



Repeal 43 *criminalizes traditional loving & firmly guiding parenting*, while *inflicting increased harms* including child abuse and violence rates.

We advocate *Protecting Children, Family & Society* by placing good sense ahead of harmful ideology.

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On October 4, 2017, Hon. Senator Chantal Petitclerc delivered a speech in support of Bill S-206 (during Second Reading): An Act to amend by Repealing Section 43 of the Criminal Code inclusive of the Supreme Court's 2004 Rulings defining the same.

Commonly referred to as, "*the Criminalization of Traditional Parenting Systems Act*"

On behalf of the 82% of Canadian parents with preteen children who constructively use minor force in child-rearing, the Keep 43 Committee of Canada respectfully presents:

An Analysis and Response to Hon. Senator Petitclerc's Speech before the Senate

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Notes:

The Senator's Speech is unaltered and in this font
Keep 43's responses appear in bold blue

Hon. Senators:

Spanking bans have been around for decades, and some have been objectively researched. The research overwhelming and undeniable shows, wherever Authoritative or Traditional parenting systems are banned, and the longer since they were banned, these harms persistently increase. This is in actuality what S-206 would achieve:

- 1 Increased rates of serious assaults on children by their parents / guardians,
- 2 Increased child & youth violence rates,
- 3 Increased bullying / violence at school,
- 4 Increased CAS/CPS seizures of children from safe & loving homes, which facilitates increased trafficking into the foster-care & adoption industry, and provides an easy pathway to obtain and groom children as “feedstock” for child-sex and child-pornography rings. *“Spanking bans” were the driver for the child pornography industry to relocate from Eastern Europe & Ukraine to Scandinavia.*
- 5 Increased criminal prosecution or persecution of good parents, which facilitates parental alienation (another form of child abuse) and serious developmental problems from children raised in loveless homes,
- 6 Increased mental health, behavioral & emotional disorders requiring medication or hospitalization,
- 7 Increased substance abuse & drug-induced death rates,
- 8 The dissolution of the "Rule of Law" which manifests in such measures as increased child rape rates,
- 9 Criminalization of parenting is one material factor deterring childbirths and collapsing societal fertility rates to extinction levels. This costs countries the loss of up to one-half childbirth per female,
- 10 The Scandinavian countries, first to ban traditional parenting, now collectively exhibit the highest per-capita domestic violence rates in the EU; and this relates directly to the inferior parenting styles legislatively inflicted on these families.

The evidence is clear: Supporting S-206 (“Repeal 43”) will promote increased harms. Only one thing is clear: no spanking ban to date has worked; every spanking ban to date has severely backfired; and Senator Sinclair's proposed spanking ban is no different from every other spanking ban that has failed.

When you effectively criminalize 82% of parents (2012 poll), and force them into a vacuum without offering any equally effective alternative, what do you expect will happen? Many people claim there are “more effective methods”, but none have provided hard recidivism data to prove any other approach, whether consequential or not, is “more effective”.

“Keep 43” believes that promoting these harms are not Canadian values, and that our Governments have a fiduciary duty not to inflict harms on society to appease ideologies.

Thus, we vehemently defend Canada's current spanking laws. They are, quite frankly, the most balanced laws on the planet. All of us should be proud of that. We've become a model of reason for the whole world to follow. Let's not turn from that and follow others down the path to destruction.

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 Joyal, P.C., for the second reading of Bill S-206, An Act to amend the Criminal Code (protection of children against standard child-rearing violence).

Hon. Chantal Petitclerc: Honourable colleagues, it is our responsibility to always make a priority of protecting the most vulnerable members of our society. That is why I am rising today in support of Bill S-206, which seeks to repeal section 43 of the Criminal Code. Section 43 authorizes teachers and parents to use force to correct the behaviour of children under their care.

In a 2004 decision, the Supreme Court imposed legal limits on the application of section 43. It ruled that use of force would only be allowed if the child is between two and twelve years old. The person using force must not use an object and must not hit or slap the child's head. Also, the force used must not be degrading or inhumane.

