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A New Vision for Enhancing Women's Leadership Role in Higher Education Decision-Making

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Abstract

Legal issues of gender equality and the principle of inadmissibility of discrimination against women in all spheres of life are becoming relevant worldwide, including in the Republic of Kazakhstan. This study aims to show ways to enhance the role of women in the higher education system, which is necessary to implement the principle of real equality in relationships with men, the principle of fair distribution of managerial positions without gender discrimination, and the implementation of leadership activities by women due to their managerial potential. To achieve this goal, the authors have researched this topic in a comparative legal format, comparing the practice and legal peculiarities of Kazakhstan and some developed countries. We used logical analysis, comparative legislative analysis, legal analysis, and legal forecasting. Kazakh legislative acts that promote the expansion of women's rights while enhancing the role of women in higher education were analyzed. The practical results of the study consist in the formulation and justification of organizational and legal ways to increase the leadership role of women in higher education in the Republic. The scientific novelty lies in the previously unexplored topic of gender equality in the higher education system of Kazakhstan from a legal viewpoint. The conclusion about gender asymmetry should encourage other researchers to study this problem on a larger scale and deepen the understanding that only clearly, competently, and equally selected leaders of both sexes can positively influence the accelerated development of the higher education system and ensure the actual competitiveness of Kazakhstani universities and their graduates.

1- Introduction

The first institutes and universities in Kazakhstan began to appear in the 1920s and 1930s. Among the first were the Abai Kazakh Pedagogical Institute (1927) and then the Kazakh State University (1934). To the beginning of the 1940s, twenty universities functioned in the Republic. In 1939, there were already 6.6 thousand women in Kazakhstan who had completed higher education. In the post-war years (1946–1950), the higher education system trained 14,000 specialists for the national economy and culture of the Republic.

Whereas in the 1965/1966 academic year, there were 41 universities in Kazakhstan, which trained more than 163,000 students, in the 2023/2024 academic year, there are 112 higher educational institutions in the Republic, where more than 592,000 students learn: among them, women make up 53% [1]. Because of the significant number of women studying at Kazakhstan's universities, we have and will continue to have a reserve of women to work in research and higher education.

Keywords:

Higher Education; Women's Leadership; Leadership Position; Gender Equality; Decision-Making; Electivity; Kazakhstani Universities.

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During the 70-year existence of the USSR, with Kazakhstan being a Republic thereof, it was believed that the rights of members of Soviet society were in complete order, and there were no problems with equality of men and women. Human rights problems, including gender problems, have begun to arise in connection with Kazakhstan's transition to a democratic path of development since 1991, in connection with a real and in-depth study of the equality of men and women, which revealed an imbalance in their relationships. This problem must be solved in all areas, including in higher education, which we do in this article. In recent years, some articles have been published in Kazakhstan dealing with the annulment of asymmetry in gender relations, which are considered mainly in the light of pedagogical, psychological, and sociological sciences [2, 3]. However, issues of gender relations in Kazakh society have never been studied in Kazakhstan from national and international legal viewpoints. Hence, our study fills this gap in the literature.

In recent decades, Kazakhstani women possessing knowledge, skills, abilities, and experience have been quite widely represented in science and higher education. In accordance with the Government Decree of Kazakhstan of March 28, 2023 No. 248, which approved the Concept for the development of higher education and science in Kazakhstan for 2023-2029, the share of women doctors of science was 54% in 2021 [4-6]. This is shown in Figure 1:

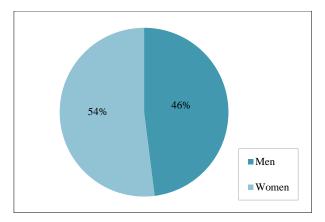


Figure 1. Share of women among Doctor of Science in Kazakhstan

According to the Ministry of Science and Higher Education of the Republic of Kazakhstan, its universities and research institutes have a considerable proportion of female scholars in the medical sciences (71%). No less significant is their number in the social sciences (62%). The contribution of women is noticeable in the development of the humanities (59%). In the natural sciences, the number of women makes up more than half of the number of scientists in the country (53%). Women scholars strive to keep up with men in sciences traditionally mastered by men. Thus, in the agricultural sciences, women researchers make up at least 45%. There is almost the same number of female scientists in engineering and technology (44%) [4-6]. Note that women scientists are involved in teaching activities to a greater extent than in laboratory and research activities [4]. The diversity of women's scientific activities can be seen in Figure 2:

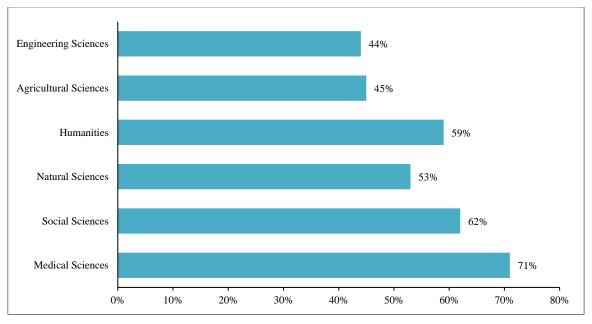


Figure 2. Female scholars in the areas of science (%)

Digitalization is the most important trend in the development of modern human society, along with gender equality. The latest digitalization technologies are rapidly invading the field of higher education. In some countries, including Kazakhstan, digitalization is currently mastered by men to a greater extent. Women managers, along with their male colleagues, should encourage ordinary researchers, both women and men, to introduce digitalization into all areas of educational and scientific work, create innovative teaching methods based on information data and adaptive learning platforms, integrate technologies, and provide robotization in all areas of higher education [7, 8]. Despite the quantitative predominance of women in a number of areas of higher education and science in Kazakhstan, it should be emphasized that "the proportion of women in senior positions in higher education at leadership positions was 21% [9].

2- Research Questions

The above determines the research question in this study—the problem of a lack of due equality between women and men when they occupy positions that would allow women to participate in making actual managerial decisions in higher education, in the country's universities. Another research question relates to the organizational-legal features of enhancing the role of women leaders in higher education in Kazakhstan and their impact on the accelerated and positive development of education.

The following tasks could help answer the following research questions:

- 1) What conditions should be created by legislation for women to have additional legal and real rights and opportunities to occupy leadership positions in higher education?
- 2) How can we combine the election of women to leadership positions in the system of higher education and the consideration of their performance in a meritocracy?
- 3) How to motivate women's desire to become leaders in the country's higher education sector?
- 4) What new Kazakh laws, regulations, and international conventions on the expansion of women's rights should be adopted in the future to establish conditions for them to advance their careers from one leadership position to another?

