was later promoted to the post of Logistic Officer despite lacking the necessary qualifications and experience—allegedly as a reward for harassing her. She was denied basic office facilities, including access to an official landline and vehicle, and had to use her personal car for official duties without receiving travel allowances or fuel reimbursement.
7. Additionally, the female washroom was kept locked, with the keys in possession of individuals close to Accused No. 2. She was also blocked from accessing official emails and denied Wi-Fi access. Official letters were withheld from her, and she was barred from attending training sessions and conferences designated for senior officers.
8. Following the filing of her harassment complaint, she was excluded from the monthly coordination meeting by staff, citing Accused No. 2's disapproval of her presence. After her complaint, an office order was issued prohibiting late sitting and restricting the use of

WhatsApp groups for communication. Despite this, Accused No. 2 allegedly shared pornographic material via the WhatsApp group and even used official email channels to disseminate such content.

9. On December 22, 2023, Accused No. 1 allegedly interrupted her conversation with a colleague, Mr. Tufail, without invitation and began making derogatory remarks about her in-laws and husband. When she objected, he shouted at her and attempted to get physical. Accused No. 2 summoned her to his office, only to later blame her for the incident. He also barred her from bringing her children to the office. She has requested strict disciplinary action against both Accused.

10. The Accused were summoned and submitted their written responses, denying all allegations of harassment. According to their statements, a departmental committee was formed to investigate the matter. After conducting the inquiry, the committee recommended closing the case, citing the allegations as unsubstantiated.

11. Accused No. 2 stated that since his appointment in November 2023, the Complainant visited the refugee camps only twice in connection with event preparations. On one occasion, she was provided with an official vehicle; on the other, she refused a shared vehicle, citing its poor condition and preferring to use her own. He emphasized that other male and female officers performed similar duties without transport or fuel allowances.

12. He also denied staying late in the office or sharing explicit content via email. He claimed the official email was accessible to two Assistant Directors for the purpose of submitting monthly reports. After misuse of the account was observed, he changed the password. Regarding the ladies' washroom, he stated that a male Class-IV staff member was found inside, was warned, and subsequently the washroom was locked. The keys, he said, were kept in a room shared by three female staff members.

		<p>13. The evidence submitted by both parties was reviewed, arguments were heard, and the record was thoroughly examined.</p> <p>14. The Complainant has leveled allegations that the Accused exhibited a sexually demeaning attitude and created an intimidating, hostile, and offensive work environment. To substantiate these allegations, she submitted her own affidavit as Ex. PW 1/1 and produced her husband, Shahid Ilyas, as PW 2.</p> <p>15. In the case of <u>Muhammad din vs province of Punjab C.P.L.A.2541/2023</u> it was held: <i>“Sexual harassment is not about sex. It is about power.”</i></p> <p>Gender-based harassment is not solely about hierarchy. It is fundamentally about who is perceived as having the right to wield authority. Even a junior employee, through informal power structures, social reinforcement, and gendered privilege, can create a hostile work environment for a senior. When women’s authority is perceived as illegitimate or easily undermined, colleagues, clients, and even subordinates may use harassment as an “equalizer” to reassert traditional power dynamics. This reinforces the notion that workplace harassment may be less about sexual desire and more about control and domination, serving as a tool to police and punish women who disrupt male-dominated spaces. Thus, while sexual harassment is primarily understood as a power-based behavior, individuals at any level of a hierarchy can perpetrate harassment, particularly when supported by gendered or social reinforcements.</p> <p>16. While examining this case, we have to analyze the existence or otherwise of these power dynamics. Admittedly Accused no.1 was a logistic clerk who cannot be presumed to have any authority over the Complainant who was senior in rank. The contention of the Complainant is that he was perceived to be superior to her as the attendance register was placed in his room and she had to go to his room to mark the attendance.</p>
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| | | <p>17. The primary allegation of the Complainant pertains to an incident dated 22-12-2023. She stated that while she was conversing with her co-worker, Mr. Tufail, Accused No. 1, Mr. Taeem ul Haq, began interfering in their conversation, to which she objected. Accused No. 1 then began verbally attacking her husband. She tried to ignore him, but he came very close to her and attempted to physically assault her. Following this incident, she was called by Accused No. 2 to his office. Instead of inquiring about the incident, he blamed her for the occurrence and objected to her bringing her children to the office.</p> <p>18. PW 2 stated that on 22-12-2023, he received a call from his wife in which she complained that the Accused had used extremely vulgar language and mentally tortured her, and that Accused No. 1 had attempted to physically assault her. He heard this on speakerphone. Accused No. 1 was also taunting her about the sister of PW 2. PW 2 then contacted Additional Commissioner Security, Mr. Haider Ali Shah, and requested his intervention to prevent further abuse. He was assured that the matter would be resolved. Subsequently, the Complainant filed a harassment complaint before the Commissionerate.</p> <p>19. Muhammad Tufail, produced as a defense witness by the Accused, submitted an affidavit as DW 3/1. He stated that on 22-12-2023, he was in the office of Accused No. 1 to mark his attendance and remained there for a meeting. The Complainant also arrived to mark her attendance, and they began discussing the ongoing election activities. During the conversation, Accused No. 1 asked whether a ticket had been awarded to her sister-in-law and whether she worked in television dramas. The Complainant did not respond. Accused No. 1 then remarked that his own brother-in-law also worked in dramas, which led to a heated exchange. Upon hearing the commotion, Project Director (Accused No. 2) arrived and instructed them to stop arguing. He summoned both the Complainant and DW 3 to his office. During this time, DW 3 received a phone call, which he attended, informing the</p> |
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Complainant that he would speak to her afterward. The Complainant appeared visibly upset and was weeping. She was given water, and after drinking it, she left the office.

