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Guardians of Justice: The Role of the Ombudsperson in Upholding Women's Rights

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Abstract

This paper examines the ombudsperson as a quasi-judicial institution for the enforcement of women's rights in Pakistan and argues that its significance lies not merely in symbolic representation but in its ability to provide speed, procedural accessibility, confidentiality, and targeted remedies in disputes that conventional forums often handle slowly or insensitively. The analysis situates the ombudsperson within Pakistan's constitutional architecture, Islamic legal principles, and international human rights obligations. It contends that the central problem is not the absence of rights on paper, but the weak translation of those rights into lived equality. Women's rights to dignity, work, inheritance, security, and equal protection are formally recognized in the Constitution of Pakistan, statutory law, and Islamic jurisprudence; yet social practice remains shaped by patriarchal control, informal coercion, bureaucratic delay, and under-enforcement. The paper focuses on two areas where the ombudsperson's role has become especially visible: workplace harassment and the protection of women's property rights. It evaluates the Protection Against Harassment of Women at the Workplace Act, 2010 as amended in 2022, the Enforcement of Women's Property Rights Act, 2020, and the Punjab Enforcement of Women's Property Rights Act, 2021, alongside constitutional guarantees and relevant case law. It further places Pakistan in comparative perspective through international standards such as CEDAW, ILO Convention No. 190, and global gender indicators. The paper concludes that the ombudsperson model is normatively valuable and practically necessary, but its transformative capacity depends on stronger enforcement, better public awareness, institutional coordination, digital case management, and a broader shift in social attitudes toward women's autonomy. The ombudsperson can narrow the distance between law and reality, but it cannot close that distance alone.

Keywords: Ombudsperson, Women's Rights, Pakistan, Workplace Harassment, Inheritance, Property Rights, Gender-Based Violence, Access To Justice

1. Introduction

Women's rights in Pakistan are guaranteed at several normative levels, yet their realization remains deeply uneven. At the constitutional level, equality before law, equal protection, human dignity, freedom to enter lawful professions, and protections relating to property and due process are firmly embedded in the constitutional scheme of 1973. At the statutory level, Pakistan has enacted a substantial body of legislation on harassment, domestic violence, anti-rape procedure, inheritance-related protection, family law, and women's institutional representation. At the international level, the state has undertaken obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. At the moral and religious level, Islamic law recognizes women as independent legal persons with enforceable claims to property, dower, inheritance, maintenance, and dignified treatment (Abdel Haleem, 2004, Qur'an 4:1, 4:7, 4:19, 4:32, 4:11–12; Ahmad, 2012). The difficulty, therefore, does not lie in the complete absence

of legal recognition. It lies in the disjunction between recognition and realization. Pakistan's legal order promises equality, but women continue to encounter coercion within families, exclusion from economic assets, fear of retaliation at work, stigma in reporting violence, and serious barriers in police, revenue, and judicial processes. Pakistan's weak performance on global gender measures reflects this gap. In the World Economic Forum's Global Gender Gap Report 2024, Pakistan ranked 145th out of 146 countries, indicating especially severe deficits in economic participation and political empowerment (World Economic Forum [WEF], 2024). The World Bank's Women, Business and the Law 2024 country profile for Pakistan similarly shows that legal reform remains partial and that implementation frameworks are considerably weaker than the formal promise of rights (World Bank, 2024a).

The broader global context confirms that the problem is structural rather than exceptional. Women continue to face wage disparities, unequal care burdens, underrepresentation in political life, and digital exclusion across many jurisdictions (International Labour Organization [ILO], 2023; UN Women, 2023; GSMA, 2021; McKinsey & Company, 2021). In education, girls still face serious completion and access barriers in lower-income settings, especially in conflict-affected and socially conservative environments (UNESCO, 2022; UNICEF, 2022). These global patterns matter because they show that legal reform alone rarely secures equality unless institutions are designed to make rights usable in ordinary life. Against this backdrop, the office of the ombudsperson acquires special importance. The ombudsperson is not a substitute for courts, nor is it merely an advisory body. In the women's rights context, it is best understood as a specialized access-to-justice institution designed to provide a forum that is less intimidating, less costly, more confidential, and more responsive than ordinary litigation. In Pakistan, this institutional model has gained concrete legal content in at least two domains. First, under the Protection Against Harassment of Women at the Workplace Act, 2010, as amended in 2022, federal and provincial ombudspersons are empowered to hear and decide workplace harassment complaints. Second, under the Enforcement of Women's Property Rights Act, 2020 and provincial enactments such as the Punjab Enforcement of Women's Property Rights Act, 2021, the ombudsperson has been given authority to intervene where women are deprived of ownership or possession of property through fraud, coercion, or procedural manipulation (Protection Against Harassment of Women at the Workplace Act, 2010; Enforcement of Women's Property Rights Act, 2020; Punjab Enforcement of Women's Property Rights Act, 2021).

