



Public Health Association of British Columbia
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March 14, 2016

Prime Minister Trudeau and
Attorney-General Jody Wilson Raybold

Re: Sec 43 of the criminal Code of Canada

Dear Prime Minister and Attorney General,

Sec 43 of the Criminal Code allows the physical punishment of children. Assaulting children is no longer a normal or acceptable way to raise children. It has never been an effective long-term parenting strategy, and can lead to significant harm.

Forty-seven countries have abolished laws that permit assaulting children. Canada has not done so, even though it signed the UN Declaration on the Rights of the Child in 1989. The UN Committee that monitors compliance has twice recommended that Canada prohibit corporal punishment of children. In 2003, it informed our government that it was “deeply concerned” that Canada has taken no action to remove Section 43 from the Code.

In the past we have had laws which permitted assaulting slaves, servants, apprentices, prisoners, wives, dogs and children. Today, children are the only ones left on that list. It is concerning that Canada still has a law which actually provides guidance as to how to hit children and escape legal responsibility. Violence against children should be against the law, not defined by it.

It is the only section of the criminal code that is prescriptive in this way. All other sections are designed to protect Canadians, except Section 43. Embedded in the United Nations Sustainable Development Goals is target 5.3 calling for an end to harmful practices. Corporal punishment of children is a harmful practice and should be eliminated in Canada. PHABC is a strong proponent of violence prevention and is a founding member of Prevention of Violence Canada-Prévention de la violence Canada.

This law has nothing to do with raising children. Section 43 has everything to do with protecting people who hit children. Violence should not be permitted and excused by our laws, the Public Health Association of British Columbia appeals to you both to immediately initiate the steps necessary to repeal Sec 43 of the criminal Code.

Respectfully,

Paola Ardiles
PHABC President