



Native Women's
Association of Canada

L'Association des
femmes autochtones
du Canada

Senator Stan Kutcher

Office of Senator Stan Kutcher
Senate of Canada
Ottawa, ON
K1A 0A4

RE: Bill S-251: *An Act to repeal section 43 of the Criminal Code (Truth and Reconciliation Commission of Canada's call to action number 6)*

Dear Senator Kutcher,

On behalf of the Native Women's Association of Canada (NWAC), I am pleased to provide this letter of support for Bill S-251: *An Act to repeal section 43 of the Criminal Code (Truth and Reconciliation Commission of Canada's call to action number 6)*. As a National Indigenous Organization in Canada, we believe it essential to repeal s. 43 of the Criminal Code as it remains a colonial legacy that disproportionately harms Indigenous Women, Girls, Two-Spirit, Transgender, and Gender-Diverse Peoples.

The use of corporal punishment for correction is directly linked to Canada's history of eugenics, genocide, and the legacies it has left in the form of intergenerational trauma and the ongoing Missing and Murdered Indigenous Women, Girls, Two-Spirit, Transgender, Gender-Diverse People (MMIWG2S+) genocide. Furthermore, corporal punishment disproportionately impacts marginalized and racialized communities, further exacerbating existing inequalities and perpetuating systemic oppression. The community of Indigenous Women, Girls, Two-Spirit, Transgender, and Gender-Diverse People experience some of the most harmful burdens of violence and mental health disorders in Canada, which all stem from the legacies of colonization and the ongoing systemic inequities they face.

Traditionally, Indigenous Teachings and Ways of Knowing and Doing seldom involved corporal punishment. Decisions were made based on group decision-making and not hierarchical laws. Corporal punishment, as a way of correction, was introduced to Indigenous Society in Canada en masse through the use of Residential Schools and Federal Indian Day Schools. These are places where irreparable physical, mental, emotional, and spiritual harm was done, and the deaths of thousands of young Indigenous Peoples occurred at the hands of the Canadian government – one that has been deemed a cultural genocide. For the punishers, they believed their actions to be reasonable under the circumstances, a fundamental tenet to what is now codified in s. 43. The act of corporal punishment of Indigenous Children then, as it does now, can cause visible damage to a child but also do irreparable harm to the places less visible: their mental, emotional, and spiritual well-being. Corporal punishment also acts as a way for colonial legacies to persist in the form of lateral violence; it can perpetuate the cycle of violence, leading those subjected to corporal punishment to be more likely to use violence themselves.



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We urgently ask the Senate to consider Bill S-251, which would directly answer the Truth and Reconciliation Commission of Canada's call to action number 6. This concrete step towards Truth and Reconciliation would allow ushering in more effective and humane forms of discipline. For Indigenous Women, Girls, Two-Spirit, Transgender, and Gender-Diverse People, this should be guided by the Seven Sacred Teachings of the First Nations Peoples, the Societal Values of the Inuit Peoples, and the Core Values of the Métis Peoples. By repealing corporal punishment, we can create a safer, more equitable society for all people. I urge other members of the Senate to support Bill S-251 and to work towards building a world where Indigenous Children are not punished physically under the guise of legality.

Sincerely,

Lee Allison Clark, Director of Health, on behalf of the Native Women's Association of Canada