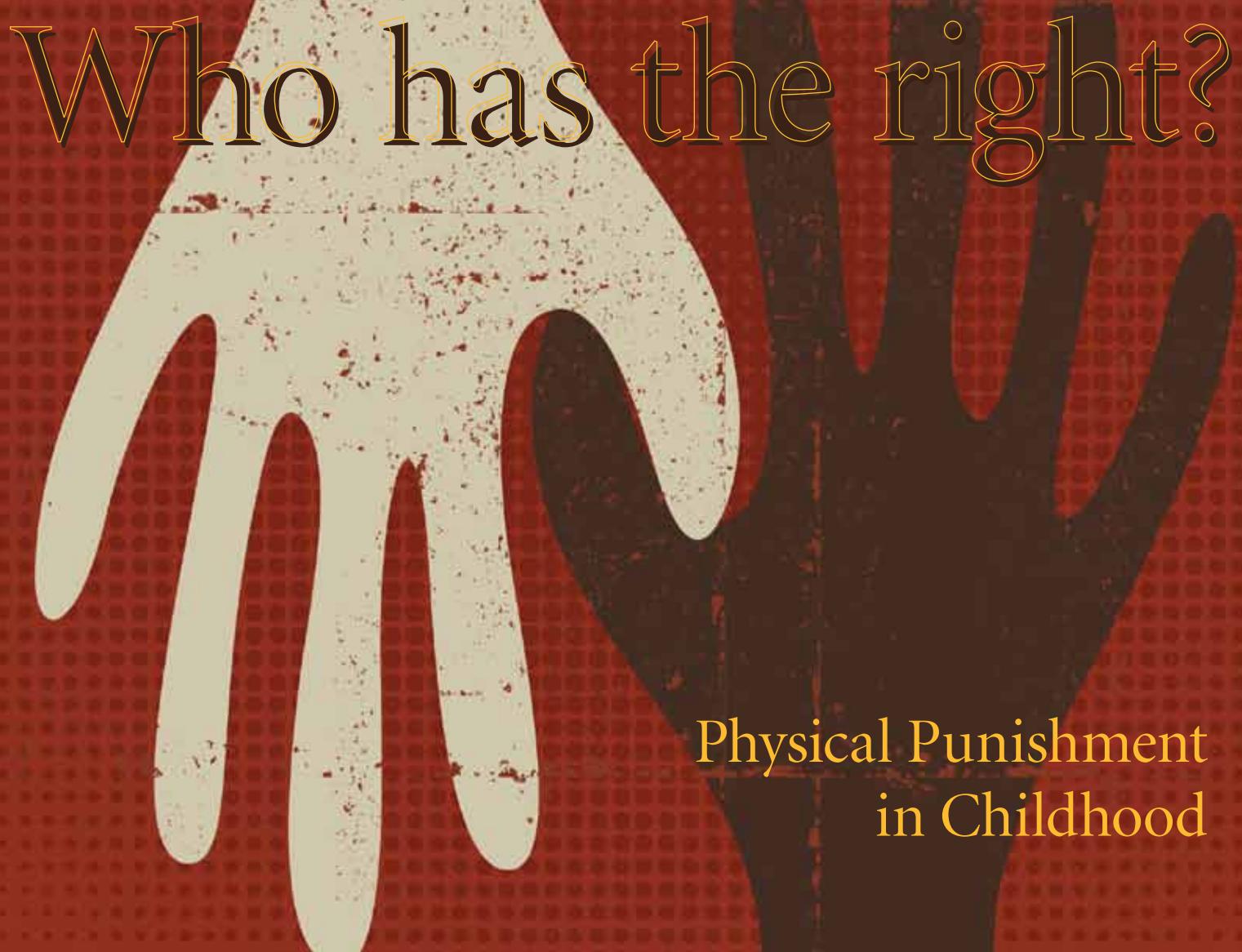


CAPJOURNAL

THE CANADIAN RESOURCE FOR SCHOOL BASED LEADERSHIP



Who has the right?

Physical Punishment
in Childhood



Where the experts speak to you



FALL 2012 EVENTS

Leading With Trust Workshop



Susan Stephenson

October 10–11 Toronto, ON

Redefining Fair Workshops



Damian Cooper

October 3–4 London, ON
October 10–11 Winnipeg, MB
October 30–31 Ottawa, ON

Pyramid of Behavior Interventions Workshops



Tom Hierck

October 2–3 London, ON
October 11–12 Toronto, ON

Professional Learning Communities at Work™ Institute



Rebecca DuFour, Richard DuFour,
and Anthony Muhammad

October 17–19 Montreal, QC

Planning for School and Student Success Process Workshop



Wayne Hulley

October 25–26 Winnipeg, MB

Teaching and Assessing 21st Century Skills Workshop



Robert J. Marzano, Tammy Heflebower,
and Phil Warrick

November 14–15 Toronto, ON

SPRING 2013 EVENTS

Simplifying RTI Institute



Austin Buffum, Mike Mattos, and Chris Weber
April 15–17 Vancouver, BC

Assessment Institute



Karen Branscombe, Tom Hierck, Wayne Hulley,
and Douglas B. Reeves

April 22–24 Toronto, ON

Speakers are subject to change.

Register today!

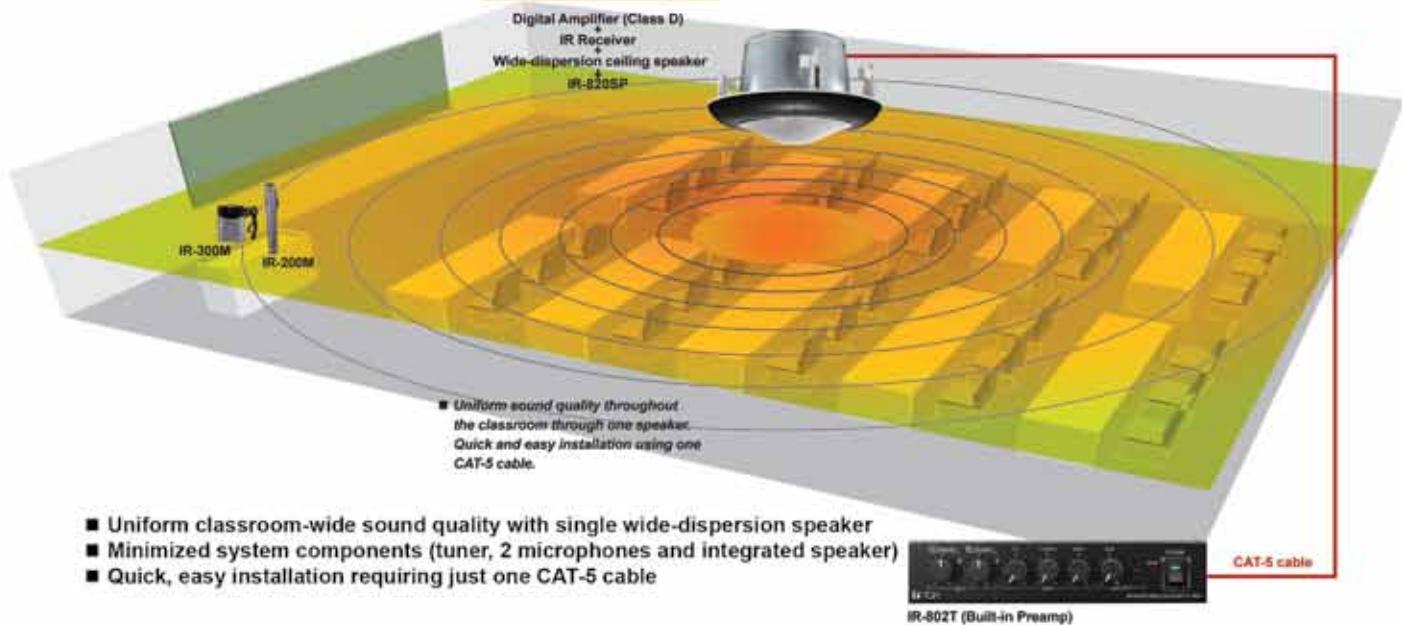
solution-tree.com

800.733.6786

Engage your Students with TOA's Voice Lift Classroom Solution



TOA IR Classroom System Simple and easy



- Uniform classroom-wide sound quality with single wide-dispersion speaker
- Minimized system components (tuner, 2 microphones and integrated speaker)
- Quick, easy installation requiring just one CAT-5 cable

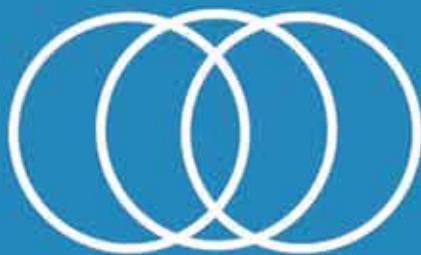
Experience has shown that a voice lift system in the classroom can improve the productivity, engagement, learning and grades of a student. The teacher no longer has to speak above the noise, speak loudly to reach the students in the back of the room, or to those with hearing difficulties.

Having a TOA Infrared Wireless Microphone System in your classroom, improves the classroom environment, making it an easier place to learn.



TOA Canada Corporation
1-800-263-7639
design@toacanada.com
www.TOAcanada.com/info/education





James Battle & Associates

PUBLISHING EDUCATIONAL AND PSYCHOLOGICAL PRODUCTS FOR OVER 30 YEARS

ENCOURAGEMENT

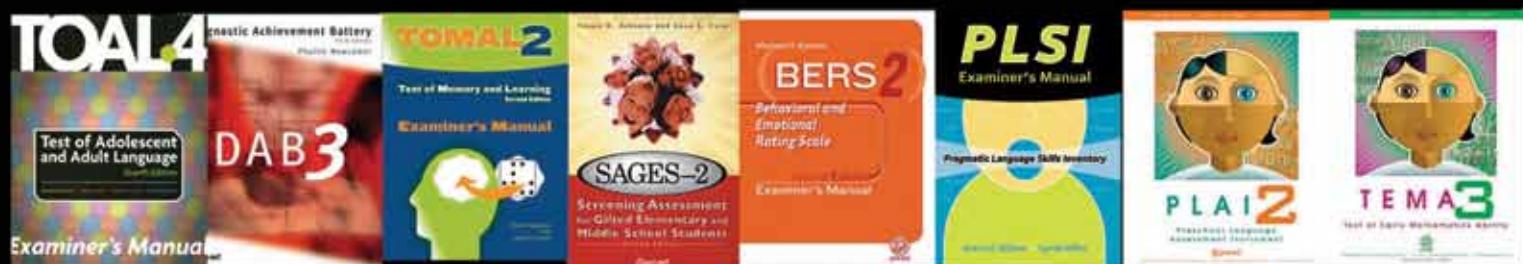
INDIVIDUALS WHO ENCOURAGE OTHERS RECOGNIZE THEIR ASSETS AND STRENGTHS. THAT IS, THEY ENCOURAGE OTHERS BY EMPHASIZING THE POSITIVE ASPECTS OF THEIR BEHAVIOR RATHER THAN THE NEGATIVE ASPECTS.

- DR. JAMES BATTLE, PH.D.



SELF-ESTEEM EFFECTS ONE'S ACCOMPLISMENTS INTERACTIONS WITH OTHERS, ACHIEVEMENT PATTERNS, LEVELS OF MENTAL HEALTH AND STATE OF WELL BEING.

- DR. JAMES BATTLE, PH.D.



#1102 10235-124 St. Edmonton, AB T5N 1P9

Phone: 780-488-1362 Toll Free: 1-800-463-9144 Fax: 780-482-3332

jamesbattle.com

CAP JOURNAL

The official publication of



Publisher **TREVOR SHIRTLIFF**

Editor **ALAN SCHROEDER**

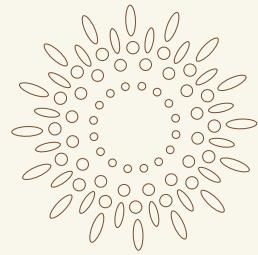
Art Direction & Design **MATT MCCLAY**

Production Coordinator **FRANCES BRADY**

Contributing Writers **JUDITH BURCH**
TANIA MOFFAT, STRINI REDDY, ALAN SCHROEDER
WILLIAM J. TUCKER, AILSA M. WATKINSON
ALISON ZENISEK

Advertising Sales **GARY BILLEY, SHIRLEY GORAY**

Fall 2012



contents

6

Greetings From the President

8

Editor's Comments

11

Ritual Bullying

15

Our Cover Story: Physical Punishment

26

Social Media Red Flags

29

Human Rights in the Schools

34

Of Interest



301 Weston Street, Suite 218

Winnipeg, Manitoba, Canada R3E 3H4

Tel: 888.634.5556 | Fax: 888.318.0005

Email: production@marketzonepro.com

Advertising Inquiries: 888.635.7776
or email: tshirtliff@marketzonepro.com

Subscription Inquiries And Mailing Updates:
email : production@marketzonepro.com

Canadian Publications Mail
Agreement #41622023

Return Undeliverable Canadian Addresses
to: **Circulation Department**
218 – 301 Weston Street,
Winnipeg, Manitoba R3E 3H4

CAP-T0312 | ISBN 1183-1995

Welcome back to another educational year of challenges, excitement and I am sure frustrations. I hope that everyone had the opportunity to replenish energy and spirits over the summer and trust that the start of this current 2012/2013 school year has been a positive one.