Nowadays, it is necessary to draw attention to the qualitative aspect of the issue. Only achieving quality indicators will lead us to an actual enhancement of women's role in Kazakhstan's higher education.

It should be noted that within the framework of this study, concepts such as "the role of women in the higher education system" and "the number of women in the higher education system" are converging. The concepts of role and quantity are different. Due to the traditional way of life in Kazakhstan, women in a practical sense may be limited in their ability to hold a leadership position or build a scientific career. However, in practice, women may experience significant household burdens that require time and effort that, accordingly, do not remain for a career as a scientist or manager. Overcoming such a problem is beyond the scope of this study and, in general, relates to issues of urbanization of society and improving the standard of living in a particular country. In this article, we can raise the question of ensuring quantitative equality between men and women in one area (higher education, in this case) and in such an extensive way as to give weight to the role of women.

In connection with the above, this study proposes organizational and legal methods for solving all four tasks of the formulated research questions.

3- Historical Framework

The theme of this study covers the periods from the 1920s to the 1930s; from the 1940 to the 1980s; and from 1991 (year of independence) to the present. However, it should be stressed that the research topic has been studied primarily within the modern period. In the first period, the first republican universities and institutes were established in the history of Kazakhstan: Kazakh Pedagogical Institute began to function in 1927, and in 1935, it was named after Abai. In 1929, a veterinary institute was opened in Almaty, and in 1930, an agricultural institute began to operate. In Alma-Ata, a medical institute was opened in 1931. In 1934, the first admissions of students to new universities took place: the Metallurgical Institute and the S. Kirov Kazakh State University (now - Al-Farabi Kazakh National University). The right of girls and women to be admitted to universities became the slogan of the period: it was from among the graduates of these universities that an environment gradually began to form, which enabled the first teachers and scientists, including women, to take the stand at the audiences of Kazakhstan's higher institutions.

The second period was marked by the fact that Kazakhstan's women began to occupy the positions of rectors of higher educational institutions: T. Myrzabekova, the first female rector in Kazakhstan's history, was the president of the Kazakh National Women's Teacher Training Institute (from 1945 to 1959). Since the 1950s, Kazakh women have

been showing leadership qualities at the republican level. Thus, in 1955, B. Bultrikova became the Minister of Labor of the Kazakh SSR (Soviet Socialist Republic). In 1966, she held the position of Vice Chairperson of the Council of Ministers of the Kazakh SSR and was simultaneously the Minister of Foreign Affairs. From 1971 to 1974, she was entrusted with the post of Minister of Education of the Republic.

The last modern period has many peculiarities. First, an additional number of higher educational institutions appeared that were supposed to satisfy the needs of a market economy. Second, the market itself began to influence the higher education system: private universities emerged. State universities that existed since Soviet times received the right to practice elements of commercial activities in the educational process and science. The third feature of the period was the gradual inexorable destruction of gender asymmetry in relation to the occupation of leadership positions in the higher education system of Kazakhstan in favor of women. If in 2000, 2005, and 2010 the number of female heads of universities was 5, 6, and 7 people, respectively, then 2020 became special because 23 women became presidents of universities, then there were 24 in 2021 and 25 in 2022 [10].

The question arises: why did the quantitative "explosion" in the number of female rectors occur in 2023? First, today the state has begun to pay significant attention to expanding rights on gender issues. Whereas, over the entire period of existence of universities in Kazakhstan (63 years) in Soviet times, the state gave women the right to occupy the position of a university rector seven times, from 1991 to 2022 (during 30 years of independence), nine women occupied rector positions. In 48 national universities, nine women could become rectors [11]. Here, as we see, the number is greater, and this number was achieved during a period reduced by half. Second, it must be considered that Kazakhstan's citizens (women), according to Article 5 of the Kazakhstan Law of April 10, 1993 "On Higher Education", gained the right to choose, according to which they could become rectors themselves, by establishing private universities on their own. This is evident from the fact that today, 16 out of 64 private universities are headed by women [12].

During the period under review, in 13 ministerial appointments, three women were given the honor of becoming Ministers of Science and Education. That is not a lot. However, compared to the period from the 1920s to 1991, when not a single woman was offered the position of Minister of Higher and Vocational Education of the Kazakh SSR, the previous indicator looks quite positive. Nevertheless, we believe that gender equality in this matter should be established in the near future without discrimination by gender.

The fourth peculiarity of this period was the intensive legislative regulation of the development of modern higher education. This was expressed in the adoption by the legislator of Kazakhstan "On Higher Education" (1993), "On Education" (1992), the current Law "On Education" (2007), "On Science" (2011), "On commercialization of the results of scientific and (or) scientific and technical activities" (2015) with subsequent amendments and supplements. More than 100 women deputies of the legislative body of Kazakhstan (Mazhilis and Senate of Parliament) of all six convocations (from 1996 till present), mainly specializing in solving social issues, have made significant efforts to develop and adopt the above laws on higher education and science.

4- Literature Review

In Kazakhstan, few studies on the analyzed subject have been published. In particular, we can mention a publication by Yessentay et al. [13]. This study analyzes the problems of general gender approaches to higher education in Kazakhstan. Specialists in Kazakhstani pedagogical science, Mynbayeva et al. [14], analyzed various leadership styles, mainly of rectors of higher educational institutions in Kazakhstan. They note qualities of university leaders as follows: "(1) consistent determination, (2) honesty, (3) courage, (4) persistence, (5) ambition, (6) creativity, (7) imagination, (8) inquisitiveness, (9) originality", which allow them to manage a higher educational institution at the proper level.

Aksit & Salimzhanova [2] (researchers from Turkey and Kazakhstan) analyzed educational issues related to gender scientific studies in sufficient detail. In completing their analytical study, these authors, in particular, came to the following important conclusion: "Most gender courses taught in Kazakhstan are based on sociology, psychology, and political issues. In general, gender courses (gender studies and related disciplines) in Kazakhstan are aimed at promoting gender equality, raising awareness of gender issues, and addressing gender-related social problems" [p. 25]. Sociology-based gender issues are important to us because in the section "Research Methodology" we show that we used an interesting sociological method as one of the research methods.

Women leaders, according to Kazakh scientists Lipovka et al. [3], are more likely to have the following qualities than their male colleagues: ability to listen and be aware of the opinions of others, willingness to help others, willingness to interact, "soft" conflict resolution, thoughtful preparation of staff for changes, creation of a comfortable working atmosphere and a focus on maintaining a stress-free environment" [3]. The above observations can be fully applied to women leaders in higher education and science.

