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CRIMINAL CODE

**Bill to Amend—Second Reading of Bill S-209—
Debate Continued**

Speech by:

The Honourable Vivienne Poy

Wednesday, December 12, 2007

THE SENATE

Wednesday, December 12, 2007

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tardif, for the second reading of Bill S-209, An Act to amend the Criminal Code (protection of children).—(*Honourable Senator Cochrane*)

Hon. Vivienne Poy: Honourable senators, I wish to speak briefly in support of Bill S-209, an Act to amend the Criminal Code, by repealing section 43 of the Criminal Code which allows for the corporal punishment of children.

Section 43 of the Criminal Code became law in 1892 and is based on English common law that permitted the corporal punishment of wives, servants, apprentices and children. To date, children are the only group that remain subject to this outdated form of discipline.

If you hit an adult, it is considered assault. Why is it acceptable to hit a child? As Senator Hervieux-Payette has indicated, the Standing Senate Committee on Human Rights, of which I am a member, has examined this proposed legislation exhaustively and is fully in support of this proposal.

Our committee has done a considerable amount of work in examining Canada's international obligations with respect to children's rights. We concluded that section 43 violates the United Nations Convention on the Rights of the Child, which Canada ratified in 1991. Article 19 of the convention mandates the protection of children from all forms of physical or mental violence, injury or abuse.

In its reports to Canada on its implementation of the convention, the United Nations recommended that Canada remove section 43 from the Criminal Code. Honourable senators, we are ignoring our international obligations.

Today, no child development expert would recommend hitting a child as an acceptable form of discipline. Almost 200 organizations in Canada have asked the federal government to repeal section 43 of the Criminal Code. Most of these groups work directly with children who have been abused. They understand the negative impact that corporal punishment has on children, families and society as a whole. Recently, the

Regional Municipality of Peel, Ontario, passed a resolution for its repeal, as well. Even Health Canada advises parents that: "It is never okay to spank a child. It is a bad idea and it does not work."

Canadians support an end to corporal punishment of children. According to a national survey conducted in 2003, most respondents supported the repeal of section 43 and many did not even realize that corporal punishment of children was still legal.

Canadians are ready for this change since most parents and teachers already deem striking a child to be a totally unacceptable form of discipline. As Senator Hervieux-Payette has emphasized, children raised in households where violence is the norm are more likely to copy these patterns with other children through bullying. As adults, they are more likely to see violence as an acceptable response to resolve problems.

Parents and teachers are our primary role models. Is this the kind of behaviour we want to model for our children? Should we not be teaching them how to communicate, understand and respect others as well as to have self-control?

Having raised three sons, I have never believed that corporal punishment was an effective way to discipline them. Boys can be difficult, but striking a child is disrespectful to that child. Beyond the physical harm inflicted, I believe children are psychologically hurt when their parents strike them. Although the consequences of such harm are sometimes difficult to measure, I believe many troubled adults in our society are suffering from their parents' or teachers' abuse of their trust.

Senator Hervieux-Payette has listed many countries that have banned any form of corporal punishment of children. It is difficult to believe that Canada, a country with a record of advocating peace throughout the world, still allows corporal punishment of children. We need to teach future generations that violence is unacceptable for resolving problems. Repealing section 43 is a step in the right direction.

Honourable senators, the tragic death of a 16-year-old girl this week speaks for itself. Corporal punishment must be eliminated as a form of discipline so that parents, guardians and teachers understand that it is unacceptable in Canada. I appeal to honourable senators to support Bill S-209.

On motion of Senator Comeau, debate adjourned.