The CAP Journal is once again on your desks and I am sure that you will find it to be an excellent addition to your professional library and will keep you current in educational trends. The CAP Journal is edited and published by school administrators for school administrators. It is a national voice and depository of information which school leaders look forward to reading and discussing with colleagues.

The current edition is looking at topics that are very dear to my heart. In the past, I have been a principal with the Department of Justice, in Newfoundland and Labrador and currently I am the principal of the District School in St. John's, NL. District School is an alternate school and as such it immerses me in the domain of other agencies. When dealing with "youth at risk", when dealing with youth

correctional issues or exploring the rights of the child and the family in relation to societal expectations, I have had to rely on the advice of other professionals. Quite often I am partly governed by their policies and at the same time I am governed by our School Act and board policy. The governing practice when dealing with complicated childhood issues, as I see it, is that we "do no harm", we have to understand that the family is key in our society and has certain well-protected rights but legislation also ensures the rights of the child. Communication and partnerships with other agencies, although it can be both frustrating and sometimes confusing, can be instrumental in assisting school administrators to find their way in complicated cases.

Staffing, governmental and school board bureaucracy as well as financial restraints are always obstacles that we must face and overcome. We are the voice of our schools and we need to advocate for every child regardless of what may be the current reality. When I first started teaching, I found the oddest piece of leather in my desk drawer! After several days of puzzling over it I realized that it was "The Strap", an archaic educational device! We have evolved, as has our system. We would no more consider strapping a child than providing a cigarette break! We continue to evolve as a system as do other social constructs in our society. I hope that you find the articles in this CAP Journal both enlightening and thought provoking.

I invite you to take at least 30 minutes in your day to read one article and discuss the concepts with a colleague. I am sure it will invigorate, inform and inspire you.

I would like to take this opportunity to thank, Mr. Alan Schroeder, the past CAP Journal Editor and Central Vice President for his yeoman's work in delivering us a quality piece of work. Al has retired from CAP but we have others willing to take up his duties. I would like to welcome Ms. Tina Estabrooks as our new Editor and CAP Eastern Vice President. I also would like to thank Ms. Joycelyn Fournier-Gawryluk, CAP Past President, in the work she provided in supporting our National CAP Journal.

William J. Tucker PRESIDENT, CANADIAN ASSOCIATION OF PRINCIPALS

CAP EXECUTIVE & DIRECTORS:

President **WILLIAM J. TUCKER**

Past President **JOYCELYN FOURNIER-GAWRYLUCK**

President Elect **JAMEEL AZIZ**
Eastern VP **TINA ESTABROOKS**
Central VP **JAMES JORDAN**
Western VP **HOLLY GODSON**
Executive Assistant **JILL SOOLEY-PERLEY**
NL TASAC **ROBERT MATTHEWS**

PEIASA **LOIS ADAMS**
NSSAA **DEREK CARTER**
NBTA **TINA ESTABROOKS**
AAESQ **JIM JORDAN**
COSL of MTS **KEN HOGLUND**
SSBL **ANITA ROMANOFF**

ATACSA **HOLLY GODSON**
BCPVA **JAMEEL AZIZ**
NTTASAC **DAVID REID**
AYSA **GLORIA COXFORD**
NTA **TERRY YOUNG**
CAP EX. ASST. **JILL SOOLEY-PERLEY**

Tapping into tap water again

When tap water went by the wayside in favor of bottled water in the 1990s, few considered the high environmental costs. Now tap water is in vogue again and, thanks to a modern water delivery solution, refilling and reusing water bottles is quick and easy.

Canadians drink more bottled water than coffee, tea, apple juice or milk. In fact, Canadians consume an average of 60 liters of bottled water per person per year. That's a whopping 2 billion liters annually.

While many Canadian cities, including Charlottetown, P.E.I., Nelson, BC and London, ON, have banned the sale of water bottles on some level, 88 percent of Canada's plastic water bottles don't get recycled. Instead they end up in landfills or going to incineration.

The fact is plastic bottles are among the fastest-growing form of municipal solid waste in Canada. Yet, in spite of the staggering environmental impact, bottled water has become such an ingrained part of our lifestyle that we sometimes forget there's an alternative.

It's name? Tap water.

Tap water is thirst-quenching, tasty and stringently tested—much more so than bottled water, which is among Canada's most unregulated resource industries.

Plus, tap water is cost-effective and environmentally friendly. And now drinking water companies like OASIS International[®], have made tap water more convenient and accessible, thanks to bottle filling stations that let water drinkers refill their own water bottles.

The OASIS VersaFiller[®] quickly and easily turns various drinking fountains into eco-friendly bottle fillers," says OASIS regional sales manager Chris Romagnoli. "Nobody likes filling a water bottle in the lavatory sink, it's awkward, and the bottle never gets completely filled. With the VersaFiller, students, faculty and staff can easily refill their own reusable water bottles."

Besides being highly convenient, VersaFiller stations are helping school campuses "go green." Many North American colleges and universities including Pepperdine, Michigan State and Marshall University in the U.S. have transformed ordinary drinking fountains into eco-friendly bottle filling stations with the VersaFiller.

Reducing plastic waste across campus

Margie Phillips, Marshall University's sustainability manager, says VersaFiller bottle filling stations were key to helping the University reduce plastic consumption across campus.



"Our students loved their bottled water," says Phillips, "so we did a reusable bottle giveaway (to encourage the switch). Now they love the stations because they can easily fill the bottles, and it doesn't cost them any money. We plan to install one station for every single floor in every building across campus."

The OASIS VersaFiller is designed to fit Oasis, Sunroc and most Haws and Elkay units. It's one unit, that delivers one thing: great-tasting, refreshing cold water on-demand. Learn how the VersaFiller can turn your ordinary drinking fountain into a modern, convenient bottle filling station.

The Canadian *Not so Secret* Secret

THIS INTRODUCTION HAS EXTENSIVELY EXCERPTED THE FOLLOWING SOURCES:

Childcare is key. Good parents are, too by Judith Timson
Rich Nation, Poor Children by Vipal Jain.

by Alan Schroeder
departing compiling editor

More than a million Canadian children, approximately one in nine, live below the poverty line according to the 2008 Report Card on Child and Family Poverty in Canada. Sadly, over the last several years little improvement has been made to decrease the number of children living in poverty. This should be a daily concern, however, on November 20th National Child Day and the 24th anniversary of the United Nations Convention of the Rights of a Child (UNCTC), we should all pay closer attention to this national concern.

Nineteen years ago, the Canadian government resolved to eliminate child poverty by the year 2000. When examining the continued disparity between the wealthy and the working poor, nothing has changed. According to Statistics Canada the rate of child poverty has remained at 12 per cent for two decades now.

"For many families, it's very difficult to get out of poverty. There isn't enough money to feed the children, clothe them properly, and pay for bus fare or to even look for a job," says Grant Wilson, President of Canadian Children's Rights Council. It's even harder for new Canadian children and aboriginal families as they are at a greater risk of living in poverty, according to the report.

Wilson says that the main reason for child poverty is lack of political will. Canada has ratified the UNCRC, requiring it to report on how it is fulfilling its human rights obligations. Countries are required to report every five years and the most recent deadline was January 2009. Canada still hadn't completed the report as of November of that year. "The federal government doesn't take this seriously and it's not really a priority," says Wilson.

Michele Peterson-Badali, Associate Professor of Developmental Psychology at the University of Toronto takes the

issue one step further by criticizing the fact that the convention doesn't have any legal force or impact any areas of Canadian law. "In other countries, when they ratify the convention, it becomes part of the law. Many European countries work that way." She says that Canada's legal system isn't built to fight child poverty, as there aren't any penalties for not meeting the standards of the convention.

Peterson-Badali says tackling this problem requires the Canadian federal government to make social commitments and long-term social policy, which supports parents and their children. Countries with reduced child poverty have achieved their goals by having effective child benefits, quality childcare practices, more childhood education for parents and national affordable housing systems.

"There's an important role people can fulfill by talking to their Member of Parliament about child poverty," Wilson says. Canadians need to show concern in order to set new targets and deadlines and finally put an end to child poverty in Canada.

Being a parent has always been about being judged. There is no escaping that, whether the parent is affluent or destitute. Way back before any so-called Mommy Wars, there were neighbours and relatives clucking about your child's atrocious manners

or the fact you spoiled your kids. Or even occasionally lost track of them.

Now, of course, much of the judgment is ideologically fixated on childcare arrangements, as if everything you need to know about the quality of a child's life is revealed by whether her mother works outside the home, comes home with the child(ren) after picking them up, and turns into super-mom!

Some social conservatives wistfully want to return to the land of the child focused stay-at-home mom. Would those be the mothers I see pushing strollers distractedly while madly texting? Or the ones with kids velcroed to home computers, who are, as Bill Moyers once trenchantly put it, being "raised by appliances"?

Others say that both mothers and children are happier when mom has an "outlet," which often turns into a punishing 9-to-5 (or more) job and an exhausted and stressed parent.

Even contemplating those two stereotypical polarities is a waste of time. The truth is that economic realities have resulted in more Canadian women being forced into the work force than ever before. So the real question about what's best for our kids has to take in that immutable reality: Women work, and many men are still struggling to find their place in the

whole support thing at home after their day of work (Leave it to Beaver's Dad would roll over in his grave!).

Still, the debate about whether our children are suffering the consequences of this dual working-parent world is legitimate. Are they safe? Emotionally secure? Intellectually thriving?

We need to keep finding new ways to make sure they have the attention, stimulation and emotional security they need to grow into healthy and productive adults and not just hark back to the old ways. For that reason consider the new Ontario government proposal for optional full-day kindergarten.

Many young children would thrive in that kind of stimulating environment. For those who would be overwhelmed, their parents could make other arrangements that suit their finances and family dynamic.

Many parents who now cobble together a complex web of childcare, including babysitters, daycare and family members, would breathe a sigh of relief knowing they have a one-stop, full-day option.

In the best possible scenario, children with learning disabilities would be identified sooner, and those who are more vulnerable at home would have a designated and possibly safer in some cases, environment in which to play under the supervision of high-quality teachers trained in early childhood development.

One long-term U.S. research project, sponsored by the National Institute of Child Health and Human Development, showed there are few significant differences between children cared for exclusively by their mothers and those in any form of daycare. And in a longitudinal study reaching even further back – the High/Scope Perry Preschool Study, which followed children living in poverty in Michigan who are now in their 40s - researchers concluded that "high-quality preschool programs" for those kids contributed to "their school success, economic performance and reduced commission of crime in adulthood."

Of course it all depends on the quality of daycare and the quality of parenting. Just as there are great and terrible daycares and preschools, there are great and struggling parents. (Most of us, including myself, lie somewhere in between, in what's known in psychological parlance as the "good-enough parent" category.) No matter which childcare arrangement is used, nurturing parents are a key predictor of success.

But we can't make assumptions based only on socioeconomic status. The most poignant thing ever said to me by a teacher when my kids were growing up was that despite their ups and downs, "I don't worry about kids from middle-class homes like yours. They already have what they need."

Yet according to Charles Pascal, the early learning adviser to the Ontario government, that is not quite true: "60 per cent of all vulnerable children (those with learning disabilities or psychological problems) do not live in low-income homes." Mr. Pascal is so loquaciously enthusiastic about what he calls "exciting and fun early education" that he sometimes sounds like a crazed Mr. Rogers. He mused his full-day kindergarten recommendations are "an enemy of the status quo."

