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**Ensuring of child's dignity as a principle of modern education: administrative and legal aspects**

OLENA KOVALOVA<sup>1\*</sup>, MAKSYM KORNIJENKO<sup>1</sup> and OLENA POSTOL<sup>2</sup>

There was determined the essence of the principle of ensuring dignity in the context of modern conception of child's rights in the paper. The analysis of the affirmation state in national documents of the prohibition of corporal and degrading punishment of a child at school and at home and its influence upon the index of the provision of children's rights has testified the absence of only normative securing of appropriate prohibitions for the effective provision of child's dignity as a principle of modern education. The results of teachers and parents' questioning confirmed the contradiction between the norms of law and outdated social norms that tolerate the using of corporal and degrading punishments and cause the declarativeness of the rules of law. The modern conception of the rights of the child requires the formation of a consistent state policy based on an integrated approach aimed at realizing the importance of respecting the dignity of the child; the formation of "zero" tolerance as for violence in society; implementation of educational programs for participants in the educational process on non-violent methods of discipline; provision of normative attachment at national level of an absolute prohibition and inevitability of responsibility for any manifestation of disrespect for the dignity of a child.

**Keywords:** corporal and degrading punishment, principles of human rights, rights of the child, the realization of children's rights index

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## INTRODUCTION

Education like any other sphere of life of a society is based on principles, one of which is a respect for the dignity of the child. Dignity, as human rights, is inherent and belongs to each and every human being. Respect for human dignity is a supreme, overarching principle of human rights law (Vučković 2015).

The importance of dignity as the foundation of human rights is testified by the launch of the Global Dignity Day, launched by the Global Dignity movement and has been marked by various awareness-raising activities since 2006, including in educational institutions.

The principle of dignity is enshrined in many documents relating to children's rights. The most famous of them is the Convention on the Rights of the Child (Preamble, Article 16, Article 16, Article 23, Article 37, Article 39) (Convention on the rights... 1989). The adoption of this Convention and creation of the UN Committee on the Rights of the Child has facilitated the transformation of the child from the object of care and protection into a person who is a person and a holder of human rights. A child rights-related approach to a child care giving and protection requires a paradigm shift towards respecting and promoting the human dignity and the physical and psychological integrity of children as rights-holder individuals (Committee on the rights of the child... 2011). Other non-governmental organizations, in particular the Council of Europe, have also made a special contribution to the rights of children, including through the case law of the European Court of Human Rights.

The analysis of the UN Convention on the Rights of the Child, the general comment of the UN Committee on the Rights of the Child (Committee on the rights of the child... 2007), the Council of Europe Recommendations (Guidelines of the committee... 2010, Council of Europe... 2016) and the practice of the European court of human rights (Tyrer v. the United Kingdom... 1978, V.K. v. Russia... 2017, O'Keeffe v. Ireland... 2014, Kayak v. Turkey... 2012), allow to determine the essence of the principle of the dignity of the child. The concept of dignity implies that children should be treated with caution, sensitivity, justice and respect, paying special attention to their well-being and specific needs and with respect to their physical and psychological integrity.

A separate and extremely important component of the principle of dignity is that children should not be subjects to torture, inhuman or degrading treatment or punishment. States should take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity (Convention on the rights... 1989).

States undertake to make the principles and provisions of the Convention widely known by appropriate and active means, both to adults and children alike. (Convention on the rights... 1989). Researches dedicated to the principle of dignity indicate the importance of a cross-cutting and consistent study of this issue during the education of children, from junior high school (Reardon 1995). Unfortunately, despite the presence of relevant standards, the rights and needs of millions of children do not still have sufficient provision (Boutayeb 2009). The rights of children should be clarified both at school and in the family, because they are not aware of their rights, children cannot demand their compliance (Sarriera et al. 2013).

