



To the Honourable Sean Fraser Minister of Justice and Attorney General of Canada

**RE: Call to repeal Section 43 of the Criminal Code of Canada**

February 11<sup>th</sup>, 2026

Dear Minister Fraser,

The National Council of Women of Canada (NCWC), a non-partisan federation founded in 1893 to improve the lives of women, children, and families, writes to urge the Government of Canada to repeal Section 43 of the Criminal Code of Canada and enact complementary legislative and policy measures to ensure the full protection of children from physical violence. This long-overdue reform is essential to uphold children's equal right to security of the person and protection from assault, in keeping with the Canadian Charter of Rights and Freedoms and Canada's obligations under the United Nations Convention on the Rights of the Child (UNCRC).

Children, like adults, value their personal safety and bodily integrity. Yet Canadian law continues to tolerate the use of physical force against children under the guise of "correction." This double standard fails to recognize children as rights-bearing individuals and undermines national efforts to prevent violence within families, schools, and communities.

The UN Committee on the Rights of the Child defines corporal punishment as any act in which physical force is used and intended to cause some degree of pain or discomfort, however light, including hitting (smacking, slapping, spanking) with a hand or object, as well as actions such as shaking, scratching, or kicking. In any other context, such acts would constitute assault under section 265 of the *Criminal Code*. Section 43, however, creates a statutory defence unavailable for any other group, stating that "every school teacher, parent or person standing in the place of a parent is justified in using force by way of correction... if the force does not exceed what is reasonable in the circumstances."

Although the Supreme Court of Canada (2004) narrowed the application of this defence to "minor corrective force of a transitory and trifling nature," it upheld the provision, leaving in place a legal justification for acts that contravene modern human rights standards. The UN Committee on the Rights of the Child has since repeatedly called upon Canada to repeal Section 43 and to explicitly prohibit all corporal punishment of children in all settings.

Extensive research shows that physical punishment offers no benefits and is associated with significant harms to children's development, mental health, and relationships over their lifetime. Moreover, the Truth and Reconciliation Commission of Canada, recognizing Section

43 as part of the legacy of institutionalized violence against Indigenous children, called for its repeal in Call to Action 6, to align Canadian law with the principles of dignity, equality, and reconciliation.

In accordance with NCWC policy, we therefore respectfully urge you, as Minister of Justice to:

- Support and expedite the repeal of Section 43 of the *Criminal Code*, working with Parliament to ensure the swift passage of legislation, thereby fulfilling TRC Call to Action 6 and the recommendations of the UN Committee on the Rights of the Child.
- Amend the Criminal Code and the Department of Health Act (Security of the Child) to explicitly guarantee that children have the same legal right to personal security and protection from physical assault as all other citizens, consistent with the Charter and international human rights law.
- Launch comprehensive public education campaigns, developed in partnership with provincial, territorial, and Indigenous governments as well as civil society organizations, to promote culturally informed, constructive, and non-violent approaches to discipline, conflict resolution, and positive parenting.
- Provide sustained leadership and investment in family support and prevention programs that strengthen families while eliminating tolerance for physical punishment as an acceptable means of discipline.

For more than 130 years, the National Council of Women of Canada has worked collaboratively with governments to advance policies that promote the safety and well-being of women, children, and families across the country. Repealing Section 43 and supporting non-violent child-rearing practices would affirm Canada's commitment to children's rights, reconciliation, and the prevention of violence in all forms.

We would welcome the opportunity to meet with you or your officials to discuss these recommendations and to explore how NCWC can contribute to advancing this vital reform and related public education initiatives.

Yours sincerely,

Penny Rankin  
NCWC President

Michelle Abel  
NCWC VP Children and Youth

CC.

Honourable Anna Gainey Secretary of State (Children and Youth)  
The Honourable Marjorie Michel Minister of Health  
The Honourable Mandy Gull-Masty Minister of Indigenous Services  
MP James Maloney Chair, Standing Committee on Justice and Human Rights