Russian scientific literature includes profound scientific studies on the problems of the women's role in the higher education sphere. In particular, Kryshtanovskaya et al. [15] focused on the problems of the role and status of female

rectors in the country's universities. Yurevich et al. [16] explore leading approaches and concepts, principles, methods, and technologies that characterize the specifics of the managerial activity of a manager, the leader of an educational organization, including women. The cited publications examine gender issues in the light of sociology and pedagogy. Western literature on the topics analyzed in this article is represented by the research of Eliadis [17] (USA) on women and leadership in the system of higher education. Preymann et al. [18] (Austria) are engaged in research on leadership in higher education. Fritz & van Knippenberg [19] studied general issues of women's leadership in management [19] (Netherlands). The Western scientific publications cited here cover issues of women's leadership primarily from the perspective of theory and practice of management and psychology. It can be stated that neither in Kazakhstan nor in other countries have the problematic issues of women's role in higher education have not been considered and analyzed from the standpoint of Kazakh law, comparative law, and international law. This determines the novelty of our scientific research.

5- Research Methodology

Primarily, we applied the method of the sociological survey and analyzed the responses. One hundred respondents answered the questions of a sociological survey on the topic "On legislative regulation to create conditions that promote women leaders in their career growth when filling leadership positions in higher education." The survey involved faculty members from different universities in Kazakhstan, of different ages, genders, with and without academic degrees, jurists, and non-jurists. Personal information was not revealed. The survey was conducted anonymously to provide more objective and frank answers to the questions posed in this sociological survey.

To the first question, "Does it make sense to legislatively regulate the creation of conditions enabling women leaders to occupy leadership positions in higher education?" with the proposed answers "yes" and "no", the following answers were given: 67 respondents chose the answer "yes", 32 chose "no" (they were against), and 1 person abstained. When formulating the second question: "If you are a supporter of legislative regulation of this issue, what name of the new Kazakhstan's law would you prefer?" The respondents were provided with three different answers: 1) "On the procedure for appointing persons to leadership positions in the higher education sphere"; 2) "On the procedure for electing candidates for leadership positions in the system of higher education"; 3) "On the mixed procedure for filling leadership positions in higher education." In addition, as a fourth answer, the respondents were asked to propose their own versions of the name. The majority of respondents preferred answer No. 2–40 votes; 31 respondents supported answer No. 1; 27 respondents chose answer No. 3; and three persons have not decided on their preferences.

On the basis of data from the Bureau of National Statistics of Kazakhstan for 2022, according to which the share of female rectors was 25 and the share of male rectors was 94, the third question was formulated about the appropriateness of the quota for women: "Do you think it correct to include a rule on the need to introduce a quota for women in top management positions in the system of higher education into the above-mentioned law? If so, what should be the percentage of such a quota, in your opinion?" The answer contained four options: 20%; 25%; 30%; and other (%). Respondents expressed their greatest preference by emphasizing the "30%" option (the third answer option), whereas 15 people preferred the first answer option, 26 people supported the second option, and 29 people chose the fourth option.

The fourth question raised the idea of the advisability or inappropriateness of taking into account meritocracy in relation to women wishing to take part in elections within the quota: is it necessary to formulate in the law a rule on taking into account meritocracy indicators of candidates from among women leaders applying for a leadership position within the quota as indicators of competencies, knowledge, abilities, and organizational talents. The answer contained two options: "yes" and "no": the respondent was asked to choose one answer within this alternative. In addition, in the same answer, the respondent was asked to write down what other indicators of meritocracy, in their opinion, additionally need to be included. The final answers were as follows: 81 respondents emphasized the "yes" answer, while only 19 respondents chose the "no" answer.

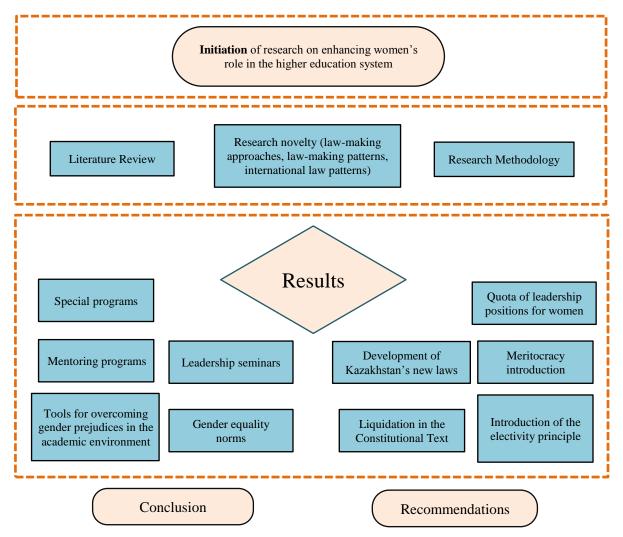
The fifth question was formulated in such a way as to determine the respondents' opinion regarding the election procedures. This follows from the content of this question: "Do you consider it necessary to include in the law standards on the procedures for electing candidates for the relevant leadership position in the field of higher education, and if so, on what principles?" The answer suggests choosing one of three options: 1) on the principle of voting secrecy (through computer voting); 2) on the principle of secrecy of voting (through paper ballots); 3) on the principle of open voting. A count of respondents' opinions showed that 40 respondents preferred the secret ballot principle (via computer voting) (answer No. 1), and the same number of respondents chose the principle of open voting (answer No. 3). Answer No. 2 (secrecy of voting principle (via paper ballots) seemed to be correct for 20 respondents. We, the authors of this article, give preference to the secret ballot principle (via computer voting) (answer No. 1) because we consider secret voting more preferable because open voting does not exclude pressure from top management on

ordinary members of the team during the election process. The final question was described as follows: "What additional norms would you like to introduce into this Kazakhstan's law?" Unfortunately, there were no answers to this question.

The essence of the sociological survey is that the opinions of a sufficiently large number of professionals make it possible to actually initiate before the Kazakh legislator the need to develop a sociologically surveyed legislative act "On legislative regulation to create conditions that promote women leaders in their career growth when filling leadership positions in higher education". The adoption of this law would significantly expand the scope of the rights of women leaders wishing to occupy relevant management positions in the system of higher education.

In accordance with the method of logical analysis of laws and international conventions, it was possible to discover the advantages and disadvantages of the norms and provisions contained in the analyzed law documents and consistently link them to the content of this article. Based on the analysis of statistical data, the authors were able to show the presence of disparities in the occupation of leadership positions by men and women in the field of higher education, and they were able to demonstrate the quantitative composition of women and men in the universities, in the system of the Ministry of Science and Higher Education of the Republic. We turned, in particular, to the statistical data presented in the Concept for the Development of Higher Education and Science in Kazakhstan for 2023–2029, approved by Decree of the Government of Kazakhstan of March 28, 2023 No. 248, to data from the Bureau of National Statistics of Kazakhstan.

