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White Paper

WORKPLACE HARASSMENT IN KAZAKHSTAN:

*Problem analysis,
Legislative gaps and
recommendations*

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About the authors

The authors of this publication are **Mia Tarp** and **Dr Paolo Sorbello**. Mia Tarp is an independent human rights consultant based in Denmark. Mia has for over a decade worked with civil society and media, both in Central Asia, and in particular in Kazakhstan. **Dr Paolo Sorbello** is a journalist and researcher focusing on labour and civil rights based in Kazakhstan for more than a decade.

About PF «Meyerim»

«**Meyerim**» is a public foundation based in Aktau, Kazakhstan. Meyerim works to protect the rights of vulnerable citizens, through combating human trafficking, protecting the rights of vulnerable migrants, protecting the rights of children, as well as protecting women from violence. Meyerim cooperates with law enforcement agencies on a regional and national level, as well as Kazakhstan International Bureau of Human Rights and Rule of Law. Meyerim also actively participates in discussions on addressing and amending legislative acts aimed at combating human trafficking in Kazakhstan. The project leader is Aliya Narbay and the coordinator is Kamila Yensegenova.

About IWPR

IWPR empowers local voices to drive change in countries in conflict, crisis and transition. Where hate speech and propaganda proliferate, and journalists and civic activists are under attack, IWPR promotes reliable information and public debate that makes a difference. With powerful new forms of disinformation driving social division, increasing digital security risks and escalating attacks on journalists, IWPR's mission to empower local voices is more important than ever. IWPR's core work is to strengthen the flow of credible, unbiased information, enabling journalists and civil society to inform, educate and mobilise communities. **IWPR empowers societies to find their own solutions, by strengthening local capacity to report on and advocate for accountability, freedom of expression and human rights.**

About The European Union

The **European Union** is an economic and political union of **27 European countries**. It is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. It acts globally to promote sustainable development of societies, environment and economies, so that everyone can benefit.

List of abbreviations

— ADB	Asian Development Bank
— CPJ	Committee to Protect Journalists
— EEOC	Equal Employment Opportunity Commission
— EU	European Union
— EUR	Euro (currency)
— FEPA	Fair Employment Practices Agencies
— GII	Gender Inequality Index
— HR	Human resources
— ILO	International Labour Organisation
— KZT	Kazakhstani tenge (currency)
— LGBT	Lesbian, gay, bisexual, transgender
— UN	United Nations
— UNDP	United Nations Development Programme
— U.S.	United States of America

*A*bstract

Sexual harassment in workplaces is a fairly common problem in the Republic of Kazakhstan. This is partially a result of societal norms and gender stereotypes, that reinforces expectations to the behaviour of both men and women. This, among other things, means that there are fewer women in managerial positions, and there is a general lack of diversity in workplaces.

Furthermore, gender inequality is a contributor to the thriving of sexual harassment in workplaces and the wider society, due to discrepancies in salary levels.

Although some mechanisms are being addressed on a legislative level by the Ministry of Labour, there is a general lack of definition of what sexual harassment is and how it should be dealt with in the country. Currently, **victims of sexual harassment are largely unprotected against retaliative measures, and aggressors often face impunity for their actions.**

According to the conducted survey, it is evident that sexual harassment persists, and most workplaces have no mechanisms in place to deal with this. It is recommended for the Republic of Kazakhstan to implement legislative changes that directly defines and addresses sexual harassment, and provides for adequate punishment.

Furthermore, a larger proportion of women should be included on the top political and social levels in Kazakhstani society, together with the introduction of mandatory company policies against sexual harassment for employers operating in Kazakhstan. **Greater gender equality should be promoted,** in order to address systemic issues and stereotypical behaviour towards men and women.

B

ackground

Sexual harassment in the workplace is a human rights abuse, and can often be associated with an uneven power relationship between the aggressor and the victim. Gender inequality, entrenched societal norms and gender stereotypes, as well as power imbalances between workers can be contributing factors to sexual harassment.

What is sexual harassment?

Sexual harassment in the workplace is a form of violence, and is a violation of the victim's human rights. According to the International Labour Organization (ILO), sexual harassment in the workplace is defined in Convention No. 190 (2019) as «unacceptable behaviours and practices, or threats thereof», which are «likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment».¹

The Republic of Kazakhstan has no official definition of sexual harassment embedded in its legislation. The EU Parliament has through Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC established the definition of sexual harassment as follows: «where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment».²

The U.S. Equal Employment Opportunity Commission (EEOC) has distinguished sexual harassment as «unwelcome sexual advances, requests of sexual favours, and other verbal or physical conduct of a sexual nature (...)». Examples include using sexual harassment as a method of coercion as a condition to workers' employment, as well as using submission and outcomes of sexual harassment as a basis of employment decisions.³

Such acts can be both verbal, non-verbal and physical.

¹ILO: C190 - Violence and Harassment Convention, 2019 (No. 190)

²EU: Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (2002)

Verbal examples of sexual harassment:

- ✗ Cat calling
- ✗ Referring to someone with nicknames associated with their gender or appearance
- ✗ Commenting in a sexual or appreciative way about a person's body or appearance
- ✗ Telling sexual anecdotes
- ✗ Asking people personal questions of their intimate life or sexuality
- ✗ Making advances towards a person who is not interested
- ✗ Spreading rumours about a person's sexuality or intimate life ⁴

Non-verbal examples of sexual harassment:

- ✗ Kissing, winking, and performing sexually suggestive visuals and gestures
- ✗ Giving the elevator look (to look a person's body up and down)
- ✗ Staring
- ✗ Physically blocking a person's way
- ✗ Stalking or following someone ⁵

Physical examples of sexual harassment:

- ✗ Giving massages
- ✗ Touching, rubbing, patting a person
- ✗ Performing sexual acts ⁶

³ UN: [What is sexual harassment](#) (no date)

⁴ See, for instance: UN: [What is sexual harassment](#) (no date) and Council of Europe: [Harassment and sexual harassment](#) (no date)

⁵ See, for instance: UN: [What is sexual harassment](#) (no date) and Council of Europe: [Harassment and sexual harassment](#) (no date)

⁶ See, for instance: UN: [What is sexual harassment](#) (no date) and Council of Europe: [Harassment and sexual harassment](#) (no date)

The key issue here is **consent**. It can be difficult to establish whether consent has been given in relation to sexual harassment and when questioning whether consent has actually been given in relation to sexual acts.⁷ There is often an **imbalanced power relationship** in place, for instance, in the workplace hierarchy with a manager and a common worker, or a man, who is physically stronger than a woman.⁸

The manager (who has power over the worker in the workplace) can «groom», persuade or coerce a worker into accepting or normalising sexual harassment or performing sexual acts with promises of promotions, or similarly threatening to fire the victim. Historically, the power imbalance relationship has generally been overlooked by courts.⁹ This means that **consent is not always defined by words like «yes», «okay», or «no»**, as a victim might agree to the harassment or sexual acts for reasons as stated above. Moreover, a victim can give the impression consent to sexual harassment because of pressure or expectations from other coworkers, such as laughing at a sexually suggestive comment aimed at oneself.