Special attention of researchers from different countries focuses on such a component of the principle of ensuring the dignity of children as the prohibition of corporal and other degrading punishments. Studies in various fields of knowledge prove inefficiency and harm of such kind of punishments to children (Gershoff 2013, Hecker et al. 2014, Temple et al. 2014, Gershoff & Grogan-Kaylor 2016). Strategies for disciplinary measures, including all forms of physical punishment. Screams or humiliation are minimally effective in a short term and are not effective in a long run term (Sege & Siegel 2018).

Despite the fact that respect for human dignity is one of the basic human rights requirements underlying many existing legal instruments, both international and national, children continue to be treated and punished in a degrading way. Thus, the Council of Europe's Strategy for the Rights of the Child for 2016-2021, states that, despite the progress, the rights of children are violated daily and there are still many gaps in the legal protection of children and the contradiction between law and practice. This Strategy emphasizes the risk of violence against children, especially girls, in



## **Ensuring of child's dignity as a principle of modern education...**

places that should be safe for children, particularly in schools (Council of Europe... 2016). Corporal punishment, in particular beating and isolation is a standard practice in a number of countries. The UN Committee on the Rights of the Child has repeatedly pointed out in its concluding observations that the using of corporal punishment of children affects the inalienable dignity of the child.

The principle of the child's dignity must be respected by all participants in the educational process which includes not only students and teachers but also parents. States should provide a mechanism for the effective detection and response to cases of violation of the principle of the dignity of the child by all participants in the educational process. A number of contemporary researches on the issue of corporal and degrading child punishment is dedicated to the gender aspect of this issue (Muhhamad et al. 2018, Liu 2018).

UNICEF studies show that about 720 million school-age children live in countries where they are not adequately protected by the law from physical and other degrading punishments at school (as of 2017). The UNICEF official website contains information on teacher-to-student sexual abuse, twisting ears as a punishment for an uncompleted homework, making fun of a child for low attendance rates in the presence of other children, etc. (UNICEF Ukraine 2018).

Some researchers, referring to international standards emphasize the importance of forcible forbidding of corporal punishment of children and other degrading child punishments (Elgar et al. 2018; O'Neal 2008). The research of Frank J Elgar (Elgar et al. 2018) has shown that in countries where there is an absolute prohibition upon all types of physical punishment of children, the level of violent behavior among young people is lower than in those countries where there is no such kind of prohibition. In this case, the question remains open whether it guarantees an absolute legal prohibition the real provision of the rights of the child.

The UN Committee on the Rights of the Child, in addition to the importance of legal prohibitions for the degrading treatment and punishment of children, emphasizes the creation of zero tolerance for violence. Frequency, severity of harm and the existence of intent cannot serve as a prerequisite for justifying violence, recognizing certain forms as legal or socially acceptable (Committee on the Rights... 2011). Meanwhile Grugel (2013) emphasizes that people do not associate the UN Convention on the Rights of the Child with the situations that occur in their daily lives, which makes it possible to declare the legal prohibition of the use of criminality and other degrading punishments in some countries. Therefore, it is expedient to investigate the issues of ensuring the dignity of the child as a principle of modern education not only through the prism of law, but also as a complex challenge, including the tolerance of society to any manifestations of violence, family upbringing.

Search the ways to effectively ensuring of the dignity of children in the modern world arises before each country. An essential component of the dignity of children is a safe environment and their personal integrity.

Whether the modern educational institutions are safe and such that ensure the dignity of the child or all participants in the educational process are aware today of the importance of ensuring dignity and its components not only for a particular person, but for society as a whole; are contemporary modern teachers and parents aware that the child is a person and not the property of the parent or state; do they understand that the consequence of neglect of the dignity of the child is a possible violation of their rights, from the right for education to the right for life; do they understand that the source of the threat for the safety of children is often the closest people – parents, teachers and classmates; are the norms effective that proclaim the dignity of every person and child in particular; is it sufficient for the effective protection of the dignity of the child by prohibiting and foreseeing liability for breach in national legislation; what kind of factors are the risks of the declaration of such norms; what measures the state should take to ensure respect for the child's dignity in the educational process and protect children from corporal and degrading punishment. Probably, the search for answers to these questions will contribute to the development of concrete proposals for effective administrative and legal protection of the dignity of children as a principle of modern education.

