

National Survey of Canadians' Attitudes on Section 43 of the Criminal Code

Background

Toronto Public Health commissioned a national survey to assess Canadians' attitudes on Section 43 of the Criminal Code. This section has been in the Code since 1892 and allows the use of physical punishment of children by school teachers, parents, and those acting in the place of parents, if a court finds the punishment reasonable and for the purpose of correction.

The study was conducted by Decima Research through telephone interviews with a representative sample of 2,033 English- or French-speaking Canadians, 18 years of age or older. The interviews were conducted between August 14 and August 28, 2003. The maximum margin of error for a sample of 2,033 respondents is $\pm 2.2\%$, 19 times out of 20.

All respondents were read the following preamble before being asked whether they strongly or somewhat agreed or disagreed with the 5 statements shown below.

"Canada's Criminal Code no longer allows physical punishment of adults, but Section 43 of the Code allows physical punishment of children by school teachers and parents. This section provides a defence to a charge of assault if the courts consider the punishment reasonable and for correction. Recent examples of physical punishment that the courts consider reasonable include hard spankings, slaps to the head and face, and hitting the buttocks and legs with belts and sticks."

OVERALL RESULTS

1. Section 43 of the Criminal Code that allows schoolteachers to use physical punishment to correct children should be ended.



A large overall majority are in favour of ending section 43 for schoolteachers. This includes both men and women and Canadians in all age groups and in all parts of Canada.

2. Section 43 of the Criminal Code that allows parents to use physical punishment to correct children should be ended.



A slim, overall majority indicates unqualified support for ending section 43 for parents. A majority of women and younger adults are part of this overall majority.

Respondents who did not strongly agree to ending section 43 for parents were then asked if they would agree in the situations shown in 3, 4 and 5 below.

3. If guidelines were developed to prevent prosecutions for mild slaps or spankings, then Section 43 of the Criminal Code should be ended.



10% Don't Know/
Refused

4. If research showed that physical punishment is not an effective method of discipline, and that it can be harmful, then Section 43 of the Criminal Code should be ended.



7% Don't Know/
Refused

5. If research showed that removing Section 43 of the Criminal Code would decrease child abuse, then this section should be ended.