This does not make the harassment less degrading or humiliating. The issue of consent means that it is even more important for a legal framework to be established in workplaces and also on a national level.



There are also other factors that are relevant in addressing sexual harassment in the workplace - namely intersectional forms of discriminations, which can be targeted towards minorities. This can, for instance include ethnic minorities (for instance, a Russian woman being targeted sexually due to her ethnicity), disabled people (for instance, a person in a wheelchair being interrogated on their intimate life), LGBT-people (gay or lesbians being harassed and ridiculed on the grounds of their sexuality).

⁷ Lammasniemi, Laura: *Capacity to Consent to Sex: A Historical Perspective*, Oxford Journal of Legal Studies, Volume 44, Issue 4 (2024)

⁸ Australian Human Rights Commission: *Causes and Risk Factors of Sex Discrimination, Sexual Harassment and Other Unlawful Behaviours* (2023), p. 2

⁹ Lammasniemi, Laura: *Capacity to Consent to Sex: A Historical Perspective*, Oxford Journal of Legal Studies, Volume 44, Issue 4 (2024)

Legal framework and problematic aspects in Kazakhstan

Legal frameworks and guidelines, including national laws, international conventions or resolutions, and workplace policies are the main tools that can help safeguard employees from sexual harassment.

In Kazakhstan, there are **no laws that touch directly upon the issue of sexual harassment in the workplace or wider society**. Article 14 of the **Constitution of the Republic of Kazakhstan** forbids discrimination on the grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, convictions, place of residence or any other circumstance.¹⁰ This means that the right not to be discriminated against, also as a worker, at least theoretically is enshrined in the constitution.

Article 4 of the Labour Code of the Republic of Kazakhstan protects the human rights of workers, through:

- // prohibiting limitations on human and civil rights in of workers
- // prohibiting discrimination of workers
- // ensuring that working conditions meet safety and hygiene requirements ensuring the priority of the life and health of workers
- // ensuring the equality of rights and opportunities of workers
- // ensuring state regulation of labour safety and health issues¹¹

However, none of these points directly address the issue of sexual harassment in the workplace. Although each can relate to sexual harassment, the article is written in a way that is too vague to address the problem and underlying mechanisms in the wider society and the sphere of labour.

Historically speaking, sexual harassment is also a topic of low awareness within the judicial sphere, when it comes to dealing with the problems of protecting workers in Kazakhstan from sexual harassment and similar forms of abuse.¹²

In Kazakhstan, sexual harassment can only legally be addressed through other legislation, for instance:

¹⁰ Constitution of the Republic of Kazakhstan

¹¹ Article 4 of Kazakhstan's Labour Code

¹² Golovina, S.Yu., Sychenko, E.V., Voitkovska, I.V.: Protection against violence and harassment in the world of work: Challenges and opportunities for Russia and Kazakhstan, Perm University Herald Judicial Series (2021), pp. 633-634

- // Article 108 of the Criminal Code: Mild infliction of bodily harm ¹³
- // Article 120 of the Criminal Code: Rape ¹⁴
- // Article 123 of the Criminal Code: Coercion to sexual intercourse, sodomy, lesbianism or other actions of a sexual nature ¹⁵
- // Article 434 of the Administrative Code: Petty Hooliganism ¹⁶

However, there are no laws in regards to sexual harassment, when it comes to psychological or emotional violence in relation to sexual harassment in the workplace. According to a study by UN Women and the Republican Research Center for Occupational Safety study from 2023 the most common forms of harassment in workplaces in Kazakhstan are: unpleasant touching, attempts to kiss, intrusive flirting and similar. Physical forms of pressure, such as threats or blackmail of a sexual nature, account for **only 6%** of all cases. This means there is practically no legal framework to deal directly **with 94%** of harassment cases in Kazakhstan. ¹⁷

Most cases are verbal and non-verbal manifestations without physical contact: discussing appearance, intimate life, spreading rumors, and intrusive flirting. Often this can be perceived as harmless conversations, but in reality such behavior creates a toxic and humiliating atmosphere in the team, which is especially unacceptable in the workplace. Although Kazakhstan has provided state guarantees on equal rights and equal opportunities of men and women in the country through law № 223-IV from 2009, there is no mention of sexual harassment in the document. ¹⁸

On the contrary, there have been cases of employees filing claims of sexual harassment, only to be met with a counter-charge of defamation from the aggressor. In a recent case from Almaty, a manager accused of sexual harassment ordered the employee who had complained about sexual harassment, to publicly refute her statements. ¹⁹ A similar case happened in

¹³ Article 108 of Kazakhstan's Criminal Code

¹⁴ Article 120 of Kazakhstan's Criminal Code

¹⁵ Article 123 of Kazakhstan's Criminal Code

¹⁶ Article 434 of Kazakhstan's Administrative Code

¹⁷ UN Women: *Studying the Level and Main Causes of Violence and Sexual Harassment at the Workplace in the Republic of Kazakhstan* (2023), p. 16

¹⁸ Adilet: *On State Guarantees of Equal Rights and Equal Opportunities of Men and Women* (2009)

¹⁹ Kunapia, Gulmira: *Uluchshili usloviya dlya domogatel'ya: Kogo v Kazakhstane bespokoit kharassment* (2025)

Kostanay in 2017, where the victim was charged with slander and ordered to refute her claims.²⁰ This is only because Kazakhstan still has laws in place that punish slander, defamation, or libel. Although the legal framework was revised in 2020, when slander was decriminalised, it is still an administrative offence.²¹ Article 73-3 of the Administrative Code of the Republic of Kazakhstan, and sizable fines and up to 30 days of arrest apply.²² Another law that applies in similar cases is Article 456-2 of the Administrative Code, on knowingly distributing false information, where large fines can be imposed.²³ In practice, Article 73-3 and Article 456-2 of the Administrative Code have actively been used to silence human rights defenders.²⁴

Internationally, International Labour Organization Convention (ILO) has addressed the issue of protection from sexual harassment in workplaces in Convention number 190 from 2019. Kazakhstan has not ratified this convention.²⁵

At the current, the Republic of Kazakhstan thus has no protection mechanisms against workers who experience sexual harassment in the workplace, rather the contrary. This question is currently being addressed by the Ministry of Labor and Social Protection, which in spring 2025 is planning to implement legal amendments, in order to improve protection of workers in Kazakhstan.²⁶ According to Ayazhan Oirat, an expert in gender and human rights from Kazakhstan from International Partnership for Human Rights (IPHR), Ayazhan Oirat speaks about the need for a comprehensive legal reform to address issues of sexual harassment in the workplace in Kazakhstan, and finds the current legislation insufficient to deal with the issue. Oirat highlights that there is no legal framework dealing with the inaction of employers, in the case that employers ignore the complaints from employees regarding sexual harassment in the workplace.²⁷

²⁰ Nasha Gazeta: Sudyu, rassmatrivayushchego v Astane isk rudnichanki Anny Belousovoy, nakazhut za vyzov ekspertov OON na protsess (2017)

