



TORONTO STAFF REPORT

May 29, 2003

To: Board of Health
From: Dr. Sheela V. Basrur, Medical Officer of Health
Subject: Physical Punishment of Children and Youth

Purpose:

This report describes two national initiatives regarding the prevention of physical punishment of children and current Toronto Public Health activities that address this issue.

Financial Implications:

There are no financial implications associated with this report.

Recommendations:

It is recommended that:

- (1) the Board of Health endorse the “Joint Statement on Physical Punishment of Children and Youth” (April 25, 2003) and send a letter of endorsement to the Children’s Hospital of Eastern Ontario, with a copy to the Ontario Public Health Association and the Association of Local Public Health Agencies;
- (2) the Board of Health send a letter in support of repeal of Section 43 of the Criminal Code of Canada to the Minister of Justice and Attorney General, the Honourable Martin Cauchon and the Minister of Health, the Honourable Anne McLellan, with a copy to the Ontario Public Health Association and the Association of Local Public Health Agencies;
- (3) this report be forwarded to the Community Services Committee, the Economic Development & Parks Committee, the Children and Youth Action Committee, the Toronto District School Board, and the Toronto Catholic District School Board for their information; and

- (4) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Toronto Public Health has received Early Childhood Development (ECD) funding from the Ontario Ministry of Health and Long Term Care to work in collaboration with the community to implement a four year plan for the prevention of family abuse. The two main goals of the Family Abuse Prevention Project are to promote the safety and healthy development of children, from birth to 6 years of age, and to promote healthy and safe environments free from violence for pregnant women and women with children from birth to 6 years of age. One of the components of the project plan is to address the issue of physical punishment of children.

Comments:

Physical punishment is defined as “an action intended to cause physical discomfort or pain to correct a child’s behaviour, to ‘teach a lesson’, or deter the child from repeating the behaviour,” (Joint Statement, April 2003). Physical punishment may involve striking a child with the hand or with an object. It also includes actions that do not involve actually hitting a child, such as forcing a child to hold an uncomfortable position. Violence between children and the hitting of a child by a youth who is not acting in a supervisory role are not included within this definition. Also not included within the definition of physical punishment is physical restraint that is used to protect a child or others from harm or the use of physical force for the purpose of self-defence. It is important to distinguish between physical punishment and “discipline”. Discipline involves using various non-physical methods of protecting, socializing, and guiding a child toward self-control, independence, and respect for oneself and others.

Prevalence estimates of physical punishment are most often based on parental reports, which are subject to bias and are likely to be an underestimate of actual rates. Research indicates that physical punishment is used with children of all ages, but is most often used with pre-schoolers (Gershoff, 2002). While there is no Toronto-specific data on the prevalence of physical punishment, in a sample of Ontario parents, 85% reported having slapped or spanked their children and 20% reported having hit their children with objects. From a sample of mothers of preschoolers in Manitoba and Ontario, 70% reported having used physical punishment and one-third of these mothers used it at least once per week (Joint Statement, April 2003). The estimated number of substantiated investigations of physical abuse increased significantly from 1993 to 1998 in Ontario, and most of these investigations involved physical abuse caused by inappropriate punishment (Trocme et al., 2002).

There is a growing body of research indicating that physical punishment has detrimental effects on children. These cumulative and consistent research findings indicate that physical punishment places children at risk of physical injury, physical abuse, impaired mental health, a poor parent/child relationship, and increased childhood and adolescent aggression and antisocial behaviour (Gershoff, 2002). While the outcome of physical punishment is often thought to be

increased child compliance, very few studies have found that physical punishment of young children results in short-term compliance. These findings also suggest that physical punishment may escalate in severity in order to change a child's behaviour over time (Joint Statement, April 2003). Physical punishment in childhood has also been associated with negative outcomes in adulthood such as increased aggression, poorer mental health, and an increased risk of abusing one's own child or partner (Gershoff, 2002).

Studies of parental views on physical punishment also indicate that most parents who use physical punishment report that it is ineffective and that it can be harmful. Parents report feeling regretful or guilty when using physical punishment. Although physical punishment is widely used, in a study on the needs of Canadian parents, 91% reported wanting information on discipline for young children (Joint Statement, April 2003).

