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SPECIFICITY OF THE GROUNDS AND FORMS OF EXPRESSION OF DISCRIMINATION IN THE FIELD OF EDUCATION: A RETROSPECTIVE OF THE PRACTICE OF THE EQUAL OPPORTUNITIES OMBUDSMAN

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Abstract *This article examines the grounds of discrimination and the forms of their manifestation in the educational sphere through the practice of the Equal Opportunities Ombudsperson of the Republic of Lithuania. The purpose of the article is to determine which grounds of discrimination predominated in the Ombudsperson's educational practice during the period 2015–2026 and to identify the institutional settings in which these grounds manifested themselves. The object of the research consists of the body of decisions and opinions adopted by the Equal Opportunities Ombudsperson in matters related to education in 2015–2026, supplemented by the annual activity reports of the Ombudsperson for 2015–2025 insofar as they are relevant to the educational context. The empirical corpus comprises 34 decisions and opinions covering preschool, primary, lower secondary, upper secondary, vocational and higher education, as well as cases concerning national assessment procedures and final examinations. The annual reports are used as an additional source for identifying broader institutional priorities and structural trends in the Ombudsperson's educational practice. The research is based on document analysis, qualitative content analysis, systemic analysis and comparative analysis. The findings demonstrate that the most prominent grounds of discrimination in the educational sphere were sex, disability and social status. Complaints on the ground of sex were primarily related to gender-based allocation of activities, stereotypical organisation of education, school uniform rules, pregnancy and maternity in higher education, and harassment. Disability-based complaints mainly concerned inclusive education, accessibility of educational services, reasonable accommodation, assessment procedures and adaptation of national examinations. Complaints on the ground of social status were most often linked to admission criteria, access to paid or restricted educational services, the structure of competitive admission scores and the reconciliation of studies with family responsibilities. Less frequently, but still in a legally significant manner, complaints were submitted on the grounds of language, nationality, citizenship, origin, religion and beliefs, sexual orientation and age. The analysis shows that the Ombudsperson's educational practice reveals not merely a broad spectrum of prohibited grounds but also distinct patterns of manifestation across different levels of education. Equality in education therefore extends beyond formal admission or participation and includes educational content, institutional rules, service accessibility, academic culture, assessment systems and the accessibility of state-organised examinations. The article concludes that the Ombudsperson's practice serves not only as a mechanism for individual rights protection but also as an important instrument for identifying structural problems in education law and policy.*

Keywords: *Equal Opportunities Ombudsperson, grounds of discrimination, education, sex, disability, social status*

Introduction

Equal opportunities are among the foundational values of a democratic state governed by the rule of law. The constitutional principle of equality before the law requires that every person be afforded equal opportunities to obtain education, pursue a professional career, improve personal competencies and participate fully in public life irrespective of personal characteristics or social position. In legal terms, equal opportunities signify the effective implementation of human rights recognised in national, European Union and international law without discrimination on prohibited grounds.

This principle is of particular relevance in the field of education. Education is not merely a public service aimed at transmitting knowledge; it is also a normative and social environment in which values, behavioural patterns and perceptions of dignity, diversity and equality are formed. International law treats education as inseparable from the prohibition of discrimination. The UNESCO Convention against Discrimination in Education establishes that the right to education must be guaranteed without discrimination and that equality of educational opportunity is a core legal obligation (UNESCO 1960). European equality policy likewise shows that education is one of the principal spaces in which stereotypes and structural inequalities may either be reproduced or reduced (Equinet 2018; EIGE 2020; OECD 2022).

In Lithuania, the domestic legal framework of equality in education is primarily grounded in the Constitution of the Republic of Lithuania, the Law on Equal Opportunities, the Law on Equal Opportunities for Women and Men and the Law on Education (Referendum of the Republic of Lithuania 1992; Seimas 2003; Seimas 1998; Seimas 1991). These acts are supplemented by international and European legal instruments, including the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women, the Framework Convention for the Protection of National Minorities and the Charter of Fundamental Rights of the European Union.

The period 2022–2024 was particularly significant for the development of the Lithuanian legal framework relevant to equality in education. During this period, the implementation of inclusive education was strengthened, greater emphasis was placed on the rights of pupils with special educational needs, and heightened sensitivity emerged in relation to harassment prevention and the significance of family-related circumstances in equality protection. These changes materially influenced the practice of the Equal Opportunities Ombudsperson. Cases increasingly concerned not only classic patterns of direct discrimination but also accessibility, adaptation, inclusive participation, safe educational environments and the reconciliation of education with family responsibilities (EOO 2022a; EOO 2023a; EOO 2024a; EOO 2025a).