²¹ Article 19: Kazakhstan: Defamation Still Problematic Despite Changes of the Criminal Code (2011), Kumenov, Almaz: Kazakhstan: Parliament decriminalizes slander, but leaves penalties in place (2020), and CPJ: Kazakhstan decriminalizes defamation, but maintains detentions, criminal penalties for speech offenses (2020)

²² Article 73-3 of the Administrative Code of the Republic of Kazakhstan

²³ Article 456-2 of the Administrative Code of the Republic of Kazakhstan

²⁴ IPHR: Kazakhstan: Crackdown on the opposition, fight against «false» information and publication of «foreign agent» list (2023)

²⁵ ILO: C190 - Violence and Harassment Convention No. 190 (2019)

²⁶ Tengrinews: V Kazakhstane nachnut nakazyvat' za domogatel'stva na rabote: podrobnosti (2025)

²⁷ Alimova, Karina: Opros: 82% kazakhstantsev priznali problemu seksualnykh domogatelstv aktualnoy (2021)

According to the Advisory document of regulatory policy to the draft Law of the Republic of Kazakhstan «On Amendments and Supplements to Certain Legislative Acts of the Republic of Kazakhstan on the Issues of Improving Labor Legislation», the legislation on sexual harassment in Kazakhstan introduces several key provisions aimed at addressing and mitigating sexual harassment, particularly concerning minors.²⁸

This includes criminalisation of sexual harassment against minors, establishing criminal liability for individuals who commit indecent acts of a sexual nature against persons known to be under the age of sixteen. This includes propositions or sexual touching, even if conducted online. Offenders may face corrective labor of up to 200 monthly calculated indices, community service for up to 200 hours, or arrest for up to 50 days. Additionally, there may be a deprivation of the right to hold specific positions or engage in certain activities for up to three years. Educational institutions are mandated to promptly report any unlawful acts committed by or against minors to law enforcement agencies.

The legislation emphasises the importance of creating infrastructure that assists families and children, aiming to prevent violence and provide support for victims of sexual harassment.

Kazakhstan

However, the absence of a clear and specific definition of sexual harassment in the legislation is a significant concern. Without a precise legal definition, there is a risk of inconsistent application and enforcement of the law, potentially leading to confusion among both victims and law enforcement agencies. In Kazakhstani society, there is a prevailing stereotypical objectification of women, which can lead to victim-blaming and a lack of support for survivors. These cultural attitudes may discourage victims from reporting incidents and seeking justice.

The legislation also lacks provisions for monitoring and evaluating its implementation and impact. Without such mechanisms, it is challenging to assess the law's effectiveness and make necessary adjustments to improve its application.

²⁸ E-gov: Konsultativnyy dokument regul'yatornoy politiki k proyektu Zakona Respubliki Kazakhstan «O vnesenii izmeneniy i dopolneniy nekotoryye zakonodatelnyye akty Respubliki Kazakhstan po voprosam sovershenstvovaniya trudovogo zakonodatelstva» (2025)

Gender inequality, societal norms, and stereotypes

Gender roles in Kazakhstan are rooted in traditional patriarchal structures in society that are being actively enforced in gender roles and the expectations bestowed upon men and women respectively. Traditionally speaking, men are expected to be the breadwinners of the family, and women are expected to perform duties in relation to caretaking and housekeeping. Because of such societal norms, **there is an obvious disparity when speaking of women's access to education and employment opportunities**. Accessing or re-accessing the labour market can be difficult for women who have become mothers, as maternal leave in Kazakhstan usually is three years long. As a woman in Kazakhstan on average gives birth to over four children in some regions of the country, this means they can be outside of the labour market for up to twelve years.²⁹

Because of this and other factors, women are less likely to hold leadership positions, and advance progressively in the workplace. which means that women often work more and earn less. Moreover, **women can be less likely to leave a job**, if she is dependent on the financial security the job is giving her. In other words, women's economic empowerment is low, and dependency on whichever income is available can be a contributing factor to not addressing sexual harassment in the workplace.³⁰

In Central Asia and Kazakhstan, women are usually working in lower-level and lower-paid positions, such as the educational sector, healthcare sector, and similar.³¹ **Sexism in the workplace is also not uncommon in Central Asia**, which includes negative or belittling attitudes to women's intellectual capabilities.³² This is also one of the underlying reasons behind a general lack of women at managerial level. Sexual harassment is rooted in a derogatory view of women.³³

²⁹ Women in Turkestan and Mangystau regions give birth respectively 4.39 and 3.99 times, where the country average is 2.96. Bureau of National Statistics: O rozhdaemosti 2023 godu (2024)

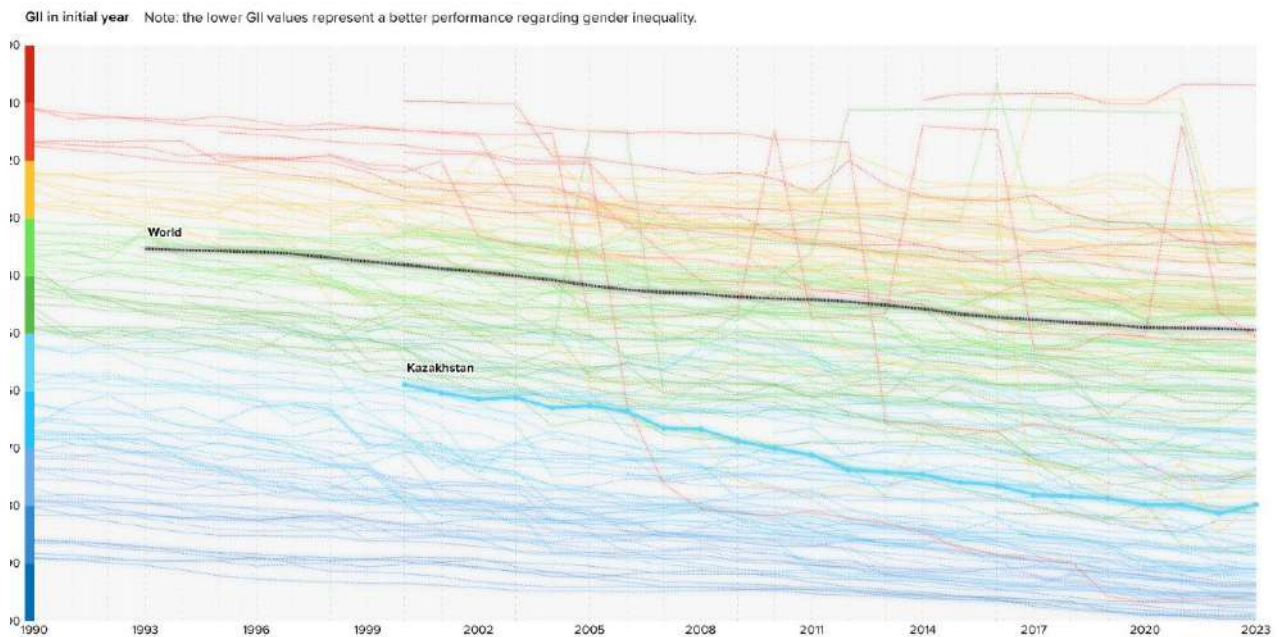
³⁰ See, for instance, ADB: *Kyrgyz Republic - Country gender assessment* (2019), p. 17, and ILO: *International Perspectives on Women and Work in Hotels, Catering and Tourism* (2013), pp. 1-2

