

Coalition on Physical Punishment of Children and Youth

To: Endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pamela Mountenay Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: December 14, 2009

Re: Updates on Canadian and international developments

Global Progress toward Protecting Children from Physical Punishment

There is encouraging progress toward protecting children from physical punishment around the world. Twenty-five countries have now banned physical punishment in all settings including homes and schools. The Republic of Moldova and Luxembourg are the most recent nations to do so. An ever growing number of countries in most regions of the world are grappling with the implications of leaving children legally unprotected against physical punishment.

Physical punishment of children in schools is now banned in 108 nations—more than half the countries of the world ([End Corporal Punishment](#)). With India's recent prohibition, over 60% of the world's children are now protected in law from physical punishment in their schools.

The United Nations has acted on a key recommendation of the UN *Study on Violence against Children* ([UN Violence Study](#)), established the post of Special Representative to the Secretary General on Violence against Children, and appointed Maria Santos Pais to the position for a three-year term. Ms Santos Pais is an internationally renowned human rights expert and former director of UNICEF's Innocenti Research Centre. This high-profile global advocate will promote prevention and elimination of all violence against children ([CRINMAIL](#)).

The Council of Europe has a multi-pillar initiative to educate the public about the right of children to be free of corporal punishment and to persuade parliamentarians to adopt the legal and support measures needed to achieve effective prohibition of all corporal punishment of children in its 47 member states ([Council of Europe](#)).

The Inter-American Court of Human Rights has confirmed the human rights obligations of member states of the Organization of American States to prohibit and eliminate all corporal punishment of children ([CRINMAIL](#)).

At a meeting in Canada, the World Congress on Family Law and Children's Rights called "... upon all nations to undertake initiatives, including legislative action, to promote positive parenting skills and move toward the elimination of corporal punishment of children by parents and institutions."

Raffi Cavoukian, whose songs were part of life for a generation of Canadian children and their parents, announced to loud applause at a national conference on children and youth that he plans

to work with leaders of the world's major faiths to develop a declaration about physical punishment. His Covenant for Honouring Children ([Child Honouring](#)) calls for a commitment to conscious parenting and nonviolence, including an end to corporal punishment.

UN Convention on the Rights of the Child 20th Anniversary

The UN *Convention on the Rights of the Child* ([Convention](#)) is a promise by signatory nations to assure the well-being of their children by guaranteeing their fundamental rights. Canada is a signatory, and joined the world last month in marking the *Convention's* 20th anniversary. Global progress on the well-being of children envisioned by the *Convention* was celebrated and the substantial progress yet to be achieved was acknowledged. *Not There Yet: Canada's implementation of the general measures of the Convention on the Rights of the Child* ([Not There Yet](#)) reviews Canada's progress and unfulfilled obligations. The report notes that, "One reform that has consistently failed is the repeal of section 43 of the Criminal Code ..." (p. 5).

Repeal of Section 43 of Canada's Criminal Code

A private members bill to repeal section 43 of the *Criminal Code* was tabled in the Senate in January 2009. It is the fourth repeal bill sponsored by Senator Céline Hervieux-Payette since 2004. Her first three bills (S-21, S-207, S-209) were identical at tabling and sought simple repeal of s. 43 with a one-year delay before coming into force to permit public education. Bill S-209 was changed at committee review to amend, not repeal, s. 43. The fourth and current bill, "amended" S-209 ([Bill S-209](#)), was tabled by Sen. Hervieux-Payette with the same wording given its predecessor bill at review by the Senate Committee. Amended S-209 attempts to define the circumstances in which parents and teachers may use force with a child. Some advocates of repeal have voiced concerns that neither amended Bill S-209, nor any amendment of s. 43, will provide children with the same protection against assault provided Canadian adults ([OPHA Bulletin](#)). The first three bills died at various stages of reading in the Senate due to prorogations of Parliament. Amended S-209 is awaiting committee review. It is the 11th private members bill to repeal/amend s. 43 since 1994. Six have been tabled in the House of Commons and five in the Senate. The government of the day has opposed every bill.

On National Child Day, November 20th, the federal government released *Convention on the Rights of the Child: Third and Fourth Reports of Canada* ([Third and Fourth Reports](#)), which reports on Canada's progress in fulfilling its obligations as a signatory of the UN *Convention on the Rights of the Child* from 1998 to 2007. Periodic reports are made by signatory countries to the UN Committee on the Rights of the Child (CRC) which monitors states' implementation of the *Convention's* principles. In 1995, following Canada's first report, the CRC urged the prohibition of physical punishment of children in families and public education regarding its use. In 2003, following Canada's second report, the CRC expressed deep concern that legislation had not been enacted prohibiting all forms of corporal punishment and that s. 43 had not been removed from the *Criminal Code*. When the CRC responds to the current Report, it will almost certainly comment on the assertion (p. 14) that the Supreme Court of Canada's decision upholding the constitutionality of s. 43 of the *Criminal Code* is consistent with Canada's obligations under the *Convention* and, by implication, therefore assures children's protection from this form of violence.

Every National Child Day from 2003 to 2008, an Open Letter addressed variously to the Prime Minister, Members of Parliament, and Senators urging repeal of s. 43 has been published in one

or two major Canadian newspapers. The letter was sent this year by email directly to MPs and Senators ([Repeal 43 Committee](#)).

Physical Punishment in Canada's Schools

The province of Ontario recently prohibited physical punishment of students in its publicly funded schools by amending its *Education Act*. This brings to 11 the number of provinces and territories that ban its use by school personnel. Only Alberta and Manitoba have yet to prohibit its use in their schools.

Research

The Coalition continues to monitor research on physical punishment. All of the studies we have reviewed that have been published since the release in 2004 of the *Joint Statement on Physical Punishment of Children and Youth* either reinforce or extend the findings of the research summarized in the *Joint Statement*. Some notable recent research has examined the impact of physical punishment on children's cognitive development and school achievement, and found that its use is linked to slower cognitive development in pre-school and elementary school children and adversely affects academic achievement of school age children. The implications of physical punishment for children and schools related to bullying and to intellectual development are summarized in the education backgrounder on the *Joint Statement* page of the website of the Children's Hospital of Eastern Ontario ([Joint Statement](#)). Research published on physical punishment since publication of the *Joint Statement* will be reviewed in its second edition.

