



March 8, 2023

House of Commons
Ottawa, Ontario,
Canada
K1A 0A6

Re: An Open Letter Calling for the End of Corporal Punishment Against Canadian Children through the support of Bill S251

Dear Canadian Senators:

The Canadian Coalition for the Rights of Children (CCRC) believes that you can show leadership in your position as Senator by working to end corporal punishment in Canada through support for Bill S251.

The CCRC is a national umbrella group of organizations and individuals across Canada who promote the rights of children and the full implementation of the Convention on the Rights of the Child in Canada and globally. The CCRC would greatly appreciate the opportunity to connect with you on children's rights with specific regard to the repealing of section 43 of the criminal code, which would eliminate corporal punishment in Canada amongst children and youth.

With this in mind, we ask you to consider the social science evidence that shows the long-term negative effects of corporal punishment on children's mental health and well-being. This colonial law is a violation of children's protection rights yet remains in the Criminal Code since 1892. Canada falls behind 63 countries globally that have met their Convention on the Rights of the Child's obligations by prohibiting physical punishment in all contexts. We ask that you use this opportunity to make significant progress for children's rights in Canada by working with your colleagues in the Senate to end corporal punishment by supporting Senator Stan Kutcher's Bill 251 to repeal Section 43 of the criminal code.

What is corporal punishment and what are the impacts?

Corporal punishment refers to any form of punishment which is intended to cause physical pain to a person. In Canada, it is the most common form of violence against children today. Corporal punishment has no positive benefit to children. In fact, this is no high quality research that shows positive effects or benefits of corporal punishment on children's health or well-being; nor has there been research that highlights long-term benefits of physical punishment on children. It causes more harm and places a greater risk to children's emotional well-being and development. **Evidence of the negative implications of corporal punishment are clear and compelling: it physically injures children; it impairs development; it has harmful impacts on young people's behaviour, well-being and mental health, cognitive development, and ability to form and maintain healthy relationships. Additionally, it is costly to society.**

UN 5th/6th Review

The Committee on the Rights of the Child (CRC) has noted in previous reports that Canada has failed to make ending corporal punishment a priority. In 2022, [in the Concluding Observations, the Committee](#) stated:

25. The Committee takes note of the road map to end violence, 2019, but regrets that bill S-206, which was aimed at repealing the defence allowing for "reasonable force" under section 43 of the Criminal Code, was not adopted. Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, it urges the State party to:

(a) Repeal section 43 of the Criminal Code, to remove the existing authorization of the use of "reasonable force" in disciplining children and explicitly prohibit all forms of violence against all age groups of children within the family, in schools and in other institutions where children may be placed;

(b) Further promote positive, non-violent and participatory forms of child-rearing and discipline;

(c) Conduct awareness-raising campaigns for parents and professionals working with and for children to promote attitudinal change within the family and the community.

Giving high priority and specific attention to ending violence against children, it is essential to have effective legislation and to fulfill Canada's duties under the Convention on the Rights of the Child, which Canada ratified more than thirty years ago.

Truth and Reconciliation Calls to Action #6

In 2015, the Truth and Reconciliation Commission of Canada released its summary report and Calls to Action, documenting how the past 150 years of Canada's relationship with Indigenous Peoples have been characterized by broken treaties, by physical, sexual, emotional, and cultural

violence, and by the “destructive dynamics” of an oppressive colonial system. Prime Minister Trudeau has said that he wants to implement the TRC Calls to Action. With this in mind, we ask that you consider TRC #6, which states:

We call upon the Government of Canada to repeal Section 43 of the Criminal Code of Canada.

Call to Action 6 is addressed specifically to the Canadian government, although we realize other duty-bearers, such as Christian churches have responsibility as well. Normative Western European interpretations of Christian texts were used to justify and propagate violence toward Indigenous children in the residential schools. These texts continue to be used to rationalize and normalize corporal punishment against children today. Call to Action 6 makes visible a complex and multi-dimensional problem: it is about child violence and the health of children; it is about religion; and it is about the ongoing process toward decolonization and reconciliation.

Laurent Commission

The recent report by the Laurent Commission on child protection in Quebec recognized the importance of prohibiting corporal punishment for preventing violence against children. It recommends that Quebec adopt its own legislation to prohibit corporal punishment. That would mean some children in Canada will have less legal protection from violence than other children in Canada. It would be more equitable, as well as consistent with Canada’s obligations under the Convention on the Rights of the Child, for Canada to protect all children in Canada from all forms of violence, including corporal punishment.

Prohibiting corporal punishment is essential to preventing violence against children. The Committee on the Rights of the Child has consistently called on Canada to prohibit all corporal punishment of children. **Therefore we ask you and your colleagues in the Senate to take the necessary steps to repeal Section 43 of the Criminal Code and ensure better well-being for all children in Canada.**

We would welcome an opportunity to provide more information and we look forward to seeing major improvements in substance in this Parliamentary session.

Sincerely,

The CCRC Board

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