This paper argues that the ombudsperson's role should be assessed not sentimentally, but institutionally. Its real importance lies in whether it can convert abstract rights into usable remedies. The answer is qualified. The ombudsperson has meaningful strengths: procedural simplicity, confidentiality, speed, victim-sensitive design, and the ability to address issues that conventional institutions have historically trivialized. Yet the ombudsperson's effectiveness is constrained by broader structural conditions, including patriarchal norms, bureaucratic resistance, weak implementation culture, underreporting, intimidation, and the fragmentation of state institutions. These constraints mean that even a well-designed ombudsperson system can be undermined if police, employers, revenue authorities, courts, or families refuse to respect women's claims. The paper proceeds in seven parts. Part II sets out the conceptual and normative foundations of women's rights from constitutional and Islamic perspectives. Part III maps the Pakistani legislative framework and the international norms relevant to women's equality. Part IV evaluates the ombudsperson as an institutional mechanism for women's access to justice. Part V analyzes women's property and inheritance rights and the role of the ombudsperson in that area. Part VI addresses workplace harassment and the broader continuum of gender-based violence. Part VII identifies the main enforcement failures and offers a critical institutional assessment. The conclusion emphasizes that

the ombudsperson should be preserved and strengthened as a rights-enforcement forum, but meaningful transformation requires coordinated reform well beyond a single office.

2. Research Objectives

The present study aims to critically examine the role of the Ombudsperson as an institutional mechanism for safeguarding women's rights in Pakistan. It seeks to analyze the gap between constitutional guarantees and practical enforcement, particularly in areas such as property rights, workplace harassment, and gender-based violence. The research further aims to evaluate the effectiveness of the Ombudsperson in providing accessible, efficient, and gender-sensitive justice. Additionally, it explores structural, cultural, and institutional barriers that hinder women from fully exercising their legal rights. Through a comparative and analytical approach, the study aspires to propose practical legal and policy reforms to strengthen enforcement mechanisms and enhance gender justice.

3. Research Methodology

This research adopts a qualitative doctrinal methodology, primarily based on the analysis of constitutional provisions, statutory laws, case law, and institutional frameworks relating to women's rights in Pakistan. It incorporates a comparative analytical approach, drawing upon international reports, global gender indices, and practices from other jurisdictions to contextualize Pakistan's position. Secondary sources, including reports from international organizations such as UN Women, World Bank, ILO, and WHO, are used to support empirical observations. The study also integrates institutional analysis of the Ombudsperson's office, evaluating its jurisdiction, performance, and impact through available statistical data and reported outcomes. This multi-layered methodology enables a critical assessment of both legal frameworks and their practical implementation.

4. Significance of the Study

This study holds significant academic, legal, and policy relevance as it addresses the persistent disconnect between formal legal protections and the lived realities of women in Pakistan. By focusing on the Ombudsperson as a quasi-judicial institution, the research highlights an underexplored yet crucial mechanism for advancing gender justice. The findings contribute to the broader discourse on access to justice, institutional accountability, and gender equality in developing legal systems. Furthermore, the study provides practical insights for policymakers, legal practitioners, and researchers by identifying systemic weaknesses and proposing actionable reforms. It also contributes to comparative legal scholarship by situating Pakistan's experience within a global context of women's rights enforcement.

5. Rights, Dignity, And Women's Legal Personality: Constitutional And Islamic Foundations

A serious analysis of women's rights in Pakistan must begin with the concept of rights itself. A right is not merely a moral aspiration; it is a recognized claim that imposes correlative duties on others and entitles the rights-holder to institutional protection. Black's Law Dictionary captures this relationship by linking rights with legal correctness and enforceability. In constitutional theory, rights are significant because they restrain arbitrary power and protect the autonomy of persons. In gender justice discourse, that autonomy is not abstract. It concerns bodily security, participation in public life, access to property, freedom from coercion, and the ability to enter institutions on equal terms. The Constitution of Pakistan does not treat women as appendages of the family or as derivative citizens. Its rights language is formally universal. Article 14 protects the dignity of man and, by implication and constitutional necessity, the dignity of women. Article 18 secures the freedom to enter lawful professions and occupations. Articles 23 and 24 protect property rights. Article 25 guarantees equality before law and equal protection and prohibits discrimination on the basis of sex while allowing special provisions for women and children. Article 34 further directs the state to

ensure the full participation of women in all spheres of national life (Constitution of the Islamic Republic of Pakistan, 1973). Taken together, these provisions establish that women are not passive beneficiaries of benevolence but constitutional subjects entitled to equal concern and protection.