Joint Statement Update

There have been a quarter million downloads of information from the *Joint Statement* page of the CHEO website. A number of distinguished Canadians and more than 350 organizations representing most sectors of the Canadian community have now endorsed the document. Many organizations also disseminate its information to their constituencies and networks.

The education sector impacts every child in Canada. The sport and recreation sector probably touches the second greatest number of children and youth. The *Joint Statement* has been endorsed by English and French, public and Catholic, school boards and a department of education in eight provinces and two territories to date, and by two national coaching associations. An invited article on physical punishment of children in sport and recreation written for a national coaching publication is posted on the CHEO website. A number of documents may be downloaded from the CHEO website, including *Positive Discipline: What it is and how to do it* and one-page backgrounders for the education community, sports and recreation organizations, and business.

The *Report on Physical Punishment in the United States: What Research Tells Us About Its Effects on Children*, which was inspired by and modeled after the *Joint Statement*, and has been gathering expert support in the USA, is posted on the website of the Phoenix Children's Hospital ([Phoenix Children's Hospital](#)).

If you have questions or would like copies of the printed *Joint Statement* or other materials on our website, please send a request by email to jointstatement@cheo.on.ca, or fax to 613-738-4801, or leave a message at 613-737-2393 #4106.

Coalition on Physical Punishment of Children and Youth

To: Endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pamela Mountenay Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: May 1, 2008

Re: Updates on Canadian and international developments

Bill S-209

This private member's bill to repeal section 43 of the *Criminal Code* is the third repeal bill sponsored by Senator Céline Hervieux-Payette. Her first, Bill S-21, died on the order paper in November 2005 before the federal election. Her second, Bill S-207, reached 2nd reading and was referred to the Standing Senate Committee on Human Rights. The committee held extensive hearings, unanimously supported the intent of the bill, and referred it back to the Senate without amendment or observations. The bill died when Parliament was prorogued in September 2007. Sen. Payette introduced Bill S-209 at the opening of the following session of Parliament in October. It is currently at 2nd reading before the Standing Senate Committee on Legal and Constitutional Affairs. All three bills have sought straightforward repeal of section 43 with a one-year delay, before coming into force, to permit public education. Bill S-209 is the tenth private members bill to repeal section 43 since 1994. Six have been tabled in the House of Commons and four in the Senate. The government of the day has opposed every bill.

Standing Senate Committee on Human Rights Report on Canada's Implementation of the Convention on the Rights of the Child

The Standing Senate Committee on Human Rights report on Canada's implementation of the UN *Convention on the Rights of the Child* was released one year ago. *Children: The Silenced Citizens* (www.parl.gc.ca/39/1/parlbus/commbus/senate/Com-e/huma-e/rep-e/rep10apr07-e.pdf), recommends "the federal government take steps towards the elimination of corporal punishment in Canada" that include "the immediate launch of an extensive public and parental education campaign with respect to the negative effects of corporal punishment", "repeal of section 43 of the *Criminal Code* by April 2009", and "[implementation of] a national strategy to combat bullying". No mention was made of section 43 in the federal government's response to the report. The Human Rights Committee plans to follow up its recommendations with the appropriate federal ministers.

More Nations Than Ever Banned Physical Punishment in 2007

Twenty-three nations have now banned physical punishment of children in all settings including the home. Seven prohibited it last year, more than in any previous year. The most recent was Chile, the first country in the Americas to do so. The UN *Study on Violence against Children* sets a target date of 2009 for universal prohibition. Physical punishment of children in schools has now

been banned by 103 nations, more than half the countries of the world. Ten of 13 Canadian provinces and territories prohibit physical punishment in schools; only Alberta, Manitoba and Ontario have yet to do so. The Global Initiative to End All Corporal Punishment of Children has recently released *Prohibiting corporal punishment of children: A guide to legal reform and other measures*. More information about international developments may be found on the Global Initiative website at <http://www.endcorporalpunishment.org>.

New Zealand's Ban on Physical Punishment

Last May, New Zealand became the 19th country to prohibit all physical punishment of children by amending its equivalent statute to Canada's section 43. The new law explicitly prohibits physical punishment and permits parental restraint of children for purposes of care or safety. Police were instructed to use discretion about prosecution when cases of minor assaults on children come to their notice. A review of police activity in the three months following the ban revealed no increase in the number of smacking (hitting) events police attended. Police have commented that claims that repeal of the legal defence for use of physical punishment would lead to prosecution of parents and removal of children from their homes for minor acts of physical discipline have proved unfounded. The review report can be read at <http://www.police.govt.nz/resources/2007/section-59-activity-review>.

Follow-up to World Report on Violence against Children

The landmark UN *World Report on Violence against Children* (www.violencestudy.org/r229) was presented to the General Assembly in November 2006. It described the appalling scope and nature of violence against children worldwide and its devastating impact on the children, their families, their communities, and broader society. The NGO Advisory Council for follow-up to the report issued a call for organizations around the world to support the appointment of a Special Representative to the UN Secretary-General on Violence against Children. Last November, one year after the release of the report, the UN acted on that recommendation. The only country voting against was the United States. The central mandate of the new Special Representative is to ensure broad support of implementation of the report's recommendations.

Positive Discipline

Positive Discipline: What it is and how to do it, written by Dr. Joan Durrant (co-author of the *Joint Statement*) has been published by Save the Children Sweden. The manual is a response to the *World Report on Violence against Children*, which emphasizes prevention, parent support and capacity-building. This manual brings together knowledge of child health and development, findings of research on effective parenting, and child rights principles to guide parents in providing discipline that is neither permissive nor punitive. It sets out four principles that parents can use to guide their interactions with their children and help them develop self-discipline. The manual is for parents of children of all ages. The manual may be downloaded from the website of the Children's Hospital of Eastern Ontario.