[English]

It is time, in my opinion, to go a step further, and this is what Bill S-206 does.

In taking the floor today, I join many of my colleagues who feel that the vulnerability of children justifies that no force should ever be used on them.

I salute the determination of Senator Hervieux-Payette, who initiated this bill. Our former colleague tabled seven similar proposals. ***She left us with plenty of evidence that corporal punishment has no educational value.***

This statement is factually incorrect. There is no objective science that supports this, and an overwhelming body of science that shows moderate spanking is more effective than any other alternative, and that the parenting styles that occasionally and moderately employ this in a spectrum of approaches actually have the best developmental outcomes of all styles.

To be frank, she has been seduced by the methodologically-flawed materials that CHEO (Children's Hospital of Eastern Ontario) and others propagate. This material makes for entertaining reading, but has no scientific value because it is engineered to prove a foregone conclusion and to support a certain pre-approved narrative which assures the continued funding for it.

As a material scientist, turned social scientist, I can assure you that objective research doesn't work that way. It never starts with "I believe 'X', so let's design an experiment that is predetermined to prove my belief".

Ask yourself this question: If these positive parenting flavours of the day are so effective, then why do we need the blunt instrument of criminal law or worse, intrusions and apprehensions by the child protection industry, in order to coerce everyone into them?

Senators Pate, Munson and Sinclair have already clearly demonstrated the harm that section 43 causes to the rights and safety of children.

Dear colleagues, it is true that it is not always easy to be a parent, to have to always be patient and avoid getting carried away when your child is crying or complaining and you don't know how to calm them down. It can be challenging, very challenging even.

In preparing this speech, I remembered that, when I had my son almost four years ago, the hospital made us take a short training course to help us deal with situations where we did not know what to do. I had no choice but to benefit from this parental obligation. They told us to write down the names of people who could help us ***if we felt like we were losing control***. They told us, "If you are reaching the end of your tether, put your child in a safe place and call that person for help."

This is the crux of the issue, and an admission of the inferior parenting styles promoted. Strong, loving and firmly-guiding parenting systems never lose control, as the child is trained up from early on not to engage in behaviours that lead to this loss of parental authority and guidance. 90% of moral construct is hard-wired by the age of seven, and parents who are negligent in their duties between the ages of 2 to 6, often experience the harmful results of this when their child becomes a youth. We'd humbly suggest children do not need a "friend", they need a guiding parent, and these are often opposites.

As I held my not yet day-old son Elliot in my arms, I remember being unable to imagine how things could get to that point. That just shows how hard parenting can be, but also how much we have a duty to protect children.

I remember thinking that a parent should obviously do whatever they can to avoid using force to control their child. I thought, not only is that the right thing to do, ***but it is also illegal to strike a child. Imagine my surprise when I found out that it is not prohibited by law.*** The question we need to ask is this: why is such an anachronistic practice still allowed? Why is it still possible to inflict physical punishment in our society?

This statement illustrates a lack of understanding of what the law allows for. It is illegal to hit, strike, beat, whip or assault a child. These words have particular meanings, as they imply the use of excessive force, in anger and rage, with the intent to cause harm and damage.

What the law protects is force used constructively in disciplining: an open-handed swat to the hand of a toddler, up to moderate spanking of the seat. These are applied with moderate force, and in a demeanor of genuine concern, to improve the child and modify behaviour.

The two are complete opposites, and intentionally conflating or confusing them is not only deceptive, but unethical. You are influencing others who don't know any better.

Words have meanings, and that's why the word "spank" exists, as it refers to a very specific and salutary parental operation.

In 1892, when the right of correction was codified in our Criminal Code, subjecting a subordinate to corporal punishment was considered a normal disciplinary measure. An employer had the freedom and right to hit a subordinate, the captain of a ship could hit his sailors to maintain order and discipline on board, and it was all legal.

Today, who would dare strike an adult without their consent? It is no longer acceptable today to resort to force except on children.

