



The Honorable Stan Kutcher
Senate of Canada
Ottawa, Ontario
Canada

21 June 2023

Dear Senator Kutcher,

May I take this opportunity to express my warm greetings on behalf of the Global Partnership to End Violence Against Children. The Partnership was launched in 2016 by the UN Secretary-General - with support from the Canadian Government as a founding member - and is the only global entity focused solely on Sustainable Development Goal 16.2: ending all forms of violence against children by 2030.

I am writing as it has come to our attention that a Bill to amend the Criminal Code and repeal the use of force by adults “by way of correction” is being considered by the Senate. If adopted, the Bill would outlaw corporal punishment of children in all settings, including in the home. We welcome this major opportunity to uphold children’s rights to be protected from violent punishment in child-rearing and we would like to congratulate you for sponsoring this Bill. Canada holds international and regional human rights obligations to prohibit all corporal punishment of children, including through the global commitment to ending violence against children in the context of the 2030 Agenda for Sustainable Development. Moreover, Canada is a Pathfinding country with the Partnership, and this commits the Government to three to five years of accelerated action towards the achievement of Target 16.2 of the Sustainable Development Goals. In view of this, we wish to express our support to the current law reform process, hoping that the Senate will repeal Section 43 of the Criminal Code and achieve prohibition of all forms of corporal punishment of children in Canada.

Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and equal protection under the law. According to article 37 of the United Nations Convention on the Rights of the Child,¹ which Canada ratified in 1991, states have the obligation to ensure that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment...”. States must “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical and mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child...” (article 19(1)). In 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on the “Rights of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, which emphasizes the immediate obligation on states parties to explicitly prohibit all corporal punishment of children, including within the home.² On four occasions, the Committee on the Rights of the Child explicitly recommended that Canada amend its Criminal Code to prohibit corporal punishment of children in all settings.³

¹ See text of the full Convention at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

² The General Comment is available here: <https://www.refworld.org/docid/460bc7772.html>

³ See concluding observations: 9 June 2022, CRC/C/CAN/CO/5-6, Concluding observations on the combined fifth and sixth report, para 25; 6 December 2012, CRC/C/CAN/CO/3-4, Concluding observations on third/fourth report, paras. 7, 8, 44 and 45; 27 October 2003, CRC/C/15/Add.215, Concluding observations on second report, paras. 4, 5, 32, 33 and 45; 20 June 1995, CRC/C/15/Add.37, Concluding observations on initial report, paras. 14 and 25





Corporal punishment, the most common form of violence against children, has a high cost to individuals and society. Evidence shows it impacts physical and mental health, cognitive development and educational achievement, relationships with caregivers, and criminality, drug use and risk of suicide in later life. Calculations suggest violence against children, most commonly corporal punishment, costs the global economy between 2-5% of GDP annually.⁴ Moreover, research conducted in several countries shows that when laws to prohibit all corporal punishment of children are enacted and implemented, reductions in the approval and use of corporal punishment are seen, in addition to wider beneficial impacts across society.⁵

To date, 65 states worldwide have prohibited all corporal punishment of children, including in the home, and a further 27 states have committed to do so.⁶ We hope that the law reform process will ultimately enable Canada to become the 66th prohibiting state. As you will be aware, corporal punishment remains prevalent in Canada, with recent studies suggesting that between 18 per cent⁷ and 43 per cent⁸ of families use spanking to discipline children.⁹

In light of the above, we hope that the Senate will take this opportunity to repeal the provision allowing the use of force against children “by way of correction”, which will send a strong message that it is unacceptable to subject a child to any form or degree of corporal punishment, in any setting. We would be pleased to provide further technical advice and support on all aspects of law reform to prohibit corporal punishment of children.

Thank you for your attention to this matter. We look forward to hearing from you.

Yours sincerely,



DR. HOWARD TAYLOR

Executive Director
Global Partnership to End Violence Against Children

⁴ P, Pereznie, A, Montes, S, Routier. & Langston, L. The costs and economic impact of violence against children. <https://odi.org/en/publications/the-costs-and-economic-impact-of-violence-against-children/> (Overseas Development Institute, 2014)

⁵ <https://endcorporalpunishment.org/resources/research/>

⁶ Visit <https://endcorporalpunishment.org/countdown/> and <https://endcorporalpunishment.org/global-progress/>

⁷ Afifi, T.O., Fortier, J., MacMillan, H.L. *et al.* Examining the relationships between parent experiences and youth self-reports of slapping/spanking: a population-based cross-sectional study. *BMC Public Health* 19, 1345 (2019)

⁸ Clément, M. E. *et al* (2013), *La violence familiale dans la vie des enfants du Québec, 2012 : Les attitudes parentales et les pratiques familiales*, Montréal: Institut de la statistique du Québec

⁹ <https://endcorporalpunishment.org/reports-on-every-state-and-territory/canada/>