Joint Statement Update

There have been more than 117,000 downloads of information related to the *Joint Statement on Physical Punishment of Children and Youth* from the Children's Hospital of Eastern Ontario website. A fourth printing was required last August to meet requests for hard copies. More than 300 organizations and a number of distinguished Canadians have endorsed the *Joint Statement*. Endorsements span the Canadian community. Many endorsers disseminate its information and important message.

There has been increasing uptake of the *Joint Statement* by the education sector. It has been endorsed by education leaders and by school boards/divisions in five provinces (Saskatchewan, Manitoba, Ontario, Prince Edward Island, and Newfoundland and Labrador). In keeping with the target date of 2009 for action on the recommendations of the UN *Study on Violence against Children*, we are hopeful that every province and territory will soon be represented among school board endorsements. The *Joint Statement* is an effective vehicle for broadening education sector awareness of the link between physical punishment and bullying. Recent research, which will be summarized in the second edition of the *Joint Statement*, has also demonstrated that physical punishment is linked to slower cognitive development and adversely affects academic achievement of young children. A backgrounder for educators is available upon request.

The *Joint Statement* and related material, including *Positive Discipline*, may be downloaded from the Children's Hospital of Eastern Ontario's website (www.cheo.on.ca/english/4220.shtml). If you have questions or would like copies of the printed *Joint Statement* or the education backgrounder, please send a request to Sylvia Graham at sygraham@cheo.on.ca, or leave a message at 613-737-2393 #2475.

Coalition on Physical Punishment of Children and Youth

To: Endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pamela Mountenay Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: July 2, 2007

Re: Updates on Canadian and international developments

Survey of Canadians' Knowledge of Law Regarding Physical Punishment

The results of a survey of Canadians' knowledge of the law regarding physical punishment of children, commissioned by Toronto Public Health (TPH), have been released. The findings show that a majority of Canadians were unaware of the Supreme Court's 2004 decision on section 43 of the *Criminal Code*. Of those who were aware of the decision, less than 1 in 5 knew about the legal limitations the Court placed on parental physical punishment of children. Only a minority of Canadians believe that parents and teachers are allowed to physically punish children. The report recommends that s. 43 be repealed in order to support the positive parenting initiatives of hundreds of organizations, be consistent with the federal government's own education messages, and uphold the principles of the *UN Convention on the Rights of the Child*. The report may be read at www.toronto.ca/health/pdf/summary_report_200703.pdf.

Bill S-207

This private member's bill to repeal section 43 of the *Criminal Code* is the second repeal bill sponsored by Sen. Céline Hervieux-Payette. Her first, Bill S-21, died on the Senate order paper in November 2005 before the federal election. Her second, Bill S-207, may be viewed at www.parl.gc.ca/39/1/parlbus/chambus/senate/bills/public/pdf/s-207_1.pdf. It had passed 2nd reading and was tabled for 3rd reading, without amendment, by the Standing Senate Committee on Human Rights when Parliament was adjourned last month for the summer. The Senators on the Committee were unanimous in their support of the Bill's intent. If Bill S-207 receives 3rd reading in the Senate (it will die on the order paper if Parliament is prorogued before 3rd reading), it is likely that it will be passed either as currently written or amended to explicitly exclude as offences parental/caregiver duties of care. If the Bill passes 3rd reading in the Senate it must be considered by the House of Commons. If the Bill reaches the House it appears that very determined lobbying of MPs will be required to enable its passage.

Standing Senate Committee on Human Rights Final Report on Canada's Implementation of the Convention on the Rights of the Child

Following national consultations, the Standing Senate Committee on Human Rights released its report on Canada's implementation of the *UN Convention on the Rights of the Child* in April. *Children: The Silenced Citizens – Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, may be read at

www.parl.gc.ca/39/1/parlbus/commbus/senate/Com-e/huma-e/rep-e/rep10apr07-e.pdf. The Report recommends that: “the federal government take steps towards the elimination of corporal punishment in Canada”, and that these steps include “immediate launch of an extensive public and parental education campaign with respect to the negative effects of corporal punishment” and “repeal of section 43 of the *Criminal Code* by April 2009”. Having already recommended repeal of s. 43 in this major Report, it was not surprising that the Standing Senate Committee on Human Rights subsequently unanimously supported the intent of Bill S-207.

New Zealand has Repealed its Equivalent to Canada’s Section 43

In May, New Zealand became the 19th country to prohibit all corporal punishment of children. Section 59 of New Zealand’s *Crimes Act*, which was very similar to Canada’s s. 43, was fully repealed. Children and adults now have equal protection from physical assault. A new law was substituted which explicitly prohibits physical punishment and permits parental restraint of children for purposes of care or safety. Police were instructed to use discretion about prosecution when cases of minor assaults on children come to their notice. This new law was passed with a huge all-party majority in Parliament.

UN Secretary-General’s Study on Violence Against Children

This long-awaited landmark study was presented to the UN General Assembly in November 2006. It paints a comprehensive global picture of the extent, nature, causes and impacts of violence against children. It concludes that “No violence against children is justifiable; all violence against children is preventable.” It rejects adult justification of violence against children whether accepted as “tradition” or disguised as “discipline”. It “urge[s] States to prohibit all forms of violence against children in all settings, including corporal punishment”. The Study may be downloaded at www.violencestudy.org/IMG/pdf/English-2-2.pdf. An NGO Advisory Council is being formed to support effective follow-up on the Study. The Council’s purpose is to support NGO involvement at national, regional and international levels in follow-up advocacy with governments, UN agencies and others for full implementation of the Study’s recommendations. For more information see www.crin.org/violence/search/closeup.asp?infoID=13320.