³¹ UNDP: *Gender inequalities in labour markets in Central Asia* (2016), p. 19

³² See, for instance, UNDP: *Face to face with harassment and sexism in Kyrgyzstan* (2022)

³³ Care: «I know I cannot quit.» The Prevalence and Productivity Cost of Sexual Harassment to the Cambodian Garment Industry (2017), p.11

Kazakhstan has systemic issues of gender inequality. The United Nations Development Programme (UNDP) Gender Inequality Index (GII) measures factors like maternity death rates, gender inequality in the labour markets and political life. According to the UNDP GII, Kazakhstan's gender gap has worsened.



Data extracted from UNDP.³⁴

According to data from Equal Future, **43%** of senior positions in public administration are held by women, **14.8%** of ministers and cabinet members are women, and only **18.4%** of seats in the parliament are held by women.³⁵

As for women, men are also subject to very specific societal norms and expectations, and pressure is exerted towards men to live up to these stereotypes. Men are expected to be the breadwinners, and this role persists throughout the Central Asian region. One of the more problematic aspects of gender stereotypes and societal expectations towards men often leads to what can be labeled as «**toxic masculinity**». The problem (which is not limited to Kazakhstan, but is a global issue) is known in research and has been described like this: «**to be perceived as masculine and thus to achieve the higher social**

³⁴ UNDP: Gender Inequality Index (GII) (no date)

³⁵ Equal Future: Kazakhstan (2024)

status and power afforded to «real» men, men are pressured to and rewarded for adopting certain traits (e.g., being aggressive, virile with many sexual partners, unemotional, in control, adventurous, risk taking, dominant) that result in vulnerability to negative physical and mental health consequences». ³⁶

This creates a culture of reinforcement around harassment and violent behaviour around men as aggressors and women as victims. ³⁷

The victim and perpetrator nexus

According to research from the United Nations University, the most common victims of sexual harassment are women and girls, particularly younger women, and women with disabilities. ³⁸ According to the same study, perpetrators often have a history of past abuse and violence in their family, and possess what is labeled as gender-inequitable attitudes, such as hypermasculinity, endorsing traditional gender roles, and justification of harassment. Moreover, perpetrators perceive peer endorsement (for instance, from other men) of such actions. ³⁹

Impact

Sexual harassment has numerous consequences for victims, workplace and wider society. Such impact is seen on three levels: the level of the victim, the level of the workplace, and the level of the wider society.

The victim

The victim, having their rights violated, can experience physical symptoms, such as headaches, insomnia, fatigue, muscle pains, gastrointestinal problems, nausea and similar. ⁴⁰ Moreover, given the severity of the act of violence performed towards the victim (such as coercion into sexual acts) there is also an underlying risk of sexually transmitted infections (STIs). There are also significant

³⁶ Fleming PJ, Lee JG, Dworkin SL. «Real men don't»: constructions of masculinity and inadvertent harm in public health interventions. *Am J Public Health*. 2014 Jun;104(6): 1029-1035.

³⁷ Latipov, Anvar: *Toxic masculinity and Uzbekistan's domestic violence crisis* (2020) and Takenov, Diyas: *Sport and masculinity in Kazakhstan's nation-building* (2021)

³⁸ United Nations University: *Sexual Harassment: A Global Problem* (2019), p.2

³⁹ United Nations University: *Sexual Harassment: A Global Problem* (2019), p.2. See also: Care: «I know I cannot quit.» *The Prevalence and Productivity Cost of Sexual Harassment to the Cambodian Garment Industry* (2017), p.10

⁴⁰ United Nations University: *Sexual Harassment: A Global Problem* (2019), p.2

psychological consequences for the victim of sexual harassment, such as stress, notions of guilt, anxiety, depression, and even post-traumatic stress disorder (PTSD). If the harassment continues over the course of a longer period, the victim's life quality will be significantly impacted.

The workplace

The harassment can have a profound impact on not only the personal, but also professional performance and well-being for the victim. This can also result in decreased productivity of the workplace affected by sexual harassment. Studies have shown that the problem does not only extend to the victim and perpetrator, but the whole workplace, as there can be witnesses to the sexual harassment.⁴¹ This can also lead to the creation of a «culture» of harassment in the workplace, if perpetrators are in a favourable power relationship with their victims, and if the perpetrator experiences peer endorsement of the harassment. As victims of sexual harassment eventually leave the workplace, there is also a significant risk of loss of talent for the employer.⁴² If there is no accountability for sexual harassment in the workplace, aggressors face impunity, and such issues will prevail and thrive, creating a negative company culture.⁴³

The society

When sexual harassment is prevalent, societies also suffer. There is a significant economic impact which goes further than only the impact of the workplace involved, but there is little data on the cost of sexual harassment to societies and economies. Direct costs could be related to resources related to lawsuits and similar legal repercussions as a consequence of reported violence, but also indirect costs such as loss of workforce and tax payments, as well as increased costs in healthcare. In the U.S., for instance, the total reported cost of sexual harassment charges filed by the EEOC and Fair Employment Practices Agency

⁴¹ National Academies of Sciences, Engineering, and Medicine; Policy and Global Affairs; Committee on Women in Science, Engineering, and Medicine; Committee on the Impacts of Sexual Harassment in Academia; Benya FF, Widnall SE, Johnson PA, editors. Washington (DC), *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*, National Academies Press (US) (2018)

⁴² National Academies of Sciences, Engineering, and Medicine; Policy and Global Affairs; Committee on Women in Science, Engineering, and Medicine; Committee on the Impacts of Sexual Harassment in Academia; Benya FF, Widnall SE, Johnson PA, editors. Washington (DC), *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*, National Academies Press (US) (2018)

⁴³ Australian Human Rights Commission: *Causes and Risk Factors of Sex Discrimination, Sexual Harassment and Other Unlawful Behaviours* (2023), p.2

(FEPA) was **539.2 million U.S. dollars** for the decade between 2000 to 2010.⁴⁴ In Cambodia, sexual harassment had an estimated societal cost of 88.7 million U.S. dollars on an annual level.⁴⁵ For Kazakhstan, **it is not possible** to give an accurate estimate on the economic impact of sexual harassment, because there is no reliable data on the economic loss related to sexual harassment.