The comparative legal method helped researchers compare the situations of women occupying vacant managerial positions in higher education in Kazakhstan and some developed countries. Our findings provide an opportunity to identify and analyze shortcomings in the gender sphere of higher education in Kazakhstan and other countries. Using the analytical observational method, it was possible to develop recommendations for the future on improving the issues of Kazakhstan legislation and international agreements and conventions to increase the number of Kazakhstani women in leadership positions, enhancing their role in the higher education system of the Republic.



The progress of this study is illustrated in Figure 3.

Figure 3. Research flowchart

Forecasting should be considered as a process of scientific anticipation of events, facts, the adoption of new laws, including on issues of gender equality in higher education, based on information about gender asymmetry in occupying leadership positions in education, and prior and current laws on these issues in the present and past time [20]. To forecast the possible development and adoption of new Kazakh laws and international conventions on the subject of this study in the future, we used the following methods. First, we carefully studied quantitative statistics on the presence of women in leadership positions at universities, in specialized sections and departments of the ministries of science and higher education for compliance with gender balance. Then, we studied the norms of the Kazakhstan Law of December 8, 2009 "On State Guarantees of Equal Rights and Equal Opportunities for Men and Women", another Kazakhstan Law "On Education" dated July 27, 2007, norms of similar laws of some foreign countries, norms of international law, in particular, the Convention on the Political Rights of Women dated December 20, 1952, and the UNESCO Convention against Discrimination in Education of December 14, 1960. Second, comparing all these norms, we concluded that the legal norm and the state's obligation regarding the right of women to occupy high government positions found their place only in Article III of the Convention on the Political Rights of Women: "Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination." Third, we proceeded from the fact that despite Kazakhstan's ratification of this Convention on December 20, 1999, this international legal norm "does not work" in the Republic because the Kazakh legislator has not adopted a national law or a norm on this topic in the national law. Fourth, to enter into legal forecasting, we logically substantiated the need for the Kazakh Parliament to adopt a new law "On creating organizational and legal conditions for women to occupy high positions in all spheres of public administration," including in the higher education system.

Legal forecasting as one of the methods of scientific cognition began to be used in legal science relatively recently, but it has already started to bring tangible benefits to the country. It is in demand by learned lawyers and legislators as an indispensable instrument in theoretical and practical law-making activities. This method can be used in other countries that wish to ensure gender balance in occupying government positions.

5-1-Ethical Considerations

All participants were informed of confidentiality, the purpose of the study, and the voluntary nature of their participation. Participants were informed to withdraw from the study at any time.

6- Results

In addition to the subjective desire of a woman to work in the sphere of higher education and science of the country, the state and society need to provide assistance to all tens of thousands of women working in this field on a competitive and non-competitive basis, bearing in mind that women leaders prove themselves effectively in management.

Theoretical studies by Russian and Western scientists show that, as a rule, women leaders have a leadership style that allows them to creatively and innovatively solve problems that arise for the university and faculty. Moreover, they are characterized by the ability to encourage, support, and motivate people to solve the problems they develop. It is not less important that women leaders in the academic field often support and unite diverse opinions and views in the process of formulating, taking, and implementing decisions, which promotes the development of the faculty, university, and the entire branch as a whole and maintains the creative spirit of the team.

6-1-Means of Overcoming Gender Prejudices in the Academic Environment

Based on the fact that some gender prejudices in this country with its traditional way of life do not always contribute to the transition of women to leadership positions in the academic environment, we propose to introduce *mentoring programs* at faculties, universities, and ministries of higher education to train women in the intricacies of leadership work. It is also advisable to introduce specialized programs on the basis of which university management would provide organizational and financial assistance in raising children not only to a woman, but also to her spouse, even if he does not work in the field of higher education. The essence of mentoring is that women with solid experience in leadership work in the higher education sphere could mentor young women starting their careers to develop leadership qualities and the ability to solve problems that may arise in a team. Leadership seminars can play a crucial role in helping women master negotiation skills based on effective and competent communication and the ability to quickly resolve conflicts that arise between individuals and in teams.

Mentoring should not be a social burden. The profession of "mentor" should be included in the staffing table of an enterprise or institution. This position can only be filled by an experienced, competent, and communicative employee. The idea of "mentoring" could become the core of a separate Kazakh law. By-laws of the Ministry of Science and Higher Education and the universities of the country on this topic could significantly expand the rights and opportunities of those faculty members who would like to become heads of the relevant departments of universities, specialized ministries, and higher education departments.

6-2- Gender Equality in Higher Education as Exemplified by Foreign Countries

In the process of conducting a comparative legal analysis of Kazakhstani norms on ensuring gender equality when women occupy leadership positions with similar norms in other countries, we selected countries based on the criterion of having high world ranking indicators in the economy and, as a result, in education.

Of the 13 appointments between 1979 and 2021, only three women were appointed in the U.S. Secretary of Education: Hirley Ann Mount Hufstedler (1979-1981), Margaret Spellings (2005-2009), and Betsy DeVos (2017-2021). In the history of Germany, among the 14 appointments as Minister of Education, only five women were offered this position. The position of Minister of Education in Japan was held 44 times by men, and only four women held this position. In the citadel of democracy in France, there were 72 men as Ministers of Education, and only two women were honored with this position. In Singapore, in the process of 18 appointments to the position of Minister of Education, women were not appointed at all [21].

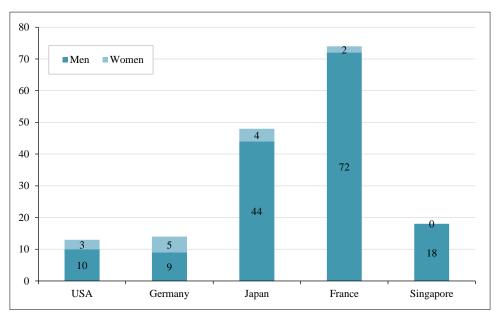


Figure 4. Ministers of Education in some countries (number of people)

Compared to the background of developed countries, the situation with the appointment of women ministers of education in Kazakhstan looks like the following: Sh.K. Berkimbayeva, Minister of Education and Science of Kazakhstan (2002-2003); B.S. Aitimova, Minister of Education and Science of Kazakhstan (2005-2007); K.N. Shamshidinova, Minister of Education and Science of Kazakhstan (2019). In the Kazakhstan's history of higher education, these three outstanding women have shown themselves to be worthy leaders of the education and science system of the country. They have made a major contribution to the development of higher education in the Republic [22].