Senator Sinclair is quite right:

Children are the most vulnerable people in our society. They don't vote. They cannot influence political, social, legal or economic change. They are not recognized as citizens with equal human rights and civil rights to adults. They are considered legally incompetent.

Senator Sinclair is indeed correct, and we 100% support this statement. It simply states the reality of childhood. However; it has nothing to do with this Bill. Nowhere does this statement say that parents must now abandon raising their children to be morally upright, productive and upstanding adults. Do you believe the Hon. Senator would promote that?

This is exactly why we have to protect them. ***Many adults believe that striking, even moderately, is an effective educational practice*** that allows the parent to assert his or her authority and is for the benefit of the child.

No parent believes this; please quote the research that supports this claim, because "striking" is illegal. Most parents (82%) will at some time spank their child. Research shows that children fully apprised of this, avoid the situations that make that an option. That's how salutary and effective consequences work.

Research also shows when children see a consequence as fair and reasonable, they'll prefer it over other consequential options. That completely destroys the "violence" narrative.

That's the point. No parent I know (and I know hundreds of families through my research) would strike or beat or hit, *but they all spank*. I frequently spend overnights in other family homes, just to observe the parenting dynamics. I've never once witnessed "striking".

Let me tell you that long before preparing for this bill, ***I read every possible piece of literature on child development and discipline***. My husband has often teased me that I prepare as a parent with the same intensity that I had as an athlete — and it's not a compliment. But from my obsessive readings, to me it is strongly doubtful that the child benefits from any form of force or violence.

This statement appears utterly untrue; in fact, there's no evidence that you've read any of the best-known objective child-discipline material.

Have you read any of these? Dr. Baumrind (UC Berkeley), Dr. Larzelere (OK State U), Dr. Gunnoe (Calvin C, MI), Jason Fuller (Akron School of Law, OH), H. Hoff, (Iron Gate Research)

Dr. Baumrind is *universally regarded* as the top expert in parenting system science, and the researcher credited with coining the term "Authoritative" (*cf. Baumrind's seven parenting styles*) which has been proven independently by many other researchers as optimally the best developmental parenting system.

Authoritative Parents are highly nurturing, highly demanding (set age appropriate limits) and highly responsive (consistently enforce those limits). All Authoritative parents use spanking, but they do so moderately and occasionally, as a back-up tool to a spectrum of other approaches. This one fact belies all the anti-spanking opinion materials.

Dr. Baumrind concludes,

"We found no evidence for unique detrimental effects of normative physical punishment. A blanket injunction against its use is not warranted by the evidence. In the absence of compelling evidence of harm, parental autonomy and family privacy should be protected."

Dr. Gunnoe's research confirmed,

"that children raised with non-abusive spanking performed better than those who weren't in a whole series of categories, including school grades, an optimistic outlook on life, the willingness to perform volunteer work, and the ambition to attend college ... And they performed no worse than those who weren't spanked in areas like early sexual activity, getting into fights, and becoming depressed"

Whereby she concludes,

"The claims made for not spanking children fail to hold up. They are not consistent with the data"

Iron Gate Research concludes,

"There is a statistically significant link between children raised with positive parenting styles hitting and bullying other children at school. This suggests that the spectrum of parenting styles that employ moderate spanking as a back-up to other methods produce on-balance, children less inclined to behave violently towards other children than the spectrum of parenting styles which exclude consequences."

I will add that I am an expert on the use of constructive spanking in child-discipline science. I've investigated and researched various specific "anti-spanking" claims, and have scientifically debunked a long list of them. Yet, I see no evidence that you had purchased any of my research? How can you claim reading, "every possible piece of literature" when you obviously bypass all the foremost experts in this science?

Even more, there is consensus that corporal punishment has a negative impact on personal development. ***Children affected by violence may develop anxiety and depression problems.*** Several researchers in neurobiology have shown it. The psychological impact is real.

Once again, you are conflating two opposites: violence, which is already illegal under current laws, with constructive consequences. This is a strawman argument. If you want to criminalize violence, we 100% agree with you, but the law has already done this so why are we wasting our time with this bill?