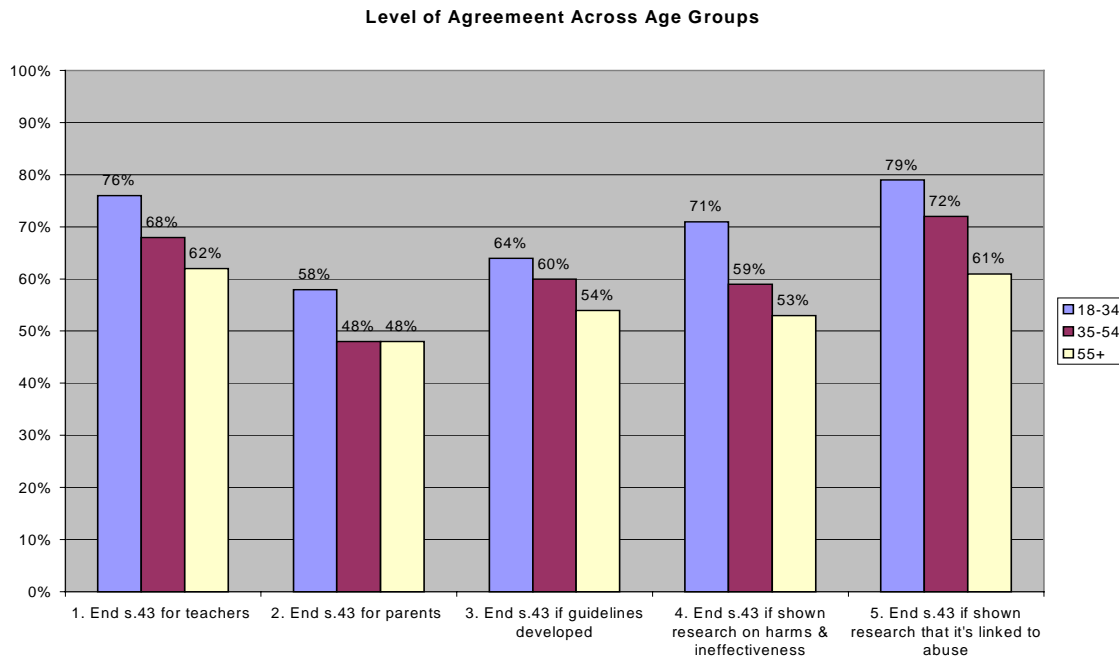


7% Don't Know/
Refused

Support for ending section 43 for parents increases substantially with each of the these three qualifications - if guidelines were developed to prevent prosecutions of minor slaps or spanks, if research demonstrated that physical punishment is ineffective and potentially harmful, or if ending section 43 would decrease child abuse. This increase included both men and women and all age groups.

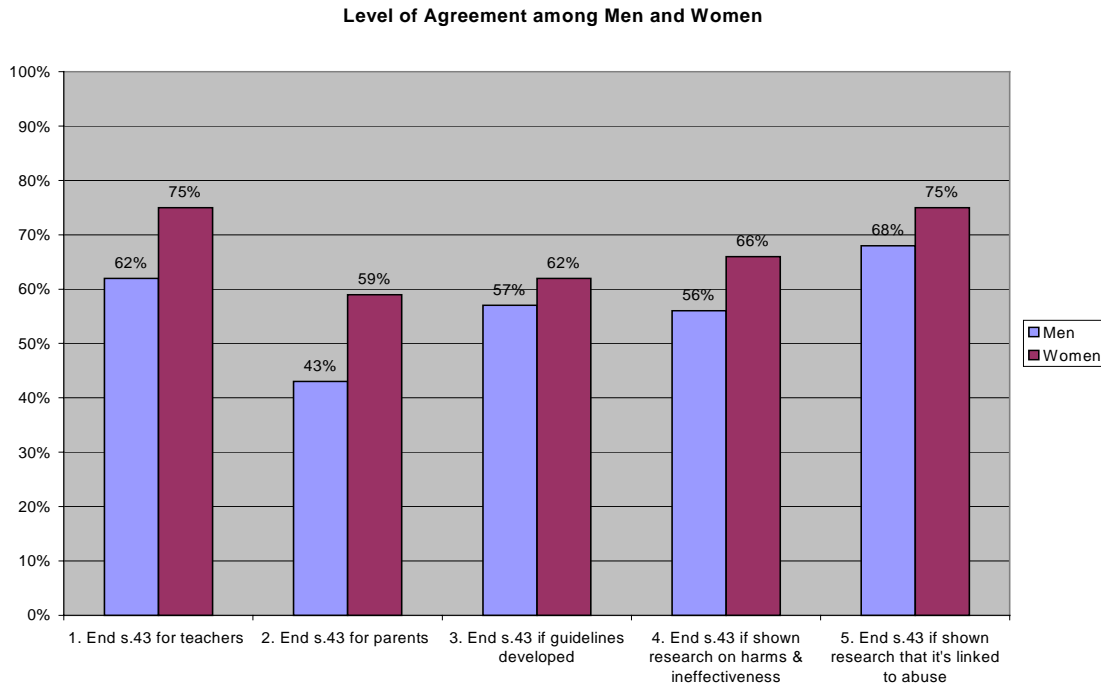
DETAILED RESULTS

Age Breakdown



A majority of Canadians across the age span are in favour of ending Section 43 for school teachers, and a majority of younger Canadians, 18-34 years of age, are in favour of ending Section 43 for parents. Support for ending this law among the older age groups increases with the three qualifications. The percentage of the 35-54 age group in favour of ending Section 43 jumps from 48% to 72% if shown research that it would decrease child abuse.