Follow Up to UN Study on Violence Against Children

The NGO Advisory Council for follow up to the *UN Study on Violence against Children* has issued a call for organizations around the world to sign on to a statement supporting the appointment of a Special Representative to the Secretary-General on Violence against Children. The Council’s goal is to have at least 1000 organizations representing all countries in the world endorse the statement by September 15, 2007. The statement will be presented to the UN General Assembly to demonstrate the strength of NGO support for a Special Representative. A briefing document describing the need for a Special Representative is available at www.crin.org/docs/SRSG_May2007.pdf. The call for action and list of signatories can be read at www.crin.org/violence/petitions/petition.asp?petID=1004.

Joint Statement Update

As of July 2, the *Joint Statement on Physical Punishment of Children and Youth* had been endorsed by 262 organizations and, by invitation, 19 distinguished Canadians. Endorsements span the Canadian community and increasingly include the education sector. We have received endorsements from the Saskatoon Public Schools Board, Ottawa-Carleton District School Board, Eastern School District (Newfoundland), Toronto District School Board, Ontario Public Supervisory Officials' Association, and the Council of Ontario Directors of Education. There are school boards in most provinces currently reviewing the *Joint Statement*. The document is an excellent vehicle for broadening education sector awareness of the link between physical punishment and bullying. **Please bring the *Joint Statement* to the attention of educational groups and school boards in your community.**

The *Joint Statement* continues to inform discussion about physical punishment of children—in Canada and around the world. It was cited during testimony on Bill S-207 at the Standing Senate Committee on Human Rights. It is profiled on the website of the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org/pages/frame.html). There have been over 105,000 downloads of *Joint Statement* information from the website (www.cheo.on.ca/english/4220.shtml) of the Children's Hospital of Eastern Ontario. Requests for the printed document have been so strong that it is likely there will be a 4th printing before the second edition of the *Joint Statement* is published in 2008.

If you have questions or would like copies of the printed *Joint Statement*, please send a note to Sylvia Graham at sygraham@cheo.on.ca, or leave a message at 613-737-2393 #2475.

Coalition on Physical Punishment of Children and Youth

To: Endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pamela Mountenay Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: November 1, 2006

Re: Updates on Canadian and international developments

Survey of Canadians' Knowledge of Law Regarding Physical Punishment

The results of a survey of Canadians' knowledge of law regarding physical punishment of children, commissioned by Toronto Public Health (TPH), will be released this month. This survey follows up the 2003 TPH public opinion poll on Canadians' attitudes toward removing section 43 from the *Criminal Code* of Canada. The results of the first poll are posted on the TPH website http://www.toronto.ca/health/pdf/ssl_survey.pdf and summarized in the *Joint Statement on Physical Punishment of Children and Youth* (p.12). The results of this follow-up poll will be announced by news release and posted on the TPH website.

Bill S-207

The private member's bill to repeal section 43 of the *Criminal Code*, sponsored by Sen. Céline Hervieux-Payette, is at 2nd reading in the Senate. Bill S-207 may be viewed at http://www.parl.gc.ca/39/1/parlbus/chambus/senate/bills/public/pdf/s-207_1.pdf. If it passes this reading it will be studied by a Standing Senate Committee, either Human Rights or Legal and Constitutional Affairs, which will comment on the merits of the Bill. If it passes 3rd reading it must then be considered by the House of Commons. Sen. Hervieux-Payette often references the *Joint Statement* when she addresses the issue of physical punishment of Canadian children. Her office can be reached at: 1-800-267-7362 or 613-947-8008; hervic@sen.parl.gc.ca.

Standing Senate Committee on Human Rights

The Standing Senate Committee on Human Rights has been holding consultations with professionals across the country on Canada's implementation of the *United Nations Convention on the Rights of the Child*. In September, Dr. Joan Durrant, co-author of the *Joint Statement* made a presentation to the Committee. She stated that one of the pillars of the *Convention*—children's right to protection—cannot be realized until it is affirmed in law and caregivers are provided with the support they need to achieve it.

Marvin Bernstein, Children's Advocate for the Province of Saskatchewan, argued for the prohibition of physical punishment in all provincial/territorial education and child protection statutes, and for full protection for children under the criminal law. He stated that "it is time for Canada to step up to the plate or risk significant embarrassment on the international stage."

Open Letter to the Government Regarding Physical Punishment

Annually since 2003, and again this year on National Child Day, Toronto Public Health will send an Open Letter to the Government of Canada calling for repeal of section 43 of the *Criminal Code*. The letter will contain information from the survey described above. The letter is signed by many organizations every year, and TPH is again inviting organizations to sign this year's letter. For more information, contact Dia Mamatis at TPH (tel: 416-338-0913; fax: 416-338-0921; dmamati@toronto.ca). An invitation from TPH to endorsers of the *Joint Statement* to sign their 2006 letter is attached to this memo.

UN Secretary-General's Study on Violence Against Children

This long-awaited landmark study was presented to the UN General Assembly earlier this month. It provides a comprehensive global picture of the extent, nature, causes and impacts of violence against children. It concludes that "No violence against children is justifiable; all violence against children is preventable." It rejects adult justification of violence against children whether accepted as "tradition" or disguised as "discipline". It "urge[s] States to prohibit all forms of violence against children in all settings, including corporal punishment". The study may be downloaded at <http://www.violencestudy.org/r25>.

WHO-ISPCAN Guide to Preventing Child Maltreatment

Following the release of the *United Nations Secretary-General's Study on Violence Against Children*, the World Health Organization and the International Society for Prevention of Child Abuse and Neglect published what will undoubtedly become a seminal resource, *Preventing Child Maltreatment: a guide to taking action and generating evidence*. The guide "aims to assist governments, NGOs and international agencies to undertake scientifically informed programmes to prevent child maltreatment." It may be downloaded at http://whqlibdoc.who.int/publications/2006/9241594365_eng.pdf.

New Zealand Considers Repealing its Equivalent to Canada's s. 43

Many countries have laws similar to Canada's section 43 that provide a legal defence for caregivers who assault children in the name of correction. A growing number of countries—15 to date—have repealed these laws. New Zealand will soon make a decision about repealing, retaining or revising its criminal defence. The Joint Statement has been referenced in the repeal debate in New Zealand.