20. Accused No. 1, appearing as DW 6, confirmed that during a discussion about general elections, he inquired if the Complainant's sister-in-law, who was contesting a seat, was the same person who had worked in TV dramas. The Complainant became angry and began shouting. He claimed he had made no offensive remarks. He further stated that on 09-01-2023, while he was offering prayers, a colleague named Noor Shad brought him to the Complainant's office, where he apologized and said he never intended to insult or humiliate her. The matter was then considered resolved.

21. Evidence on record regarding this incident does not establish any act of harassment. The conversation in question cannot be considered humiliating, bullying, intimidating, or sexually demeaning. It is admitted fact that the conversation took place in the office of Accused no.1 Tufail DW and the Complainant came there to mark attendance and after doing so stayed there and engaged in conversation there. According to the Complainant, at the time of the incident other employees of the department were present there but, none of them appeared to support her version. Asking about someone's association with the entertainment industry, such as TV dramas, is neither insulting nor offensive, and such a query cannot be classified as harassment. If the Complainant was sensitive about the subject due to her past experience with other people, it cannot be assumed that new persons can be assumed to have posed the question in a derogatory or sexist manner, especially considering that Accused No. 1 had added that his brother-in-law also worked in dramas. In case his question followed a context in which similar taunting remarks were made, I would have used the context to justify the Complainant's getting upset.

22. This leads to the second allegation that the attendance register has been illegally kept in the office of the Accused no 1. and the Complainant has to go to his office to mark the attendance. It is on the record that the attendance data whether in the form of attendance sheets or attendance register is forwarded at about 9.30 am. This particular arrangement was not designed for the Complainant only. All the staff was following this arrangement.

23. The second allegation against Accused No. 1 is that he would rub his private parts in front of the Complainant and frequently shout at her. She also alleged that unrelated persons used to visit his office and stare at female employees. She further claimed that Accused No. 1, a logistic clerk, was employed due to his connection with Accused No. 2, as both belonged to Charsadda. In the initial complaints filed by the Complainant before both the departmental harassment committee and this Forum, there were no allegations against Accused No. 1 regarding indecent exposure or frequent shouting. If such conduct had occurred, the Complainant, being a senior officer, had the authority to initiate disciplinary action, but no such steps were taken. These allegations were introduced in her third application before this Forum and appear to be an afterthought. Furthermore, no corroborating evidence has been presented. Therefore, the Complainant has failed to prove these allegations.

24. The Complainant also leveled harassment allegations against the Project Director, Mr. Badar Munir (Accused No. 2). Her first claim was that the office washroom was kept locked, denying her access. However, it is on record that female staff had complained about male use of the ladies' washroom, leading to it being locked. The keys were kept in the rooms of two female staff members, who testified that the keys were accessible to all the women working in the department. It is very strange that the Complainant was not aware of this fact. Her contention that due to lock of the bathroom, she suffered mental agony resulting in miscarriage is also not supported by the medical record produced by

her. Additionally, the office building has restrooms for both genders on each floor. Hence, this issue pertains to administrative management rather than a deliberate act of harassment against the Complainant or other female staff.

25. The most serious allegation against Accused No. 2 is that he shared pornographic content via the official email and WhatsApp group, which was subsequently forwarded to the Complainant's WhatsApp number. This allegation has not been denied by Accused No. 2. His explanation was that his email password was known to the Complainant and two others, and the content may have been shared without his knowledge. However, the witnesses corroborated the Complainant's claim that the pornographic material was shared in the official group and remained visible for some time before it was deleted upon instructions from Accused No. 2 and others.

26. It is the responsibility of the individual to ensure the security and confidentiality of their electronic devices and credentials. Accused No. 2 failed to investigate the alleged misuse of his credentials. Thus, he cannot now claim ignorance or deny responsibility. The departmental inquiry confirmed that Accused No. 2 was responsible for the content-sharing and recommended that a warning be issued. However, this recommendation was not implemented by the competent authority. Sharing such material in an official group creates a hostile work environment, affecting not only the Complainant but the entire office.

27. Accused No. 2 is therefore found guilty under Section 4 of the *Protection against Harassment of Women at the Workplace Act*. Since the content was not directed solely at the Complainant, and steps were taken to delete it, a minor penalty is deemed appropriate. Under Section 4(1) (c), a penalty of **withholding of two increments** is imposed upon him..

28. It was argued by the defense that the Complainant had already approached the departmental inquiry committee and that the matter had been dealt with under the 2010 Act, thereby challenging the

maintainability of the present complaint. However, as discussed in the previous order, the departmental inquiry was conducted under the disciplinary rules, not under the 2010 Act. Moreover, the recommendations were not implemented, and no warning was issued to Accused No. 2. This indicates the organization's non-serious attitude towards harassment complaints.

29. However, before parting with this order, I deem it appropriate to direct the senior management of the Commissionerate Afghan Refugees to ensure strict compliance with the provisions of the Act in its organization. In this regard, the senior management shall constitute a standing Inquiry Committee that complies with the provisions of Section 3(2) of the Act and shall display the names and contact information of the members of the Inquiry Committee at conspicuous places in the organization. It shall also display the Code of Conduct in English and Urdu at conspicuous places in the organization **[refer Section 11(2) of the Act]**. The senior management shall also arrange regular training sessions on harassment for employees to ensure that harassment is rooted out from the organization and all employees are provided a safe and conducive work environment. A compliance report to this effect shall be submitted by the senior management to this Forum by **20-06-2025**.

File be consigned.

FEDERAL OMBUDSPERSON