Wanting to assert authority by ***spanking, hitting, shaking or slapping*** is counterproductive. It doesn't work, and it creates frustration and fear in the child. Physical violence equals zero positive impact.

Once again you are conflating two opposites here, and your opinion is scientifically false. The largest study of corporal punishment used in real time in institutional environments (*"Corporal Punishment, Is It effective? ISBN 149759748X*) shows it was 82% effective in the long term (18% recidivism) on a per-offence basis. To date, no other method has shown higher effectiveness per application than this.

Corporal punishment promotes aggressive attitudes in children.

This is reminiscent of the opinion papers produced by Durrant, Gershoff or Straus. But this statement is false. Constant, harsh and abusive treatments (whether physical, psychological, emotional and verbal) in uncaring environments cause this, *not normative spanking within the context of a loving family.* The scientific trickery is to conflate these two opposites, rather than filter out any abusive treatment, to come up with the desired false conclusions.

To be clear: There is *NO* objective science that shows this, *NONE* and an overwhelming body of parenting-system research and studies of the effects of long-term spanking bans in other countries which consistently confirm the exact opposite of this claim.

Besides, ***how could anyone hit a child and then expect them not to do the same?*** It is simply hypocritical. If children emulate positive role models, of course they will also emulate negative ones.

The research cited above clearly showed that children who hit and bullied others were primarily not the recipients of corporal punishment ("CP") at school, which completely debunked the claim that CP caused bullies. Frankly, the lack of it caused the bullies.

Further, CP's highest effectiveness, on a behaviour-specific basis, was in deterring children from continuing to hit and bully others, an astounding 94% effectiveness rate with one application (6% recidivism). So this assertion is already completely debunked.

Naturally, as they grow up, children who have been humiliated will be more likely to humiliate others. Parents therefore play a very important role in socializing their children. ***What message are we sending our children if we use violence, even moderate violence, to discipline them?***

You may not legally use violence in discipline, or any other purpose, whether physical, psychological, emotional or verbal. Nowhere in the law or the Supreme Court's 2004 rulings does it say this. Senators, please ... if you're going to speak on any issue, at least familiarize yourself with the law to understand what the law actually is. This comment is simply an insult to imply that most loving parents are violent people.

The proponents of section 43 are of the view that this section of the Criminal Code does not provide educators and parents with the right to correct a child but instead gives them a reasonable means of defence. In my humble view, however, section 43 of the Criminal Code provides false protections to parents and teachers who see it as a defence.

It appears you think that corporal punishment is still allowed in schools. It is not, the 2004 Supreme Court ruling removed physical discipline from education, public or private, across Canada. So why do you repeatedly make this false statement?

Section 43 cannot be invoked when a child is injured. It is possible that a parent intends to use only a reasonable amount of force, or what they think to be reasonable, ***but at the end, a child will end up with an injury.***

What is that supposed to mean? Are you implying that if a child learns that negative behaviours have negative consequences, this injures the child? Certainly any credible research on that statement would utterly disprove it.

However, it raises the question: What do parents do when spanking is banned and they adhere to those laws? We actually have some answers to that.

Research conducted in 2015 surveyed adults growing up under spanking bans. Aside from the usual confinement-type consequences (timeout, confined to bedroom, grounded), they indicated that when parents did use consequences, these were the replacements: *"pushing, shoving, shaking and restraining, screaming and verbal put-downs, sarcasm, shaming & humiliation, being intentionally ignored (removal of affection), and withholding food."*

This is what actually happens, and what we fully expect from S-206 as well. That's why passing bills in a vacuum are so dangerous when Human behaviour and unintended consequences are ignored.

The line between so-called "educational violence" and abuse can be very thin. It is also not because the child does not show any visible sign of injury that he does not experience suffering.

Violence, whether educational or not, is illegal. You seem to be arguing against non-existent laws.

