



MODERATOR OF THE 146TH GENERAL ASSEMBLY
The Rev. Daniel D. Scott, B.A., M.C.S, M.Div., D. Min.

December 1, 2021

The Right Honourable Justin Trudeau
Prime Minister of Canada
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The Honourable David Lametti
Minister of Justice and Attorney General of Canada
david.lametti@parl.gc.ca

Dear Prime Minister Trudeau and Minister Lametti:

Greetings from The Presbyterian Church in Canada At its online meeting June 6–9, 2021, the General Assembly considered and adopted a report on the *Joint Statement on the Physical Punishment of Children and Youth* (<https://www.cheo.on.ca/en/about-us/physical-punishment.aspx>). Developed by six Canadian organizations led by the Children's Hospital of Eastern Ontario and endorsed by over 600 religious, medical and educational bodies, the *Joint Statement on the Physical Punishment of Children and Youth* (the Joint Statement) provides an overview of the developmental outcomes associated with the use of physical punishment on children and youth. Its findings can be summarized as follows:

“The evidence is clear and compelling – physical punishment of children and youth plays no useful role in their upbringing and poses only risks to their development. The conclusion is equally compelling – parents should be strongly encouraged to develop alternative and positive approaches to discipline.”

The General Assembly endorsed the Joint Statement for several reasons:

- Widely accepted research supports the findings of the Joint Statement on the destructive results of physical punishment on the mental, physical and spiritual health of children. Published research subsequent to the first printing of the Joint Statement in 2004 has confirmed those results, and no peer-reviewed, scientific research has contradicted them.
- The Joint Statement affirms the importance of discipline for the development of children, and offers an empowering educational resource that helps parents, teachers and caregivers learn about positive disciplinary alternatives to physical punishment.
- Call to Action No. 6 of the Truth and Reconciliation Commission on Indian Residential Schools calls for the repeal of Section 43 of the Criminal Code of Canada. Endorsing the Joint Statement helps the church live out the commitment it made in its Confession (1994) to walk the path of reconciliation with Indigenous peoples.
- The findings and recommendations of the Joint Statement are consonant with the church's understanding of its responsibility to seek justice in the world.

Following its endorsement of the *Joint Statement on the Physical Punishment of Children and Youth*, the General Assembly instructed me to write to you and to the Prime Minister advocating for the full protection of children, including the repeal of Section 43 of the Criminal Code of Canada.

The Presbyterian Church in Canada calls on the Government of Canada to commit to the full protection of children and to repeal Section 43 of the Criminal Code of Canada for the following reasons:

- In 1991, Canada ratified *The United Nations Convention on the Rights of the Child* (the Convention). Article 3 of the Convention states that “...in all actions concerning children, whether undertaken by public or private

Clerks of Assembly: The Rev. Stephen Kendall and The Rev. Donald Muir

social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

- Under the terms of the Convention, the best interests of the child include protection from assault. By ratifying the Convention, Canada was obliged to put in place “all appropriate legislative, administrative, social and education measures to protect the child from all forms of physical or mental violence, injury or abuse” (Article 19).
- Since 1991 the UN has called for the repeal of section 43 of the Criminal Code of Canada no less than three times and has expressed “grave concern” about Canada’s inaction on this issue.
- In 2003, during the second review of Canada’s compliance with the obligations of the Convention, the UN Committee on the Rights of the Child indicated it was “deeply concerned” that Canada had “not enacted legislation explicitly prohibiting all forms of corporal punishment and has taken no action to remove section 43 of the Criminal Code, which allows corporal punishment.” The committee recommended that Canada “adopt legislation to remove the existing authorization of the use of “reasonable force” in disciplining children and explicitly prohibit all forms of violence against children, however light, within the family, in schools and in other institutions where children may be placed.”
- In 2006, the UN Secretary-General’s Study on Violence against Children concluded that all governments are ultimately responsible for the protection of children. To fulfil their human rights obligation, states were called upon to end justification of violence against children, whether it be accepted as a tradition or disguised as a discipline.
- On December 15, 2015, the Government of Canada declared its commitment to work in partnership with Indigenous communities, the provinces, territories and other vital partners to implement fully the Calls to Action of the Truth and Reconciliation Commission (<https://www.rcaanc-cirnac.gc.ca/eng/1524494530110/1557511412801>). Call to Action No. 6 of the Truth and Reconciliation Commission on Indian Residential Schools calls for the repeal of Section 43 of the Criminal Code of Canada.

The Presbyterian Church in Canada urges the Government of Canada to ensure the full protection of children, including the steps necessary to repeal of Section 43 of the Criminal Code of Canada without further delay. By honouring Canada’s commitments – both internationally and at home – the federal government will benefit our nation’s children and those entrusted with their care.

Sincerely,



The Rev. Dr. Daniel D. Scott
Moderator
The Presbyterian Church in Canada