Risk factors

There are several factors that can exacerbate risks of sexual harassment in the workplace. Such include discrepancies in women and men employed on different managerial levels. This could be the case if most supervisors and managers are men, and more lower level workers are women. Employers who deal much with seasonal workers, casual workers, volunteers or other unpaid workers are also more at risks for having working places where sexual harassment can thrive, as the protection of such kinds of employees generally is less safeguarded. If the workplace has a hierarchical structure, it can also have a negative effect on anti-sexual harassment efforts, as whistleblowing or reporting on such matters can be more difficult, the wider the hierarchical gap between managers and workers is. Moreover, if staff is not educated and trained on sexual harassment, and policies addressing this are not in place, there is a high risk of sexual harassment to thrive, and cases going uninvestigated and unreported. Companies with a **«hard»** tone and a disrespectful culture in the working environment, may also have issues of sexual harassment.⁴⁶

⁴⁴ United Nations University: *Sexual Harassment: A Global Problem* (2019), p.3

⁴⁵ Care: «I know I cannot quit». *The Prevalence and Productivity Cost of Sexual Harassment to the Cambodian Garment Industry* (2017), p.6

⁴⁶ See, for instance: Australian Human Rights Commission: *Causes and Risk Factors of Sex Discrimination, Sexual Harassment and Other Unlawful Behaviours* (2023), p. 3

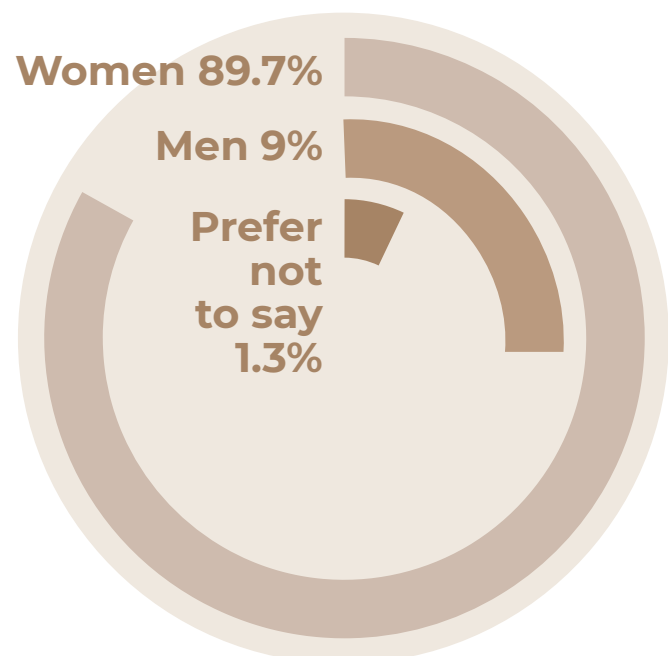
Sexual harassment globally and nationally

Harassment in the workplace is a fairly common problem globally. According to the International Labour Organisation, around one in five workers who responded to the survey experienced harassment at work. This is **22.8%**, or **743 million people** in the world. In Central Asia, the problem is also not uncommon. Both men and women can be subject to sexual harassment, but it is a problem more commonly experienced by women.⁴⁷

In a study made by UN Women and **82%** of respondents from Kazakhstan called the problem of sexual harassment **«significant»**.⁴⁸

The public foundation Meyerim in Aqtau conducted a survey among local residents in the area. One hundred and fifty five people responded to the survey. Respondents were predominantly experienced workers, women, with a higher education, and between 24 and 45 years. Most respondents were from Aqtau.

Almost 90% of respondents were women, 9% men, and 1.3% preferred not sharing their gender.

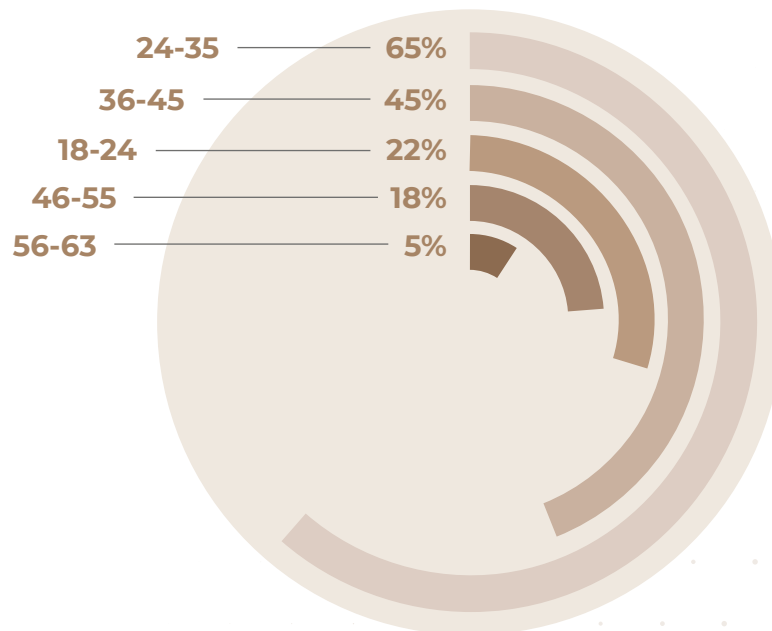


⁴⁷ United Nations University: *Sexual Harassment: A Global Problem* (2019), p.1

⁴⁸ UN Women: *Studying the Level and Main Causes of Violence and Sexual Harassment at the Workplace in the Republic of Kazakhstan* (2023), p.5

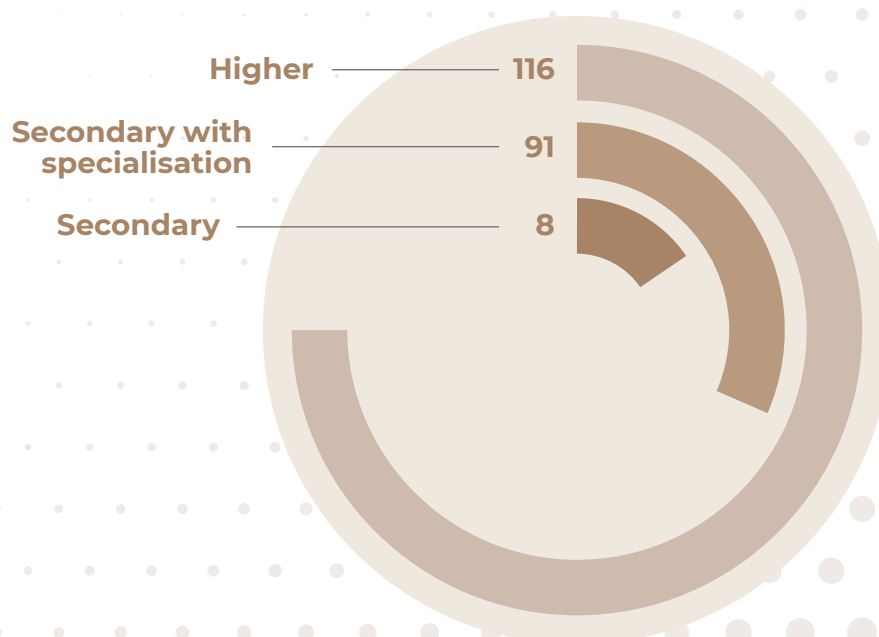
Age distribution of respondents:

More than 70% of the respondents of the survey stated that they were between 24 and 45 years old.