The role of equality bodies in this context is not confined to the adjudication of individual complaints. European scholarship and policy documents stress that equality bodies perform a wider normative and preventive function: by investigating individual cases they identify systemic weaknesses in legislation, administration and institutional practice (Kádár 2018; European Union Agency for Fundamental Rights 2021). Equinet has likewise emphasised that, in the educational sphere, equality bodies contribute to structural change by producing guidance, recommendations and standards aimed at reducing discrimination and inequality in schools and universities (Equinet 2018). This broader role is visible in the annual activity reports of the Equal Opportunities Ombudsperson of the Republic of Lithuania, which show a sustained increase in institutional attention to education-related issues, including discriminatory educational content, gender stereotyping, accessibility for persons with disabilities, safe school environments, harassment prevention and recommendations directed at education policymakers (EOO 2015a; EOO 2016a; EOO 2017a; EOO 2018a; EOO 2019a; EOO 2020a; EOO 2021a; EOO 2022a; EOO 2023a; EOO 2024a; EOO 2025a).

The purpose of this article is to determine which grounds of discrimination predominated in the practice of the Equal Opportunities Ombudsperson in the field of education during 2015–2026 and to identify the educational settings in which they manifested themselves. The article addresses two interrelated research questions: first, which grounds of discrimination were most frequently invoked in complaints related to education; and second, how did those grounds manifest themselves across different levels of education?

The object of the research is the set of decisions and opinions adopted by the Equal Opportunities Ombudsperson concerning alleged discrimination in education in 2015–2026, supplemented by the annual activity reports for 2015–2025 insofar as they provide relevant contextual information about educational practice. The subject of the research is the grounds of discrimination invoked in these materials and the forms of their manifestation in different types of educational institutions. The empirical corpus comprises 34 decisions and opinions selected according to the following criteria: the document had to concern the educational sphere; it had to involve at least one legally relevant ground of discrimination; and the factual circumstances had to be sufficiently clear to identify both the ground invoked and the educational level at which the dispute arose. An additional source was the first annex to the 2016 annual report concerning the monitoring of the implementation of Ombudsperson's decisions (EOO 2016b).

The article employs document analysis, qualitative content analysis, systemic analysis and comparative analysis methods. Document analysis enabled the identification of the factual circumstances, grounds of discrimination and institutional setting in each decision or opinion, while the activity reports were used to identify broader institutional priorities and long-term tendencies. Qualitative content analysis allowed the grouping of cases by ground of discrimination and by educational level. The systemic method was used to situate the Ombudsperson's educational practice within the broader framework of equality law and human rights protection. Comparative analysis was applied in order to determine how the same ground of discrimination may manifest itself differently depending on the educational stage and institutional context.

The novelty of the article lies in the fact that it analyses, in a systematic manner, both the grounds of discrimination and the forms of their manifestation in education on the basis of a clearly defined empirical corpus from the practice of the Equal Opportunities Ombudsperson. This approach makes it possible not only to identify which grounds of discrimination are most prominent, but also to demonstrate how their legal and factual expression differs across preschool, school, vocational and higher education, as well as in state-organised assessment systems.

Educational institutions and grounds of discrimination in the analysed practice

The practice of the Equal Opportunities Ombudsperson demonstrates that complaints concerning alleged discrimination in education were submitted in a remarkably broad range of institutional settings. The analysed cases span preschool institutions, general education schools, vocational education institutions, higher education institutions and the bodies responsible for national assessment and final examinations. This institutional breadth shows that equality issues in education cannot be reduced to a single educational stage; rather, they permeate the entire educational system.

At preschool level, the most visible grounds of discrimination were disability and religion or beliefs. Disability-related disputes were primarily concerned with the refusal or inability of a kindergarten to provide educational services to a child with disability, or with the failure to ensure an environment adapted to the child's individual needs. Cases relating to religion and beliefs arose in the context of food provision and whether the organisation of everyday services properly respected the religious convictions of children and their parents. At this level, equality issues therefore appear in highly practical form: accessibility of services, accommodation of needs and the day-to-day organisation of care and education (EOO 2015b; EOO 2023d).

