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December 17, 2015

Right Hon. Justin Trudeau MP  
House of Commons  
Ottawa, ON  
K1A 0A6

**RE: Truth & Reconciliation Commission (TRC): 94 Calls to Action**

Dear Prime Minister Trudeau:

The Keep 43 Committee of Canada ([www.keep43.ca](http://www.keep43.ca)) completely supports all efforts being made towards healing, justice and support for our First Nations brothers and sisters. We note that you have “committed” to adopt all 94 recommendations made by the TRC.

This shameful part of Canadian history is of course going to be very emotionally charged, and rightly so. However; we hope that recommendations will be adopted based on rational and sober thought, and not emotional reaction.

What concerns us in particular is a recommendation under Education, number 6: *“We call upon the Government of Canada to repeal Section 43 of the Criminal Code of Canada.”*

We wrote the Honourable Justice Murray Sinclair / TRC Chair on December 2, 2015 to point out: It’s very clear that residential school children suffered horrendous abuses of all kinds. However, absolutely nothing that went on there has anything to do with our current Sec.43 laws allowing parents to use very limited constructive discipline. In fact, it is this law (and the Supreme Court Rulings on it January 2004) that expressly criminalizes these former experiences. So we found it quite disturbing that someone would use this atrocity against our First Nations as a lever on this entirely unrelated issue.

We believe the confusion lies in the fact that the Supreme Court of Canada (“SCOC”) examined Sec.43 and in January 2004, laid down very specific guidelines delineating constructive parental discipline vs. various forms of abuse. At the same time, the SCOC ***completely removed corporal punishment from any educational setting***, public or private. Unfortunately, the *Criminal Code* wording of Sec.43 has never been updated to reflect this ruling, which is the actual law of the land.

We believe the Honourable Justice Murray Sinclair *may not be aware of this*, considering the recommendation is under “Education”, and this law has patently nothing to do with education or educational settings whatsoever. It appears that the TRC is attempted to criminalize something that doesn’t exist in the first place.

The Sec.43 law, in its very limited definitions, protects parents from prosecution when responding to their child’s behaviour by moderately spanking them on the seat with an open hand. That’s all the law allows for, and as far as we are aware, this has nothing to do with indigenous culture in any way.

We ask that you review each recommendation on its merits. All the science has already proven that criminalizing most parents and preventing them from reasonably responding to their child’s behaviour caused a much greater spectrum of harms than good. Much research reflecting this is available at our website should you wish to educate yourself on the matter.

Respectfully,

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Cc: the Honourable Justice Murray Sinclair / TRC Chair