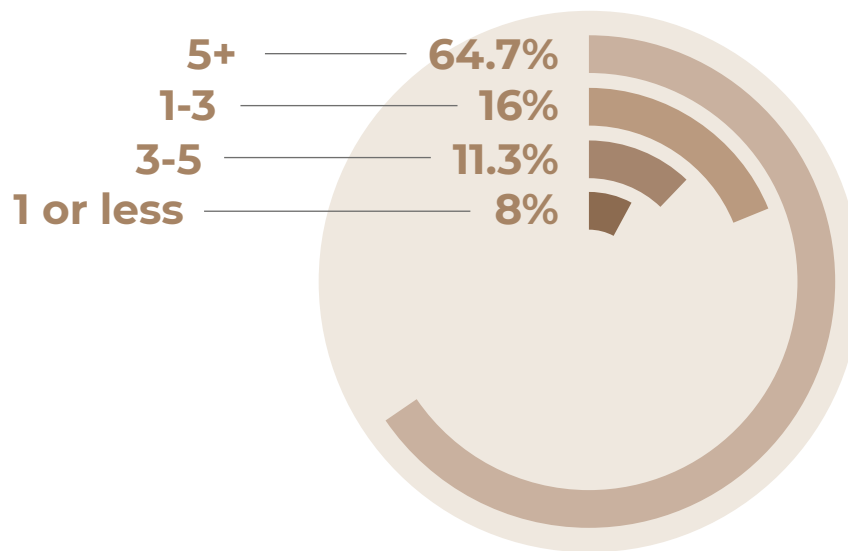
Educational level of respondents:

The survey showed that respondents generally had a higher education.



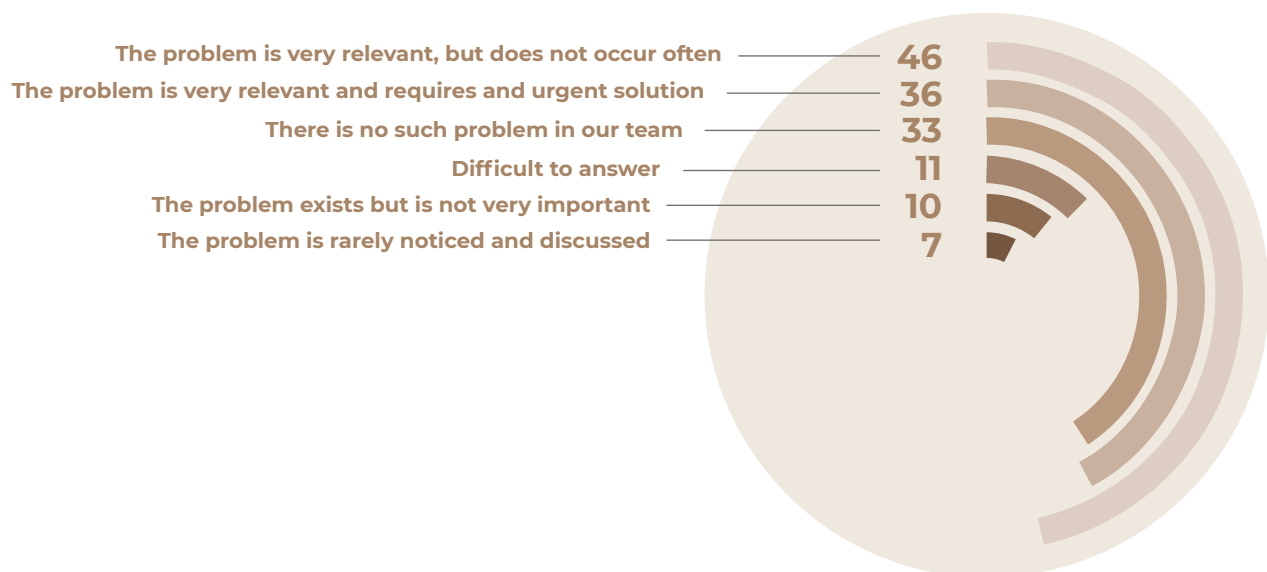
Experience of respondents:

Respondents of the survey predominantly had more than 5 years of work experience, almost 65% of the respondents.



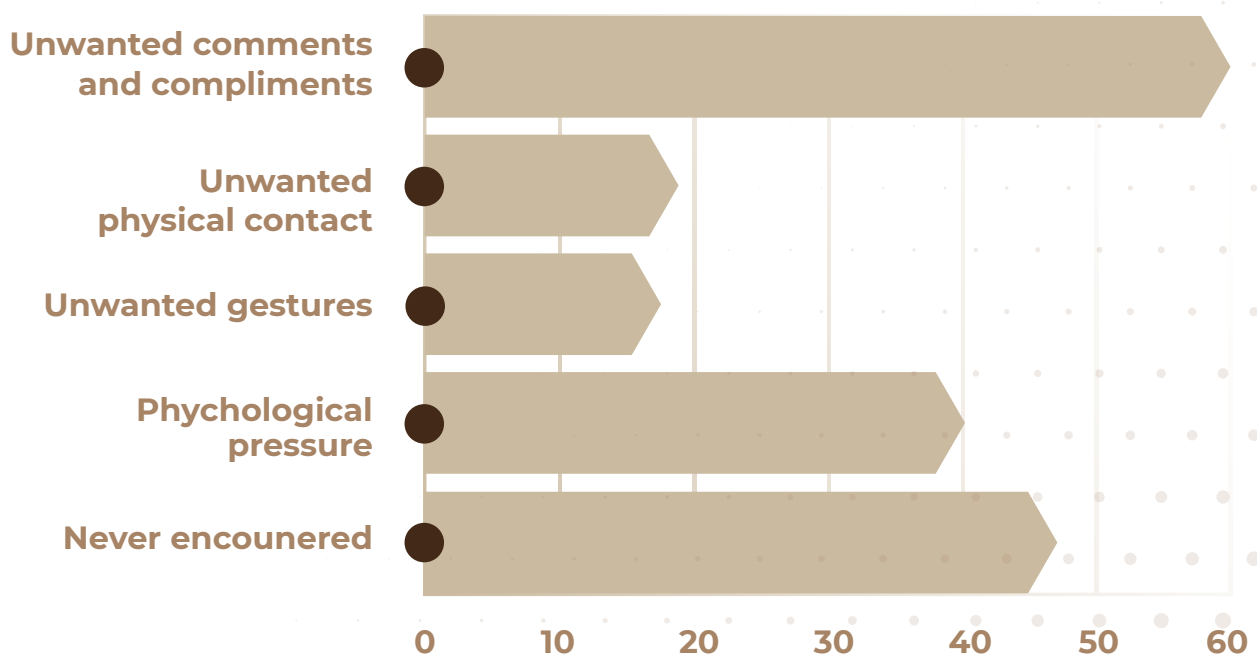
Experience with sexual harassment:

The problem of sexual harassment was recognised by the majority of respondents. Sixty four percent indicated that the problem existed in their workplace, only 23.1% indicated that such a problem does not exist in their team. Seven percent found it difficult to answer.