Drew Gilpin Faust, history specialist, the first female president of Harvard University, USA (2007-2018) and so far, perhaps the only woman among the presidents, chancellors, and rectors of famous Western universities. Yale, Princeton, Stanford, and Chicago universities (USA) have never been headed by female scientists or professors. The University of Tokyo (Japan), the University of Toronto (Canada), the University of Rostock, the University of Stuttgart (Germany), and the University of Strasbourg (France) have been managed only by men. Over the course of many centuries, 36 heads of the University of Cambridge and 37 heads of the University of Oxford have not given women a chance to manage these universities. Even the University of Bologna (Italy), being the instigator of educational innovations in Europe and beyond, has not yet set a single positive example in the election (appointment) of the women leader of this university [23].

In the Kazakhstan's history of higher education, at least 25 women have held and are holding positions as rectors of higher educational institutions. There are academicians, honored figures of the Republic, government and public figures, and holders of orders and medals among them. All of them played and are playing an outstanding role in the development of the universities and higher education in the country. Although international scientists recognize the enormous role women play in various spheres, including education, science, and culture [24, pp. 704-705], the abovementioned data indicate that even modest Kazakhstani indicators of the number of ministers of higher education and university rectors exceed those in some developed states. In this regard, it makes sense for them to take a closer look at the experience of the Republic of Kazakhstan.

6-3- Convention on the Elimination of All Forms of Discrimination against Women (December 18, 1979)

Above, we cited world-famous universities, developed democratic states, which in the sphere of higher education, when appointing, electing to the position of the head of the country's education system, to the position of the head of a university, either do not pay attention to women at all, and if they consider women's candidacies, they do so quite rarely. Therefore, the question arises: is this approach a violation of these states' obligations to comply with the standards of the Convention on the Elimination of All Forms of Discrimination against Women dated December 18, 1979 [25]? Despite the fact that even the above developed countries have ratified international conventions on women's rights and have undertaken obligations to exercise their rights on an equal basis with men, these countries continue to implement a policy of discrimination against women in the higher education sphere, as clearly exemplified above.

Japan ratified the Convention on Discrimination against Women on June 25, 1985. Canada ratified it on May 19, 1976. Germany adopted a law ratifying this Convention on July 10, 1985. By ratification on December 14, 1983, France assumed obligations under this Convention. The United Kingdom ratified the Convention on May 20, 1976. According to articles 1 and 11 of the Convention, these states have undertaken to eliminate discrimination "against women in the field of employment in order to ensure, on the basis of equality of men and women, equal rights, in particular: (a) the right to work as an inalienable right of all people; (b) the right to equal employment opportunities employment, including the application of the same selection criteria for recruitment; (c) the right to freely choose a profession or type of work, to promotion and job security".

The United States has only signed, but not ratified, the analyzed international legal document. Iran, the United Arab Emirates, and Sudan have not signed nor ratified the Convention on the Elimination of All Forms of Discrimination against Women at all [25]. These four states have not made commitments under this Convention, and in this regard, they do not bear any responsibility for discriminating against women in their countries by gender when deciding on their admission to senior positions in higher education. The UN human rights committees and states need to put more rigidly the issue of the need for these and other states to sign and ratify all international conventions concerning women's rights.

Kazakhstan ratified the abovementioned 1979 Convention on August 26, 1998. The data presented for Kazakhstan show that the Republic, in accordance with these documents, strives to achieve improvements in the gender issue in higher education. However, these indicators need to be improved. Of the 41 appointments to the position of Minister of School Education, Education, and Higher Education over the more than 100-year history of education in Kazakhstan, only three women or 7.3% were afforded the honor of becoming ministers of higher education [26]. Whereas in 2000 there were 52 male rectors and women headed five universities, in 2022 there were 94 male rectors and 25 female rectors, or 26.5% [27].

Equality can be recognized as a valuable phenomenon, and at the same time, it should be underlined that a formal declaration of equality between women and men does not guarantee its practical implementation. In particular, the principle of equality based on international conventions does not work properly. Therefore, it is necessary to apply other legislative or practical means that would effectively oblige states to ensure the principle of gender equality, including in higher education. In particular, the authors of this study seek to develop draft laws for use in the field of higher education in Kazakhstan.

In this regard, we believe that we can and must achieve much greater results. For women to have more opportunities to occupy leadership positions as ministers of science and education, deputy ministers, heads of departments and offices, and their deputies in this area, it is necessary to abolish the principle of appointment to these positions and *introduce the principle of democratic electivity on the basis of competition without discrimination by gender and other signs*. Therefore, it would be desirable to introduce *into Article 3 of the Constitutional Law of the Republic of Kazakhstan "On the Government of the Republic of Kazakhstan" a rule on the introduction of the principle of electivity during the establishment and operation of the Ministry of Science and Higher Education*. Today, electivity trends are observed in relation to some universities, but these elections should be held under the Government's control.

It is advisable to elect each official of the Ministry, for example, science and higher education, by competition with at least two people from among the leaders in the official reserve. Based on the results of the competition for Minister's position, the President of the country signs a corresponding decree. Subordinate officials of the ministry can also be elected through competition using a similar scheme when the decision is signed by the Prime Minister. It is also advisable to elect rectors, vice-rectors, and deans of faculties from among those willing to occupy these positions. *Simultaneously, along with electivity, the principle of meritocracy must operate*, that is, considering and objectively assessing the merits of applicants for the relevant position. *With this formulation of the issue, Kazakhstani women working in higher education and science could freely and democratically apply and be elected to leadership positions in the system of higher education and science of the Republic.* The percentage of women in these positions would increase by an order of magnitude.

For actual implementation of these recommendations, it is necessary to expand the rights and opportunities of women leaders by including norms on the need to introduce the principle of proportional representation (gender symmetry) 50x50 in the governing bodies (boards of society, boards of directors, other bodies) of each university in the country. This principle should be established in the Kazakhstan law "On ensuring all rights of women and men, including political rights in full", duplicated in the regulations of the Government, the Ministry of Science and Higher Education, and the charters of all universities in Kazakhstan. Only with such an organizational and legal approach we can talk about the possibility of truly implementing an objective, fair gender policy in all matters in the higher education system, including in matters of electing women to high leadership positions.

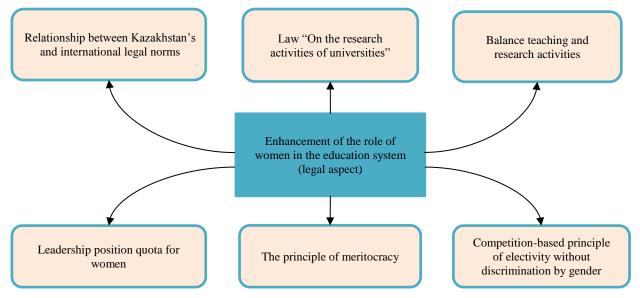


Figure 5. Enhancing the role of women in the education system (legal aspect)

From a general legal perspective, ways to increase the role of women in the higher education system of the Republic of Kazakhstan look like this in Figure 5.