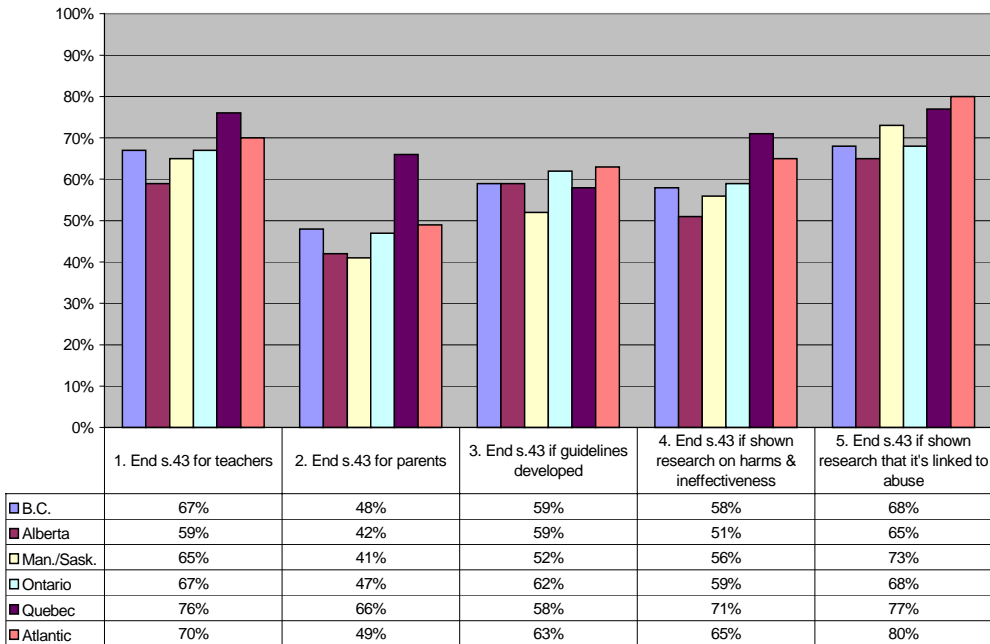
Gender Breakdown



A majority of men and women are in favour of ending Section 43 for teachers, and a majority of women and a substantial minority of men are in favour of ending this law for parents. There is greater support for ending Section 43 among men and women when they consider the three qualifications to ending Section 43. The percentage of men in favour of ending Section 43 for parents jumps from 43% to 68% when they consider research that demonstrates a link between a reduction in child abuse and ending Section 43.