In primary, lower secondary and upper secondary education, the spectrum of invoked grounds was substantially wider. The most frequent ground was sex. Complaints on this ground

concerned gender-based grouping of pupils in technology and engineering classes, allocation of different activities to girls and boys, school uniform rules based on stereotypical assumptions about appropriate clothing for girls and boys, and disputes as to whether a child's sex could serve as an obstacle to admission to a particular class, such as a dance class. These cases demonstrate that sex-based inequality in schools often manifests not through explicit segregation, but through everyday institutional rules and culturally normalised assumptions about gender roles (EOO 2017c; EOO 2018c; EOO 2023b; EOO 2023c; EOO 2025b).

General education also generated complaints on the grounds of disability, social status, language, nationality, origin, citizenship, religion and beliefs, and sexual orientation. Disability-related cases addressed inadequate educational conditions for children with disabilities and, in some situations, a failure to take account of the broader family context, particularly where the child's educational access was affected by the severe disability of another family member. Complaints on the ground of social status concerned paid educational models, unequal access to school canteens and admission criteria related to the parents' profession. Language, nationality, origin and citizenship appeared in cases involving minority-language education and insufficient communication with parents who did not speak Lithuanian. Sexual orientation arose mainly in relation to educational content and teaching material used in moral education or similar contexts (EOO 2017b; EOO 2017d; EOO 2017e; EOO 2019b; EOO 2019c; EOO 2019d; EOO 2020c; EOO 2021b; EOO 2024b).

In vocational education, the principal ground of discrimination was sex. The relevant cases concerned stereotypical perceptions of certain professions as "female" or "male", manifested through educators' comments and discouraging attitudes. Even where a legal violation was not ultimately established for evidentiary reasons, the case material demonstrates that vocational education remains a setting in which gender stereotypes may shape educational experience and expectations (EOO 2024e).

In higher education, the dominant grounds were sex, social status and disability, with age emerging less frequently and in a narrower range of contexts. Sex-based cases mainly concerned pregnancy, maternity, the adjustment of the study process, sexual harassment and gendered stereotyping in academic environments. Social status-related disputes concerned admission rules, the allocation of additional points in competitive selection and the possibility of reconciling study obligations with family responsibilities. Disability-related cases focused on access to study conditions and the assessment of academic performance, especially where disability was improperly treated as a negative factor in evaluation. The analysed corpus also included age-related disputes in academic or quasi-academic settings, though these were not as central as sex, disability and social status (EOO 2016d; EOO 2019e; EOO 2020a; EOO 2020b; EOO 2021c; EOO 2023a; EOO 2024c; EOO 2026a; EOO 2026c).

A distinct category of cases concerned national educational assessment and final examinations. Here, disability was clearly the predominant ground. Such disputes arose where pupils with autism spectrum disorder or visual disability were not provided with the adaptations previously identified as necessary for participation in state-organised assessments. These cases demonstrate that equality in education extends beyond schools and universities to the technical and procedural design of national testing systems (EOO 2025c; EOO 2026b).

Dominant grounds of discrimination and overarching trends

The empirical analysis reveals that three grounds of discrimination were clearly dominant in the educational sphere: sex, disability and social status. These grounds not only appeared

most frequently but also covered the widest range of factual circumstances and institutional contexts.

Sex was the most prominent ground in the analysed practice. It manifested itself not only in classic cases of differential treatment of girls and boys, but also in more subtle forms: stereotyped educational content, assignment of different activities according to sex, pregnancy- and maternity-related obstacles in higher education, and various forms of harassment. These findings are fully consistent with broader European and international research, which shows that educational inequality on the ground of sex frequently operates through teaching content, hidden curricula, gender segregation and entrenched cultural expectations about appropriate roles for women and men (EIGE 2020; OECD 2022). In other words, the Lithuanian case practice suggests that discrimination on the ground of sex in education is often embedded in ordinary institutional practice rather than expressed in openly exclusionary norms.

Disability was the second dominant ground. Complaints on this ground arose at every level of education: in preschool care, in general education schools, in higher education, in professional practice, and in state-administered assessment and examination procedures. The key legal issue was rarely formal exclusion from education. Rather, the central problem was inadequate adaptation of educational conditions to the individual's needs. This finding reflects the contemporary understanding of inclusive education in international law. The Committee on the Rights of Persons with Disabilities has made clear that inclusive education cannot be reduced to physical presence in mainstream education; it requires systemic adaptation, accessibility, support measures and the removal of institutional barriers that prevent equal participation (Committee on the Rights of Persons with Disabilities 2016). The Lithuanian case corpus strongly confirms that point.