Types of harassment

Sixty respondents indicated that the most common form of harassment they have encountered was verbal, in the form of unwanted comments and compliments. Seventeen people indicated unwanted gestures, whereas 18 people indicated physical touch as a form of harassment they had encountered. Forty respondents indicated psychological pressure. Forty six people indicated that they never had encountered sexual harassment.



Analysis of responses

The responses from the survey conducted by **Meyerim** shows a widespread prevalence of sexual harassment in workplaces in Aqtau. Although the survey is not representative for the city of Aqtau or the Republic of Kazakhstan, the results should be taken as a serious indication of the state of affairs in Kazakhstan: sexual harassment in workplaces is widespread, and perpetrators often have impunity.

Several respondents of the survey indicated that the harassment they experienced was from a manager or colleague on a superior level, meaning that an imbalance power relationship was in place. Also male coworkers were guilty of harassment, but there are many examples of superiors abusing their power or status at work towards female coworkers or employees. The examples given by the respondents show many examples of derogatory attitudes to women, coercion of pressure, also monetary pressure and threats - often performed by managers.

For instance, there are several examples of managers using money as means of pressure when sexually harassing women.

«The general director asked to stay late, tried to hug and kiss, invited me for a walk, and in every way hinted at [the potentials of] a sponsorship if I maintained a positive attitude towards him. I refused in every way, but he did not stop, did not sign my resignation letter, I had to just stop coming to work.»

«The head doctor and director of the clinic [where we worked] offered [my female coworker] a salary of 500k⁴⁹, for becoming his mistress. After this conversation she went away, and cried for a long time. We quit.»

«The head of the department, who is married, gives me strange compliments. Then sniffs my hair (...) «You have a juicy figure». (...) If I say something against him, he will say: «Be careful with your tongue, otherwise you will lose your bread [income, ed.]»

«The manager at work offered to meet several times, said that he would help [me] financially. What does the word NO mean?»

⁴⁹ 500,000 KZT, equivalent of 850 EUR, which is a large amount of money in Kazakhstan

Many respondents also show how managers and coworkers used psychological pressure or degrading attitudes towards them, including objectification. The examples show that the managers actively use their higher position and age to attempt to control their victims psychologically. Although only one respondent used the specific expression «treated me like I was property», this mentality is telling for the attitudes of men towards women in all examples given below.

«There was a manager, he often said that I was not good for anything else except being a secretary. And that I should hold on to this position. He was much older than me, I was 20-21, he was over 40».

«Hostility or attempts to get rid of the employee will increase [if employees do not give in to the harassment from the side of the manager]».

«They ask why I'm not married, why I don't want children, jokes about how a girl is not a girl if she weighs more than [a certain amount], that a woman's place is in the kitchen, and [that she is expected] to please a man, and this is said by 25+ year old men, especially those who are not married (...)».

«Very often, men of dominant professions persuade women to have relationships at work. And all married! Especially young girls, in this case, nurses. Probably due to their power and impunity».

«Often men (bosses) hinted, and sometimes directly suggested [romantic] meetings. If I refused, they most often began (...) straining my psyche and provoking me to leave [the job] of my own free will».

«When I worked in the administration, the head of the department sent me various text messages and called me after drinking. I found it unpleasant. I did not give him any hope, but he treated me like property».

There are also stark examples of **nonverbal sexual harassment** performed towards women in the workplace.

«And there was also an incident at the same job, there was a mechanic who drove me to our customers. And he turned on the song «Where you are, I am»⁵⁰ at full volume, the chorus is apparently about sex on the kitchen table, blah blah blah, and at that moment he turned up the volume. Ugh! I still remember it and it makes me sick. 9 years have passed and I have changed jobs 4 times since then,

⁵⁰ Reference to a popular song by the rapper Timati about a toxic and violent relationship with an over possessive man. The lyrics have direct references to sex. The song is an example of the reinforced culture of toxic masculinity mentioned above.

but I still remember that situation. And he also drove me around the city at high speed. I thought he would probably drag [force, ed.] me somewhere someday.

There are also examples of **unwanted physical contact**, and even actual **sexual assault**.

«After a colleague's wedding, another colleague of mine offered to give me a ride (he was drunk, called a taxi, offered to go share a taxi, I assumed he would take me to my place). However, for some reason, the taxi was headed towards our office. When I asked why we were going towards the office, he answered that he needed to pick up something from there. I accepted. Then, when we got to our workplace, he asked me to go inside with him, said that he would call another taxi from the office. Not suspecting anything (there was no hinting [from his side] towards me before this, so I went with him. The man is married, and has children. As a result, he locked the office and [attacked] me, almost stripped me naked, touched me in intimate places. I could not properly resist, because he is much larger and stronger than me, but I managed to get out and escape through the back door (...). The next day, as if nothing had happened, he says, «well, I'm sorry, in fact, I've wanted to for a long time». [I] silently swallowed it. I still work here because I can't find another job, and he also [still] works here. Sometimes when he drinks, there are advances [from his side], but it never got to what it was the first time».

«Once, at a corporate party, the boss tried to kiss me, when I refused, he pulled me and grabbed my breast».

«The corporate boss touched my chest, but he was drunk».

«When I first got a job in Aktau, everyone tried to court me, help me, and then make advances. They started massaging my shoulders without my permission. When they realized that it wasn't working because I immediately responded crudely, they left me alone».

As we can see, workers in Kazakhstan experience serious cases of sexual harassment, showing the immediate need to address this issue on a national level, in order to prevent further loss for employees, workplaces and the country.

Experiencing and addressing sexual harassment in the workplace

Although the examples shared do not represent a conclusive image for all workplaces in Aqtau or Kazakhstan, they provide an insight into the minds of not only the people who are victims of sexual harassment in the workplace, but also the aggressors who engage in sexual harassment. Yet still, more than half of respondents (50.3%, or 78 people out of 155) have indicated that they have witnessed some form of sexual harassment at work. Only 11 respondents believe that there can be cases when sexual harassment is acceptable or normal in their workplace. It should be noted that there is a high discrepancy in language for these numbers. Almost 25% (8 out of 33 respondents) of the people who responded to the questionnaire in Kazakh language, indicated that sexual harassment in the workplace is in sometimes normal or even acceptable. For Russian language respondents, only 3 out of 122 respondents, or 2.5%, believed that sexual harassment in the workplace is in sometimes normal or even acceptable. Unfortunately, we can see that most workplaces of respondents in Aqtau are not properly addressing issues of sexual harassment. 65.2% of respondents indicated that their workplace is 'not' or 'not really' addressing issues of sexual harassment. When asked whether they had reported sexual harassment if they witnessed or experienced it, 77 people, or just under 50%, indicated a clear negative to reporting. One respondent even indicated:

«Our management is all men. No one will support you, on the contrary, they will oppress you if you report [sexual harassment]. But I need the job».

In the survey, respondents were asked what kind of mechanisms their workplace had in the case of sexual harassment. There was only one response of 155 respondents, who stated that their workplace had a code of ethics in place, and that the staff regularly is trained. Besides this, there was no awareness among respondents concerning established mechanisms in place at work for dealing with sexual harassment.