He also pointed out that a large percentage of mothers in France who send their kids to full-day kindergarten are stay-at-home moms. To some, it seems shocking that a school environment, no matter how qualified its early childhood educators are, could replace those halcyon days at home for four-and five-year-olds, who should be building tree forts in the back yard and hanging with mom (look at the Beav...always getting into trouble with his older brother Wally ratting him out!).

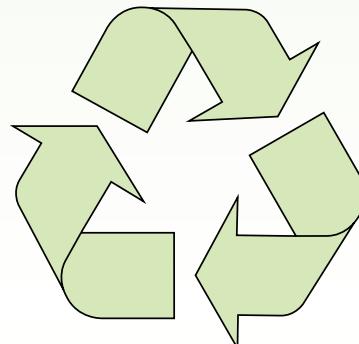
But those halcyon days must be rejigged. How about sending the kids to full-day kindergarten but being able to leave work, pick them up at 3:30 and build a tree fort with them?

Of course, that would require employers to 'rejig' too, and that's a whole other assault on the status quo. **CJ**

Gaspard
since 1909

Rental is Sustainable
Rental is Responsible
Rental is **Green**

Thank you for choosing
Gaspard Graduation Gown Rental



visit us online at gaspard.ca

ALL-IN-ONE
Portable
Audio
for Every
Classroom



REDCAT®

 **precision**
MEDIA GROUP

- ▶ Audio Visual Sales & Installs
- ▶ Multimedia Integration for K-12 and Post Secondary

www.pmgonline.ca

We're committed to being a partner, not just a photographer, for your school.

LIFETOUCH CANADA 

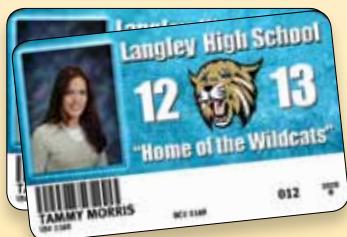


SAFETY

We have partnered with the Canadian Centre for Child Protection to offer every student photographed two complimentary Pictures2Protect® cards that can be used to aid law enforcement if a child goes missing.

MOTIVATION

Our Partners in Education program promotes self-esteem and recognition for students. New school banners and certificates focus on anti-bullying.



ADMINISTRATION

School services like IDs, Principal+ and ImageStream strive to make your job easier. So you can focus on your students.



Find your local Lifetouch Representative
at lifetouch.ca/local-offices

Lifetouch®
CANADA

Ritual Bullying

Unmasking The Truth About

Hazing

By Tania Moffat

From verbal abuse to forced intoxication, public embarrassment to sexual harassment, and physical punishment to death, this is the culture of hazing. Today more than ever, it is prevalent in our schools and communities. While advocates will insist that this is a team building activity or a rite of passage, in reality it is a ritual serving no purpose other than to embarrass, degrade, and frighten new members. No matter what you call it – rookie parties, initiation ceremonies, freshie days, or froshing - it is in essence bullying. Hazing has been taking place as long as clubs have been in existence, and it has worked its way into our schools and communities making headlines across the nation.

Any action taken or situation created to humiliate, degrade, abuse, endanger or risk emotional and/or physical harm can be defined as hazing. It is expected of someone joining or participating in a group, often regardless of the person's willingness to participate. Individuals are not allowed, or made to feel they are not allowed, to opt out of hazing without facing other consequences; such as social ostracization. These activities are not restricted to high schools, sports teams and fraternities or sororities - they occur as well in such unsuspecting and diverse groups as choirs, drama groups, bands, summer camps, and scouts/guides.

Subtle forms of hazing, perceived as less offensive, may include humiliation, embarrassment or ostracizing. This could include being yelled at, tormented or taunted, forced to act as a personal servant to older

members, or some other form of public embarrassment. Harassment hazing consists of acts that have more emotional and physical effects on students such as being forced to drink urine, sleep deprivation, or being locked in lockers. Unfortunately the incidence of violent hazing, any act that includes physical injury, public nudity, sexual assault, committing a crime and forced consumption of alcohol or drugs, is on the rise. These incidents can include drinking contests, vandalizing, and stealing, paddling/beating students, duct taping students to trees, forced sexual acts or high speed car games.

Effects of Hazing

While groups who partake in hazing rituals claim that it strengthens the group and promotes bonding, research has in fact shown the opposite to be true. Studies by

Alfred University (2000) and Maine University (2008) determined that rather than building trust and a feeling of belonging, hazing rituals instill fear in students making them more wary of senior members. In contrast these same students look forward to their role of hazer in the future, often increasing the violence year after year.

When coaches, teachers and even parents turn a blind eye to these rituals, or they occur with the support of supervising adults, victims experience a double blow. Adult support or non-involvement makes it much more difficult for both the hazers and their victims to cease these activities, or to report them. All supervising adults have a duty to provide a safe environment and take responsibility for the children in their care. Incidents of hazing that are ignored by supervising adults, willfully or otherwise, not only increase the psychological impact on the victims but can also have legal implications.

Hazing can have several negative physical consequences that vary in severity. Physical pain, bruises, concussions, broken bones, alcohol poisoning, rape, hospitalization and even death have all been documented.

Psychological impact and reaction to hazing varies greatly from person to person, and are often affected by the victim's personal history. The most common emotional reactions include fears that a similar situation may happen again, feelings of anger or confusion, embarrassment or guilt, difficulties with sleeping, eating or concentrating, and poor grades. Sadly, many students do not report hazing incidents to spare themselves further embarrassment, or to avoid creating problems for themselves within the group or for the group or school itself. Initially, some may feel they were not affected by the incident, but develop delayed emotional reactions such as anger, or an inability to concentrate – it can be these

WHAT CAN SCHOOLS DO TO PREVENT HAZING?

Develop an anti-hazing policy and post written rules and consequences
Organize opportunities to discuss hazing with students

Educate all school personnel and students about the dangers and consequences of hazing including legal ramifications

Establish a record of strong disciplinary action in all hazing incidents

Immediately notify family and law enforcement of any hazing incidents

Have school personnel visible in the school and aware of student activities

Promote positive initiation rites and safe activities that teach values of respect

Hazing

indirect effects that bring them to counselling. Students may also be psychologically impacted by a hazing incident that happened to another student, friend or family member. In order to best meet any student's need for support and assistance; we need to talk with them about their unique situation and what it is that they are experiencing.

Spotting Hazing

Fifty percent of the 1500 high students that took part in the Alfred University study (2000) indicated that they had experienced some form of hazing, and of these, half did not tell an adult fearing that the adult would not know what to do. Hazing is typically a private and secret activity that shames its victims, making them less likely to report the incident. It is important to raise awareness in school personnel and provide them with the details as to how to spot potential hazing behaviour before it occurs. In order to effectively do so, schools need to be cognizant of how their teams and clubs treat new members. Public humiliation is a clear warning that hazing behaviours are likely involved and if ignored, the situation will escalate. Male students seem to be much more likely candidates to take part in hazing activities; as are those students with a lower GPA who often find hazing socially acceptable.

What Can Be Done

School personnel have a duty to keep students safe, and to provide a safe environment for every student. We need to drag hazing out of the closet, and educate teachers, coaches and parents about its inherent dangers, including how to spot and prevent it in our schools.

Education is the best means to prevent hazing. An Anti-Hazing week, usually held in the last week of September, is a great time to create or re-evaluate your school's policy on hazing. A student code of conduct can be created with a clear definition of hazing

and an outline of the consequences for those who participate or observe these activities. Visibility is key – post the school's policy.

Hold an assembly to inform students about the dangers of hazing, citing some of the incidents that have happened across the country. Teach students about their rights and responsibilities. We need to stress that hazing affects the whole group, and that bystanders who do nothing to prevent or report an incident are just as guilty as the hazers themselves in contributing to this culture.

Schedule a group awareness project where students can brainstorm about healthy team building practices that do not subject others to pain or humiliation. They need to develop legitimate alternatives which should be challenging and include some element of risk. Whether it is an obstacle course, a hike, or some other activity, adult supervision will help ensure safety and model appropriate behaviour.

Equally important is that schools educate themselves about their legal obligations as laws vary by province. An anti-hazing policy or student code of conduct is paramount and should extend to behaviours beyond school property, with disciplinary actions such as suspensions, investigations and expulsions clearly outlined. Enforcing such policies show students that adult's can and will help them. School personnel should always be visible and take note of student activities.

Schools have a responsibility to keep their students safe, and Canadian courts have ruled that students are entitled to care similar to that of reasonable, careful or prudent parents. The excuse that all participants were willing does not absolve the individuals or organizations involved of their responsibility. Teachers, coaches, school administrators must act reasonably to prevent hazing within their schools. **CJ**

MATHLETICS



CANADA'S NO. 1 MATH WEBSITE

*Prepare Your Classroom
to Love Learning!*

Mathletics is an online Math Program:

- ✓ **Used globally by > 10,000 schools**
- ✓ **Aligned to Provincial Curriculum**
- ✓ **Assign concepts**
- ✓ **Focus individual learning**
- ✓ **Assess strengths and weaknesses**

www.mathletics.ca

toll free: 1-877-467-6851

customerservice@3plearning.ca

Classroom Energy Diet CHALLENGE

FEBRUARY 4 TO APRIL 25, 2013

The Classroom Energy Diet Challenge is back with bigger prizes and better challenges! Classrooms, school clubs and teacher-lead student groups from coast to coast are all eligible to compete for Canada's title in energy-saving supremacy.

TRIM YOUR ENERGY "WASTE-LINE"

BIGGER PRIZES!

THINK

CREATE

DO!

This year, the curriculum-based challenges have three levels of engagement, so students can 'Think', 'Create' and 'Do' based on the difficulty level of their choice.

Four grand prize technology packages and lots more great prizes are up for grabs.

ARE YOUR STUDENTS UP TO THE CHALLENGE?

REGISTRATION CLOSES JANUARY 20TH, 2013

Register and learn more about the Classroom Energy Diet Challenge at

energydiet.canadiangeographic.ca

Brought to you by:



CANADIAN
Geographic

THE ROYAL CANADIAN GEOGRAPHICAL SOCIETY LA SOCIÉTÉ GÉOGRAPHIQUE ROYALE DU CANADA

Reprinted from Sharon McKay, Don Fuchs, and Ivan Brown (Editors),
Passion for Action in Child and Family Services: Voices from the Prairies
(pp. 207-226). Regina, SK: Canadian Plains Research Center.
Used with permission.

Physical Punishment in Childhood

A Human Rights and Child Protection Issue

Ailsa M. Watkinson

How can we expect children to take human rights seriously and to help build a culture of human rights, while we adults not only persist in slapping, spanking, smacking and beating them, but actually defend doing so as being 'for their own good'? Smacking children is not just a lesson in bad behaviour; it is a potent demonstration of contempt for the human rights of smaller, weaker people. *Thomas Hammarberg, cited in Pinheiro, 2006, p. 11*

Suggested citation: Watkinson, A. (2009). Physical punishment in childhood: A human rights and child protection issue. In S. McKay, D. Fuchs, & I. Brown (Eds.), *Passion for action in child and family services: Voices from the prairies* (pp. 207-226). Regina, SK: Canadian Plains Research Center.

On the evening of January 10, 2008, a member of Parliament (MP) from Ontario was interviewed on the Canadian Broadcasting Corporation (CBC) program *As It Happens*. The MP, Ruby Dhalla, had been on a trip to the Punjab Region in India and, while performing an official duty, her assistant's purse was stolen. The police reacted and recovered the purse, which had been stolen by two children, five and nine years of age. The event came to public attention after a local television station in the Punjab reported that the children, when found by the police, were "beaten black and blue" (Fatah, 2008). Although the actual facts are still in dispute, the issue that is significant here is the MP's description in the CBC interview of what happened to the children. She said she had been shown "horrific pictures" of the children struggling with the police and that they had been beaten. She described this as a physical and severe "reprimand." She was asked by the interviewer what she meant by "physical reprimand," but did not answer the question directly.

If the police treated an adult in the manner described, it is unlikely that the encounter would have been depicted as a "reprimand." It would probably have been framed as an assault, a beating, or even police brutality. It is this distinction between the naming of an assault on children as a "reprimand" versus the naming of an assault on an adult as a "beating" that is central to the discussion that follows. Reprimanding a child in some non-violent way is normal to help shape positive development, but too often we view the use of physical force against children as a reprimand rather than as the assault that it is.