Islamic legal principles reinforce this recognition of women's independent legal personality. The Qur'an repeatedly addresses men and women as morally accountable persons and rejects any conception of women as inherently lesser beings. Qur'an 4:1 speaks of humanity as created from a single soul; Qur'an 33:35 enumerates believing men and believing women together in terms of moral worth; Qur'an 4:7 expressly grants men and women shares in inheritance; and Qur'an 4:19 commands men to live with women in kindness (Abdel Haleem, 2004). The inheritance verses in Qur'an 4:11–12 are particularly important because they replace pre-Islamic customs that often excluded women from succession and establish determinate rights in property. These verses do not treat female inheritance as charity; they treat it as divinely mandated entitlement. Classical Islamic law similarly recognizes women's rights to own, sell, inherit, gift, and manage property in their own name, independently of male guardianship in ordinary civil matters (Ahmad, 2012; Ali, 2006). The relevance of Islamic legal foundations in Pakistan is not merely rhetorical. Arguments denying women inheritance, confining them to silence in cases of abuse, or treating paid work as morally suspect are often advanced in the name of culture, religion, or family honor. Yet many of these practices are better understood as social distortions than faithful expressions of Islamic normativity. Customs such as forcing women to relinquish inheritance, marrying them to the Qur'an, or substituting dowry for inheritance have no defensible basis in either constitutional law or mainstream Islamic doctrine (Ahmad, 2012; National Commission on the Status of Women [NCSW], 2006). The difficulty is that local power structures often blur the distinction between culture and religion in ways that render women's rights socially negotiable even when they are legally non-negotiable.

Hadith literature also places ethical duties on men in their treatment of women. A widely cited report in *Jami' al-Tirmidhi* states that the best among believers are those who are best to their wives (Al-Tirmidhi, 2007). These sources do not in themselves resolve contemporary institutional questions such as evidentiary procedure or administrative design, but they are important because they undermine the recurring claim that women's rights advocacy is somehow alien to Muslim social order. The constitutional and Islamic frameworks therefore converge on a central proposition: women are rights-bearing persons whose dignity, property, and agency are not contingent on male approval. That convergence is especially important in Pakistan because legal reform is often resisted by portraying it as foreign. A more accurate account is that many women-protective statutes reflect a constitutional elaboration of principles already embedded in Islamic norms of justice, anti-oppression, and entitlement. The persistence of rights violations despite this convergence suggests that the main problem is not normative deficiency but institutional failure.

6. Legal Architecture In Pakistan And The International Commitments That Shape It

Pakistan's legal architecture on women's rights is both broader and more complex than is often acknowledged. It includes constitutional guarantees, penal provisions, specialized statutes, provincial enactments, quasi-judicial institutions, and treaty commitments. The challenge is less the absence of legal text than the fragmentation of enforcement pathways and the social conditions that obstruct their use. The constitutional basis has already been noted, but it deserves emphasis that Articles 23, 24, 25, and 34 create both negative and positive obligations. The state must refrain from discrimination, but it must also take affirmative measures where women face systemic disadvantage. This is constitutionally significant because gender inequality in Pakistan is not simply the product of isolated wrongdoing. It is reproduced through family structures, labor markets, administrative procedure, and local power relations. A purely formal equality model is therefore inadequate.

In relation to property, Pakistan Penal Code provisions such as section 498A criminalize the deprivation of women from inheriting property, while section 498C criminalizes practices such as marrying a woman to the Qur'an to defeat inheritance claims (Pakistan Penal Code, 1860). These provisions are normatively important because they acknowledge that deprivation is often achieved by fraud, pressure, ritualized coercion, and manipulative family arrangements rather than by overt force alone. Yet criminalization, though symbolically powerful, has not eliminated routine denial of inheritance. A more targeted legislative response emerged through special enactments. At the federal level, the Enforcement of Women's Property Rights Act, 2020 was enacted to protect and secure the rights of ownership and possession of women's property and to establish an ombudsperson-led mechanism where no court proceedings are pending (Enforcement of Women's Property Rights Act, 2020). In Punjab, the Punjab Enforcement of Women's Property Rights Act, 2021 provides a province-specific framework enabling women deprived of property to seek relief before the Ombudsperson, who may call records, issue directions, and seek administrative implementation support (Punjab Enforcement of Women's Property Rights Act, 2021). These laws are significant because they accept that ordinary civil litigation often fails women through delay, cost, social intimidation, and procedural complexity.

In relation to workplace harassment, the foundational law is the Protection Against Harassment of Women at the Workplace Act, 2010. The Act was amended in 2022 to broaden the concept of workplace, extend protections to more categories of workers, and refine the understanding of harassment to include unwelcome sexual advance, sexually demeaning conduct, stalking, cyberstalking, and gender-based discriminatory behavior that creates an intimidating or hostile environment (Protection Against Harassment of Women at the Workplace Act, 2010; Protection Against Harassment of Women at the Workplace (Amendment) Act, 2022). The amendments were important because earlier understandings of workplace and employment relation were too narrow for contemporary forms of labor, including informal work, domestic labor, internships, freelancing, and service delivery across dispersed sites. Pakistan's international commitments reinforce these domestic norms. Pakistan ratified CEDAW in 1996, thereby undertaking to eliminate discrimination against women in public and private life and to adopt appropriate legal and institutional measures for that purpose (Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW], 1979). Pakistan is also a party to the ICCPR and ICESCR, both of which protect equality, dignity, and socio-economic participation. Although Pakistan has not ratified ILO Convention No. 190, that instrument remains a highly relevant benchmark because it is the first binding international treaty devoted specifically to violence and harassment in the world of work, including gender-based violence and harassment (ILO, 2019). Its importance lies in its broad understanding of work-related environments and the continuum between public and private forms of work-based abuse.

