

February 14, 2022

Honourable Carolyn Bennett
House of Commons
Ottawa, Ontario,
Canada
K1A 0A6

Re: Ending Corporal Punishment Against Canadian Children and Mental Health

Dear Minister Bennett:

The Canadian Coalition for the Rights of Children (CCRC) congratulates you on your appointment to Cabinet as Minister of Mental Health and Addictions and Associate Minister of Health. During your tenure as Minister of these important files, you have an opportunity to show leadership on children's rights in a variety of ways, most notably by working to end corporal punishment in Canada.

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. We have been thrilled to have you at our events in the past, and would love to have another opportunity to connect with you on children's rights and mental health.

As stated in your mandate letter, you have been asked by the Prime Minister to develop and implement a comprehensive, evidence-based plan that will develop mental health standards, with a focus on equity. Furthermore, over the next year, you have an opportunity to show leadership on children's rights through making improvements in the way Canada engages in the 5th/6th review of how Canada implements the Convention on the Rights of the Child. Your department, along with the Ministry of Justice and Ministry of Heritage, will lead in filing Canada's response to a list of issues from the Committee on the Rights of the Child later in February, and appearing before the Committee in the spring.

With this in mind, we ask you to consider the evidence that shows the long-term effects of corporal punishment on children's mental health and well-being. We ask that you use this opportunity to make significant progress for children's rights in Canada by working with your colleagues in Cabinet to end corporal punishment.

What is corporal punishment?

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 is prevalent

- It physically injures children
- It impairs development
- It is universally harmful; and it is costly to society.

UN 5th/6th Review

The Committee on the Rights of the Child has noted in previous reports that Canada has failed to make ending corporal punishment a priority. In 2012, [it noted](#):

“The Committee is gravely concerned that corporal punishment is condoned by law in the State party under Section 43 of the Criminal Code. Furthermore, the Committee notes with regret that the 2004 Supreme Court decision Canadian Foundation for Children, Youth and the Law v. Canada, while stipulating that corporal punishment is only justified in cases of “minor corrective force of a transitory and trifling nature,” upheld the law. Furthermore, the Committee is concerned that the legalization of corporal punishment can lead to other forms of violence.”

Giving high priority and specific attention to the 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 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 your department 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,

Kate Butler, Chair
Canadian Coalition for the Rights of Children
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