Joint Statement Update

We have just learned that the *Joint Statement* initiative will receive international and regional honours. The Ted Freedman Award for Innovation in Education, Longwoods Publishing's prestigious international award, recognizes individuals and organizations that inspire, advocate and enable education in healthcare. It will be presented to our Coalition at the Ontario Hospital Association's HealthAchieve2006 conference. Our Coalition will also be recognized at Ottawa's Every Child is Sacred Honouring and Celebration at its National Child Day ceremony.

The dissemination and endorsement of the *Joint Statement* by organizations in most sectors of the Canadian community has far surpassed our initial expectations. We would like to expand dissemination of the document among faith/religious groups, multicultural organizations and businesses. If you have ideas or contacts that might be helpful, please call or email Sylvia Graham (as below).

Children's Hospital of Eastern Ontario (CHEO) has redesigned its website. The *Joint Statement* has a new URL (<http://www.cheo.on.ca/english/4220.shtml>). Organizations that link or refer to the *Joint Statement* webpage on the CHEO website should verify that they link or point to this new URL.

If you have questions or would like copies of the printed *Joint Statement*, please send a note to Sylvia Graham at sygraham@cheo.on.ca, or leave a message at 613-737-2393 #2475.

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To: Endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pamela Mountenay Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: June 6, 2006

Re: Updates on Canadian and international developments

Bill S-207

Bill S-21, the private member's bill to repeal section 43 of the *Criminal Code* sponsored by Senator Céline Hervieux-Payette, had passed second reading and was being studied by the Senate Standing Committee on Legal and Constitutional Affairs when Parliament adjourned for the federal election. In April, Sen. Payette tabled Bill S-207. It is identical to her first bill, and may be viewed at http://www.parl.gc.ca/39/1/parlbus/chambus/senate/bills/public/pdf/s-207_1.pdf. It has passed second reading and will be studied by the Standing Committee on Legal and Constitutional Affairs. Sen. Payette references the *Joint Statement on Physical Punishment of Children and Youth* when she speaks and writes about physical punishment of Canadian children, and she has again asked our Coalition to forward a communication (attached) on her behalf.

Survey of Canadians' Knowledge of the Supreme Court Decision on Section 43

A survey of Canadians' knowledge of the Supreme Court decision on section 43, commissioned by Toronto Public Health, was conducted last January. The results are expected shortly. This survey follows up the August 2003 TPH public opinion poll on Canadians' attitudes toward removing section 43 from the *Criminal Code*. The results of the first poll are posted on the TPH website at http://www.toronto.ca/health/pdf/ssl_survey.pdf and summarized in the *Joint Statement* (p.12).

UN Committee on the Rights of the Child General Comment

The United Nations Committee on the Rights of the Child has just released its awaited *General Comment: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment*. The report observes that "Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies." The report may be viewed at <http://www.ohchr.org/english/bodies/crc/docs/co/CRC.C.GC.8.pdf>.

Joint Statement Update

1. Address on physical punishment to the BC Legislature: – Shane Simpson, MLA for Vancouver-Hastings, spoke in the BC Legislature last month about the physical punishment of children. He referred extensively to the *Joint Statement* and encouraged action at the federal

and provincial levels to protect children. The URL for the video of Mr. Simpson's remarks is: <http://www.legis.gov.bc.ca/hansard/video/archive.asp?video=200605181345&time=13:59:46&toc=archive> and for Hansard is <http://www.legis.gov.bc.ca/hansard/38th2nd/H0518pm-07.pdf>.

2. Physical punishment article in press: – Infant Mental Health Promotion (IMP) of the Hospital For Sick Children invited Joan Durrant and Ron Ensom to write an article on physical punishment for its publication *IMPrint*. The article, *Physical Punishment and Children's Health*, will be published soon and posted on the *Joint Statement* webpage on the CHEO website.
3. International Influence of the Joint Statement: – The impact of the *Joint Statement* is being felt well beyond Canada. An initiative inspired by and modelled after it has been launched by EPOCH-USA (End Physical Punishment of Children). The American document – which will have a similar name, content and purpose – is currently being developed. Our Canadian statement has been translated for circulation in Portugal. The *Joint Statement* has been referenced in New Zealand and the United Kingdom, where there are efforts similar to ours to repeal those nations' counterpart laws to our section 43.
4. Dissemination and endorsement in key sectors: – The dissemination and endorsement of the *Joint Statement* by organizations in most sectors of the Canadian community has far surpassed our initial expectations. We would, however, like to increase the transfer of knowledge about physical punishment of children through increased dissemination of the *Joint Statement*, and its endorsement, among faith/religious groups and businesses. If you have ideas or contacts that might be helpful, please contact Sylvia Graham (as below). Your assistance will be most welcome.
5. New URL for the Joint Statement: – Children's Hospital of Eastern Ontario has re-designed its website, and the *Joint Statement* and related material, has a new URL – <http://www.cheo.on.ca/english/4220.shtml>. Organizations that currently link to the *Joint Statement* webpage on the CHEO website should ask their webmaster to update the link.

If you have questions or would like copies of the printed *Joint Statement*, please send a note to Sylvia Graham at sygraham@cheo.on.ca or leave a message at (613) 737-2393 #2475.

Coalition on Physical Punishment of Children and Youth

To: Endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pamela Mountenay Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: November 15, 2005

Re: Updates on Canadian and international developments

Encouraging International Developments

The pace of law reform is accelerating rapidly worldwide. Seventeen nations have now prohibited all forms of violence against children. Further reforms are expected in the near future, signalled by events and developments in October.

Professor Paolo Pinheiro, the independent expert appointed by the United Nations Secretary-General to lead the *Study on Violence Against Children*, gave a progress report to the UN General Assembly. In his report, he described the Universal emphasis on the need to ban corporal punishment that he has heard in his consultations with children and experts from all regions of the world. He concluded his report by stating that the continued legality and prevalence of corporal punishment against children will be a key area of focus of his work in the coming year. A number of the organizations that have endorsed the *Joint Statement* endorsed the report prepared by The Global Initiative to End All Corporal Punishment of Children for the *Study on Violence Against Children* (our memo of April 15, 2005).

