



May 31, 2023

Re: Letter of Support from the National Youth Council – Bill S-251, *An Act to repeal section 43 of the Criminal Code*

We are the National Youth Council of Kids Help Phone — Canada’s only 24/7 e-mental health service offering free, confidential support to young people in English and French. The National Youth Council is a diverse group of youth ages 14–24 from across Canada who are passionate about mental health and well-being. We work as a whole to integrate a youth voice into all areas of Kids Help Phone and to directly influence the organization’s decision-making, strategy and delivery of activities. But first and foremost, we are children ourselves. It is from this perspective — that of the group most impacted by the question before you — that we write this letter in support of 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)* (“**Bill S-251**”).

From coast to coast to coast, corporal punishment receives specific protection under the criminal law. Section 43 of the *Criminal Code* grants parents, teachers, and guardians broad and explicit authority to strike society’s most vulnerable individuals with criminal impunity. The intent and effect of section 43 is to strip children — and only children — of the protection of the *Criminal Code*’s ordinary assault provisions.

Bill S-251 proposes to change this by repealing section 43 so as to grant children the same protection against assault as afforded to adults. In doing so, Bill S-251 would also implement the Truth and Reconciliation Commission’s call to action #6 and bring Canada in compliance with the United Nation’s *Convention on the Rights of the Child*, which requires state parties to remove *every* legal provision allowing for *any* degree of corporal punishment in *any* setting — including reasonable correction.

Section 43’s repeal is long overdue. We are delighted to learn that nearly 100 countries have implemented, or will soon implement, a full prohibition of corporal punishment, but disheartened that Canada is not amongst them. For us, section 43’s repeal is, foremost, a question of dignity. Historically, children were merely one amongst the many groups against whom our criminal law permitted corporal punishment. In contemporary times, however, only children await the protection rightfully granted to every other class of persons. We suggest that removing this distinction and granting children the right to bodily integrity is not only necessary to respect the principles of equality and the best interests of the child, but also recognize children as full and equal citizens.

Children deserve to live and thrive in a society free from violence. This elementary right cannot be fully achieved as long as section 43 remains on the books. It is in this lens that we express our enthusiastic support for Bill S-251, and our sincere hope that this attempt at section 43’s repeal — the 17th attempt in the past 30 years — turns out differently from the rest.

Yours very truly,

Members of the National Youth Council at Kids Help Phone