A recent United Nations global study on violence against children found that the magnitude of violence against children worldwide is substantial (Pinheiro, 2006). The report described the violence as a serious global problem that "occurs in every country in the world in a variety of forms and settings and is often deeply rooted in cultural, economic and social practices" (p. 6). Corporal punishment (sometimes referred to as physical punishment) is identified in the United Nations report (Pinheiro, 2006) as one of the most extensive forms of violence experienced by children. Corporal punishment is defined by the United Nations' Committee on the Rights of the Child as "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light" (Pinheiro, 2006, p. 52, citing Committee on the Rights of the Child, 2006, para. 11).

According to Pinheiro (2006), only 2.4 percent of children worldwide are provided legal protection from corporal punishment in all settings, including the home and school. In Canada, all adults are provided legal protection from corporal punishment. Children are not.

The purpose of this paper is to consider the current social and legal positioning of children in Canada regarding the use of physical punishment¹ and its correlation to the intersection of child protection and children's rights. The physical punishment of children in Canada has been a topic widely discussed for decades. I will review the meaning of child maltreatment as it relates to physical punishment and physical abuse. In addition, I will discuss the first major children's rights case

under the Canadian Charter of Rights and Freedoms that challenged the use of physical punishment on children. The case was eventually heard by the Supreme Court of Canada. Finally, I will review the Supreme Court's decision and report on findings from a study flowing from the decision. The study was conducted to determine the public's knowledge of the changes to the interpretation of the law following the Supreme Court's decision.

The findings of this study and others referred to in this paper support the need for advocacy by social workers to ensure that child protection policies and parental programming reflect Canada's international obligations to its children, namely to "explicitly prohibit all forms of violence against children, however light, within the family, in schools and in other institutions where children may be placed" (Committee on the Rights of the Child, 2003, para. 33).

Child Maltreatment and s. 43 of the Criminal Code of Canada

A useful definition of child maltreatment is "the harm, or risk of harm, that a child or youth may experience while in the care of a person they trust or depend on, including a parent, sibling, other relative, teacher, caregiver or guardian" (Jack, Munn, Cheng, & MacMillan, 2006, p. 1). Child maltreatment includes: physical abuse, sexual abuse, neglect, emotional harm and exposure to family violence (Trocme et al., 2005). Although all forms of maltreatment harm children and their development in many ways (Finkelhor, 1994; Gershoff, 2002; McGillivray & Durrant, 2006; Pinheiro, 2006), this paper will focus solely on physical abuse—the only form of child maltreatment that sometimes can be legally excused.

There is an ongoing debate about the distinction between physical punishment and physical abuse. "Definitions vary, as one person's view of what constitutes abuse—'hitting'—is another person's method for disciplining her or his child—'spanking'" (Vine, Trocmé, & Findlay, 2006, p. 147). These attempts at drawing distinctions is confounded by child protection mandates, children's human rights, and s. 43 of the Criminal Code of Canada.

Each Canadian province and territory has its own legislation that deals with child welfare and protection (see Centre of Excellence for Child Welfare, 2008, for summaries). In Saskatchewan, for example, the legislation is the Child and Family Protection Act. Legislation for each province and territory is accompanied by regulations and protocols. The common benchmark used in child physical abuse cases investigated by child protection agencies, however, is physical injury or "demonstrable harm" (Trocme et al., 2005, p. 16), which is described as injuries such as bruises, cuts, burns, bite marks and other injuries that appear to indicate various stages of healing (Saskatchewan Provincial Child Abuse Protocol, 2006).

The latest report on child maltreatment across Canada estimated that in 2003 the child welfare system substantiated over 31,000 incidents

¹ Throughout the paper I will use the phrases 'physical punishment' and 'corporal punishment' interchangeably. For the purposes of this discussion they have the same meaning—"the intentional use of force to cause pain or discomfort."

of physical maltreatment² (Trocmé et al., 2005). As the authors point out, the estimates of child maltreatment are based on reported cases and do not include cases that were never reported, cases that were screened out before the investigation, and those cases investigated only by the police (Trocmé et al., 2005). Most cases of substantiated child physical abuse that come to the attention of child protection agencies stem from an escalation of child physical punishment (Durrant & Ensom, 2006). In fact, one of the findings arising from the 2003 Canadian Incidence Study of Reported Child Abuse and Neglect was that “[p]unishment accounted for 75 per cent of substantiated incidents in which physical maltreatment was a primary category for investigation” (Durrant et al., 2006). Fifty-nine Canadian children under the age of eighteen were killed in 2003, and 31 of these children were killed by a family member (Canadian Centre for Justice Statistics, 2005).

In 1989, the United Nations adopted the Convention on the Rights of the Child, “which signals clearly that children are holders of human rights and acknowledges their distinct legal personality and evolving capacities” (Pinheiro, 2006, p. 33). All members of the United Nations (except the United States and Somalia) have ratified the Convention. The United Nations’ Committee on the Rights of the Child, established to review each country’s compliance with the Convention, has consistently interpreted the Convention to mean that corporal punishment is incompatible with its principles and goals. In 2006, it issued a special report on the issue of corporal punishment and said:

Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies. (Committee on the Rights of the Child, 2006, para. 3)

Recently, the United Nations' Committee on the Rights of the Child responded to Canada's report on its compliance with the Convention on the Rights of the Child saying:

The Committee recommends that the State [Canada] party adopt legislation to remove the existing authorization of the use of “reasonable force” in disciplining children and explicitly prohibit all forms of violence against children, however light, within the family, in schools and in other institutions where children may be placed. (Committee on the Rights of the Child, 2003, para. 33)

The Committee was referring to section 43 of the *Criminal Code of Canada*. This section provides parents, teachers and others charged with the care of children with a defence should they be charged with assault when they use force (physical punishment) to “correct” a child’s behaviour.

The advertisement features the Principalm logo at the top left, followed by a red plus sign icon. Below the logo, the text "Mobile access to student information" is displayed. A large smartphone is shown displaying the Principalm mobile application interface. The screen shows a student profile for "Amber J. Johnson, Grade 11, School ID: 287607". The profile includes a photo of a young girl. Below the photo are sections for Demographics (Female, Nov 30 '95, 16yr 4mo), Contacts (Info for Amber and 2 contacts), Medical (3 conditions, worst: life threaten...), Notes (4 notes, most important: alert), Schedule, and Attendance. At the bottom of the phone screen are icons for Name, Birthday, Photo, Bus, and More. To the right of the phone, a red callout box contains the text "Don't be stuck without your student data during a power outage or emergency!" followed by a bulleted list of benefits.

Don't be stuck without your student data during a power outage or emergency!

- Access your student data anytime, anywhere.
- Increase student safety and security at your school.
- Respond quickly to emergencies.
- All your data is stored on the device and updated wirelessly.
- Data is encrypted and safe.
- Available on iOS®, Android™, and BlackBerry®.

**FUN PASTA
FUNDRAISING**

A world of Pastabilities!

A “Fun” and “Healthy” way to Fundraise!

OVER 70 DIFFERENT “FUN” SHAPES

For more information contact
Bill or Susan at 1-877-992-4343
advantagedge@bellnet.ca

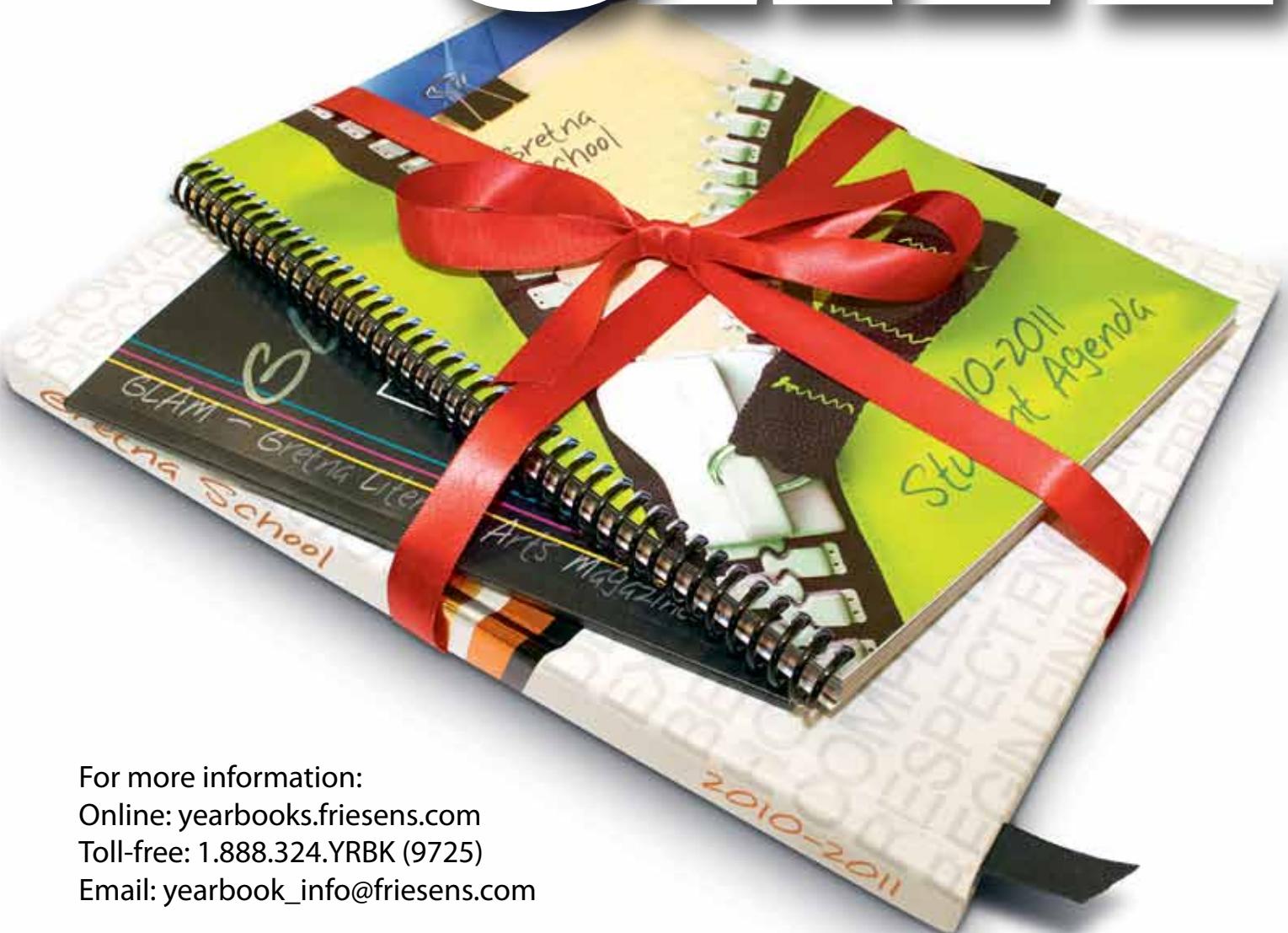
VISIT OUR WEBSITE:
www.studentfundraising.com

advantedge
FUNDRAISING

² These numbers are national estimates derived from the sample used in the study. The CIS tracked 14,200 child maltreatment cases investigated by 63 Child Welfare Agencies across Canada. "Weighted national annual estimates were derived based on these investigations" (Trocmé et al., 2005, p. 1). For information on the method used, see Appendix H in Trocmé et al., 2005, p. 129.

Friesens

BUNDLE & SAVE



For more information:

Online: yearbooks.friesens.com

Toll-free: 1.888.324.YRBK (9725)

Email: yearbook_info@friesens.com

With Friesens,
saving
money
has never
been easier!



Eco-friendly...

- School Yearbooks
- Student Agendas
- Literary Art Magazines

Friesens

The Yearbook Company



Legally, it is considered a violation of Canada's Criminal Code to apply force upon another person without his or her consent – such force is considered an assault. Section 265 (1) of the Criminal Code of Canada states:

A person commits an assault when:

- a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
- c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs (*Criminal Code of Canada*, 1985)

However, there are times and circumstances in which using force on another person is justified, and the Criminal Code provides defences that can be applied to justify their actions. For example, section 37 provides a defence to persons who use force to defend themselves and others under their protection as long as the force used is no more than is necessary; section 38 provides a defence for those who use force to protect their property as long as no bodily harm is caused to the trespasser; and section 45 protects those who perform skilled and careful surgical operations for the benefit of the patient. Section 43 is another defence available to parents, teachers and others acting in their place who use force to correct a child's behaviour.³

Section 43 states: Every school teacher, parent or person standing in the place of the parent is justified in using force by way of correction toward the 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.

The use of the word "force" in section 43 of the Criminal Code has been interpreted, in the legal context, to mean force "for the benefit of the education of the child" (*Ogg-Moss v. The Queen*, 1984, p. 132).