6-4- Factors Encouraging Kazakhstani Women to take up Leadership Positions and Removing Barriers to their Path

There are several factors that encourage Kazakhstani women to occupy leadership positions in the higher education system. A significant factor is that many Kazakhstani women have a high level of education: this is a favorable condition for them to be in fairly high leadership positions. Other factors enabling women are the moral and organizational support of the educational institution and society in which they work and live and the active participation of women themselves during their promotion to leadership positions.

It makes sense to show this by using the example of women occupying ministerial positions in the history of modern Kazakhstan. Among the 30 ministers in 1991, the first year of independence of sovereign Kazakhstan, there were two women ministers, which amounted to 6.6%. This is the lowest percentage in the entire 30-year history of contemporary independent Kazakhstan [28]. There was a gradual increase in the number of women as the head of ministries in humanitarian and cultural areas. For example, three women held the positions of Ministers of Education and Science of the Republic of Kazakhstan at different times. Thus, in the period from 2018 to 2022, with an average of 19 ministers, two ministers were women [29], which was 10.5%. Further, the logic of the development of this issue led to the fact that in 2024, the Government of 27 members included four female ministers [30], which resulted in their increase by 14.8% [31].

The steady increase in Kazakh women in ministerial and other high leadership positions in the fields of culture, education, labor and social protection, sports, and tourism was driven by the gradual predominance of Western liberal views on family issues and the status of women in Kazakh society; raising awareness among members of society about women occupying many high positions in other developed countries; the gradual elimination of the stereotype in society that it is preferable for women in the civil service to be entrusted with executive rather than managerial functions; and a gradual shift away from the stereotype that women should only work in mass-traditional areas in lower positions (medicine, education).

Factors such as the double burden of women in service and domestic work, which is also unpaid, difficulties in combining solutions to problems of a service-managerial and family nature, and the lack of systems for training women in managerial leadership, contribute to an increase in gender asymmetry. The absence of women's political parties in Kazakhstan and other Central Asian states aggravates gender asymmetry. Meanwhile, in 50 countries

worldwide, there are at least 99 women's (feminist) political parties, which help women make significant progress in obtaining leadership positions in many spheres of society, including in the higher education system. To begin with, Kazakhstani women could create women's sections within the political parties already functioning in the country. Gender asymmetry is not decreasing either because society continues to consider as the norm the existence of a socio-cultural stereotype that a man should occupy a leadership position in society and the family. The same stereotype exists within the civil service, where leadership functions are 90% delegated to men; there is also a stereotypical association that women in the education and healthcare systems should be engaged in executive functions, and leadership functions should be transferred to men.

Kazakh education experts, namely Kuchumova [32], studying teachers' career advancement at private universities in Kazakhstan, concluded that for their promotion, the indicators of teachers' scientific activity are mainly regarded, whereas their teaching performance indicators are practically not considered. In this regard, they insist that the indicators of teaching activity should be placed at the forefront of their professional development, including leadership and growth [32, 33]. While supporting such recommendations in general, we propose to formalize these recommendations in the form of norms of the Law of the Republic of Kazakhstan "On Education". If the legislator adopts such norms, they will become mandatory throughout the country.

7- Discussion

As is known, the share of women rectors in the Republic is only 26.5%, the share of women as deputy rectors is approximately 22%, and the share of women ministers of higher education is 7.3%. According to UNESCO, less than 30% of women hold leadership positions in higher education in Kazakhstan. Many women work in higher education, but, as we see, there are few of them in leadership positions in which they can make responsible decisions [32, 33].

In the text of the current Kazakh Constitution, there is no direct norm dedicated to the equality of men and women. When there is no constitutional guarantee for the protection of women's rights, it is very difficult to solve the issue of increasing the role of women in the decision-making process in the state. Therefore, jurists may apply to the Constitutional Court of Kazakhstan, the President of Kazakhstan, to eliminate this gap in the Constitution. The inclusion of the proposed recommendation in the main law of the country would lead to the development and adoption of a number of new Kazakhstan laws to protect the rights of women, including their right to occupy managerial positions in the system of higher education.

Such an inclusion would be an addition to the theory of constitutional law, the theory and practice of labor law, and the theory and practice of gender law.

We should pay attention to Article 14 of the Constitution of Kazakhstan, which is devoted to general issues of nondiscrimination in the country: "No one may be subjected to any discrimination based on origin, social, official and property status, gender, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances" [34]. Based on the provisions of this article, the authors intend to file a petition for inclusion of a provision that states that women cannot "be subject to discrimination on the basis of gender" [34]. In other words, it is necessary to ensure that this topic is covered in the Constitution in detail.

To achieve a positive result regarding the inclusion of a provision on women's rights in the text of the Constitution, it is advisable to refer to Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women of December 18, 1979, which explicitly states: "States Parties condemn discrimination against women in all its forms, agree to implement without delay, by all appropriate means" [26].

Kazakhstan must include the norm of equality of women and men in its Constitution, having ratified the international Convention on June 29, 1998. Kazakhstan must adopt laws and regulations on the equality of men and women, including in the field of higher education. In a similar situation, such regulations may be adopted in other countries.

7-1-Draft laws on Compliance with the Principles of Gender Equality, non-Discrimination, and the Creation of Conditions for Women to Occupy Leadership Positions in Higher Education in Kazakhstan

Since there are no direct constitutional norms on the prevention of discrimination against women in the Republic, we must refer to the Law of Kazakhstan dated December 8, 2009 No. 223-IV "On public guarantees of equal rights and equal opportunities for men and women" [35]. In order to ensure the right of women to participate in the decision-making process, it is necessary to pay attention to article 1 of this Law, which states that "discrimination on the basis of sex is any restriction or infringement of human rights and freedoms, as well as belittling of its dignity on the basis of gender," as well as to article 3 of the Law, which stipulates, in particular, "the task is about the need to educate the country's population in the spirit of equality between men and women, as well as the prevention "gender discrimination" [35]. Article 4 of the Law, which is devoted to combating discrimination by gender, contributes to the solution of the issue raised in the scientific article: "Normative legal acts aimed at restricting or infringing on equal

rights and equal opportunities for men and women may be challenged in court in accordance with the procedure established by the laws of Kazakhstan" [35].

