Minister of Justice
and Attorney General of Canada

Ministre de la Justice
et procureur général du Canada

The Honourable / L'honorable Sean Fraser, P.C., K.C., M.P. / c.p., c.r., député
Ottawa, Canada K1A 0H8

OCT 27 2026

Mr. Tom Deelstra
President
Prince Edward Island Home and School Federation Inc.
P.O. Box 1012
Charlottetown PE C1A 7M4

Dear Mr. Deelstra:

Thank you for your correspondence concerning section 43 of the *Criminal Code*. The Office of the Prime Minister has also forwarded to me a copy of your correspondence. Please excuse the delay in responding.

I would like to assure you that the Government of Canada recognizes and appreciates that all children have the right to be protected from violence. This right is upheld by Canada's *Criminal Code* and provincial and territorial child protection laws.

As you may know, assault is very broadly defined in Canadian criminal law to include any intentional use of force on another person without their consent. This includes any non-consensual touching, directly or indirectly, of a person regardless of the amount of force used. Slapping, shaking, punching, pinching, kicking, or any other form of unwanted touching are all examples of actions that may be considered an assault. Section 43 of the *Criminal Code* is a limited defence to criminal liability available only in narrow circumstances for parents, persons standing in the place of parents, and teachers for the non-consensual application of reasonable force to a child—such as restraining an uncooperative child in a car seat or stopping a child from running into the street.

Most forms of physical punishment are considered crimes in Canada, and abusive and harmful conduct is not protected by section 43 and is dealt with accordingly under the law. In its 2004 decision in *Canadian Foundation for Children, Youth and the Law* v. *Canada (Attorney General)*, the Supreme Court of Canada (SCC) held that section 43 is consistent with the *Canadian Charter of Rights and Freedoms* and the United Nations Convention on the Rights of the Child. It also set out guidelines

that significantly limited the application of the defence to reasonable corrective force that is minor or transitory and trifling in nature. Moreover, the SCC's decision provided that teachers cannot use force for physical punishment under any circumstances.

As you know, the repeal of section 43 of the *Criminal Code* was recommended by the Truth and Reconciliation Commission of Canada and raises differing and strongly held views across the country. Our government recognizes the impacts that would result from bringing the full force of the criminal law to bear on parents or teachers who use minor corrective force. For example, teachers should not face criminal sanction for the use of minor physical force to restrain or remove a child from the classroom to protect the safety of the student, other students, or themselves. However, we understand that section 43 may be seen as undermining the rights and interests of children.

The Government continues to strongly discourage the use of physical discipline of children through public legal education and information materials, such as *Child Abuse is Wrong: What Can I Do?* (**https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/caw-mei/index.html**), which explains the laws in Canada and encourages non-physical discipline.

In addition, the Public Health Agency of Canada and the Department of Justice Canada recently updated a brochure called *What's Wrong with Spanking?* (**https://www.canada.ca/en/public-health/services/publications/healthy-living/pamphlet-what-s-wrong-with-spanking.html**), which provides parents and caregivers with useful tips on effective forms of discipline of children by focusing on positive parenting skills.

Thank you again for writing.

Yours sincerely,

The Honourable Sean Fraser, P.C., K.C., M.P.
Minister of Justice and Attorney General of Canada
Minister responsible for the Atlantic Canada Opportunities Agency