Corporal punishment, as described earlier, is the use of physical force, "however light" which is intended to cause pain or discomfort (Pinheiro, 2006, p. 52, citing Committee on the Rights of the Child, 2006, para. 11). Corporal punishment describes many actions, including hitting with the hand or with objects such as a belt, wooden paddle, or ruler. It also includes actions that do not involve hitting but cause discomfort for the child—for example, requiring a child to remain in an uncomfortable position, kneel on hard objects, experience forced physical exertion, be isolated in a confined place, or have foul-tasting substances placed in the mouth (Durrant & Ensom, 2006).

Restraint differs from physical or corporal punishment in that the intent is not to cause pain or humiliation. It may be used to prohibit or remove a person from causing harm to himself or others. Restraint is

defined variously as "physically restricting movement" (Mohr, Petti, & Mohr, 2003, p. 330) and "the application of external control, not to punish, but to protect the child or others from physical pain and harm" (Durrant & Ensom, 2006, p. 2).

Section 43 provides those who use force on children with a defence if they can show that the force was used for correction and was reasonable under the circumstances. In the first case by the Supreme Court of Canada to consider the impact of s. 43 (heard in 1984), former Chief Justice Brian Dickson of the Supreme Court wrote:

[T]he overall effects of that section are clear, no matter how its terms are defined. It exculpates the use of what would otherwise be criminal force by one group of persons against another. It *protects* the first group of persons, but, it should be noted, at the same time it *removes* the protection of the criminal law from the second [emphasis in the original]. (*Ogg-Moss v. The Queen*, 1984, p. 182)

Over the years, leading up to the *Charter* challenge, section 43 had been used to defend incidents of correction that stretch the boundaries of what we might consider to be "reasonable under the circumstances." Some of the many cases that found the correction to be reasonable included a teacher who used karate chops to the face and shoulders of students (*R. v. Wetmore*, 1996), a foster mother who hit three 2-year-olds on their diapered bottoms with a belt, leaving red marks (*R. v. Atkinson*, 1994), a father who struck his 4-year-old son—who at the time had an ear infection that eventually required medical attention—across the face leaving an imprint on his face (*R. v. Wood*, 1995), and a teacher who grabbed a 12-year old student by the throat with both hands and "cuffed" him in the stomach (*R. v. Caouette*, 2002). In 1995, s. 43 was successfully used as a defence in a case involving allegations of child sexual abuse in which, in one incident, a stepfather ordered his twelve-year-old stepdaughter to remove her pants and underwear and lie across his knees so that he could spank her bare bottom (*R. v. W. F. M.*, 1995).

The Charter Challenge to s. 43

In 1982, Canada's Charter of Rights and Freedoms came into effect. It guarantees all citizens, including children, fundamental rights and freedoms, including the right to security of their person (s. 7), the right to be free from cruel and unusual punishment (s. 12), and equality rights (s. 15). In addition, in 1991 Canada became a signatory to the United Nations' Convention on the Rights of the Child. The Convention affirms that children are endowed with inherent rights, including the right to freedom from physical punishment (Articles 3, 19, 28 & 37).

The Canadian Charter and the United Nations' Convention on the Rights of the Child form an impressive combination in promoting the rights of children. Armed with these two powerful human rights documents, the author and others began a legal challenge to section 43, arguing that the use of physical force on children was a violation of their right to dignity and physical integrity.

³ In addition, there are common law defences, those that have arisen through court decisions. One is the defence of *de minimis non curat lex* (the law does not care for small or trifling matters; see Canadian Foundation, para. 200). Another is the defence of necessity, which recognizes human weaknesses and the fact that at times humans may be compelled by self-preservation or that of others, see Canadian Foundation, para. 196.

Another motivating factor that influenced our decision to take the challenge forward was the overwhelming evidence of the harm caused to a child's development and overall physical and mental wellbeing, even when subjected to what we might consider "mild" corporal punishment. The research was synthesized in an important meta-analysis conducted by Gershoff (2002). Gershoff reviewed all studies into the effects of corporal punishment on children conducted over 50 years. She selected 88 of those studies that focused only on mild to moderate corporal punishment, excluding all studies that looked at the outcomes of serious physical abuse. Her findings concluded that mild to moderate corporal punishment reliably predicts decreased moral internalization, increased child aggression, increased child delinquent and antisocial behaviours, decreased quality of relationships between parent and child, poorer child mental health, increased risk for being a victim of physical abuse, increased adult aggression, increased adult criminal and antisocial behavior, poorer adult mental health,

and increased risk for abusing one's own child or spouse (Gershoff, 2002). She concluded: "Corporal punishment was associated with only one desirable behaviour, namely, increased immediate compliance" (Gershoff, 2002, p. 544). Similar conclusions have been drawn from other reviews since (Grogan-Kaylor, 2004; Mulvaney & Mebert, 2007; Pinheiro, 2006).

The case of the *Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General)* challenging the s. 43 defence was instigated by the author through the Court Challenges Program⁴ and eventually carried forward by the Canadian Foundation for

⁴ The Court Challenges Program was a federal program designed to assist individuals and groups who faced no other alternative but to challenge federal laws and policies that violated their constitutional equality rights. It was a program that gained international praise through the United Nations but was dismantled by the Conservative Party of Canada in 2006. The Canadian Foundation case, discussed here, was often referred to by the Conservative Government as an example as to why the Court Challenges Program should be dismantled.



"Volunteering is the most amazing and humbling experience. It's a wonderful way to finish a career in education."

– Isabel, Education Volunteer, Ethiopia

SHARE YOUR SKILLS

In spite of the many obstacles they face, people from every corner of the developing world are building better futures for their communities.

We're looking for long-term volunteers to work as:

- **education leadership advisors**
- **primary teacher trainers**
- **English teacher trainers**

Use your skills to make a valuable and lasting contribution in the fight against global poverty.

You'll impact the lives of those who need it most and in return we'll support you by providing comprehensive financial, personal, and professional benefits.

cusointernational.org

CUSO
International
Volunteers for the World

Children, Youth and the Law.⁵ Our arguments were that s. 43 violated the Charter rights of children under three sections. First, we claimed that s. 43 infringed s. 7 of the *Charter*, which protects all citizens from invasions on their personal security, and that the infringement could not be justified within the principles of fundamental justice.⁶ We also argued that s. 43 violated a child's rights under s. 12, which prohibits cruel and unusual treatment.⁷ Finally, we argued that s. 43 is contrary to the equality rights proclaimed under s. 15, which protect all citizens from inequality in law and in the protection afforded by law.⁸

The majority of the Supreme Court judges sided with the Government of Canada, the Canadian Teachers' Federation and the Coalition for Family Autonomy⁹ and found that, although the defence available to parents and teachers under s. 43 violates a child's "security of the person" rights under s. 7, it is not done in contravention of the principles of fundamental justice. They found that s. 12 of the Charter was not offended by s. 43 since s. 12 applies to the actions of governments and their agents – not to parents. Since teachers are considered agents of the state, the Court ruled that s. 12 did not apply, as the only force teachers could use on students was force that was not, according to the standard they had just constructed, "cruel and unusual" (Watkinson, 2006; Watkinson, in press).

Finally, the Court found that s. 43 did not constitute discrimination against children. They acknowledged that s. 43 "permits conduct toward children that would be criminal in the case of adult victims" (para. 50), but the distinction on the basis of age is, they said, designed to protect children by not criminalizing their parents and teachers. Chief Justice McLachlin, writing for the majority said:

The decision not to criminalize such conduct [the physical punishment of children] is not grounded in devaluation of the child, but in a concern that to do so risks ruining lives and breaking up families—a burden that in large part would be borne by children and outweigh any benefit derived from applying the criminal process. (para. 62)

⁵ I applied for funding from the Court Challenges Program to research the constitutionality of s. 43 as it relates to the equality rights of children. Consequently, I was successful in obtaining \$45,000 to challenge this section. However, I could not take the case forward on my own and was required to find an organization that had a history of working with children and youth and experience in equality rights cases. I selected the Canadian Foundation for Children Youth and the Law, an Ontario-based organization, since there was no other organization that I knew of with a history in both areas. In fact, they had tried twice to intervene at the Supreme Court level on cases involving the physical punishment of children so as to challenge the constitutionality of s. 43. The cases were *R. v. Halcrow*, (1993), 24 British Columbia Appeal Cases (affirmed on appeal to the Supreme Court: [1995] 1 Supreme Court Reports, 440) and *R. v. K.(M.)* (1992), 16 Criminal Reports (4th) 122 (due to the death of the defendant, the Supreme Court did not hear the case).

⁶ Section 7 states: Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

⁷ Section 12 states: Everyone has the right not to be subjected to cruel and unusual treatment or punishment.

⁸ Section 15 (1) states: Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

⁹ The Coalition is made up of Focus on the Family (Canada) Association, Canada Family Action Coalition, the Home School Legal Defence Association of Canada, and REAL (Realistic, Equal and Active for Life) Women of Canada.

Although the Court was not prepared to find s. 43 a violation of a child's *Charter* rights, it did limit significantly the scope of s. 43. Chief Justice McLachlin of the Supreme Court stated that Section 43 "exempts from criminal sanction only minor corrective force of a transitory and trifling nature" (para. 40). Further, its use can only be considered "reasonable" and used as a defence in cases when corporal punishment is used "for educative or corrective purposes" (para. 24) and when the "non-consensual application of force results neither in harm nor in the prospect of bodily harm. This limits its operation to the mildest forms of assault" (para. 30).

The Court expanded on the limitations, specifically listing the following actions that will not be considered "reasonable" under s. 43, and thus s. 43 would not be available as a defence to parents, teachers or others acting in their place. These actions enter what the Court called a "zone of risk." The "zone of risk" includes using corporal punishment on children under two years of age, because they do not have the capacity to understand "why they are hit" (para. 25 & 40). Also, a child with a "disability or some other contextual factor" will not be capable of learning from the application of force (para. 25). The Court said, "[I]n these cases, force will not be 'corrective' and will not fall within the sphere of immunity provided by s. 43" (para. 25), since children must be capable of learning and have the capacity to successfully correct their behaviour (para. 25). Corporal punishment is not to be used on teenagers, as it can induce aggressive or antisocial behaviour (para. 37, 40). Corporal punishment cannot be justified under s. 43 when an object or weapon is used, such as a ruler or belt (para. 37 & 40), in cases involving slaps or blows to the head (para. 37 & 40), when the force is "degrading, inhuman or harmful conduct" (para. 40), when it is applied in anger stemming from "frustration, loss of temper or abusive personality" (para. 40), or when it is used by teachers (para. 38 & 40).

The impact of the decision was that actions considered by some to be normal child-rearing practices one day, such as slapping a thirteen-year-old or using a wooden spoon to spank a four year old, were considered criminal the next day.

Study on Adult Knowledge and Needs

Eighteen months after the Supreme Court issued its decision, the author conducted research into the public's knowledge of the case to determine:

- a) The degree to which the participants know and understand the limits placed on them.
- b) Whether the limits on the use of corporal punishment interfere with the participants' cultural, religious or other traditional values or beliefs.
- c) What participants thought parents need in order to abide by the limits placed on their use of corporal punishment.

Method

The study involved four focus groups held in rural and urban settings. The first group consisted of nine university students

in a northern urban centre, the second group consisted of seven rural mothers, the third consisted of ten urban mothers, and the fourth group consisted of eight mothers who were recent immigrants to Canada. Two participants were male. Forty-seven percent of participants were members of cultural minority groups: six identified themselves as Aboriginal, five as Afghani, four as Asian Canadian, and one as African Canadian. 74 per cent described themselves as being associated with some religious/ spiritual group: six were Catholic, eight Protestant, four Traditional Spiritual, four Muslim, two New Age, and one Hindu. Six of the participants were not parents.

First, each focus group member was given a questionnaire to complete. The questionnaire gathered demographic information on the age, sex, cultural and religious backgrounds of the participants, where they lived and the number and ages of their children. The questionnaire then asked participants questions concerning the Supreme Court decision in order to determine their familiarity with it. They were asked if they were aware of the Supreme Court of Canada's decision on the use of physical punishment (spanking) of children and, if so, to list any of the changes to the law on spanking that they knew about such as: changes with regard to the ages of children who may be physically punished or where on the child's body physical punishment could be applied.¹⁰ Finally, if they were aware of the changes to the law, they were asked how they found out about them. Suggestions were provided, such as through the newspaper, radio, television and so on. If English was not the first language of participants, the group facilitators or other group participants read the questions to them and recorded their responses.