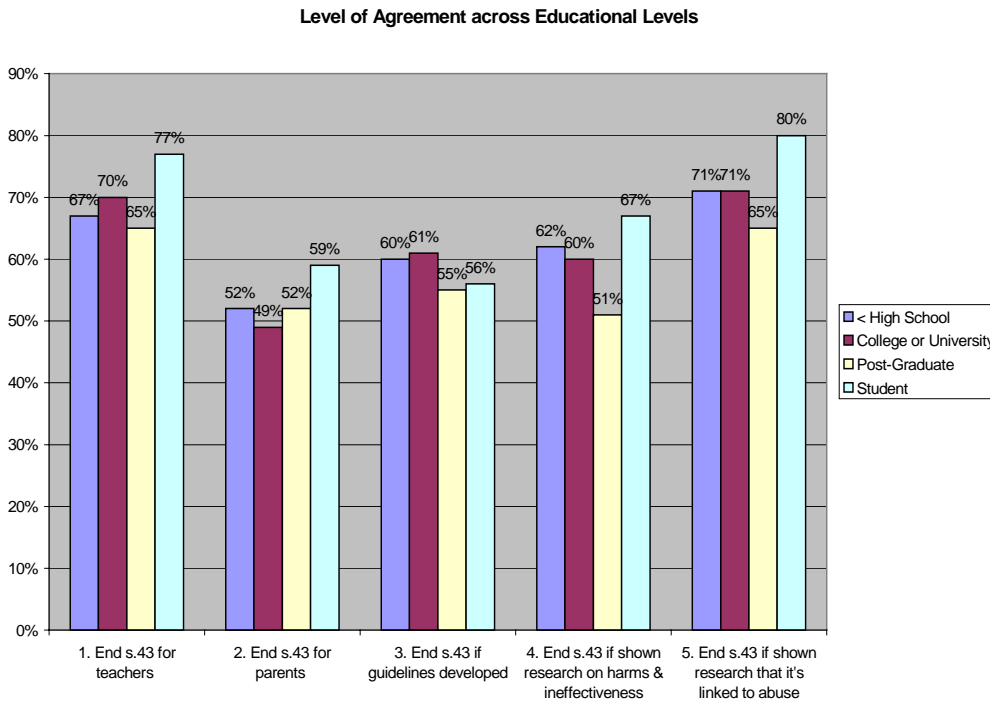
Regional Breakdown

Level of Agreement Across Canada



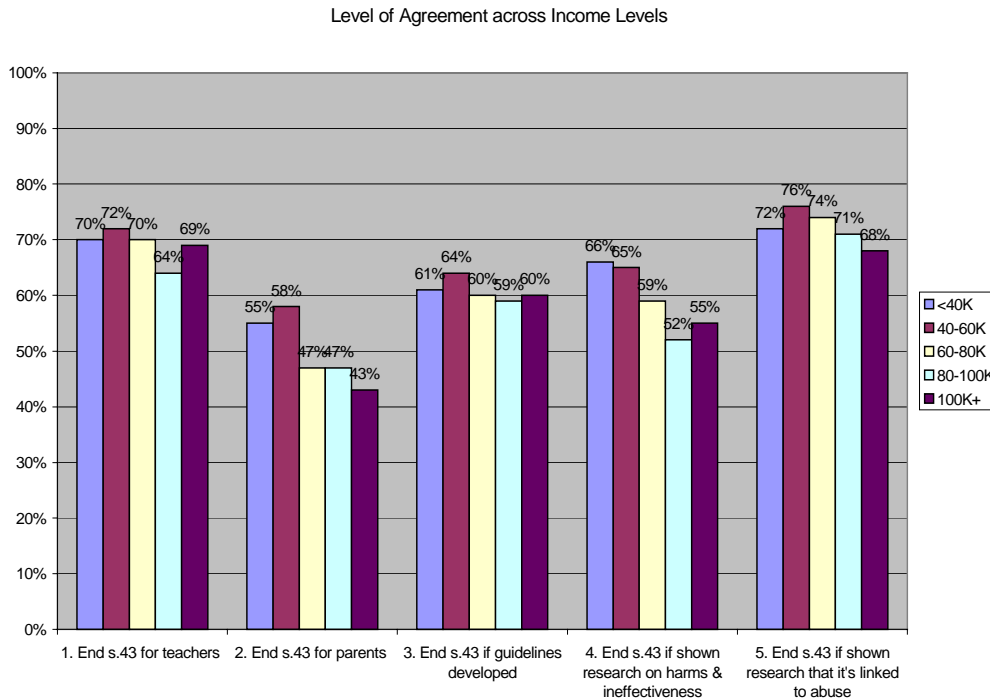
In all provinces/regions, a majority of Canadians agree with ending Section 43 for teachers. The percentage of those who agree ranges from 59% to 76%. In Quebec, a substantial majority agreed with ending Section 43 for teachers and parents. In all provinces/regions, a majority of Canadians agree with ending Section 43 when they are asked to consider the three qualifications. In Manitoba/Saskatchewan where support for ending this law for parents is the lowest, support jumps from 41% to 73% when considering research that would show a decrease in child abuse.