In Berlin, Maud de Boer-Buquicchio, Deputy Secretary-General of the Council of Europe, stated that, for the Council of Europe, children are not mini-persons with mini-rights, mini-feelings and mini-human dignity. They are vulnerable human beings with full rights which require more, not less, protection. It is therefore absolutely unacceptable that when it comes to the protection of their physical and psychological integrity, they should be worse off than adults.

In Washington, a delegation led by Save the Children Sweden and the Andean Commission of Jurists recommended that the Inter-American Commission on Human Rights declare all corporal punishment of children a breach of their human rights. The delegation requested that the Commission seek an advisory opinion from the Inter-American Human Rights Court. If the Court accepts the petition, it could find that states all across the Americas have legal obligations to prohibit all forms of corporal punishment.

An initiative inspired by and modelled after our Canadian *Joint Statement* has been launched by EPOCH-USA (End Physical Punishment of Children). Their document will have a similar name, content and purpose. It appears to have attracted early and wide support from American organizations and professionals concerned with the well-being of children.

Bill S-21

This private member's bill to repeal section 43 of the *Criminal Code* of Canada, sponsored by Senator Céline Hervieux-Payette, like all other bills still before the House of Commons and the Senate, will die if an election is called soon. The bill had passed second reading and was being studied by the Senate Standing Committee on Legal and Constitutional Affairs. A number of private member's bills to repeal or amend s. 43 have been tabled and failed in both houses of Parliament over the years.

Senate Interim Report on Rights of Children

The Standing Senate Committee on Human Rights has just released its Interim Report *Who's In Charge Here?: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*. One of the Committee's primary aims was to analyze the obstacles to the protection of Children's rights required by the UN *Convention on the Rights of the Child*. The Committee is convinced that "children's rights in this country are not understood, or indeed provided". There is a very brief statement about corporal punishment that gives no hint as to what recommendation might be made in the Final Report due by March 31, 2006. The document is available from the Committee Clerk's office (613-990-0088) and on the Senate website at <http://www.parl.gc.ca/38/1/parlbus/commbus/senate/com-e/huma-e/rep-e/rep19oct05-e.pdf>.

TPH Open letter to the Prime Minister

Again this year, to coincide with National Child Day (November 20), Toronto Public Health will advocate, in an Open Letter to the Prime Minister, that Canada honour its obligations as a signatory of the UN *Convention on the Rights of the Child*. It will urge repeal of section 43 of the *Criminal Code* which justifies parental use of physical punishment. The letter will be published in the Globe & Mail national edition, the Toronto Star, and The Hill Times. Many of the organizations that have endorsed the *Joint Statement* have signed the Open Letters.

Joint Statement

The *Joint Statement* material on the Children's Hospital of Eastern Ontario (CHEO) website (<http://www.cheo.on.ca/english/1120.html>; <http://www.cheo.on.ca/francais/1120.html>) has been updated. A poster summarizing the document's key findings, conclusion, key recommendations, endorsements and impact can be viewed and downloaded.

Endorsements continue to be received and are most welcome. Saskatoon Public Schools is one of the most recent. It is the first school board in Canada to endorse the *Joint Statement*; more school boards are expected to do so in the next few months. Seven provinces and three territories prohibit physical punishment of students by law. Alberta, Manitoba and Ontario do not. The Canadian Teachers' Federation is on record as being firmly opposed to physical punishment, though it continues to oppose repeal of section 43 of the *Criminal Code*.

If you have questions or would like copies of the printed *Joint Statement*, please send a note to Sylvia Graham at sygraham@cheo.on.ca or leave a message at (613) 737-2393 #2475-1.

Coalition on Physical Punishment of Children and Youth

To: Endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pamela Mountenay Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: July 25, 2005

Re: JFCY Newsletter & update on bill to repeal section 43 of the *Criminal Code*

Justice for Children and Youth Newsletter on physical punishment

We are forwarding the Justice for Children and Youth *Spring/Summer 2005 Newsletter* that focuses on corporal punishment. Justice for Children and Youth is the legal clinic operated by Canadian Foundation for Children, Youth and the Law that launched the constitutional challenge to section 43 of the *Criminal Code*. The feature article in their newsletter discusses the challenge. There is also a summary of the *Joint Statement*, the bill before the Senate to repeal section 43 of the *Criminal Code*, and other legislative amendments in Canada.

Update on Senate Bill to repeal section 43 of the *Criminal Code*

The private member's bill (Bill S-21) to repeal section 43 of the *Criminal Code* of Canada, sponsored by Senator Céline Hervieux-Payette, had passed second reading and was being studied by the Senate Standing Committee on Legal and Constitutional Affairs when Parliament adjourned for the summer. The Committee will continue to study the Bill when Parliament reconvenes. Following the appearance of witnesses, the Committee will prepare a report on the Bill. If it is passed by the Senate it must be considered by the House of Commons.

Coalition on Physical Punishment of Children and Youth

To: Endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pamela Mountenay Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: June 6, 2005

Re: Physical punishment in schools & update on bill to repeal section 43 of the *Criminal Code*

Physical punishment of children in Canadian schools

The Government of Saskatchewan intends to ban physical punishment of students in its public schools. In his announcement, Learning Minister Andrew Thomson observed "While the use of corporal punishment in public schools is not a form of discipline that is currently being used, this change to *The Education Act* reinforces non-violent behaviour." Though the legislation prohibits corporal punishment, it does not prohibit actions that may be necessary to maintain order in schools, prevent injury to students or prevent damage to property.