Global comparative indicators should not be read as complete representations of women's lives, but they are useful diagnostic tools. The WEF's 2024 report places Pakistan near the bottom of global rankings for gender parity (WEF, 2024). The World Bank's Women, Business and the Law 2024 profile for Pakistan records weak outcomes not only in legal frameworks but also in supportive implementation systems and expert perceptions of enforcement (World Bank, 2024a). These findings align with more sector-specific evidence. According to the Pakistan Demographic and Health Survey 2017–18, 34% of ever-married women had experienced spousal physical, sexual, or emotional violence, and 56% of women who had experienced physical or sexual violence had neither sought help nor spoken to anyone about it (National Institute of Population Studies [NIPS] & ICF, 2019; UNFPA Pakistan, 2024). The law exists; the legal subject often cannot safely use it. This is precisely the space in which ombudsperson institutions become relevant. They are not constitutionally peripheral. They are part of the state's attempt to operationalize positive obligations toward women

who face predictable forms of institutional exclusion. Whether they succeed is a separate question, but their emergence reflects an important doctrinal shift: women's rights are not adequately protected by general legal guarantees alone; they require specialized enforcement pathways.

7. The Ombudsperson As A Women-Centered Access-To-Justice Institution

The office of the ombudsperson in Pakistan must be understood both conceptually and functionally. Conceptually, the ombudsperson is a specialized accountability forum intended to address grievances through procedures that are more accessible and less formalistic than full-scale litigation. Functionally, in the women's rights context, the office seeks to counter three recurring failures of ordinary institutions: delay, intimidation, and institutional insensitivity. The ombudsperson model is especially important in societies where the social cost of asserting rights is high. A woman deprived of property by brothers or uncles does not confront only a legal problem; she confronts emotional pressure, family dependency, reputational risk, and, frequently, the threat of social isolation. A woman facing workplace harassment encounters similar layered barriers: fear of dismissal, humiliation, retaliation, reputational damage, and the internalized belief that reporting abuse will make matters worse. A forum that allows simpler filing, in-camera proceedings, quicker timelines, and fewer procedural hurdles can therefore alter the practical meaning of rights.

Under the workplace harassment law, a complaint may originate before an internal inquiry committee or proceed before the ombudsperson through the statutory appellate and adjudicatory structure. The law provides penalties ranging from censure and withholding of increment to compulsory retirement, removal, dismissal, and fine, with appellate recourse to the ombudsperson and then a representation to the Governor in relevant jurisdictions (Protection Against Harassment of Women at the Workplace Act, 2010). The strength of this framework is that it recognizes harassment as both a rights violation and an employment-governance issue. It aims not merely to compensate victims but to change workplace culture through institutional accountability. The 2022 amendments materially improved the statutory framework by expanding the definition of workplace and bringing within its ambit categories of workers and work environments that had previously remained vulnerable at the margins of formal employment law. This matters in Pakistan because a large number of women work in informal, precarious, or socially unrecognized conditions where harassment is common and reporting structures are weak. The broader statutory language now better reflects the reality that harassment can occur in offices, educational institutions, courts, transport routes, digital environments, private homes where work is performed, and other sites linked to the world of work (Protection Against Harassment of Women at the Workplace (Amendment) Act, 2022; ILO, 2019).

In the property sphere, the ombudsperson model responds to a different but equally serious problem: women's exclusion from the economic base of citizenship. Women deprived of inheritance are not merely denied assets; they are denied bargaining power, economic security, and freedom from dependency. Under the federal and Punjab property rights statutes, the ombudsperson can address deprivation through a summary and more focused procedure than ordinary civil suits. This is institutionally valuable because revenue records, mutation entries, family settlements, and possession disputes are often manipulated in ways that are formally technical but substantively coercive (Punjab Enforcement of Women's Property Rights Act, 2021; Transparency International, 2023). The ombudsperson's practical advantages are clear. First, the forum is cheaper and procedurally less burdensome than ordinary courts. Second, confidentiality protections in harassment matters are particularly important in a context where exposure itself may deter complaint. Third, specialized handling can generate expertise and sensitivity that generalist institutions often lack. Fourth, the visibility of the office can itself create a signaling effect: women may be more willing to claim rights where they know there is a dedicated forum.