The fact is, protecting adults, parents, should not take precedence over protecting children. Why should we give parents the right to avoid potential prosecution and refuse children, who are much more vulnerable, the right to adequate protection? There is no balance of power between children and adults, which is why children must be our priority. I believe that repealing section 43 will achieve that balance.

Parental Rights are Children's Rights are Family Rights. They are inseparable, and that is why harming any one of them, as this bill intends to do, will harm all of them.

[English]

Bill S-206 raises the debate about how far we want to go as a society to better protect our children. Other societies have been addressing this issue for a long time by removing this right to correct from their legal framework. Corporal punishment under all circumstances is now prohibited in several countries.

In 1994, Quebec withdrew the right of moderate and reasonable correction on the child from the Civil Code.

Provincial civil codes are meaningless because this is a federal issue.

Honourable colleagues, we are not going to be flooded with hundreds of emails about this bill. It is no wonder, given that the main people it affects are not even old enough to write yet. That is how vulnerable they are, which is why we have a responsibility to protect them. True, we will not hear from them directly, but we must still be attentive to their needs.

We must not hide behind the 2004 Supreme Court ruling, nor use it as an excuse to do nothing. Societies evolve. They change, improve and transform. Tomorrow's standards may not be the same as today's. Social change does not happen overnight; it must be spurred.

Must we always wait for the courts to tell us what to do? In my opinion, the right of correction, even moderate correction, is unacceptable in modern-day Canada. The Government of Canada has vowed to adopt all the recommendations of the ***Truth and Reconciliation Commission, and one of those recommendations calls for section 43 to be repealed.*** Thanks to our former colleague, Senator Hervieux-Payette, we now have the opportunity to do so. Let us seize this opportunity for the good of Canada's children of today and tomorrow.

“Repeal 43” is TRC recommendation #6 under Education. They stated that corporal punishment is anachronistic to education in schools. They got their wish, the Supreme Court removed school CP in their 2004 rulings. Therefore, The TRC's recommendation has already been adopted. If this is the reason for this Bill, we can kill it right now and move on to real issues that face Canadians today, rather than manufacturing victims that don't exist.

[English]

When we think about the country we are building each day, it is my belief that we want to live in a country where **using physical force on others is simply unacceptable no matter how old or young they are**. Every Canadian should feel and be safe from birth to the end. This is why I will vote in support of Bill S-206.

No such country exists thus far. Are you aware of the concept of legitimate authority? Parents have legitimate authority over their children, as they are charged with the care, protection, education, wellbeing and legal responsibility of the same. Similarly, the police and military have legitimate authority over society, and can use physical force, up to and including deadly force, to meet those objectives. If there were any truth to this claim, then please explain why the police and military haven't already been abolished?

Some Hon. Senators: Hear, hear.

Hon. Donald Neil Plett: Would the senator take a question?

Senator, beating a child is already illegal. Many signs of force are already illegal. I'm always a bit perplexed and frankly dismayed when people use this bill as something that will stop the beating of children. The beating of children is illegal right now. Leaving a mark on a child is illegal now. Using any type of instrument to strike a child is illegal. These things are all illegal. Many of the things you and other senators have referred to are already illegal.

You said in your speech that no force — no force — should ever be used. How do you square the box that when two eight-year-old children are fighting on the front lawn, this bill will prevent a parent, schoolteacher or anybody in authority from separating those two children by force?

Some Hon. Senators: Oh, oh.

Senator Plett: Yes, it will. This isn't a debate. Let the senator answer the question, Senator Sinclair. You can answer it when you speak, and I'll ask you the question.

You yourself said this bill will prevent any force. That is force. When a child wants to go and put his hand on a hot stove, and you remove him, that is force. When a child throws a temper tantrum and refuses to go to school, and you pick that child up and put him in the back seat of a car, it is force. Those will all be illegal if Bill S-206 passes.

(1540)

Is it acceptable to not be able to force a child to go to school, to not be able to separate two people? You can't use the argument that fighting is illegal, so we can do that. No, fighting is not illegal; assault is illegal. Two people wanting to fight is not illegal. You can't separate them because they are not doing anything illegal.