With Saskatchewan's expected ban, seven provinces and three territories prohibit physical punishment of students by law. Alberta, Manitoba and Ontario do not. There is growing pressure on these provinces to amend their education acts to ban physical punishment of children in schools. Progressive school boards have, for years, prohibited physical punishment of students by policy. Two school boards (in Saskatchewan & Ontario) are considering endorsing the *Joint Statement*, and more will likely do so in the next few months. The Canadian Teachers' Federation is on record as being firmly opposed to physical punishment, though it continues to oppose repeal of section 43 of the *Criminal Code*.

Update on Senate Bill to repeal section 43 of the *Criminal Code*

The private member's bill to repeal section 43 of the *Criminal Code* of Canada, sponsored by Senator Céline Hervieux-Payette, has passed second reading. Study of the Bill by the Senate Standing Committee on Legal and Constitutional Affairs began June 1 when Sen. Payette appeared before the Committee. Peter Newell, Co-ordinator of the Global Initiative to End all Physical Punishment of Children was a witness at the Committee June 2. Following the appearance of witnesses, the Committee will prepare a report on the Bill. If it is passed by the Senate, it will be considered by the House of Commons. Sen. Payette and others have cited the *Joint Statement* in discussing the need to repeal s. 43.

Coalition on Physical Punishment of Children and Youth

To: Endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pamela Mountenay Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: April 15, 2005

Re: Invitation from the Global Initiative to End All Corporal Punishment of Children for input into the UN Secretary-General's Study on Violence Against Children

The much-anticipated UN Secretary-General's Study on Violence Against Children will reflect information and recommendations from around the world. Canadian input to this landmark report will be through a North American consultation. The Global Initiative to End All Corporal Punishment of Children – a highly-regarded international alliance of human rights agencies, key individuals and non-governmental organizations dedicated to the elimination of corporal punishment of children around the world – is writing comprehensive regional reports that will undoubtedly carry significant weight in the UN study. The Coalition on Physical Punishment of Children and Youth has been asked by Peter Newell, the distinguished children's rights advocate who heads the Global Initiative, to forward to the organizations that have endorsed the *Joint Statement* the attached invitation and information.

We apologize for the lateness in forwarding this material to you. We hope that, despite the short time line, you will be able to consider this strategic opportunity to advance the well-being of all the world's children – by their protection from physical punishment – through the vehicle provided by this invitation from the Global Initiative. The accompanying documents provide information about the UN Study and the Global Initiative's input into the Study. We suggest you read the documents in the following order: "Letter from Peter Newell", "Recommendations included in GI reports", "Caribbean Report Global Initiative".

Senate Bill to repeal section 43 of the *Criminal Code* update

As you know, Senator Céline Hervieux-Payette tabled a Private Member's Bill to repeal section 43 of the *Criminal Code* of Canada last December. Bill S-21 has passed second reading and will be studied by the Senate Standing Committee on Legal and Constitutional Affairs. If the bill is passed by the Senate it must be considered by the House of Commons. Sen. Hervieux-Payette has cited the *Joint Statement* to support repeal of s. 43.

Joint Statement update

With the *Joint Statement* successfully launched, Phase I of the initiative is completed. The Coalition has begun to plan Phase II. For the present, we continue to:

1. welcome and invite endorsement of the *Joint Statement* by Canadian organizations concerned about the well-being of children (153 endorsements have been received to date); and
2. disseminate the information about physical punishment of children contained in the *Joint Statement* through the auspices of many organizations and individuals, the CHEO website and distribution of the printed document (we have ordered a second printing).

If you have questions or would like copies of the printed *Joint Statement*, please send a note to Alison Chayka at achayka@cheo.on.ca or leave a message at (613) 737-2393 #2502.

Coalition on Physical Punishment of Children and Youth

To: Endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pamela Mountenay Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: January 18, 2005

Re: Senate bill to repeal section 43 of the *Criminal Code* and *Joint Statement* update

Senate Bill to repeal section 43 of the *Criminal Code*

The Coalition wants to ensure that all endorsers of the *Joint Statement* are aware that a private member's bill to repeal section 43 of the *Criminal Code* has been tabled in the Senate. Section 43 is the controversial law that has, for over 110 years, provided a defence for parents and teachers who use reasonable physical punishment to correct a child's behaviour. The Supreme Court announced last June, in a split 6-3 decision, that it found s. 43 to be constitutional. The Court narrowed the definition of who may use physical punishment, on what ages of children, by what means, with what force and in what circumstances. The decision was disappointing. There is no research evidence that children of any age who experience any form of physical punishment – whether permitted or not by s. 43 – are immune to the risks discussed in the *Joint Statement*.

Bill S-21 is a straightforward repeal of s. 43 that would come into force a year after proclamation. It was introduced by Senator Céline Hervieux-Payette in December. It is now at second reading and expected to be referred to a standing committee of the Senate where it would be thoroughly reviewed. If the bill is ultimately passed by the Senate it will be considered by the House of Commons. Previous private member's bills to repeal s. 43, tabled in the House of Commons and the Senate, failed to gain Parliamentary approval but did prompt useful discussion of the issues surrounding physical punishment of children. Sen. Hervieux-Payette has cited the *Joint Statement* to support repeal of s. 43. She has asked us to forward the attached material to endorsers of the *Joint Statement*. We have also attached a list of Senators' contact information.

Joint Statement update

With the *Joint Statement* successfully launched, the Coalition will soon consider next steps in the initiative. Some are already in place. The document is posted on the CHEO website along with related information that is regularly updated; endorsements continue to come in, are most welcome, and are acknowledged on the website; and a commitment has been made by the document's co-authors, Joan Durrant and Ron Ensom, to a second edition when research and developments merit. We will advise you of any further plans for the initiative.

The *Joint Statement* pages on the CHEO website are: www.cheo.on.ca/english/1120.html and www.cheo.on.ca/francais/1120.html. If you would like copies of the printed *Joint Statement* (we will pay shipping) or you have questions about the initiative, please send a note to Alison Chayka at achayka@cheo.on.ca or leave a message at (613) 737-2393 #2502.