At the same time, the ombudsperson's design has limits. An ombudsperson can issue orders, but implementation often depends on other institutions employers, police, revenue departments, local administration, and sometimes courts. If those actors resist, delay, or treat ombudsperson decisions as optional, the system's practical authority weakens. The effectiveness of the office therefore depends not only on the quality of its adjudication but on the ecology of enforcement around it. The available judicial record suggests that the ombudsperson's authority has received support from superior courts. In *Muhammad Din v. Province of Punjab through Secretary Population Welfare, Lahore*, the Supreme Court refused leave and found no jurisdictional or procedural defect warranting interference with the ombudsperson-related decision. In *Raja Taveer Safdar v. Mrs. Tehmina Yasmeen*, the Supreme Court likewise declined to disturb the relevant order. In *Muhammad Saleem v. Government of the Punjab*, the Lahore High Court upheld the penalty imposed in a harassment matter (*Muhammad Din v. Province of Punjab*, 2023; *Raja Taveer Safdar v. Tehmina Yasmeen*, 2020; *Muhammad Saleem v. Government of the Punjab*, 2024). These cases matter because they strengthen the institutional legitimacy of the ombudsperson and indicate that the office is not operating outside the legal order but within a judicially recognized framework. The critical question, then, is not whether the ombudsperson is legally valid. It is whether Pakistan will adequately resource, publicize, and enforce the ombudsperson's work so that women experience it as a dependable forum rather than an exceptional or symbolic one.

8. Women's Property And Inheritance Rights: Law, Coercion, And The Role Of The Ombudsperson

Property rights are central to women's substantive equality because they shape economic security, mobility, bargaining power, and the capacity to exit abusive dependence. In Pakistan, the denial of women's inheritance is one of the clearest illustrations of the gap between normative recognition and lived exclusion. Constitutional law protects property. Islamic law mandates women's inheritance shares. Statutory law criminalizes certain forms of deprivation. Yet dispossession remains common. The constitutional basis is straightforward. Articles 23 and 24 recognize the right to acquire, hold, and dispose of property and protect persons from deprivation save in accordance with law. Article 25 forbids sex-based discrimination. Where women are excluded from inheritance on grounds of gender, family custom, or informal pressure, the violation is not only moral or religious; it is constitutional. The problem is that deprivation is often disguised through social forms that are harder to litigate than overt seizure. Women may be pressured to sign relinquishment deeds, excluded from mutation proceedings, told that dowry extinguished their share, symbolically married to the Qur'an, or persuaded that claiming inheritance will dishonor the family. These are methods of coercive normalization.

Islamic law directly contradicts these practices. The Qur'anic inheritance scheme recognizes women as heirs and specifies their shares under defined relational structures (Abdel Haleem, 2004, Qur'an 4:7, 4:11–12). The significance of these verses is often obscured in public debate by a narrow focus on numerical shares without appreciating their jurisprudential revolution: they transformed women from objects of succession into subjects of succession. In the Arabian context into which the Qur'an spoke, this was a profound redistribution of legal status. Contemporary denial of inheritance in Pakistan is therefore not a continuation of religious fidelity but a continuation of patriarchal resistance. Empirical evidence confirms the depth of the problem. Analyses drawing on the Pakistan Demographic and Health Survey 2017–18 indicate that approximately 97% of women did not inherit land or a house, demonstrating the severe distance between formal entitlement and actual transfer of property (Transparency International, 2023; NIPS & ICF, 2019). Earlier studies by the National Commission on the Status of Women and later work on Punjab have documented how inheritance denial is sustained by low awareness, manipulated documentation, social pressure, and procedural

barriers in land administration (NCSW, 2006; Punjab Commission on the Status of Women [PCSW], 2017; Ahmad, 2012). Gallup Pakistan polling in 2024 also reflected substantial public acknowledgment that women are often denied inheritance in practice (Gallup Pakistan, 2024).

This is where the property-rights ombudsperson mechanism becomes particularly significant. The traditional civil process is poorly suited to many women's inheritance claims. It is slow, document-heavy, costly, and often dependent on revenue records whose control may already have been captured by male relatives. Litigation can last years; in the meantime, a claimant may remain financially dependent on the very persons against whom she must proceed. The property-rights statutes attempt to address this by creating a specialized complaint mechanism through which a woman deprived of ownership or possession may approach the ombudsperson, who can seek records, inquire into deprivation, and issue directions for implementation (Enforcement of Women's Property Rights Act, 2020; Punjab Enforcement of Women's Property Rights Act, 2021). The institutional value of this mechanism lies not only in speed but in reframing the dispute. In the ordinary social imagination, inheritance disputes are often represented as private family disagreements. The ombudsperson model recasts them as rights violations that deserve public remedy. That shift matters because it changes the narrative from "family settlement" to "legal deprivation." It also makes it harder for state officials to hide behind the claim that such matters are too sensitive or private for intervention.