The principal researcher then described the Supreme Court decision and the manner in which it limited the scope of s. 43. This process provided information to the participants about the decision in a relaxed and non-threatening way. Following this discussion, participants were asked to answer, in writing, whether the decision interfered in any way with their religious, cultural or traditional beliefs. Then a discussion was held to discuss, first, the implications of the decision on their religious, cultural or traditional beliefs and, second, what the participants felt they needed in order to comply with the limitations placed on parental physical punishment of children. The discussion was audiotaped and transcribed.

Findings

Only 12 of the 34 participants (33.3 per cent) said they were aware of the Supreme Court's decision limiting the defence for parents who use physical punishment on children. There was no discernable difference between rural and urban participants in this regard: three of the eight rural participants (37 per cent) and nine of the 26 urban participants (35 per cent) were aware of the Supreme Courts decision.

22 of the participants (65 per cent) could not provide any correct information about how the law regarding the physical punishment of children had changed. Of the 12 who answered "yes" to the question—"Are you aware of the Supreme Court's decision on the

use of physical punishment?"—only 5 (41.7 per cent of that group; 14.7 per cent of the total sample) had any correct information on the changes. Of the three rural participants who said they knew about the decision, two could not recall any specifics. They responded with comments such as, "I don't know," or "I don't really remember—kind of vague." Of the urban participants, four out of nine provided some correct information. Thus, a minority of participants said they knew of the decision, and few (5 of 34) could partially explain the decision, and even then only in a very limited way. For example, one of the five knew that physical punishment could not be used in anger and that only an open hand could be used to apply physical force on a child. Another knew that parents may not hit a child on the head and that physical force on a toddler was prohibited, but nothing more.

Among the other seven participants who said that they knew about the decision, one said that only mild force could be used (which is correct) but thought it could be used only on children under five years of age (it is limited to children between 2 and 12 years of age); four gave incorrect information, such as saying the court ruled it was permissible to hit a child on the face; two thought the Court had said there was to be no hitting of children at all. Another participant, a recent immigrant to Canada who was not aware of the Supreme Court's decision and therefore could not provide any examples of how the law had changed, reported being told by Immigration authorities that children cannot be spanked in Canada.

Participants were asked whether the Court's limits on the use of physical punishment interfered in any way with their cultural, religious or other traditional values or beliefs. This question was asked in response to concerns that any changes to the law concerning the physical punishment of children could be seen as violating the religious, cultural or traditional practices of parents. The Old Testament is often relied upon to justify the use of corporal punishment on children (for example, Proverbs 22:1) and researchers have found that members of Conservative Protestant denominations support corporal punishment more strongly than others (Bottoms, Shaver, Goodman, & Qin, 1995; Ellison, Bartkowski, & Segal, 1996). As well, other research has found strong support for the use of corporal punishment within certain cultural groups (Fontes, 2005).

Although 47 percent of participants were members of cultural minority groups, and 74 percent described themselves as being associated with some religious/spiritual group, none of the participants found that the limitations interfered with any religious, cultural, or other traditional values or beliefs. Nor were any concerns raised by the participants regarding how the law has changed. In fact, three of the participants believed the law had always prohibited the use of physical punishment on children.

What do parents need?

The participants discussed what they thought parents need in order to abide by the changes to the law. The most common theme was parental support. The participants talked, in some cases, very freely about the frustration they feel when dealing with their children. One participant described the frustration as being "on my last nerve I really think there is a need for support and I'm not exactly sure

¹⁰ The question was: "Please list any of the changes to the law on spanking that you know about. For example, were there changes in regards to the age of a child; where on the child's body physical punishment can be applied, etc?"

where it's supposed to come from when you're on your last nerve." There was an identified need for respite for parents "just to sit for a moment." Some suggested a drop-off centre for kids to go to so as to allow time for the parent to "de-stress." The establishment of such a facility would acknowledge that others share the frustrations and intensities of child rearing and "you wouldn't feel so alone." However, others worried that if they took part in such a service it might "red flag" them. There was the fear that by asking for help you are drawing attention to a weakness. One parent said, "That fear is there. We know we need this extra support in being able to parent our children in a wonderful, healthy way. But that stigma is out there and it makes us fearful to ask for the help that we know we need."

Another common theme was the need for parenting classes. The suggestions included ensuring that parenting classes be held at various times throughout the day so that they are available to working parents as well as to non-working parents, that parenting skills be front and centre in school curricula from grades K-12, and that the health system, the one common denominator in the lives of children and their parents, take the lead in the dissemination of information on healthy child-rearing practices.

Many of the mothers discussed the need to be recognized for the work they do. One group discussed the idea of monetary compensation for parents. Others seemed satisfied with any recognition of the importance and stress associated with the work they do in raising small children. Each focus group raised the need for more public education on physical punishment and its impact, as well as on the Supreme Court's decision.

Discussion of findings

Eighteen months after the Supreme Court decision, which brought about important changes to the law defining "reasonable force" with children, only 15 percent of this sample could provide accurate information on even some of these changes. Their lack of knowledge not only places them at risk for prosecution if they use force that is no longer considered reasonable; it also places their children at risk for assault

because the law cannot have its intended inhibitory effect on parents' behaviour if parents do not know about it. Perhaps most worrisome is the fact that not one participant knew that the degree of force used may not exceed what is deemed transitory and trifling.¹¹ So, even those few parents who know that they can only hit with their hands do not know that they can only cause minor discomfort to the child.

Overall, the focus groups highlighted the role of stress in the interaction between parent and child. Its manifestations could be mitigated by providing a "time out" for parents, parenting classes, more recognition of their contribution, including pay, and the need for public education on all of these issues, including the direction arising from the Supreme Court decision.

Supporting and extending this research

Toronto Public Health conducted a structured national survey between January and March 2006, exploring Canadians' knowledge of the Supreme Court's decision on the use of physical punishment of children (Toronto Public Health, 2007). The study was conducted through telephone interviews of 2,451 respondents over the age of 18. The findings were consistent with those found in the study reported upon here. For example, two-thirds of the respondents were not aware of the Supreme Court's decision and, of those who were aware of the decision, "less than one in five knew the legal limitations placed on its use by the Supreme Court" (p. 1). One of the most startling findings in the Toronto Public Health study was the fact that those who were aware of the Supreme Court decision, compared to those who were not, were "more likely to believe that parents are allowed to physically punish their children and less likely to feel unsure that this is allowed" (Toronto Public Health, 2007, p. 9). The study concludes that "the law is ineffective in protecting children in the way the Court had intended, and it also places caregivers at risk of prosecution for acts that they do not know are criminal offences" (p. 11).

¹¹ The Court did not define "transitory and trifling"; however, the phrase is found in the Criminal Code of Canada.

References

- Bottoms, B. L., Shaver, P. R., Goodman, G. S., & Qin, J. (1995). In the name of God: A profile of religion-related child abuse. *Journal of Social Issues*, 51, 85-111.
- Canadian Centre for Justice Statistics. (2005). Family violence in Canada: A statistical profile 2005. Ottawa, ON: Statistics Canada. Cat. No. 85-224-XIE, 2005.
- Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General) [2004] S.C.R. 76.
- Centre of Excellence for Child Welfare. (2008). CECW information sheets. Retrieved April 14, 2008, from http://www.cecw-cepbc.ca/pubs/infosheets_e.html
- Committee on the Rights of the Child (27 October 2003). Concluding observations of the Committee on the Rights of the Child: CANADA, CRC/C15/Add.215.
- Committee on the Rights of the Child (2006). General Comment No. 8. The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (articles 19, 28(2) and 37, *inter alia*), CRC/C/GC/8.
- Convention on the Rights of the Child. (1989). U.N. Doc. A/RES/44/25 (1989). Retrieved May 8, 2008, from <http://www.unhchr.ch/html/menu3/b/k2crc.htm>
- Criminal Code of Canada, R.S.C. 1985, c. C-46.
- Durrant, J. E., Covell, K., McGillivray, A., Watkinson, A. M., & McNeil, J. (2008). "It didn't do me any harm": Explaining the intergenerational transmission of approval of child physical punishment. Department of Family Studies, Faculty of Human Ecology, University of Manitoba, Winnipeg, MB. Manuscript submitted for publication.
- Durrant, J. E., & Ensom, R. (2006). Joint statement on physical punishment of children and youth. Ottawa, ON: Coalition on the Physical Punishment of Children and Youth.
- Durrant, J. E., Trocmé, N., Fallon, B., Milne, C., Black, T., & Knoke, D. (2006). Punitive violence against children in Canada. Centre of Excellence for Child Welfare. Retrieved May 8, 2008, from <http://www.cecw-cepbc.ca/files/file/en/PunitiveViolence41E.pdf>
- Ellison, C. G., Bartkowski, J. P., & Segal, M. L. (1996). Conservative Protestantism and the parental use of corporal punishment. *Social Forces*, 74(3), 1003.
- Fatah, N. (Producer). (2008, January 10). As It Happens [Radio Broadcast]. Toronto, ON: Canadian Broadcasting Corporation.
- Finkelhor, D. (1994). Children as victims of violence: A national survey. *Pediatrics*, 94, 413-420.
- Fontes, L. A. (2005). Child abuse and culture: Working with diverse families. New York: The Guilford Press.
- Gershoff, E. T. (2002). Corporal punishment by parents and associated child behaviours and experiences: A meta-analytic and theoretical review. *Psychological Bulletin*, 128(4), 539-579.

Children in Canada are not fully protected from physical punishment, and neither are their parents protected from prosecution. The 2004 Supreme Court decision limited the use of physical punishment based on the severity, age and location on the child's body, but it did not prohibit it outright. In fact, by focusing on the form of physical punishment used rather than its use per se, the Court gave its implicit approval to the use of physical punishment on children, thereby maintaining, rather than reducing, the likelihood of physical violence against children (Durrant, Covell, McGillivray, Watkinson, & McNeil, 2008). In so doing, the Court reinforced the idea that physical punishment of children is a normative act.

In a recent study on the intergenerational transmission of approval of physical punishment, the authors found that the best predictor of approval is one's belief that it is normative (Durrant et al., 2008). This variable was a better predictor than the frequency and severity of physical punishment experienced in childhood, the emotional impact of one's experiences of physical punishment over the short and long terms, and the disciplinary context (inductive, power assertive, emotionally abusive or emotionally supportive) in which one's experiences of physical punishment took place. Therefore, the Supreme Court lost an opportunity to decrease approval of physical punishment, which is the most powerful predictor of its use (Durrant et al., 2008) by re-defining physical punishment as an assault, rather than as a normative act.

Suggested Solutions

With this in mind, it is important to consider means to interrupt the "normativeness" of physical punishment. Such interruptions may include alternatives in legislation, education, and parental supports that mirror the rights of children as stated in the Convention on the Rights of the Child.

For example, Canada could follow the lead of more than twenty countries that prohibit all physical punishment of children, no matter

how light,¹² to send a clear message that physical punishment is no longer the "norm." Many of the countries that have prohibited all use of physical punishment have replaced their legislation with positive statements about the entitlements of children to care and a loving environment. For example, Sweden enacted the following law in 1979:

Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other humiliating treatment. (Parenthood and Guardianship Code, 1983, cited in Durrant & Ensom, 2006, p. 24)

We could also amend all provincial and territorial child protection legislation so that the need for evidence of "demonstrable harm" is removed and instead is replaced with an assurance that all forms of physical punishment, "however light," are prohibited.

Other strategies for reducing the perceived normativeness of physical punishment, and thus preventing the physical and emotional harm it can engender (Gershoff, 2002), include undertaking educational initiatives on the rights of children that are geared to children themselves, their families, and others who work with children; amending education acts to reflect every student's positive entitlement to respect and dignity; supporting parents in adopting positive disciplinary approaches; and providing parental respite. Finally, we need to take a stand as professional organizations and Faculties of Social Work in supporting and promoting initiatives that affirm children's inherent rights and dignity, and work together to end the most common – but least visible – form of violence against children. **CJ**

12 The countries that have prohibited all corporal punishment of children are: Costa Rica (2008); Spain (2007); Chile (2007); Venezuela (2007); Uruguay (2007); Portugal (2007); New Zealand (2007); Netherlands (2007); Greece (2006); Hungary (2005); Romania (2004); Ukraine (2004); Iceland (2003); Germany (2000); Israel (2000); Bulgaria (2000); Croatia (1999); Latvia (1998); Denmark (1997); Cyprus (1994); Austria (1989); Norway (1987); Finland (1983); and Sweden (1979).

