



Canadian Friends
Service Committee
(QUAKERS)
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The Senate of Canada
Ottawa, Ontario
Canada
K1A 0A4

April 13, 2017

Dear Senator,

I am writing on behalf of Canadian Friends' Service Committee, the peace and justice arm of the Religious Society of Friends (Quakers) in Canada, in support of Bill S-206 which would repeal Section 43 of the *Criminal Code*.

We acknowledge that this is a complex issue, and not single-faceted. There is a distinction that can be drawn between violent force, and gentle force used to restrain someone for their own safety or the safety of others. Unfortunately, this distinction is not drawn in Section 43 as it stands. It is not about restraint, but “correction”: implicitly, punishment.

Quakers have a long-standing commitment to peace and nonviolence dating back to our very early days in the 1600s. We believe that violence is a negative force that leads to harmful outcomes. In our ongoing efforts to work for justice in our world, we find the existence of a Canadian law that explicitly allows that an adult may be “justified in using force by way of correction toward a ... child” deeply troubling.

Every other Canadian citizen is legally protected from violence on the basis of fundamental human rights. These rights should apply equally to our youngest and most vulnerable citizens. Indeed, by ratifying the United Nations' *Convention on the Rights of the Child* in 1991, Canada committed to protect children specifically from all forms of physical or mental violence, injury or abuse. It is past time to follow through on this commitment. All 196 countries in the world have signed this convention (all but the United States have ratified it); 52 countries have prohibited all physical punishment of children, and 54 more have committed to doing so. It is shameful that Canada is in the “bottom half” of the world in this respect. We have been repeatedly criticized by the United Nations for our failure to repeal Section 43 in order to follow through on our commitment to the *Convention on the Rights of the Child*.

The Supreme Court ruled in 2004 that Section 43 of the *Criminal Code* does not violate the



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Canadian Charter of Rights and Freedoms. There were, however, three significant and distinct dissenting opinions from the justices. Notably, Deschamps J. argued that it “encourages a view of children as less worthy of protection and respect for their bodily integrity based on outdated notions of their inferior personhood.” Even the majority opinion argued that Section 43’s use of the word “reasonable” implies that force may not be administered to teenagers, as it can induce aggressive or antisocial behaviour. We do not understand how this argument fails to apply to younger children.

It is all too easy for “mild” physical punishment to escalate into more severe violence and abuse. Studies¹ have shown that physical punishment predicts negative outcomes including increases in aggressions and bullying, slowed brain and cognitive development, and a higher risk of engaging in criminal violence (particularly within family and close relationships) later in life. Section 43 opens the door to this. Indeed, the Supreme Court decision on Section 43 has left physicians and social workers in the invidious position of being asked to advise parents on how and where they can legally hit their children, rather than telling that hitting children is unacceptable.

A vulnerable person should not be subject to violence from someone who has been entrusted with their care. In the case of children, it is particularly important that the adults caring for them model constructive methods of resolving conflicts that do not include the use of violence. The vibrancy of our civil society requires that young Canadians be raised to understand that violence begets pain and anger, and is not a healthy solution to conflict.

We support Bill S-206 and call on all Senators to stand up for Canada’s children by supporting Bill S-206. Passage of the bill by both the Senate and the House of Commons would also fulfill [recommendation](#) 6 by the Truth and Reconciliation Commission.

Sincerely,

Lana Robinson,
Clerk, Canadian Friends Service Committee

¹ For example, see research cited by the Coalition on Physical Punishment of Children and Youth facilitated by the Children’s Hospital of Eastern Ontario at:
<http://www.cheo.on.ca/en/physicalpunishment>



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