Coalition on Physical Punishment of Children and Youth

To: endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pam Mountenay Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: February 9, 2004

Re: Supreme Court decides section 43 of the Criminal Code is constitutional

As you are undoubtedly aware by now, the Supreme Court of Canada has announced its long-anticipated decision regarding the constitutionality of section 43 of the *Criminal Code* of Canada. This controversial law has, for over 110 years, provided a defence for parents, teachers and others standing in the place of parents who use physical punishment for purposes of correcting a child's behaviour so long as the force used is reasonable in the circumstances.

In a split 6-3 decision, the Supreme Court found section 43 to be constitutional. However, the Court narrowed the definition of who may use physical punishment, on what ages of children, with what force, and in what circumstances. Only parents may use reasonable physical punishment; teachers may use reasonable force only to "secure compliance with instructions, but not merely as corporal punishment". Only children older than two and not yet teenagers may be physically punished. Only "minor corrective force of a transitory and trifling nature" may be used; "the use of objects or blows or slaps to the head is unreasonable". The physical punishment must be "corrective, which rules out conduct stemming from the caregiver's frustration, loss of temper or abusive personality", and "the gravity of the precipitating event is not relevant".

The full text of the Supreme Court's decision may be read and downloaded from:
www.lexum.umontreal.ca/csc-scc/en/rec/html/2004scc004.wpd.html.

The Coalition on Physical Punishment of Children and Youth is disappointed with the decision and concerned about its implications. The growing body of published peer-reviewed research summarized in the *Joint Statement on Physical Punishment of Children and Youth* reveals "that the physical punishment of children and youth plays no useful role in their upbringing and poses only risks to their development". More specifically, the research reveals "strong evidence that physical punishment places children at risk for physical injury, poorer mental health, impaired relationships with parents, weaker internalization of moral values, antisocial behaviour, poorer adult adjustment, and tolerance of violence in adulthood."

The Supreme Court's declaration that "harmful conduct [harmful physical punishment] is not protected [by section 43]" is mystifying, because there is no indication in research that children between the ages of two and 12 are at any less risk of emotional and developmental harm from physical punishment than are infants and adolescents. Additionally, there is no research evidence

that repeated “transitory and trifling” physical punishment is any less emotionally and developmentally harmful to children than more forceful punishment.

This decision by the Supreme Court falls far short of the recommendation in the *Joint Statement* that “Children in Canada must be given the same protection from physical assault as that given to Canadian adults and to children in a growing number of countries.” The message inherent in upholding this law is that Canada still permits children to be hit and hurt.

This strong legal message undermines public receptivity to educational strategies to reduce the use of physical punishment. A major thrust of the recommendations in the *Joint Statement* is that “Public awareness strategies must be developed to inform all Canadians about the risks associated with physical punishment.” But many parents will reason that if the law still permits its use, surely physical punishment cannot be harmful to children; and that if it is not harmful, there is no reason to heed educational messages urging the use of positive alternative methods of discipline.

It is uncertain why the Supreme Court takes comfort in its view that “the government has adopted a program designed to educate parents and caregivers on the potentially negative effects of using corporal punishment against children”. The Court’s view is at odds with the fact that the government’s educational efforts to date have been extremely limited and invisible to most Canadians. Moreover, the Court has not recognized that the inherent message in its decision that children may still be hit and hurt undermines future educational initiatives.

Reactions to the Supreme Court decision from some of our Coalition members and *Joint Statement* endorsers may be found at:

<http://www.cwlc.ca/pdfs/CWLCDisappointedJan30.pdf> (member)

<http://www.cps.ca/english/media/NewsReleases/EffectiveDisciplineJan30.htm> (endorser)

http://www.oacas.org/Whatsnew/announcements/sccpressrelease_04_jan30.pdf (endorser)

<http://www.repeal43.org/news.html> (endorser)

Endorsers of the *Joint Statement* are reminded that they are free to use and cite the pre-publication edition of the *Joint Statement* as suits their purposes. The final edition of the *Joint Statement*, anticipated in April, will include the Supreme Court decision and the findings of a Decima poll on Canadians’ views on section 43.

The pre-publication edition of the *Joint Statement* and related documents, including a list of endorsers to date, may be downloaded from the CHEO website, in English at <http://www.cheo.on.ca/english/1100.html>, in French at <http://www.cheo.on.ca/francais/1100.html>.

Questions about the *Joint Statement* may be directed to Dennise Albrecht at albrecht@cheo.on.ca or (613) 737-2393 #2220.

Coalition on Physical Punishment of Children and Youth

To: endorsers of the *Joint Statement on Physical Punishment of Children and Youth*

From: Pam Cain, Chair, Coalition on Physical Punishment of Children and Youth
Dennise Albrecht, Joint Statement Secretariat, Children's Hospital of Eastern Ontario

Date: December 12, 2003

Re: *Joint Statement* is in the public domain and may be cited

In anticipation of the pending decision of the Supreme Court on the constitutionality of section 43 of the Criminal Code of Canada, the Coalition on Physical Punishment of Children and Youth wants to assure endorsers of the *Joint Statement* that the document is in the public domain and may be publicly cited.

We encourage organizations and individuals to cite the *Joint Statement*, as it may serve their purposes, in communications regarding any aspect of physical punishment of children and youth or child well-being.

The pre-publication edition of the *Joint Statement* and related documents, including a list of endorsers to date, may be downloaded from the CHEO website, in English at <http://www.cheo.on.ca/english/1100.html>, in French at <http://www.cheo.on.ca/francais/1100.html>.

We expect to publish and launch the final edition of the *Joint Statement* in the spring. This should give us time, we hope, to incorporate the landmark section 43 decision in the document. It also provides more time for many organizations considering endorsement to complete their review. The deadline for endorsements has been extended to the end of February.

The Coalition has been gratified by the number of endorsements the *Joint Statement* has received to date, the positive comments of so many reviewers, and the ways it has been cited and used to advance education and advocacy regarding the risks of physical punishment specifically and the well-being of children and youth generally.

Questions about the *Joint Statement* may be directed to Dennise Albrecht at albrecht@cheo.on.ca or (613) 737-2393 #2220.