Recommendations

In order to address the issue in Kazakhstan of sexual harassment at work, a multi-faceted approach must be applied. This concerns, of course, on a legislative level, with revisions of Kazakhstan's Labour Code, but also requirements towards the public and private sectors, as well as civil society, in implementing policies that address the issue comprehensively.

Unfortunately, sexual harassment in workplaces and attitudes towards women, including gender stereotypes in Kazakhstan, are closely interrelated. Addressing a prevalent issue like sexual harassment also entails addressing gender inequality and what type roles of women are promoted in society. When women are expected to be caretakers, have less favourable conditions of advancing in a career, are in a less favourable financial position than their male peers, conditions for sexual harassment can thrive more easily. When men view women as property, as lower standing, and as caretakers and not intellectually capable of holding higher positions, sexual harassment is much more common, as we can see through studies and research. Teaching men and women to respect boundaries, to understand the concept of consent, and address issues of toxic masculinity, is a good way to embed a gender-transformative approach in addressing an issue like sexual harassment. Ensuring that women and men are paid equally in terms of experience and qualifications, and that women are encouraged into seeking managerial positions, a greater diversity can be more common, and can help erode some of the systemic issues that result in sexual harassment. This approach should be started from top-down, from appointment of ministers (ensuring that women are represented on governmental level). When less than a fifth of ministers and parliament members are women, there are very significant possibilities of improvement. Implementing policies that support and promote inclusion of women will show a good example to employers and employees alike, in the equal opportunities of women.⁵¹

⁵¹ See more recommendations at, for instance: UN Women: *Studying the Level and Main Causes of Violence and Sexual Harassment at the Workplace in the Republic of Kazakhstan* (2023), pp.38-40, United Nations University: *Sexual Harassment: A Global Problem* (2019), p.5, Care: «I know I cannot quit». *The Prevalence and Productivity Cost of Sexual Harassment to the Cambodian Garment Industry* (2017), pp. 12-14, and Australian Human Rights Commission: *Causes and Risk Factors of Sex Discrimination, Sexual Harassment and Other Unlawful Behaviours* (2023), and Alimova, Karina: *Opros: 82% kazakhstansev priznali problemu seksualnykh domogatelstv aktualnoy* (2021)

Recommendations on the legislative level

- Sexual harassment should be clearly defined in legislation, and the definition should entail not only physical forms of unconsensual harassment, but also verbal and non-verbal forms of harassment, as well as psychological pressure
- Sexual harassment should be addressed in the Labour Code, and the offense must be punishable by law through, for instance, fines or applicable prison sentences
- Sexual harassment legislation should protect not only full-time workers, but also freelancers, part-time workers, casual staff, seasonal workers, volunteers, interns, informal workers, domestic workers, migrant workers and similar
- The judicial should cease to allow for victims of sexual harassment to be charged for defamation, and protect victims from further risks of retaliation from the aggressor or workplace
- Make anti-sexual harassment policies and equal opportunities policies mandatory for all employers
- Guidelines for investigating sexual harassment should be established within Kazakhstan's Ministry of Labour (labour inspectors), the Prosecutor, the Ombudsperson, as well as law enforcement, with mandatory regular trainings. Trainings should include knowledge on sensitivities in working with victims of trauma
- Mandatory trainings on combating of sexual harassment should be regularly held in all public offices
- Implementation of, if possible, anonymous whistleblower channels, where cases of sexual harassment can be reported
- Make gender equality a mandatory topic in school curriculums
- Data on sexual harassment should be stored and analysed for policy updates and future legislative amendments
- Raise public awareness on labour rights and zero tolerance for sexual harassment in workplaces

Recommendations for companies

- An up-to date sexual harassment policy and equal opportunities policy should be developed and implemented according to ILO standards
- Regular trainings on the anti-sexual harassment policy and ways to spot and address sexual harassment in the workplace. Differentiated trainings should be held among managers and common workers, as managers have a different role in addressing the issue of sexual harassment in the workplace
- A zero-tolerance policy should be implemented, so aggressors will not be able to continue harassing behaviour
- Implement mandatory whistleblower channels that are anonymous, if possible, and make sure that non-anonymous whistleblowers will be duly protected against retaliations. Consider several reporting channels, so HR departments will not be sitting solely on claims of sexual harassment
- Duly and respectfully investigate cases of sexual harassment, keeping in mind potential trauma, psychological or financial pressure exerted on victims. Safeguard victims from retaliations in the workplace, particularly if they report on a manager. Investigations should be strictly confidential, even from managers, if applicable
- Ensure that company policies are regularly reviewed and updated
- Utilise anti-harassment statements in job ads, to ensure the topic is considered even before an employee joins the company
- Promote commitment to policies from leaders in particular, and encourage leaders to set a positive example to staff by refraining from engaging in sexual harassment
- Encourage hiring more women into managerial roles, and refrain from using only women in traditionally «female» roles in employment: secretaries, cleaning, note taking, etc.
- Ensure equal and fair pay according to experience and qualifications, regardless of gender

Suggestions for compulsory points to national mandatory sexual harassment and equal opportunities policies

Kazakhstan is recommended to make it a national requirement for employers to implement anti-sexual harassment policies. **The ILO has developed** standards for such policies to assist employers in developing their own sexual harassment policies, drawing from international best-practices. These guidelines serve as a valuable resource for employers seeking to establish a workplace free from sexual harassment.

ILO recommendations include a clear and concise definition of sexual harassment describing it as unwelcome acts of a sexual nature, which offends, humiliates, or intimidates the victim. This includes situations where sexual activity is solicited as a condition of employment (using coercion, threats or different forms of convincing). ILO outlines various forms of sexual harassment, including physical, non-verbal, verbal and the utilisation of job-related threats or rewards.

Recommendations for policies also include points to ensure a safe working environment free from discrimination and harassment, and recommends a zero-tolerance approach to sexual harassment in workplaces, as aggressors should not have impunity. **Recommendations include** emphasis on the fact that all incidents of sexual harassment should be taken seriously and swiftly investigated. Individuals found guilty of sexual harassment will face disciplinary actions, up to and including dismissal. Furthermore, policies should also guarantee that all complaints will be treated respectfully and confidentiality, and no one will face retaliation for reporting on sexual harassment. ILO recommends that policies cover all individuals within the workplace, including employees, clients, customers, casual workers, contractors, and visitors. It recognizes that sexual harassment can occur both within a workplace's premises and outside, such as during social events, business trips, training sessions, or conferences. This broad scope ensures that the policy addresses all potential scenarios where sexual harassment might occur. **Moreover**, it is recommended that companies develop comprehensive strategies that include training programs, clear reporting mechanisms, and support systems for victims. **Regular monitoring and evaluation of the policy's effectiveness are also recommended, and can ensure that it remains relevant and effective in preventing sexual harassment.** ⁵²

⁵² ILO: Sample Sexual Harassment Policy (no date)

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