Educational Breakdown



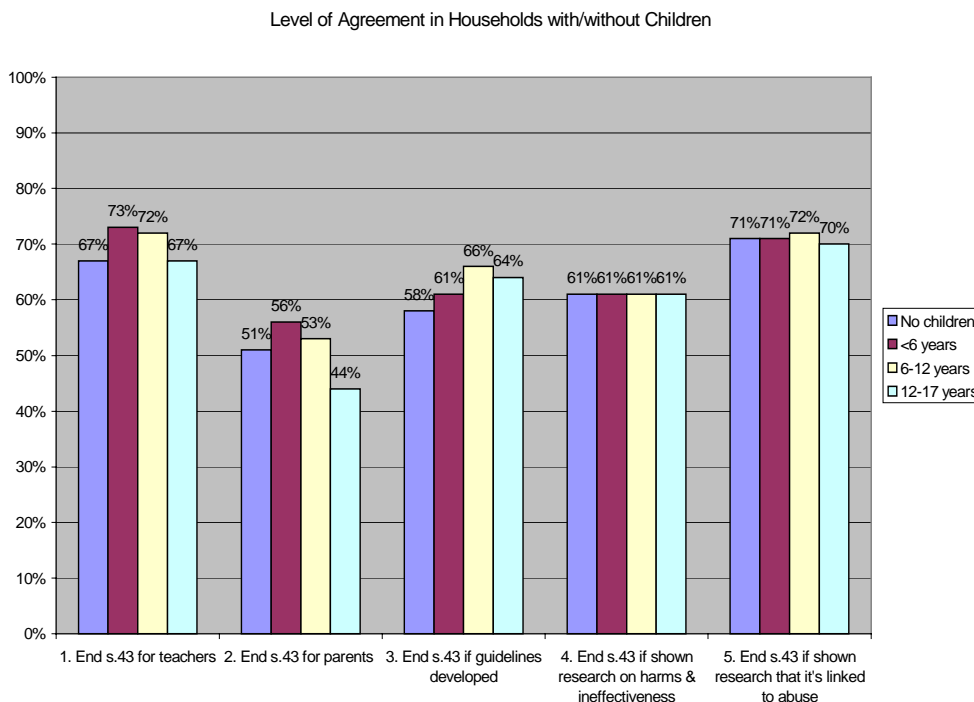
Canadians of all educational backgrounds are in favour of ending section for teachers and parents. Students – who are more likely to be in the 18-34 age group, overall, are more likely to support ending Section 43. The trend of a higher majority being in favour of ending Section 43 when qualifiers were taken into account also is evident across age groups. Support among Canadians with a college or university education grows from 49% unconditional support to 61% if guidelines are put in place to prevent trivial prosecutions. This percentage increases to 71% if research shows that ending Section 43 would decrease child abuse.

Income Breakdown



Overall, a large majority of Canadians across all income levels support ending Section 43 for school teachers and a majority of Canadians with a household income of less than \$60,000 supports ending this law for parents. Support among Canadians in the higher income brackets grows substantially when they consider each of the three qualifications. Among households with incomes of \$60,000 to \$80,000, support jumps from 47% to 60% if assured that parents would not be prosecuted for mild spanks and if shown research that links a reduction of child abuse to ending Section 43.

Children in Household Breakdown



Overall, households with no children and those with children under age 17 are in support of ending Section 43. The trend for increased qualified support for ending Section 43 is evident here as well. Among families with young children, support jumps from a moderate majority of 56% to a strong majority with each of the three qualifications (61%, 61%, 71% respectively).

Summary

The survey indicates support for ending Section 43 for school teachers and parents. Overall, a stronger majority of women, younger adults, students, and residents of Quebec and the Atlantic provinces are in favour of ending Section 43. Support for ending this law grows when Canadians are given assurance that guidelines could be developed to prevent prosecutions of minor slaps or spanks and when shown research demonstrating the harm and ineffectiveness of physical punishment and the link to child abuse. Stronger support among younger Canadians indicates a shift in attitudes on the issue of children's right to equal protection from harm and suggests a shift in attitudes against the use of physical punishment of children.