## METHODOLOGY

Through the methods of comparative analysis, synthesis and generalization, the state of affirmation of the prohibition of corporal and degrading child punishments is determined at the national level in 199 countries. For the analysis there was used some data from the The Global Initiative to End All Corporal Punishment of Children (The global initiative to end all corporal punishment of children) website, which take into account, in particular, the concluding observations of the UN Committee on the Rights of the Child on the periodic reports of each of the countries (Reports on every state and territory 2019). The results of the analysis were presented in the form of a table indicating in each country, the existence or absence of a total or partial ban on the use of children at home and at school of corporal or degrading punishment.

Assuming that the existing legal prohibitions may have a declarative nature, the reason for which may be the contradiction of the norms of law and morality, as well as the tolerance of society in applying corporal punishment to children as a measure of discipline, by questioning and questioning, the attitude of parents of schoolchildren and teachers to this issue in Ukraine is determined, as in one of the countries, which provides for an absolute legal prohibition on the use of corporal and degrading punishments for children.

There was conducted a questioning of 600 teachers (585 women and 15 men) in 120 schools and 450 parents (393 women and 57 men) in 10 schools in Odessa, Ukraine.

Anonymous questionnaires included three questions: 1) are you aware of the legal prohibition of using any form of violence against children (answer variants: "yes", "no"); 2) do you consider it possible to use corporal or other degrading child punishments by parents for the purpose of bringing up their children (answer variants: "yes, this is a normal phenomenon if children are disobedient"; "yes, because I have been brought up by both parents the same way"; "depending on the fault of a child"; "categorically no"); 3) do you consider it possible to use physical or other degrading child punishments by teachers for the purpose of educating children (answers variants: "so if it is necessary to keep discipline in the classroom"; "depending on the fault of a child"; "no, for this there are parents", "categorically no").

To the invitation of the Department of Education and Science of the Odessa City Council, the researchers were involved in carrying out classes with teachers and parents on combating ill-treatment with children in Odessa during March-May 2019. Classes were supplied in an interactive form and allowed to get feedback from participants.

At the beginning of the classes, participants were asked to fill out anonymous questionnaires and answer honestly the questions. The questionnaire was conducted in the school premises.

Before questioning, the researchers explained that violence against children can have psychological, physical, economic and sexual forms. There were given some examples of what acts can be classified as corporal (spanking on the buttocks and other body parts, cuffs, beating with a belt or other objects, twisting ears, forcing a squeeze or doing pull-ups for a large number of times) and degrading the child's dignity (forcing a naked child to stand in a corner; a ban on leaving his/her room, even to the toilet, screams and humiliation of the child, especially in the presence of his /her classmates) punishments.

## RESULTS AND DISCUSSION

Among the 55 countries of Europe and Central Asia, the absolute prohibition of corporal and degrading child's dignity punishment at home and at school is foreseen in 35 countries. In 44 countries there are appropriate prohibitions in educational institutions and there are no countries in which there is no any general prohibition of physical punishment in schools.

Among the 24 countries of Western and Central Africa, the absolute prohibition is foreseen in 4 countries and in 13 there are no corresponding prohibitions at all. In 9 countries there are prohibitions only in educational institutions.

Among the 22 countries in Eastern and Southern Africa, the absolute prohibition of corporal and degrading child's punishment is foreseen only in Kenya (Table 1). Meanwhile, 10 countries do not have appropriate prohibitions at all. 10 countries have forbidden corporal punishment in



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schools.

