



**Nurse Practitioners
Association of Canada**

**Association des
infirmières et
infirmiers praticiens
du Canada**

NPAC-AIIPC

1205-1033 Marinaside Cres
Vancouver, BC V6Z 3A3

W : www.npac-aiipc.org

Position Statement

Proposed Amendment of the Criminal Code of Canada to Repeal
Section 43 that permits physical punishment of children in Canada

1. Background

Physical punishment of children remains legal under Section 43 of the Criminal Code of Canada, even though more than sixty-five countries around the world have banned the practice. Canada ratified the United Nations Convention on the Rights of the Child in 1991 yet has not upheld its obligation to remove the legal justification for any form of physical punishment against children.

The Truth and Reconciliation Commission Report (2015) has also called for the repeal of section 43 as a vital act of reconciliation, calling it “a relic of a discredited past [that] has no place in Canadian schools or homes”. It is a colonial law that violates children’s rights to protection, dignity, and physical security.

Section 43 of the Criminal Code of Canada reads: “every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances. ” R.S.C., 1985, c .C-4.

A Joint Statement on Physical Punishment of Children and Youth facilitated by the Children’s Hospital of Eastern Ontario and supported by a coalition of nearly 700 organizations has concluded that “ On the basis of the clear and compelling evidence that the physical punishment of children and youth plays no useful role in their upbringing and poses only risks to their development—parents should be strongly encouraged to develop alternative and positive approaches to discipline.

Many Canadian organizations have collectively endorsed support for the expedited passage of Bill S-251 to repeal section 43 of the Criminal Code of Canada, which permits corporal punishment of children. An identical bill is before the House of Commons Standing Committee on Justice and Human Rights (Bill 273). Child development experts and child's rights organizations have testified about the irreparable harm that can be caused by corporal punishment or "spanking."



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2. NPAC-AIIPC Position

The Nurse Practitioner Association of Canada-Association des infirmières et infirmiers praticiens du Canada (NPAC-AIIPC) has added its name to the growing list of organizations that support and endorse Private Member's Bill C-273, an Act to Amend the Criminal Code (Corinne's Quest and the Protection of Children). C-273 calls for the repeal of Section 43 of the Criminal Code, which permits the physical punishment of children in Canada.

If this bill passes in Parliament, it will repeal Section 43 of the Criminal Code and end the legal defense of physical punishment of children in Canada.

3. References

Durrant, J. E., & Ensom, R. (2017). Twenty-five years of physical punishment research: What have we learned? *. *Journal of the Korean Academy of Child and Adolescent Psychiatry*, 28(1), 20–24. <https://doi.org/10.5765/jkacap.2017.28.1.20>

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(2024a, July). Joint Statement on Physical Punishment of Children and Youth; Children's Hospital of Eastern Ontario. http://js-advocacy.ca/pdf/joint_statement_e.pdf

(2024b, July). Physical Punishment; Children's Hospital of Eastern Ontario. <https://www.cheo.on.ca/en/about-us/physical-punishment.aspx>

(2024c, July). Rationale for the Repeal of Section 43 of Canada's Criminal Code; Child Welfare League of Canada et al. http://js-advocacy.ca/pdf/JS_repeal_43_rationale_EN.pdf

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