Still, the legal mechanism does not eliminate deeper barriers. Patriarchal norms remain powerful. In many families, a daughter who claims inheritance is depicted as greedy, disloyal, or manipulated by her husband. Economic dependence magnifies this pressure. Women lacking independent income may fear that a legal claim will destroy the support structure on which they rely. Rural women face additional obstacles when records are unclear, digitization is incomplete, or local officials are aligned with influential male claimants. Even where an ombudsperson decides in favor of a complainant, implementation may falter because revenue staff delay mutation, possession is resisted, or local influence frustrates execution. These realities show that women's property rights are not merely a matter of doctrinal clarity. They require an enforcement chain that includes awareness, legal aid, accessible filing, gender-sensitive revenue administration, reliable land records, and mechanisms for physical implementation of orders. The ombudsperson can trigger that chain, but the chain must exist. For this reason, women's inheritance should be viewed as an access-to-justice issue and not only as a family-law or succession issue. When women lack property, their vulnerability to domestic abuse, marital dependency, and economic exclusion increases. Property also has intergenerational effects: it influences children's education, women's bargaining position in the household, and capacity to withstand crisis. The denial of inheritance therefore reproduces broader gender inequality. Protecting women's property rights is not a narrow technical reform; it is central to redistributing legal and economic power.

9. Workplace Harassment, Gender-Based Violence, And The Continuum Of Exclusion

Workplace harassment is often treated as a discrete employment wrong, but a more accurate analysis situates it within a wider continuum of gender-based violence and gendered exclusion. Harassment does not arise in a vacuum. It flourishes where women's authority is doubted, their mobility is scrutinized, and their economic participation is treated as conditional. In such settings, harassment operates as a technique of discipline: it reminds women that entry into professional space may be tolerated only on male-defined terms. This interpretation is strongly supported by feminist legal scholarship. Catharine MacKinnon's foundational work argued that sexual harassment is not merely personal misconduct but a form of sex discrimination that enforces hierarchy in the workplace (MacKinnon, 1979). Her distinction between quid pro quo harassment and hostile work environment remains analytically useful because it shows that harm may occur either through explicit coercive bargaining or through a culture of humiliation, ridicule, and intimidation. In Pakistan, this insight is

particularly relevant because women frequently report environments in which comments, insinuations, gestures, surveillance, retaliation, and character attacks are normalized even where overt sexual propositions are absent.

The statutory framework reflects this broader understanding. The 2010 harassment law, especially after the 2022 amendments, defines harassment to include unwelcome sexual advances, requests for sexual favors, stalking, cyberstalking, sexualized or demeaning communication, and discriminatory behavior based on gender that creates an offensive or hostile working environment (Protection Against Harassment of Women at the Workplace Act, 2010; 2022 Amendment). This is important because it moves the law away from a narrow “sexual request” model toward a dignity-and-equality model. Evidence suggests that the need for such a framework is acute. Globally, the ILO, Lloyd’s Register Foundation, and Gallup estimated that more than one in five workers had experienced violence and harassment at work during their working lives (ILO et al., 2022). ILO Convention No. 190 responds to precisely this reality by defining violence and harassment broadly and by recognizing that such conduct can cause physical, psychological, sexual, or economic harm (ILO, 2019). Pakistan is not insulated from these patterns. The country’s poor ranking on economic participation and labor-force opportunity for women reflects the same structural dynamics that make harassment effective as a mechanism of exclusion (WEF, 2024; World Bank, 2024a). Studies of online spaces likewise show that women are disproportionately targeted by harassment, stalking, humiliation, and intimidation in digital environments, which increasingly overlap with work, public speech, and civic participation (Pew Research Center, 2021).

Pakistan-specific evidence is equally troubling. Surveys and advocacy reports repeatedly indicate that harassment is significantly underreported because women fear disbelief, retaliation, career stagnation, social stigma, and reputational attacks. UNFPA Pakistan, relying on the PDHS 2017–18 and related evidence, notes that more than half of women experiencing violence do not seek help or disclose it (UNFPA Pakistan, 2024). User-based and civil-society reports also suggest that women often do not classify public or workplace harassment as a legally cognizable wrong, which means that normalization itself becomes part of the enforcement problem. When women are told by families to ignore abuse in order to preserve “respectability,” the law’s existence does not immediately alter behavior. Gender-based violence outside the workplace reinforces the same structure. The World Health Organization has estimated that roughly one in three women globally experience physical and/or sexual violence in their lifetime (WHO, 2021). UNODC and UN Women have further documented the continuing global crisis of gender-related killings of women and girls, often within intimate or family settings (UNODC & UN Women, 2023). In Pakistan, the PDHS 2017–18 found substantial levels of physical, emotional, and sexual violence among ever-married women, with vulnerability higher among women with less education and women in multidimensional poverty (NIPS & ICF, 2019). More recent provincial reporting continues to show serious weaknesses in accountability. A 2025 provincial analysis published through institutions linked with the National Commission on the Status of Women documented large numbers of rape, domestic violence, abduction, and so-called honor-killing cases alongside disturbingly low conviction patterns (NCSW & NGDP, 2025). SSDO’s 2024 reporting on Punjab similarly highlighted the large number of cases and the minimal proportion ending in convictions (SSDO, 2025). The precise numbers may vary by reporting source and period, but the pattern is clear: legal prohibition is not translating into reliable accountability.