From the 33 countries in East Asia and the Pacific region, the ban on the corporal and degrading punishment of children at home and at school is foreseen in Mongolia and New Zealand. Absence of any prohibitions in 11 countries. Prohibitions on the degrading punishment of children in schools are foreseen in 14 countries.

From the 14 countries in Caribbean regions, there is no any absolute prohibition of corporal and degrading child punishment. Prohibitions on appropriate domestic punishments are foreseen partly only in Haiti. Prohibition of appropriate punishment in schools is foreseen in Belize and Haiti, partial – Trinidad and Tobago. In 11 countries, in general, there are no any prohibitions on degrading children's punishment at all.

From the 23 countries of the Middle East and North Africa, there are three absolute bans on the corporal and degrading punishment of children – Israel, South Sudan and Tunisia. There are no bans in 7 countries. In 12 countries there are prohibitions on the physical and degrading punishment of children in schools.

From the 7 countries in South Asia, the absolute prohibition on corporal punishment of children at home and at school is foreseen only in Nepal. Partial ban on corporal punishment of children in schools is foreseen in Bangladesh, India and Pakistan. In Bhutan, the Maldives and Sri Lanka, there are no any prohibitions at all.

In North America, there is only a partial ban on applying corporal punishment for children in schools in Canada.

Prohibition on physical and degrading child's dignity punishments in educational institutions:

1. Existing: *Europe and Central Asia*: Albania, Andorra, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, North-Macedonia, Norway, Poland, Portugal, Republic of Kosovo, Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Tajikistan, Turkmenistan, United Kingdom, Ukraine, Afghanistan. *West and Central Africa*: Benin, Cape Verde, Cameroon, Chad, Congo, Democratic Republic of the Congo, Gabon, Mali, Togo. *East and South Africa*: Ethiopia, Kenya, Lesotho, Madagascar, Mauritius, Namibia, Rwanda, South Africa, Uganda, Zambia. *East Asia and the Pacific*: Cambodia, China, Cook Islands, Japan, Kiribati, Mongolia, Nauru, New Zealand, Philippines, Taiwan, Thailand, Tonga, Vanuatu, Vietnam, Caribbean Belize, Hait. *Middle East and North Africa*: Algeria, Bahrain, Israel, Jordan, Kuwait, Libya, Oman, South Sudan, Sudan, Tunisia, United Arab Emirates, Yemen. *South Asia*: Nepal. *South America*: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay, Venezuela.

2. Partly: *Europe and Central Asia*: Armenia, Belarus, Georgia, Italy, Kazakhstan, Kyrgyzstan, Monaco, Russian Federation, Switzerland, Turkey, Uzbekistan. *West and Central Africa*: Guinea-Bissau, Sao-Tome and Principe. *East and South Africa*: Burundi, Seychelles Islands. *East Asia and the Pacific*: DPR Korea, Fiji, Lao People's Democratic Republic, Marshall Islands, Micronesia, Samoa, Singapore, Solomon Islands, East Timor. *Caribbean*: Trinidad and Tobago. *Middle East and North Africa*: Djibouti, Egypt, Morocco, Palestine. *South Asia*: Bangladesh, India, Pakistan. *North America*: Canada. *South America*: Chile.

3. Zero: *West and Central Africa*: Burkina Faso, Central African Republic, Ivory Coast, Equatorial Guinea, Gambia, Ghana, Guinea, Liberia, Mauritania, Niger, Nigeria, Senegal, Sierra Leone. *East and South Africa*: Angola, Botswana, Comoros, Eritrea, Eswatini, Malawi, Mozambique, Somalia, Tanzania, Zimbabwe. *East Asia and the Pacific*: Borneo-Darussalam, Indonesia, Malaysia, Myanmar, Niue, Palau, Papua New Guinea, Republic of Korea, Tuvalu. *Caribbean*: Antigua and Barbuda, Bahamas, Barbados, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname. *Middle East and North Africa*: Iran, Iraq, Lebanon, Qatar, Saudi Arabia, Syrian Arab Republic, Western Sahara. *South*

*Asia:* Bhutan, Maldives, Sri Lanka. *North America:* United States of America. *South America:* Guatemala, Panama.