The Hon. the Speaker: Excuse me, senator, but your time is up. Would you like five more minutes to answer the question?

Senator Petitclerc: Yes, gladly.

Thank you for your question. My understanding of the bill is that all of the examples you have been referring to are not going to be illegal. I don't know what more I can say to answer you, but my understanding of the bill is clearly not the same as yours.

Stewart, Hamish (cite, "Parents, Children, and the Law of Assault", January 1, 2009, Dalhousie Law Journal, Vol. 32, p. 1, 2009) Stated,

"Without Sec.43 ...Neither the exercise of prosecutorial discretion nor the common law defences of necessity and de minimis would be adequate to protect parents who were carrying out their duties."

In fact, any "unwanted" force would be criminalized. Beyond examples that Hon. Senator Plett provided, the simplest of parental operations - changing, toileting, bathing, putting to bed, seating at the dinner table, all of these involve the use of beneficial force for a disciplinary purpose. And this opens the door wide open, not so much for police involvement, but rather for child "protection" agencies to further intrude into the home and apprehend more children to meet quotas and revenue targets. That's already a proven effect.

Senator Plett: Very briefly, I would strongly encourage you and all senators that are planning on possibly voting for this bill to do some research and find out what the bill actually does. I have done that research.

That was not a question, by the way.

Senator Mitchell: That was on debate.

Hon. Ratna Omidvar: This is a really serious matter and I don't want to in any way add some levity to it, but I was reminded of the famous Canadian comic Russell Peters, who some of you may have heard about in his recounting of his own childhood where his father would say, "Russell, you are going to get hurt so bad," in a thicker accent than I have. I encourage you all to listen to his podcasts because they will split your sides.

The law is one thing. It's practice, it's understanding behind closed doors and families are completely different. How would you think about this law in its lived reality in our communities?

Senator Petitclerc: Thank you for the question. I have thought about that a lot, in fact. I have thought about the bill, what I read, what others have said about the bill, and how I believe in it. I also took time to think about my own experience and what I see around me, because you are right; there is the bill and there is real life and the real life of being a parent.

I am a mother now. My son is a very stubborn, active, three and half year old — no surprise there — and I went back to my own parents. I think my dad would be okay to hear me making that decision for him. My dad came from a family where physical force, and I think we can say violence, was used on all seven kids. I don't know if that's why, but my dad is a very tough construction worker and he never, ever used force on us. I thank him for that. It makes me realize and respect that, but he had authority. I can tell you that when he said something, we listened.

My personal experience, and everything that I have been reading while being a new mother, makes me believe that there is no use and no need for force. And this is why I support the bill.

(On motion of Senator Frum, for Senator Andreychuk, debate adjourned.)

We'll be very frank here: The amount of false and debunked claims, junk science, distortions and rudimentary lack of understanding of Canada's Law, as exhibited in this speech is quite disturbing.

Honourable Senators, you are charged with a very important duty. On behalf of Canadians, we ask that you please do real homework, know the law and address actual issues rather than non-existent ones, and stop being seduced by "advocacy research".

You have a fiduciary responsibility to rise above all the panaceas and ideological flavours of the day. Canadians expect you to be ethically and morally sound, stable, objective, seasoned and informed people. Those qualities are what protect the fabric of our society.

Finally, we leave you with the words of wisdom from the Supreme Court of Canada:

"Without section 43, Canada's broad assault law would criminalize force falling far short of what we think of as corporal punishment. The decision not to criminalize such conduct is not grounded in devaluation of the child, but in a concern that to do so risks ruining lives and breaking up families..."

**Respectfully Submitted,
On Behalf of Canadian Children and Families
The Keep 43 Committee of Canada
www.Keep43.ca**

Final thought: Think about what you're enabling, and understand how the child-sex industry accesses it's "feedstock"; this is the horrific reality for children in Norway and Sweden today...

***Shhh! Repeal 43 makes 82% of Children
targets for CAS to abduct & traffic.
Let's keep that our
little secret***



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