The ombudsperson’s importance in harassment matters lies partly in procedure and partly in symbolism. Procedure matters because the forum can maintain confidentiality, conduct in-camera proceedings, receive complaints in a comparatively user-friendly manner, and apply a specialized statutory framework. Symbolism matters because a dedicated forum communicates that harassment

is not a private inconvenience but a public wrong. Where women know that an institution exists specifically to hear such complaints, the social threshold for reporting may lower. Yet the ombudsperson model cannot bear the entire burden of reform. Internal inquiry committees are often weak, biased, or poorly trained. Employers may treat anti-harassment compliance as a formal requirement rather than a governance priority. Women in informal work or precarious employment may still hesitate to complain. Digital abuse, including cyberstalking and coordinated harassment, creates new evidentiary and jurisdictional challenges. In some cases, the law itself is mischaracterized as a threat to organizational authority rather than a protection of workplace integrity. These responses reveal a deeper tension: anti-harassment law seeks to democratize professional space, while entrenched institutional cultures resist that democratization. The most persuasive reason to defend and strengthen ombudsperson-led harassment redress is therefore not that it solves the problem, but that it creates a viable site from which women can begin to contest it. In a legal system where underreporting and attrition are endemic, even that is a significant achievement.

10. Enforcement Deficits, Institutional Fragmentation, And The Limits Of Formal Reform

The central weakness in Pakistan's women-protective legal framework is enforcement. Formal rights have expanded more rapidly than the administrative, social, and institutional conditions necessary for their realization. This creates a legal order that appears progressive in text but inconsistent in effect. Several forms of enforcement deficit can be identified. The first is informational. Many women do not know the content of the laws that protect them or the forums available for redress. This is especially acute in rural areas, among women with low literacy, and where rights language is monopolized by male intermediaries. The second deficit is procedural. Even where rights are known, the path to enforcement may involve legal drafting, document collection, transport costs, confrontation with officials, and repeated appearances that are difficult for women with care burdens, restricted mobility, or financial dependence. The third deficit is cultural. Women claiming rights are often framed as disruptive, disobedient, immodest, or manipulated by external forces. The fourth deficit is institutional. Police, employers, revenue staff, and lower-level administrators may treat women's complaints as low priority, socially inconvenient, or negotiable. The fifth deficit is remedial. Orders may be made but not effectively implemented.

These deficits interact. A woman who faces workplace harassment may already fear reputational damage, so a delayed or dismissive institutional response confirms that fear. A woman claiming inheritance may already rely on male relatives for residence or income, so an unresponsive revenue officer can make the exercise of rights practically impossible. That is why low reporting and low conviction are not separate phenomena; they are linked manifestations of weak rights architecture. The ombudsperson mitigates some of these deficits but cannot erase structural inequality. It can simplify filing, shorten timelines, and create a more respectful environment. It can also produce jurisprudential clarity by consistently treating certain harms as rights violations. But it still depends on a wider state machinery. In property cases, revenue implementation is indispensable. In harassment cases, employer compliance and appellate respect matter greatly. In both areas, police and courts remain relevant where coercion, retaliation, or contemptuous non-compliance arise.

There is also a broader governance issue. Pakistan's women-protective institutions often operate in silos. Commissions on the status of women, ombudsperson offices, labor departments, police, prosecution services, revenue officials, legal aid providers, and courts may all address overlapping aspects of women's rights, yet coordination is frequently weak. This fragmentation increases the burden on complainants, who must navigate multiple offices rather than a coherent justice pathway. The result is an access-to-justice gap hidden inside an apparently rich institutional landscape. A further limitation is that formal reforms sometimes overestimate the capacity of law to change social behavior by declaration alone. Laws against harassment and inheritance deprivation are necessary,

but they do not automatically transform the social meanings attached to women's autonomy. Where family honor remains tied to women's silence, or where male workplace authority remains culturally normalized, enforcement requires more than statutory text. It requires education, repeated public messaging, administrative example, and visible penalties for violation. In other words, law must be socially translated. This does not justify pessimism. It supports a more realistic model of reform. Women's rights enforcement in Pakistan improves when legal norms are supported by specialized institutions, public awareness, documentation systems, and judicial reinforcement. The cases upholding ombudsperson decisions are therefore important not only for individual outcomes but for signaling that women-protective forums are legally serious. Likewise, digitization of land records, better complaint tracking, and secure evidence systems can help reduce manipulation. But none of these reforms is self-executing. They require continuous investment.