There are two national initiatives currently underway that are congruent with the work of the Toronto ECD Family Abuse Prevention Project and other Family Health programming. A "Joint Statement on Physical Punishment of Children and Youth" (see Appendix A for body of report including executive summary and recommendations; full report on file with City Clerk) and a national effort is currently underway to advocate for the repeal of Section 43 of the Criminal Code of Canada which permits the use of force with children.

The Joint Statement on Physical Punishment of Children and Youth was initiated by the Children's Hospital of Eastern Ontario and developed in partnership with national organizations, including the Canadian Public Health Association. The purpose of the Joint Statement is three-fold. It provides evidence of the negative effects of physical punishment on children's development and evidence of its limited effectiveness in correcting or changing children's behaviour. It encourages parents and other caregivers to use discipline that does not rely on physical punishment. It explores the implications of this evidence in relation to Canadian law and a child's right to protection from physical assault.

The Joint Statement provides recommendations for action for all levels of government and service providers. These recommendations identify the need for: 1) public awareness and parent education with consistent messages on the harms of physical punishment and effective discipline; 2) the collection of ongoing data to monitor public attitudes on the use of physical punishment; 3) policy, practice, and professional training that articulates a stance against the use of physical punishment and that provides information on the risks of physical punishment to children's development plus strategies for supporting parents to replace their use of physical punishment with effective discipline; 4) federal legislation that recognizes a child's right to physical integrity and dignity by giving children the same protection from physical assault that is given to adults.

The second initiative addressing physical punishment is a national advocacy effort to persuade Canadian Parliament and the Courts to repeal Section 43 of the Criminal Code. This section of the Criminal Code, 'Correction of Child by Force' 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." Section 43 was codified in 1892 and is based on

English common law that permitted corporal punishment of wives, servants, apprentices, convicts, and children. To date, all citizens except children have legal protection from corporal punishment in Canada.

The United Nations Convention on the Rights of the Child includes the protection of children's rights to physical integrity and dignity. Many other countries have already revised their legislation pertaining to physical punishment of children. Eleven nations have abolished physical punishment in all forms and in all settings and ninety nations have abolished school corporal punishment. The international committee that has been monitoring nations' implementation of the Convention on the Rights of the Child has recommended that Canada abolish physical punishment and that educational campaigns be used to change societal attitudes toward the use of physical punishment in the family (Joint Statement, April 2003). On June 6, 2003, the Supreme Court of Canada will begin to hear a Constitutional challenge to repeal Section 43 of the Criminal Code.

Both of these initiatives are congruent with the City's Charter for Children (1999) and the City's Strategy for Children, adopted by City Council in November 1999. They are also congruent with Toronto Public Health's mandate to promote the healthy growth and development of young children. Given that there is strong evidence that the use of physical punishment with children, compromises their healthy development and their rights to physical integrity and dignity, Public Health programming must address this issue. This is already happening through a number of program areas. Family Health programs such as Healthy Babies, Healthy Children and parenting groups provide education and support to parents and caregivers regarding parenting skills, including effective discipline. The Healthy Lifestyles, Injury Prevention program and the Mental Health program are also mandated to address violence prevention, including violence directed to children and youth. The Early Childhood Development (ECD) Family Abuse Prevention Project, a joint initiative of all three programs, is working in collaboration with community organizations to enhance efforts to prevent the use of physical punishment with children through public awareness, education, advocacy and policy. Endorsement of the Joint Statement will act as a catalyst for Toronto Public Health to work collaboratively with other city departments and relevant community organizations to further respond to the Joint Statement's recommendations for action.

Conclusion:

There is cumulative and consistent evidence of the risks associated with the use of physical punishment on children's physical and psychological well being in both the short and long term. This evidence underscores the importance of reviewing federal legislation to ensure it affords children the same rights to protection from physical assault as it does adults. Endorsement of the Joint Statement on Physical Punishment of Children and Youth and support for the repeal of Section 43 of the Criminal Code are important to the promotion of the healthy growth and development of children and youth.

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List of Attachments:

Appendix A: Joint Statement on the Use of Physical Punishment with Children and Youth – body of report (April 25, 2003). Coalition on the Physical Punishment of Children and Youth. (Full report on file with City Clerk)