Prohibition on physical and degrading child's dignity punishments at home:

1. Existing: *Europe and Central Asia:* Albania, Andorra, Austria, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, the former Yugoslav Republic of Macedonia, Portugal, Republic of Kosovo, Moldova, Romania, San Marino, Slovenia, Spain, Sweden, Turkmenistan, Ukraine. *West and Central Africa:* Benin, Cape Verde, the Republic of the Congo, Togo. *East and South Africa:* Kenya. *East Asia and the Pacific Ocean:* Mongolia, New Zealand. *Middle East and North Africa:* Israel, Southern Sudan, Tunisia. *South Asia:* Nepal. *South America:* Argentina, Bolivia, Brazil, Costa Rica, Honduras, Nicaragua, Paraguay, Peru, Uruguay, Venezuela.

2. Partly: *Europe and Central Asia:* Bosnia and Herzegovina, Georgia, Slovakia, Tajikistan, Uzbekistan. *Caribbean:* Haiti. *South America:* Mexico.

3. Zero: *Europe and Central Asia:* Armenia, Azerbaijan, Belarus, Belgium, Czech Republic, Italy, Kazakhstan, Kyrgyzstan, Monaco, Russian Federation, Serbia, Switzerland, Turkey, United Kingdom, Afghanistan. *West and Central Africa:* Burkina Faso, Cameroon, Central African Republic, Chad, Ivory Coast, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone. *East and South Africa:* Angola, Botswana, Burundi, Comoros, Eritrea, Lesotho, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Seychelles, Somalia. *South Africa:* Uganda, United Republic of Tanzania, Zambia, Zimbabwe. *East Asia and the Pacific:* Australia, Bhutan, Darussalam, Cambodia, China, Cook Islands, DPR Korea, Fiji, Indonesia, Japan, Kiribati, Lao People's Democratic Republic, Malaysia, Marshall Islands, Micronesia, Myanmar, Nauru, Niue, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Taiwan, Thailand, Timor-Leste, Tonga, Tuvalu, Vanuatu, Vietnam.

*Caribbean:* Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago. *Middle East and North Africa:* Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Palestine, Sudan, Syrian Arab Republic, United Arab Emirates, Western Sahara, Yemen. *South Asia:* Bangladesh, Bhutan, India, Maldives, Pakistan, Sri Lanka. *North America:* United States of America, Canada. *South America:* Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Panama.

In Latin America, from the 19 countries, there are 10 bans on corporal and degrading punishment both at home and in educational institutions. Prohibitions on corporal punishment are absent only in Guatemala, Panama and partly in Chile.

Results of anonymous questionnaires of schoolchildren's parents and schoolteachers in Odessa presented in Table 1 and Table 2.

Table 1. Results of anonymous questionnaires of schoolchildren's parents in Odessa

Parents	
1. Are you aware of the existence of the prohibition of using any form of violence against children?	
Yes – 157 (34.9%)	No – 293 (65.1%)
2. Do you consider it possible to use corporal or other degrading child punishments by parents for the purpose of bringing them up?	
yes, this is a normal phenomenon if the children are disobedient – 96 (21.3%)	yes, because I have been brought up by parents the same way – 94 (20.9%)
depending on the fault of a child and in the absence of any injuries – 139 (30.9%)	categorically no – 121 (26.9%)
3. Do you consider it possible using of physical or other degrading child punishments by teachers with the purpose of education?	
yes, so if it is necessary to keep discipline in the	depending on the fault of a child and in the absence of

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classroom – 31 (6.9%)	any injuries – 52 (11.6%)
no, for this purpose there are parents – 96 (21.3%)	categorically no – 271 (60.2%)

There are 34.9 percent of parents (Table 1) and 89.3 percent of teachers (Table 2) aware of the existence of the prohibition of using any form of violence against children. Only 26.9 percent of parents (Table 1) and 52.7 percent of teachers (Table 2) categorically not consider it possible to use corporal or other degrading child punishments by parents for bringing them up. There are 60.2 percent of parents (Table 1) and 89.1 percent of teachers (Table 2) categorically not consider it possible to use physical or other degrading child punishments by teachers with the purpose of education.