Women's executive and managerial labor relations can develop in their work at universities, academies, and institutes, where they also participate in making serious decisions in the process of educational activities [27]. When discrimination acts are accomplished against women, they and their human rights defenders can invoke the provisions of Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women in their defense: "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure on the basis of equality between men and women, the same rights" [26].

Thus, we conclude that the implementation of the International Convention on the Elimination of All Forms of Discrimination against Women, ratified by the Republic of Kazakhstan, requires the development and adoption of a new Kazakh law "On Combating Discrimination against Women," which may include the considered norms on nondiscrimination. The above is intended for women who would like to actively participate in the process of making significant leadership decisions in higher education. This would become another element in the elaboration of the topic.

Considering that, Kazakhstan as a subject of international law, joined (which is equal to ratification) the International Convention on the Political Rights of Women (December 20, 1952) on December 30, 1999. It is obliged to enforce the provisions of this Convention in the whole territory of Kazakhstan, including Article III, which says: "Women shall be entitled to hold public office and to exercise all public functions, established by national law on equal terms with men, without any discrimination". A few years later, the Law of Kazakhstan of December 8, 2009 "On public guarantees of equal rights and equal opportunities for men and women" was adopted, which did not make the right impression in society. Subsequent years have demonstrated the lack of effectiveness of this law. In this regard, we propose, in pursuance of this Convention, to develop and adopt new, more effective Kazakhstan laws as follows: "On granting women political rights in full", "On creating conditions for women to occupy leadership positions" positions in the government apparatus, legal entities, public organizations", "On research activities of universities", which could be headed by female scientists.

Women can achieve career success in leadership positions in higher education and science if they get legislative support. In this regard, we recommend that the legislator of Kazakhstan provide *a quota of leadership positions for women from 25% to 30%:* in this case, an indispensable condition should be triggered in which these positions should be occupied *on a competitive basis by women who have the highest meritocracy scores.* This quota can be provided for in our proposed new Kazakhstan law "On the status, powers and encouragement of a higher education teacher."

7-2-Positive Management Perspectives in the Studies of Kazakh Analysts and the Role of the State in this Process

We agree with the recommendations of Lipovka et al. [3] that to create "gender-neutral positive management perspectives focused on specific actions" [3], we need good "social theories" that "the presence of women in boards of directors can influence" an increase in "the number of women in senior management positions" [3], and with an assessment that women show their best leadership qualities during the need to overcome difficulties in the development of the university, if necessary, to reform its activities [3]. We consider it appropriate to supplement their opinions with our proposals on the need to develop "legal theories on the need to combine legal and management disciplines with the methods of teaching them on the basis of advanced pedagogical teachings." The presence of women on the boards of directors of institutions, including universities, should be supported by a legal norm on the need to introduce a quota of up to 50% for women, which must be introduced into the Law of the Republic of Kazakhstan "On Education". These 50% of women will be able to demonstrate their best leadership qualities in prosperous times and when problems and obstacles to the development of universities begin to arise.

Kazakh experts Absatova et al. [36] believe that "a key feature of the Honors College, confirmed by international experience, is the support and stimulation of research activities, promoting deep immersion of students in their areas of interest and the formation of critical thinking", "preparation for a successful career" [36] in various fields, including higher education. In this regard, we propose to stipulate norms on the need to introduce special courses on mastering skills in management activities into the educational process already in the process of training students in all specialties in the Law of the Republic of Kazakhstan "On Education". This would facilitate their career growth in the long term after receiving their diplomas from companies, institutions, and higher education institutions.

Abilmazhinova [37] concludes about the dominance of the state in relation to ensuring the quality of education and leadership issues in this area: "the state has remained the dominant actor with colossal power, regulating it through various legislative documents and procedures" [37, 26] this is not entirely true. The state, with the help of law, not only strictly regulates fundamental issues of higher education but also adopts legislative acts that promote the entry of women into the leadership sphere of higher education. In this regard, we additionally propose to the state and its legislative body, in pursuance of the International Convention on the Elimination of All Forms of Discrimination

against Women, ratified by the Republic of Kazakhstan, to develop and adopt a new Kazakhstan law "On combating all manifestations of discrimination against women". It can include the provisions discussed above regarding the inadmissibility of discrimination against women who would like to actively participate in the process of making significant decisions as higher education leaders improving the level of quality of higher education in the country.

7-3-Combining Previous, Current, and Future Recommendations for Improving the Involvement of Women in Leadership Activities in the Higher Education System

The theoretical article written under the auspices of UNESCO by Victoria Galán-Muros et al. [38] largely summarizes the results of scientific research on similar topics from a number of previous decades. Governments have ensured and should have ensured that women's work-life balance and equal pay for equal work have increased the representation of women scientists and teachers at universities throughout their management careers. Over the past decades, there has been a desire to raise awareness in society about the presence of certain aspects of gender inequality, to promote a culture of equality between men and women in higher education institutions, and to eliminate religious, psychological, and cultural barriers to achieving gender equality. Efforts have been made to introduce gender approaches not only in the teaching process and the implementation of scientific research but also in the management of all departments of universities and the country's higher education sector as a whole [38, 39].

The essence of the gender goal was and is not only that women have equal opportunities to enter and study at universities, but also that upon graduation, they could be promoted to leadership positions in universities and ministries of education and science. Upon completion of women's child-care responsibilities, it is necessary to create conditions for their speedy adaptation in the scientific and pedagogical environment and then in the management environment [38]. This problem still exists today.

To provide women with additional opportunities to become leaders of universities and departments of ministries of higher education, it is necessary to introduce special funding for them, mentoring; teach them the skills of establishing business connections for career advancement; instil confidence in their leadership qualities, and teach them not only to challenge negative gender stereotypes but also to overcome them by their personal example to encourage other women on the path of an academic career to fight for high leadership positions [38] within universities and specialized ministries and departments.

Factors that contribute to gender inequality in research and teaching domains have varied and are still varying across countries and regions. Therefore, it is crucial that governments monitor gender inequality through effective monitoring systems. Using this approach, many countries have identified barriers and problems that prevent women from successfully advancing in their careers [40].

Based on the fairly high level of autonomy granted to universities, the need has increased to develop, adopt, and implement individual response measures to gradually eliminate gender inequality in universities. To solve gender problems, governments of different countries have created or could create, together with individual universities, specialized programs and institutions, where they could develop and implement plans to ensure gender equality in all areas [38].

As a result of this study, the authors came to the following scientific results: 1) there is a clear gender imbalance at the level of making important managerial decisions in Kazakhstan's higher education. 2) The presence of a majority of women in the higher education system did not guarantee their proper representation in high-ranking, leadership positions (it continues to be at a low level). At the same time, it should be emphasized that with the overwhelming majority of women having higher education, their numbers decrease as they move up the career ladder. 3) At the domestic and international legal levels, there is a shortage of laws, regulations, and international conventions that should ensure proper legal regulation of issues of empowering women while increasing their role and participation in managerial decision-making in higher education. This study provides justification for the results and detailed recommendations and proposals for a thorough solution to problems associated with the given scientific results.