Social status was the third most significant ground. It appeared in multiple forms: paid or restricted access to educational services, admission criteria related to parents' profession or status, different weighting of prior educational pathways in higher education admission and the reconciliation of education with family obligations. In several cases, social status also intersected with family circumstances, particularly where the educational system failed to account for childcare, caregiving or other family duties. This suggests that discrimination on the ground of social status in education frequently has a structural character. It often arises not from openly hostile conduct but from formally neutral rules that disproportionately disadvantage certain groups.

Other grounds of discrimination, including language, nationality, origin, citizenship, religion and beliefs, sexual orientation and age, appeared less frequently in quantitative terms but remain legally and analytically significant. They tended to arise in specific institutional contexts: minority education and communication with parents, food provision and religious beliefs, harmful educational content concerning sexual orientation, and age-related restrictions or stigmatising treatment in higher education-related contexts. Their relative numerical modesty does not diminish their importance; rather, it demonstrates that discrimination in education is multidimensional and cannot be reduced to a small number of dominant grounds.

Several broader trends emerge from the analysed practice. First, many disputes concerned not direct and explicit exclusion, but formally neutral rules or practices that placed certain persons or groups at a disadvantage. This underscores the importance of substantive, rather than merely formal, equality in education law. Second, a substantial part of the case law points beyond individual disputes to institutional and systemic deficiencies. This is particularly visible in cases concerning teaching programmes, educational material, admission policies, internal academic rules, examination systems and accessibility standards. Such tendencies correspond to the wider role assigned to equality bodies in European law and policy. By addressing

individual complaints, equality bodies simultaneously identify normative and administrative shortcomings capable of producing systemic inequality (Kádár 2018; European Union Agency for Fundamental Rights 2021).

Third, the prominence of particular grounds varied by educational level. In general education, sex-based stereotyping, social exclusion and linguistic inclusion were particularly visible. In higher education, the principal issues were related to study organisation, evaluation, pregnancy, maternity, harassment and academic culture. In national assessment systems, disability and accessibility became central. Fourth, the annual activity reports support these conclusions. Across the period under analysis, the reports reveal an increasingly explicit institutional concern with education-related equality issues, including discrimination embedded in educational content, accessibility of learning environments, equal participation of pupils with disabilities, and the need for structural guidance directed at educational institutions (EOO 2015a; EOO 2025a).

Forms of manifestation of grounds of discrimination across levels of education

The analysed material demonstrates that the manifestation of a ground of discrimination depends not only on the legal ground itself but also on the educational level in which it arises. The same ground may thus have different legal and factual expression depending on whether the dispute concerns preschool care, school education, vocational training, higher education or national assessment.

In preschool education, discrimination mainly manifests through service accessibility, accommodation of individual needs and the practical organisation of daily care. Disability-related disputes in this area tend to concern whether the institution is capable and willing to adapt its environment, schedule, supervision and communication to a child with special educational needs. Cases involving religion and beliefs arise primarily in connection with everyday service arrangements, such as food provision. Equality issues at preschool level are therefore strongly linked to the institution's practical capacity to ensure basic participation on an equal basis.

In school education, the forms of manifestation are considerably more varied. Sex-based discrimination is typically expressed through stereotyped organisation of educational activities, gender-based division of pupils, discriminatory dress rules or unequal access to particular classes. Such practices show that gender-based inequality in schools often operates through routine institutional choices that appear ordinary or culturally accepted. International research confirms that gender stereotypes in education are reproduced not only through explicit rules, but also through educational content, hidden curricula and social expectations embedded in school life (EIGE 2020; OECD 2022).

Social status tends to manifest through unequal access to services, different opportunities created by paid educational arrangements, or admission rules that reflect family status rather than the educational interests of the child. Disability-related discrimination in schools is most often expressed through insufficient adaptation of educational conditions and, at times, through failure to take account of the broader family context. Language, nationality, origin and citizenship are manifested primarily in communication and inclusion problems affecting both pupils and their parents.

In vocational education, the key manifestation concerns the stereotyping of occupations by sex. Here discrimination is less likely to arise through formal rules and more likely to appear in pedagogical communication, discouraging advice or symbolic exclusion from certain professional paths.