Table 2. Results of anonymous questionnaires of school teachers in Odessa

Teachers	
1. Are you aware of the existence of the prohibition of using any form of violence against children?	
Yes – 536 (89.3%)	No – 64 (10.7%)
2. Do you consider it possible to use corporal or other degrading child punishments by parents for the purpose of bringing them up?	
yes, this is a normal phenomenon if the children are disobedient – 42 (7%)	yes, because I have been brought up by parents the same way – 90 (15%)
depending on the fault of a child and in the absence of any injuries – 152 (25.3%)	categorically no – 316 (52.7%)
3. Do you consider it possible to use physical or other degrading child punishments by teachers with the purpose of education?	
yes, so if it is necessary to keep discipline in the classroom – 13 (2.2%)	depending on the fault of a child and in the absence of any injuries – 15 (2.5%)
no, for this purpose there are parents – 37 (6.2%)	categorically no – 535 (89.1%)

In spite of the absolute prohibition in the UN Convention on the Rights of the Child of any degrading treatment of children some kinds of punishment, in some countries, discussions are still take place on the feasibility of legal consolidation at the national level of "reasonable penalties". The concept "reasonable punishment" and "legal correction" in the field of law arises because of the perception of children as the property of their parents. It is a modern equivalent of the laws that operated a century or two ago, allowing masters to beat their slaves or servants and men to beat their wives. Such "rights" are based on force and are supported by means of violence and humiliation.

At the same time, the existence of a legal ban at the national level does not guarantee the absence of using degrading punishments in practice. Meanwhile, the absence of a direct absolute prohibition in the country does not necessarily result in a high level of application of corporal and degrading child punishments. In Switzerland and Monaco, for example, there are no special rules protecting children from corporal and degrading punishment of children at home and only partial prohibitions exist as for punishment at school. At the same time ensuring the index of the rights of the child in Monaco is – 9.14 / 10 and in Switzerland – 9.26 / 10.

Index of realization of the rights of children (RCRI) is a class from 0 to 10 that defines the level of implementation of children's rights in the country. The lower is the RCRI, the lower is the level of children's rights in the country and vice versa. For RCRI's simplicity and visualization, there were used five colors: green (good situation); yellow (the situation is satisfactory); orange (noticeable problems); red (difficult situation); black (very serious situation). You can check the RCRI of the country using the Humanium resource.

The RCRI's black color, for example has Equatorial Guinea (5.52 / 10) and the Gambia (5.94 / 10), which does not contain norms that would prohibit the physical and degrading punishment of a child in national legislation. Panama, which also does not contain appropriate prohibitions in national legislation, has the yellow color of the RCRI (8.44 / 10).

The United States, which is one of two countries in the world that has not ratified the UN Convention on the Rights of the Child, also does not have special rules prohibiting the using of corporal and degrading punishments as for children. The US children's rights realization index is at the yellow level – 8.72 / 10. D. Finkelhor (Finkelhor et al. 2019) noted that current trends indicate a consistent reduction in the use of corporal punishment to children in the United States, which the researchers correlate, in particular, with the increasing number of researches and information activities on the subject both nationally and internationally. Zamira Gjeleshi (Gjeleshi et al. 2014) stressed the importance of the formation of non-violent values among teachers, parents and children. We accept the researchers' view on the fact that the level of awareness of the population has a potential impact on the reduction of the practice of using corporal and other degrading punishments as for children.