11. Comparative Perspective And Recommendations For A Stronger Ombudsperson-Based Enforcement Model

Comparative experience is useful not because Pakistan can import foreign systems wholesale, but because it reveals institutional design principles. Jurisdictions that have made greater progress in women's rights enforcement generally combine four features: clear rights articulation, specialized complaint mechanisms, reliable data systems, and consistent implementation follow-through. These are precisely the areas in which Pakistan remains uneven. International norms also provide useful benchmarks. CEDAW requires states not only to prohibit discrimination but to adopt measures capable of eliminating it in practice (CEDAW, 1979). ILO Convention No. 190 emphasizes broad workplace coverage, prevention duties, complaint and dispute-resolution mechanisms, victim support, and protection from retaliation (ILO, 2019). The World Bank's contemporary approach under Women, Business and the Law is especially relevant because it distinguishes among legal frameworks, supportive frameworks, and practical realization; Pakistan's weaker scores on the latter two dimensions underscore that statutory enactment alone is insufficient (World Bank, 2024a). The lesson is that rights need institutions, and institutions need implementation systems.

For Pakistan, the first recommendation is to strengthen the ombudsperson's enforcement interface with other agencies. Orders relating to women's property should trigger time-bound obligations on revenue officials, local administration, and police assistance where required. Non-compliance by public officials should attract administrative consequences. In harassment matters, employer failure to constitute inquiry committees, implement orders, or protect complainants from retaliation should invite sanctions more consistently than at present. Second, complaint systems should be digitally integrated. A secure and searchable case-management platform for ombudsperson offices would improve transparency, reduce delay, facilitate data analysis, and help identify patterns by sector, district, and type of violation. Digital filing should not replace physical access, but it should widen it. Women in remote locations, women with disabilities, and women constrained by mobility would benefit from hybrid complaint pathways. Digitization is especially important for property complaints, where documentary trails and revenue records are often decisive.

Third, public legal education must move beyond one-off awareness campaigns. Women's rights information should be embedded in schools, community outreach, labor compliance training, bar association programs, and local government communication. Religious and community leaders should also be engaged carefully but directly, particularly on inheritance, to counter the misuse of religious language against women's claims. Because Islamic sources strongly support women's property and dignity rights, awareness efforts should not cede interpretive authority to patriarchal custom. Fourth, legal aid and psychosocial support should be linked to ombudsperson procedures. Many women do not need only legal information; they need safe accompaniment through a process

that may expose them to family retaliation, economic pressure, or workplace hostility. A rights forum is most effective when complainants are not left to navigate its aftermath alone.

Fifth, data quality should improve. National and provincial institutions should publish regular, disaggregated, methodologically clear reports on complaints, dispositions, implementation rates, time to disposal, appeals, and sectoral trends. Current public discourse often relies on sporadic statistics that are either not updated or not easily comparable across sources. Better data would improve policy design and public accountability. Sixth, judicial reinforcement should continue. Superior courts should remain attentive to the statutory purpose of ombudsperson institutions and resist interpretive approaches that re-formalize or narrow these remedial frameworks. When courts uphold carefully reasoned ombudsperson decisions, they contribute to a larger culture of enforceability. Finally, the ombudsperson should be recognized as part of a constitutional equality project rather than a peripheral grievance body. Women's rights violations in Pakistan are not episodic anomalies; they are patterned harms. An institution designed to address patterned harms deserves structural support, professionalization, and integration into broader justice reform. That insight also resonates with the commitments articulated by Pakistani leadership in international women's forums, including Benazir Bhutto's call at Beijing for a world free from the exploitation and maltreatment of women (Bhutto, 1995). It likewise reflects the broader international understanding that women's rights are not a special-interest concern but a collective democratic responsibility (Annan, 2002).

12. Conclusion

The role of the ombudsperson in upholding women's rights in Pakistan is both practical and constitutional. Practical, because it offers women a forum that is often more accessible, confidential, and responsive than conventional litigation. Constitutional, because it helps operationalize the guarantees of dignity, equality, work, and property embedded in Pakistan's legal order. The paper has argued that the real crisis in Pakistan is not the absence of legal norms but the weakness of their realization. Islamic law, constitutional law, and statutory law all recognize women as independent rights-bearing persons. Yet inheritance denial, workplace harassment, and broader gender-based violence continue because social power, administrative weakness, and institutional fragmentation obstruct enforcement. The ombudsperson cannot, by itself, eliminate patriarchy or cure all enforcement failures. But it can play a decisive role in narrowing the distance between law on the books and law in action. That role becomes most effective when supported by implementation mechanisms, public education, reliable data, digital administration, and judicial respect. Women's rights in Pakistan will not be secured by symbolic commitment alone. They require institutions that women can actually use, remedies that can actually be implemented, and a legal culture willing to treat gender injustice as a matter of public seriousness. The ombudsperson is one of the few institutions already positioned to do that work. It should therefore be strengthened, not sidelined.

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