

PETITION

**TO END LEGAL APPROVAL OF CORPORAL PUNISHMENT OF CHILDREN
BY REPEALING SECTION 43 OF THE CRIMINAL CODE OF CANADA**

TO THE HOUSE OF COMMONS IN PARLIAMENT ASSEMBLED

We, the undersigned residents of Canada, draw the attention of the House to the following:

WHEREAS section 43 of our Criminal Code is an 1892 defence to assault that justifies reasonable force for the correction of a pupil or child while under the care of schoolteachers, parents and those standing in the place of a parent;

WHEREAS “reasonable force” has been interpreted to include strapping, kicking, hitting with belts, sticks and other objects and causing bruises, welts and abrasions;

WHEREAS in 1995, the UN Committee overseeing the implementation of the United Nations Convention on the Rights of the Child, ratified by Canada in 1991, recommended that Canada prohibit all physical punishment of children and in 2003 stated it was “deeply concerned” that Canada had not done so;

WHEREAS on January 30, 2004 the majority of the Supreme Court of Canada, in a split 6 to 3 decision, reinterpreted Section 43 and held that it is no longer a defence for schoolteachers but remains a defence for parents subject to various guidelines, and providing the force is used only against children from 2 to 12 years of age;

WHEREAS many of the guidelines are uncertain, subjective, confusing and largely unknown by the general public and the Court’s approval of physical punishment of young children establishes a dangerous and arbitrary precedent;

WHEREAS this fundamental judicial change in the law has not been studied and debated by the House of Commons and such study and debate is essential so Parliament can act to protect children and clarify the law for children, parents and the general public;

AND WHEREAS physical punishment is unnecessary for good discipline and is associated with negative outcomes for children and society;

THEREFORE your petitioners call upon Parliament to repeal section 43.

SIGNATURES (Do not print) ADDRESSES (Full home address OR city and province)

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