Elizabeth Sullivan (Sullivan & Keeney 2008) pay a great attention that the US-based security approach, according to which every police officer must be present at school and that the disciplinary offenders are subject for any mobility restriction and isolation, has not been proved. The most modern approaches are to implement the mediation and mediation institutions in schools. In addition, restorative justice as an alternative disciplinary approach will contribute to restore the dignity of victims of ill-treatment in schools (Reyneke 2011).

The absence of degrading punishment does not mean permissiveness and inadequacy of children. Of course, discipline must be respected, both at home and in school. However, exclusively non-violent methods of education, as well as adults, should be used for children. We can use the "mirror" method to understand whether a particular measure corresponds to the modern concept of the rights of the child and whether it encroaches on the child's dignity. The essence of this method is to assume that the punishment that is intended to be applied to a child is applied to an adult – a parent or a teacher. If in such a case the sentence would look absurd or inappropriate, it does not correspond to the modern concept of the rights of the child and may violate its dignity and personal integrity.

On the other hand, in countries where the legal prohibition on the use of corporal and other degrading child punishments is provided, in practice these standards are not always adhered to. So, the realization of the children's rights index in India has a red level of 6.3 / 10 (Realization of Children's... 2019). Reena Cheruvalath emphasizes the need for programs to raise the awareness of secondary school teachers of the consequences of corporal punishment of children, because in Indian schools, despite the legal prohibition, teachers still use different types of corporal punishment, perceiving them as an effective method of controlling discipline in the classroom (Cheruvalath & Tripathi 2015).

The Council of Europe's Strategy for the Rights of the Child for 2016-2021 confirm this concept, which states that strong political will, adequate resources and public awareness of the rights of the child are needed to an effective protection of children. The Report of the independent expert for the United Nations on violence against children proclaims that every society, regardless of its cultural, economic or social background may and must stop child abuse (Report of the independent... 2006; United Nations Children's 2017). This does not only mean a legal prohibition, but also requires the transformation of society's "thinking" and the elimination of economic and social conditions associated with violence. Tiwari A. (Tiwari 2019) believes that the successful implementation of the prohibition of corporal punishment depends on the compatibility between local and national socio-cultural norms, teachers' convictions and the availability of resources. Ssenyonga J. (Ssenyonga et al. 2019) concluded that, in addition to strategies for non-violent discipline and promoting changes in the use of coercive intervention methods aimed at reducing the level of violence by teachers, integration of effective stress management skills may be required.

There are some legal norms in Ukraine that prohibit the use of corporal and degrading punishments for children. From 2018, even there is a criminal responsibility for bullying, including teachers. However, accordingly to RCRI, Ukraine has an orange color – 7.68 / 10.

The results of our research work showed, firstly, the low level of parents awareness of the existence of the prohibition of using any form of violence against children (Table 1). An analysis of



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public opinion conducted by UNICEF in Ukraine in 2018 showed that 52 percent of respondents believed that slamming the baby on the buttocks is not always a manifestation of violence and 10 percent do not regard it as violence at all (UNICEF Ukraine 2018). The results of the research conducted in Odessa showed that only 26.9 percent of parents categorically deny the possibility of using corporal or other degrading child dignity punishment for the purpose of education (Table 1). Among the teachers, there are those who share this opinion – 52.7 percent (Table 2), although this indicator is too low for those persons who, according to national legislation, should disclose violence against children and inform law enforcement about these facts.

While conducting educational events with schoolchildren's parents, some of them mentioned the national traditions of education and mentality, which can not be changed. An argument for such parents was the fact that before the beginning of the 20th century the use of corporal punishment was allowed in schools at the normative level and actively used. And today in Ukraine, the use of violence by any teacher in any form as for students is not only prohibited at the level of legislation, but is also condemned by society. It was proved by the results of the questionnaire. Thus, 60.2 percent of questioned parents (Table 1) and 89.1 percent of teachers (Table 2) categorically denied the possibility of using corporal or other degrading child punishments by teachers with purpose to educate children. That is, the social attitude changes over time. However, this requires a balanced and consistent state policy, resources and time.