Virtually all recommendations proposed in this article will be transferred to the Ministry of Science and Higher Education of the Republic of Kazakhstan, as we implement a scientific grant on improving higher education based on the World Declaration on Higher Education for the 21st Century, to mass media and universities of Kazakhstan.

7-4- On the Leadership Training Program

The content of the training program "Modern leadership in higher education" for academic staff of educational institutions subordinate to the Ministry of Education and Science of the Republic of Kazakhstan can be divided into the following fields of study: a) the essence of modern leadership in higher education; b) legislative foundations of modern leadership; c) regulations to govern the higher education system in Kazakhstan; d) global trends in modern higher education; e) Kazakhstan's higher education system and the Bologna process in interrelation; f) forms of organizing the educational process through artificial intelligence and other latest teaching technologies; g) mastery of

university management skills; h) peculiarities of scientific and teaching personnel training in the higher education system; and i) new forms of control over the activities of universities and the higher education industry.

This training program offers the following training courses: "Peculiarities of higher education pedagogy"; "Psychology of leadership", "Leadership in the higher education system", "Psychology of management activities", "Teaching skills for resolving conflict in a team", "How can a teacher develop leadership qualities", "Leaders and their ability to work in a team in educational institutions", " Leadership qualities of the head of the department", "Dean as a leader in the faculty", "Vice-rector as the leader of the corresponding direction at the university", "Features of the leadership qualities of the university rector", "What a minister should become as the head of the education sector in the country."

Pedagogical approaches in a leadership training program can manifest themselves in the following ways: 1) training of a particular team (according to the principle: "by teaching others, you learn yourself"), 2) formulating goals, setting tasks; 3) selection of own team; 4) ensuring trust in the team, 5) the ability to set individual tasks for each team member, 6) training the entire team to solve the problem using the brainstorming method, 7) monitoring the execution of all tasks and instructions.

8- Conclusion

For Kazakhstan, issues of gender equality are of great importance in all spheres of life and in higher education.

In order to increase competitiveness and master the ability to overcome new challenges, the Kazakh government must develop, adopt, and approve an act of "soft" law - "On the leadership strategy in all spheres of the society and the state." Each ministry and department has the obligation to issue its own by-laws—the regulatory orders in pursuance of regulations of the government and on the formulation of goals and principles of leadership, taking into account the characteristics of the branch. The Ministry of Science and Higher Education of Kazakhstan could develop and adopt mandatory regulatory legal acts for the whole field of higher education such as: "On the education of organizers, leaders of student and teacher teams", "On the introduction of educational special courses "Course of an academic leadership in education" into the curricula of all universities, "Psychology of a leader", "How to identify and cultivate leaders", including among women, "Features of academic leadership", "How to raise an authoritative, not an authoritarian leader". Each university of the Republic, on the basis of regulations of higher government bodies, could collectively discuss and develop a "Strategy for the educational leadership of the university". After signing by the head of a higher educational institution, this document becomes a legal act, mandatory for the execution of its provisions by the governance and executive staff of the university and all its departments and faculties.

The scientific novelty of this article lies in the fact that this particular subject has not previously been studied in its specific form. Although gender equality in general, including in higher education, is widely covered, it is applied to Kazakhstan for the first time. In the future, this article can serve as a support for researchers on related local subjects. Developing this direction, the authors plan to conduct research on other legal aspects of women's participation in higher education for many years. For example, the theme of the degree of effectiveness of government regulations and regulatory orders of the Ministry of Science and Higher Education of Kazakhstan has not yet been investigated. The practical novelty of this study is that it offers recommendations for improving Kazakhstan's legislative norms and international legal norms for increasing women's leadership roles in higher education, as well as recommendations for the development and adoption of new Kazakhstan's laws to improve the management sphere in higher education.

In our opinion, the strengths of this study include the formulated organizational and legal methods, methods for increasing the leadership role of women in higher education of the country, and in making fundamentally important governmental decisions in Kazakhstan. The limitation of this study is that it did not analyze women's higher education institutions and their negative and positive aspects in light of their possible contribution to enhancing the role of women in the country's higher education system.

This study revealed gender asymmetry, which is expressed as follows. In the Kazakh higher education system, a significant majority are women. Another indisputable fact is that almost the entire top management level is occupied by men. Upon closer examination, it is discovered that the leadership opportunities and abilities of women are mainly realized at the level of middle management. For women to achieve greater success in senior management careers, motivation to master the management profession is needed, which is achieved through training in the latest concepts of leadership in higher education, through familiarization with examples of the best universities in the field of leadership, and in the educational strategy of the ministry leading the higher education sector in Kazakhstan.

Our study makes a practical contribution to the research on increasing the role of women rectors and their participation in the management decision-making process in the higher education system of Kazakhstan on the basis of Kazakhstani legislation, comparative and international law, the norms of which are designed to provide real assistance in ensuring gender balance in women's leadership positions in the country's higher education system.

9- Declarations

9-1-Author Contributions

Conceptualization, S.T. and M.S.; methodology, S.T. and Y.A.; software, Y.A.; validation, S.T., M.S., and Y.A.; formal analysis, V.B.; investigation, M.S.; resources, S.T. and A.Z.; data curation, A.Z.; writing—original draft preparation, S.T., M.S., Y.A., V.B., and A.Z.; writing—review and editing, S.T., M.S., Y.A., V.B., and A.Z.; visualization, S.T. and A.Z.; supervision, V.B.; project administration, S.T. and V.B.; funding acquisition, S.T. All authors have read and agreed to the published version of the manuscript.

9-2-Data Availability Statement

The data presented in this study are available in the article.

9-3-Funding

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9-4-Institutional Review Board Statement

The study was conducted in accordance with the Declaration of Helsinki. Rigorous ethical guidelines were adhered to the study, ensuring participant privacy and data confidentiality in compliance with institutional and national research standards. The ethical committee approval was not required due to the fact that the whole communication with the participants was anonymous and appropriate informed consent was obtained. Participants were not forced to share any personal data. No identifiable information was used.

9-5-Informed Consent Statement

Informed consent was obtained from all subjects involved in the study.

9-6-Conflicts of Interest

The authors declare that there is no conflict of interest regarding the publication of this manuscript. In addition, the ethical issues, including plagiarism, informed consent, misconduct, data fabrication and/or falsification, double publication and/or submission, and redundancies have been completely observed by the authors.

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