In higher education, the manifestations become more complex. Sex-based inequality frequently appears in relation to pregnancy, maternity, childcare, study scheduling, academic evaluation, comments by lecturers and harassment. Unlike in school education, where sex often appears through role stereotyping and internal school rules, in higher education it is more closely connected with the relationship between the student and the institution or between the student and the lecturer. Disability in higher education is manifested primarily through the accessibility of study arrangements and evaluation procedures, including the way disability is taken into account in practical training and academic assessment. Social status is frequently manifested through rules on admission, competitive scores, additional privileges for certain groups and the practical ability to reconcile study obligations with family life.

National educational assessment and final examinations form a separate category. Here disability manifests through procedural and technical accessibility. The central question is whether state-organised assessments are properly adapted to the pupil's individual needs. The legal significance of this form of manifestation is particularly high because failures in adaptation may directly affect future educational and professional opportunities. International law supports this view: access to assessments and examinations is not an optional accommodation but an integral part of equal enjoyment of the right to education (Committee on the Rights of Persons with Disabilities 2016).

Accordingly, while the same ground of discrimination may recur across several educational stages, its concrete legal expression varies substantially. Any serious analysis of equality in education must therefore consider not only the ground invoked but also the institutional and procedural context in which it operates.

Conclusions

The analysis of the decisions, opinions and annual activity reports of the Equal Opportunities Ombudsperson of the Republic of Lithuania demonstrates that complaints in the educational sphere reveal a broad spectrum of grounds of discrimination and confirm that equality issues arise across all levels of education, from preschool care to higher education and national examination systems.

First, the dominant grounds of discrimination were sex, disability and social status. Complaints on the ground of sex were mainly related to stereotyped educational organisation, differential treatment of girls and boys, pregnancy and maternity in higher education, and harassment. Disability-based complaints focused primarily on accommodation, accessibility and adaptation of educational conditions and assessment procedures. Complaints on the ground of social status were associated with access to services, admission criteria, competitive scoring systems and family-related burdens affecting educational participation.

Second, the analysis confirms that the manifestation of discrimination differs across educational levels. In preschool education, the key issue is practical access to services and accommodation of needs. In general education, the most visible forms are gender stereotyping, social exclusion and linguistic or cultural inclusion. In vocational education, the central problem is occupational stereotyping. In higher education, the main issues are study organisation, evaluation, pregnancy, maternity, harassment and the compatibility of studies with family responsibilities. In national assessment systems, accessibility for persons with disabilities becomes the decisive equality issue.

Third, the analysed practice shows that discrimination in education is frequently structural rather than overt. Many problems arise not from explicit exclusion but from formally neutral

rules and procedures that place particular groups at a disadvantage. This finding is especially important from the perspective of legal policy and institutional reform.

Fourth, the educational practice of the Equal Opportunities Ombudsperson should be understood broadly. It encompasses not only educational content in the narrow sense but also admission procedures, internal institutional rules, school and university services, communication with pupils and parents, academic assessment and the accessibility of state-organised examinations. Equality in education is therefore a multilayered legal obligation covering institutional environment, procedure and substance.

Fifth, the practice of the Equal Opportunities Ombudsperson in education is significant not only as a mechanism for individual rights protection but also as a means of identifying systemic problems in education policy and administration. Even where a formal violation is not established, the investigative process may reveal legal gaps, inconsistent practice or insufficient institutional sensitivity to the needs of protected groups. This understanding accords with the broader European conception of equality bodies as institutions linking the protection of individual rights with preventive and normative influence on public policy (Kádár 2018; European Union Agency for Fundamental Rights 2021; Equinet 2018).

In light of these findings, several **recommendations** follow. Educational institutions should systematically review their internal rules, admission arrangements, service models and assessment procedures in order to identify apparently neutral practices that may create unequal effects. General education and vocational institutions should devote greater attention to the prevention of gender stereotyping in educational content, class organisation, dress rules and career guidance. Inclusive education must be strengthened by ensuring that pupils and students with disabilities receive not merely formal access but effective accommodation and accessible assessment. Higher education institutions should regulate more clearly the reconciliation of study obligations with pregnancy, maternity, childcare and other family responsibilities. Finally, national assessment and examination systems should be reviewed from the perspective of accessibility in order to ensure that adaptations are not nominal but genuinely effective. Future research should move beyond identification of the grounds of discrimination and examine, in greater depth, the legal reasoning of the Ombudsperson, the outcomes of the cases and the practical impact of this body of practice on educational institutions and education law.

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