Grogan-Kaylor, A. (2004). The effect of corporal punishment on antisocial behavior in children. *Social Work Research*, 28(3), 153-162.

Jack, S., Munn, C., Cheng, C., & MacMillan, H. M. (2006). Child maltreatment in Canada: Overview paper. Ottawa, ON: National Clearinghouse on Family Violence, Public Health Agency of Canada.

McGillivray, A., & Durrant, J. E. (2006). Child corporal punishment: Violence, law, and rights. In R. Alaggio & C. Vine (Eds.), *Cruel but not unusual: Violence in Canadian families* (pp. 177-200). Waterloo, ON: Wilfred Laurier University Press.

Mohr, W. K., Petti, T. A., & Mohr, B. D. (2003). Adverse effects associated with physical restraint. *Canadian Journal of Psychiatry*, 48(5), 330-337.

Mulvaney, M. K., & Mebert, C. J. (2007). Parental corporal punishment predicts behaviour problems in early childhood. *Journal of Family Psychology*, 21(3), 389-397.

Ogg-Moss v. The Queen, [1984] 2 S.C.R., 173.

Pinheiro, P. S. (2006). *World report on violence against children*. Geneva: United Nations Secretary General's Study on Violence against Children.

R. v. Atkinson, [1994] W.W.R. 485 (Manitoba Provincial Court).

R. v. Caouette, [2002] Q.J. No 1055 (Quebec Criminal Court).

R. v. W. F. M. (1995), 169 A.R. 222 (Court of Appeal).

R. v. Wetmore, (1996). 172 N.B.R. (2d) 224 (Queen's Bench).

R. v. Wood (1995), 176 A.R. 223 (Provincial Court).

Saskatchewan Provincial Child Abuse Protocol. (2006). Retrieved May 9, 2008, from <http://www.socialservices.gov.sk.ca/child-abuse-protocol.pdf>

Toronto Public Health. (March 2007). *National survey of Canadians' knowledge of the law on physical punishment of children (Section 43 of the Criminal Code of Canada)*. Retrieved May 8, 2008, from toronto.ca/health

Trocmé, N., Fallon, B., MacLaurin, B., Daciuk, J., Felstiner, C., Black, T. (2005). *Canadian incidence study of reported child abuse and neglect – 2003: Major findings*. Ottawa, ON: Minister of Public Works and Government Services Canada.

Vine, C., Trocmé, N., & Findlay, J. (2006). *Children abused, neglected, and living with violence*. In R. Alaggio & C. Vine (Eds.), *Cruel but not unusual: Violence in Canadian families* (pp. 147-176). Waterloo: Wilfred Laurier University Press.

Watkinson, A. M. (2006). Supreme Court of Canada stands behind corporal punishment—sort of *International Social Work Journal* 49(4), 531-536.

Watkinson, A. M. (in press). Corporal punishment and education: Oh Canada! Spare us! In M. Manley-Casimir & K. Manley-Casimir (Eds.), *The courts, the charter and the schools: The impact of the Charter of Rights and Freedoms on educational policy and practice, 1982-2007*. Toronto, ON: University of Toronto Press.

Secondary School Students and Social Media Sites:

Red Flags

by Alison Zenisek

On October 5th, 2011, Eric Schmidt, CEO of Google, made the following statement in an interview on the PBS NewsHour: “I would say, overall, this [online communication] is extraordinarily good. And I want to push back very hard on sort of the critics of this and say, look, you were worried about where your teenager is. Now we know where they are. They’re in their room online. It’s a much safer place than a lot of other places your teenager can be.... Lock the door. Trust me. We at least know where they are.” Perhaps some parents found comfort in his words. They shouldn’t. The online reality can be dangerous and far more complex than many of us realize.

Although the adults in a student’s life rarely have access to their social media sites, there are some red flags that can serve as a warning that all is not well. Not surprising is the reality that the red flags encountered here are the same as those found in other areas of a student’s life, and it is often unnecessary to have access to their online conversations to spot a student in trouble. Students who have experienced being in the place of either aggressor and/or victim are especially likely to also reveal serious psychosocial challenges, including problem behaviour, depressive symptoms, and low school commitment.

Forty-four percent of cyber-bullying is perpetrated by students who are in the same grade and who know each

other offline. Teenage girls who have been online victims may also respond to the harassment with “cyber-bully back” in retaliation. Some are also offline victims and may see the internet as a place to assert dominance over others as compensation for the abuse they have suffered in person. Studies demonstrate a correlation between online and offline bullying and victimization. Social and academic performance is impacted by cyber-bullying, with the attending behaviours of truancy, cheating at school, substance abuse, assaulting others, damaging property and carrying a weapon. In short, all the symptoms of a youth in trouble.

In high schools the biggest problem for educators is the tendency of their students to post inappropriate material on their social media sites. These postings disrupt the learning process and destroy student relationships.

Certain demographic factors have been found to increase the risk of these harmful communications. Girls tend to be more at risk for being victimized by online sexual solicitation. Youth who are questioning their sexuality also face increased risks. Teenagers aged 13-17 years are more at risk than younger children. Finally, youth who engage in anonymous conversations through postings and instant messages with people they do not know are in greater jeopardy, especially if the conversations are about sexual topics.

According to new and provocative research, the amount of texts sent by a teenager a day correlates with behaviours such as substance abuse and sexual encounters. Excessive messaging and risky behaviours are apparently linked. Dr. Scott Frank, the study's lead author, concludes that a significant number of teens are highly susceptible to peer pressure and that these teens often have permissive or absent parents. "If parents are monitoring their kids' texting and social networking, they're probably monitoring other activities as well," said Frank, an associate professor at Case Western Reserve University School of Medicine.

The study found that one in five students were Hyper-texters, those who text at least 120 times a day, and about one in nine were Hyper-networkers, those who spend three or more hours a day on social networking websites such as Facebook. Excessive use of these sites was more common among girls, minorities, students whose parents have less education, and students from a single-mother household. The study demonstrates that this is a legitimate issue for researchers to explore, as well as giving parents, teachers, and guidance counsellors another red flag to be aware of. Frank's study found that students who are texting excessively are nearly three-and-a-half times more likely to have had sex than their peers who didn't text much. Hyper-texters were also more likely to have been in a physical fight, engaged in binge drinking and illegal drug use. The Hyper-networkers were primarily involved in fighting and drinking, but were not as likely to have had sexual encounters.

Another study out of the University of Wisconsin found that alcohol references displayed on Facebook were positively associated with students at risk for problem drinking. Social media sites, it seems, can reveal deeper issues than a student's anxiety over a coming exam. The feelings of invulnerability that these online sites often provide can allow for issues such as underage substance abuse to surface. "The study findings can be used for offering evidence-based guidance recommending that students who display references [to intoxication] on Facebook undergo clinical screening for problem alcohol use," Dr. Megan Moreno concludes.

In high schools the biggest problem for educators is the tendency of their students to post inappropriate material on their social media sites. These postings disrupt the learning process and destroy student relationships. Although many schools have policies in place related to these social networking sites, they also rely on installing restrictive firewall and filtering software on the school computers. Experts agree that these technologies offer only a partial solution and that sophisticated students can almost always outsmart filtering software. These networking sites which make it so easy for students to post photos, personal information, video clips, and to build networks of "friends," also provide the opportunity for misuse and abuse. Where once the assaults from a bully were confined to the school environment, going online has widened the sphere of their destructive impulses and made "cyber-bullying" a pervasive national problem.

Educating the students, parents, and education professionals on how to use the internet safely, and how to monitor what youth are doing online, is an approach that seems to work. Enlisting the cooperation and therefore the trust of the computer-savvy high school students can go a long way to safeguarding the school community. The potential benefits of interactive technology outweigh the risks, when used creatively and educationally. Despite the risks, digital communication can provide wonderful opportunities for intellectually engaging this digitally minded generation. **CJ**

BANFF BRANDON CHICAGO REGINA MOOSE JAW EDMONTON MINNEAPOLIS

YOU BRING THE MUSIC



WITH OUR MUSIC AND ARTS TOURS, your students have the chance to visit unique venues, take centre stage and share once in a lifetime experiences.

BOOK TODAY 1 800 263 3691

FEHR-WAYtours

Winnipeg, Manitoba fehrway.com

Feature

From Human Rights in the School: Guidelines for Educators, Students, Parents and other School Participants. Written by Judy Burch.
Published in Winnipeg in 1991 by the Manitoba Human Rights Commission. Forward by Strini Reddy

Human Rights In The School

Judith Burch

Happily, a good deal of national and international legislation today reflects a clear concern for human rights. Our own Canadian Charter of Rights and Freedoms is an example of such an effort. However, while laws are necessary, they are not a sufficient means of protecting human rights. It is the responsibility of all of us to take positive steps ensure that the fundamental principles reflected these laws are observed. This commitment begins with ensuring that our own behaviour reflects our belief in human rights.

As individuals, we must recognize that our own attitudes and conduct either threaten or promote the dignity and rights of others. It is therefore necessary that we make a conscious effort to analyze our behaviour. We can begin with a willingness to look within ourselves and our families, organizations, institutions and other groups and consider our behaviour in relationship to the principles of human rights. This kind of examination has most often followed gross violations of human rights. By emphasizing the need for an ongoing examination of our attitudes and conduct, resources such as this guidebook may reduce the incidence of human rights violations.

Human rights curriculum material is currently being developed and implemented in Manitoba and across the country. Its effectiveness will be severely limited if the climate in which it is taught does not exemplify the fundamental principles of justice and human rights. Our schools must reflect a belief of the basic equality of all people, irrespective of race, sex, cultural background, physical or mental ability, sexual orientation, family status, age, economic status or other characteristics. Schools and classrooms present opportunities to model just social systems which respect the rights and freedoms of all participants.

Reviewing the extent to which our schools meet basic human rights can be a threatening exercise. However, our visions of tomorrow will be influenced strongly by our practices of today. If we cherish the ideal of shaping a future based on values that are consistent with a humane, just and democratic society, then we must be willing to put forward the extraordinary effort and commitment necessary to help us move closer to this ideal.

Articles 26(1) and 26(2) of the United Nations Universal Declaration of Human Rights state:

1. Everyone has the right to education ...
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

The drafters of the Universal Declaration of Human Rights, as well as the countries which ratified it, recognized the importance of the education process in furthering the principles of human rights. Observance of human rights principles requires recognition of the worth of each individual and allows full and equal attainment of human potential. Human rights education is simply good education.

The Canadian Charter of Rights and Freedoms was entrenched in Canada's constitution in 1982. It has been called "the supreme law of Canada." It guarantees that our governments respect certain fundamental rights. The Charter has great significance. It has reinforced Canada's commitment to democracy and human rights. It specifies human rights standards to which federal, provincial and territorial governments must adhere. Furthermore, it provides legal remedies for those whose rights are infringed upon by a government department or agency.

The impact of the Charter for schools is quite profound. Before its passage, judges tended to respect the power of school authorities to make and implement school policy. The Charter now appears to give individuals the power to challenge that autonomy where there is infringement of Charter-guaranteed rights and freedoms.

An example of the impact of the Charter on provincial legislation can be seen in the case involving Québec's Bill 101. Bill 101 restricted access to English language education. The Supreme Court of Canada unanimously struck down that provision of the legislation due to its incompatibility with the Charter guarantees for minority language educational rights.

On the assumption that it has broad application to the school system, the Charter would appear to allow students and others to challenge school rules where the content of such rules offends the rights guaranteed by the Charter or where the procedures for enforcing the rules do not comply with constitutional standards.

It is difficult to predict exactly how the Charter will influence school policies and procedures. There have been some lower court decisions declaring compulsory religious exercises in schools to be contrary to the Charter guarantee of freedom of religion. Other decisions have limited the school's ability to, among other things, detain or suspend students. Additional issues likely to arise are those involving search and seizure, freedom of speech and equality rights.

Nonetheless, the courts continue to recognize the need for a degree of administrative autonomy on the part of educators. This, together with our traditional Canadian regard for "peace, order and good government," implies that the Supreme Court will likely exercise a degree of moderation in its approach to rights and freedoms in schools. It is clear, nonetheless, that educators must now give serious consideration to the Canadian Charter of Rights and Freedoms and to the upcoming Supreme Court decisions in this area.

