



April 10, 2023

Via E-mail:

Bev Busson, Bev.Busson@sen.parl.gc.ca

Margo Greenwood, Margo.Greenwood@sen.parl.gc.ca

Mobina Jaffer, mobina.jaffer@sen.parl.gc.ca

Yonah Martin, martin@sen.parl.gc.ca

Yuen Pau Woo, YuenPau.Woo@sen.parl.gc.ca

Dear BC Senators,

Re: Bill S-251 to Repeal of Section 43 of the Criminal Code

We are writing to urge you to support Bill S-251, put forward by Senator Stanley Kutcher, calling for the repeal of Section 43 of the Criminal Code.

There is no good reason for Canada to keep a legal defense that allows adults to “use force by way of correction” against children. Canada signed the UN Convention on the Rights of the Child in 1991. In doing so we committed ourselves to protect children from “all forms of physical or mental violence” (Section 1, Article 19) and to “take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children” (Section 3, Article 24). The UN Committee on the Rights of the Child has clearly stated that physical punishment is a form of violence that violates children’s rights to protection, dignity, and physical security (General Comment No. 8, 2006) and have repeatedly criticized Canada for failing to remove this defense from Canadian law. And, as many have pointed out, repealing Section 43 is one of the Truth and Reconciliation Calls to Action Canada has promised to implement.

There is extensive research demonstrating that physical punishment is harmful to children’s development and well-being, prompting 65 countries around the world so far to outlaw the physical punishment of children in all settings. Numerous programs exist across Canada to help the minority of parents who use physical punishment to learn more appropriate and safe methods of guiding their children’s behaviour. Canada must prioritize the protection and well-being of children, pay attention to the research on the negative impacts of physical punishment, while continuing to support parents in modifying their own behaviour to raise their children without using violence.

The 2004 Supreme Court decision on this issue remains an embarrassment for Canada. This decision left children between the ages of 3 and 12 as the only Canadian citizens unprotected from physical punishment in law, denying them the same protections against violence that are

2/...

putting children and youth first

taken for granted by adults. The Canadian Charter of Rights and Freedoms guarantees all citizens' rights to security of the person (Section 7) and equal protection of the law regardless of age (Section 15). It is past time to remedy this human rights violation and modify our laws to show children of all ages the same respect we expect them to show us.

Please stand up for our children's right to be protected from violence in Canadian law. We urge you to vote in support of this bill and to encourage other senators to give it their support as well.

Sincerely,



Adrienne Montani
Executive Director

Copy: Amy Mackay, Office of Senator Stan Kutcher
Ron Ensom, Coalition on Physical Punishment of Children and Youth
Joan Durrant, University of Manitoba