Some of the parents during their feedback expressed a great interest in non-violent methods of discipline, but 20.9 percent of them use corporal punishment because they themselves have been brought up the same way and they do not know other methods of maintaining child's discipline (Table 1).

## **CONCLUSIONS**

Human dignity is an absolute and inalienable right of the child. Modern education should not be based on outdated concepts, according to which the child was considered solely as an object of care and protection of adults. A modern child is a person, a person who has all human rights, including the right not to be subjected to corporal and humiliating dignity punishments.

For the effective protection of the child's dignity it is not sufficient to foresee at the national level the legal prohibition of physical and degrading punishment. In many countries, such standards are declarative and do not ensure the safety and integrity of children. One of the important factors that determines the declarative nature of such standards is the tolerance of society to corporal punishment of children.

The problem of corporal and degrading punishment of children is a multidimensional phenomenon and requires a comprehensive multidisciplinary approach as for its resolution. Such penalties are violent by their nature and consequences. Violence against children can not be justified by such concepts as "tradition" and "discipline". Public policy should include approaches pointed at educating parents and teachers in non-violent ways to ensure the discipline of children. Zero tolerance to violence at the legal and social levels is a key to ensure the principle of dignity of a child in all spheres, including in education.

The research does not embrace all cases of violations of the principle of the child's dignity by other children in schools, because taking into account the relevance and depth, this topic needs a separate and thorough study.

Performances listed on the website The Global Initiative to End All Corporal Punishment of Children, cannot reflect the latest changes in the legislation of countries and some countries do not have any data.

The researchers did not carry out a full analysis of the existence or absence of correlations between the existence of legal norms prohibiting the use of corporal and degrading child punishments and the provision of an index of children's rights in each of the countries. Taking into account the need to determine the factors that can bring about the declarative nature of such norms, the authors focused on verifying the hypothesis of society's tolerance as for corporal punishment as one of such factors.

Researchers did not influence upon the selection of the participants of questioning, so the research results are not sufficiently representative. Taking into consideration the gender policy's state in Ukraine, mothers' attendance, at the parents' meeting, prevails in schools. Consequently, we did not succeed in following the differences in the views of men or women on the use of corporal punishment of children. But we assume that they can be traced.

## RECOMMENDATIONS

The results of the research work can be used for further discussion on the mandatory existence of an absolute prohibition on the physical and degrading punishment of a child in national legislation, as well as in developing a strategy for zero tolerance towards corporal and other degrading child punishments. Further research could take into consideration not only the contradiction between the norms of law and morals, but also the norms of religion, which hypothetically can have influence upon the formation of a state policy in the field of children's rights in certain countries.

In addition, monitoring of teachers' awareness of the rights of children enshrined in the UN Convention on the Rights of the Child, as well as their understanding of the principle of dignity and its components, is appropriate. It is advisable to include in the educational programs of teaching staff training to study the issue of ensuring the dignity of the child. In addition, in the educational work with children and parents in the role of participants in the educational process, it is important to consider the rights of a child and the importance of the strict observance of the principle of the dignity of a child, both in educational institutions and in the family.

Ensuring the principle of the dignity of a child is a principle of modern education and it requires an integrated approach that should include: revision of a current legislation to ensure the effective prohibition of all corporal punishment; enhancing the parents and teachers' awareness about the harm from physical and degrading punishments and their training in non-violent means of discipline; supplying of informational and educational activities pointed to understanding society's relevance and importance of the principle of the dignity of the child and its provision in all spheres of life, including education; informing children about their rights, including the right to respect dignity, including this topic through school curricula; conducting researches with the purpose to better understanding of the problem's scale and evaluating the effectiveness of the state policy in this field.

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