Because of the significant influence of the school in the socialization process, the education system is key to developing in young people a knowledge and understanding of the rights and responsibilities of both national and global citizenship. Human rights curriculum is one important component of human rights education. Another component, perhaps of equal if not greater importance however, may be that information which the school unintentionally transmits to students through its school management practices. A human rights education program will be most effective in a school environment which exemplifies respect for the dignity and worth of each individual and which makes the human rights principles of equality, justice, democracy, freedom and peace central to its philosophy and practice.

The last several decades have witnessed a multitude of changes to Canadian society. These include the increased participation of women in the paid labour force, the reshaping of many of our social institutions, as well as marked advances in technology. With economic development and increased social diversity, the social, legal and philosophical issues to be considered on a daily basis are becoming increasingly complex.

Despite growing attention to the recognition and protection of human rights, the observance of human rights continues to present significant challenges. Throughout the world, many governments in power refuse to recognize the rights of large numbers of their citizens. States differ in their commitment to social justice. Societies may also lack an understanding of human equality and an appreciation of diversity. These values will all be reflected in which human rights principles are recognized and in how human rights are observed.

Human rights, by their very nature, touch us on a personal level and may challenge our belief systems. Human rights discussions are frequently passionate and controversial. The temptation for those

Rights

charged with the responsibility of ensuring that society respects human rights may be to ignore such concerns in the hope that they will either resolve themselves or simply fade away. This approach is especially unjust to those suffering oppression or inequity. Further, the price of not safeguarding human rights can be social unrest and upheaval witness the events surrounding the struggles for recognition of Native land claims and French language rights, as well as the women's suffrage movement in Canada and elsewhere.

A further consequence of not addressing the protection of rights is the loss of human potential. Observance of human rights principles requires respect for the dignity and worth of each individual. Such validation provides a foundation which enables all members of society to reach their potential as human beings and thereby full and meaningful contributions to society. Disregarding human rights deprives individuals, and often entire groups, of the opportunity of achieving, full participation in society and, in turn, robs society of their contribution.

Human rights are generally defined as fundamental, inalienable rights claimed by virtue of being human. They are rights that we, as individuals, all possess equally. They are the essentials to which we are all entitled in order to preserve the integrity and dignity of life. They include freedom of movement, the right to vote, the right to work, the right to security of the person, as well as the right to privacy and the right to express oneself freely and openly.

Human rights can be divided into two categories. Civil

and political rights include the right to equality, justice and democracy. Social and economic rights refer to such rights as the right to work, the right to own property, the right to an adequate standard of living, and the right to be free from hunger.

All human rights are important. They are interdependent and interrelated, for it is their recognition as a whole which provides the foundation for acknowledging the dignity and worth of each individual.

The Development of Human Rights

The notion of human rights has its roots in ancient societies, traditional religious beliefs, and early philosophical thought. Only recently, however, has there been a political recognition of human rights, including governmental undertakings to enact human rights legislation, for all members of society.

Prior to World War II, there were few legal mechanisms designed to safeguard human rights. The horror and devastation of World War II brought a significant increase in the concern for preventing such future conflicts and human rights atrocities. In 1945, the United Nations was formed. Its primary purpose was the maintenance of peace and the promotion of human rights. Shortly thereafter, the U.N. drafted the Universal Declaration of Human Rights and it was passed by unanimous vote in 1948. This document was to serve as a "common standard of achievement for all peoples and all nations."

The Jostens Difference

- Traditions**: Traditions are a cornerstone of a successful school community.
- Storytelling**: Storytelling brings traditions and memories to life.
- Innovations**: Innovations engage and excite people.
- Connections**: Connections make experiences relevant, meaningful and memorable.

Jostens helps make a difference
in your school through our
innovative approach to traditions,
connections and storytelling.

Jostens is a proud,
long-standing sponsor and partner of the
Canadian Association of Principals.

Learn more at jostens.com or
call 1.800.JOSTENS



The Universal Declaration of Human Rights, begins in Article I by affirming: "All human beings are born free and equal in dignity and rights." In the 30 articles which follow, the Universal Declaration asserts each individual's right to life, liberty and security, as well as to equality, democracy, justice and basic social and economic rights.

Whether or not the Universal Declaration is legally binding on the countries which signed it is a matter of debate amongst human rights scholars. It nevertheless serves as an important standard for behaviour according to which individuals, institutions and nations can be, and are, judged. Human rights laws, including the Canadian Bill of Rights of 1960, our federal, provincial and territorial human rights codes, and the Canadian Charter of Rights and Freedoms, have evolved from the principles articulated in the Universal Declaration.

Rights and Responsibilities

Human rights, as stated previously, include a number of civil, political and basic economic and social rights. These rights, however, are not, for the most part, considered to be absolute in nature. Some limitations are essential. As members of society, our actions necessarily impact on others. Individuals are entitled to exercise their rights and freedoms only to the extent that they do not infringe unreasonably on the rights and freedoms of others. For example, the Criminal Code, in section 181, states that one's right to freedom of expression does not entitle one to publish materials which one knows are false and which are likely to cause "injury or mischief to a public interest".

Rights and freedoms, then, must be exercised responsibly. They are subject to reasonable limitations. It is easy to agree that a person's right to freedom of movement, for example, does not entitle that person to drive his or her car into that of another. But what can be considered reasonable is not always easily agreed upon. Careful consideration may be necessary to balance collecting rights and freedoms of individuals in any given case.

The Human Rights of Children

To what extent do children possess human rights? The answer is not a simple one. The U.N. Declaration of the Rights of the Child states that children have the right to grow up in freedom with dignity. The Declaration includes such rights as the right to wholesome food, housing, medical care and free education and the rights to love and understanding. While this Declaration is supported in principle by the countries which have ratified it, it is not legally binding.

In principle, children are also entitled to all the human rights and freedoms which adults possess. The Universal Declaration does not restrict its statement of human rights to adults. In fact, Article 2 expressly declares that all human beings are entitled to be treated equally, regardless of, among other things, age.

Yet children differ greatly from adults in two key areas needs and abilities. Children have special needs that adults may not share to the same degree, such as the need for protection from forces which would prey upon their vulnerability. At the same time other human needs, such as the need for meaningful work, are not as relevant to children.

Children also differ from adults in their ability to bear responsibility. This poses a problem in determining the human rights of children, for rights often have corresponding responsibilities. As discussed earlier, human rights philosophy demands that rights be exercised responsibly so as not to infringe unreasonably on the rights of others. Yet, the lack of maturity of children can limit their ability to exercise their human rights responsibly.

Because both children's needs, as well as their ability to bear responsibility, differ from those of adults, one may be tempted to conclude that human rights are not applicable to children.

In Canadian society, and in fact throughout the world, children have few rights which are sanctioned by law. What legal rights children do possess in Canada generally stem from a social attitude of protection rather than one of inherent rights. One has to question, however, whether society's restrictive attitude towards children's rights is fair and reasonable, and is, in the end, to the benefit of children and society.

Without question, adult caregivers have a responsibility to provide physical care and guidance to children and young people. Yet as children mature, their ability to make choices regarding their own self-determination also grows.

Restrictions on the rights of children, legal and otherwise, are largely based on a presumption of incapacity until the age of majority. Yet children vary greatly according to age groups and individual attributes. Some are indeed capable of assuming adult responsibilities. If society's responsibility is to enable children to become full and contributing members of society, it is necessary to consider whether this is best accomplished through a restrictive atmosphere or an atmosphere of freedom.

At the international level, a proposition was put forward by Poland in 1979, the International Year of the Child, that an international convention on children's rights be developed. Consequently, a working group, in which Canada was an active member, prepared a draft convention which was adopted by the General Assembly of the United Nations on November 20, 1989. The nature of its adoption stipulated that, before it could come into full force, it had to be ratified by twenty state governments. This having been accomplished, the Convention on the Rights of the Child came into effect on the 2nd of September, 1990.

Rights

The convention groups children's rights under the headings of "Survival", "Protection", and "Development". It serves as recognition within the international community that the responsibility for the physical, emotional and developmental wellbeing of children rests, not only with the caregiver of children, but with governments, as well.

Those in favour of reform recognize that there are no easy answers to the question of what rights should be accorded those under the age of majority. Given the above discussion, however, a strong argument can be made for a more flexible approach. Such an approach may favour according rights to children based on their level of maturity and on the extent to which they are able to bear responsibilities which are commensurate with those rights.

Such an approach to the determination of rights requires wisdom and discernment. Nonetheless, in order to develop in children a healthy respect for human rights, it is necessary to examine the manner in which adult society communicates respect for the dignity and worth of its children and young people.

Conclusion

Canadians have made considerable advancements in this past century in regard to human rights. The Universal Declaration

of Human Rights and the international conventions which have followed it have established human rights standards for all nations to follow. Giving effect to human rights, however, is more problematic. One of the difficulties stems from the fact that many rights are not absolute, requiring that a balance be achieved between the rights of each member of society. Attempting to decide how best to achieve this balance is a challenge often met with uncertainty, controversy and even resistance.

A further difficulty in the embracing of human rights has been the reluctance by certain groups with power and privilege in society to recognize and co-operate in the elimination of the inequity and oppression, of other groups.

The establishment of international standards of human rights and of human rights legislation has marked a step forward in society's recognition of human rights. Ensuring that such standards and laws are implemented effectively will require continual commitment and evaluation. There are many challenges ahead, and we, as a society, have both the opportunity and the obligation to educate ourselves and others about the means of meeting these challenges. CJ



SPARK INTEREST IN VOTING IN YOUR CLASSROOM

We provide the educational tools and resources!

Elementary (Kindergarten–Grade 4) Primaire (maternelle–4^e année)



CHOOSING OUR MASCOT Election simulation kit

CHOISISONS NOTRE MASCOTTE Trousse d'élection simulée



MY COUNTRY, MY DEMOCRACY Learning activities toolkit

MON PAYS, MA DÉMOCRATIE Guide d'activités d'apprentissage

Elementary (Grades 5–6) / Secondary Primaire (5^e–6^e années) / Secondaire



VOTING RULES! Civic education program (Ontario Grade 5 and Grade 10)



CANADA AT THE POLLS! Election simulation kit, student council election guide

AUX URNES CANADA! Trousse d'élection simulée et guide sur l'élection d'un conseil étudiant

Resources for you and your students Ressources pour vous et vos étudiants



I CAN VOTE! ESL and low literacy guide

JE PEUX VOTER! Guide pour étudiants de FLS et étudiants ayant un faible niveau de littératie



THE ELECTORAL SYSTEM OF CANADA Background resource

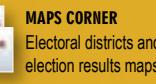
LE SYSTÈME ÉLECTORAL DU CANADA Livre de référence



A HISTORY OF THE VOTE IN CANADA Background resource



L'HISTOIRE DU VOTE AU CANADA Livre de référence



MAPS CORNER Electoral districts and election results maps

COIN DES CARTES Cartes des circonscriptions et résultats d'élection

What are you and your students doing for your democracy?

Enter the National Youth Challenge!



Quelle est votre contribution et celle de vos étudiants à la démocratie?

Participez au défi national jeunesse!



For more information and to order your FREE resources: Pour obtenir plus d'information et pour commander vos ressources GRATUITES :
www.elections.ca or [ou bit.ly/election-education](http://bit.ly/election-education) 1-800-463-6868 (TTY / ATS 1-800-361-8935)

Vote. Shape your World. Voter, c'est choisir son monde.

Shell And Canadian Geographic Announce Winners Of National Classroom Energy Efficiency Challenge

Over the past few months more than 11,000 students across Canada competed to win prizes by participating in the CEDC, a curriculum-based energy efficiency program. The Classroom Energy Diet Challenge is a contest sponsored by Shell Canada Limited and Canadian Geographic to help students increase their understanding of energy, where it comes from and how to improve their energy efficiency. As part of the Challenge, classrooms will have access to some great tips and resources to help them improve their energy efficiency.

Students took the lead in learning about energy efficiency through completing the CEDC's fun and simple energy saving challenges. Of the almost 500 registered, Duncan Cran was the only school to have 100 per cent of their students participating in the program and was awarded Top School as a result. For winning the Top School Prize, Duncan Cran will receive \$1,000 for a school party, \$1,000 for school supplies and a \$1,000 donation to a charity of their choice.

"While we had a hand in creating and administering the program, the students made it their own," Gilles Gagnier at Canadian Geographic explained, "Feedback from classrooms was so positive that we've decided to run the competition again in September. Ultimately, we'd like to see every student in Canada learning how they can reduce their energy use."

Teachers and students are encouraged to visit the CEDC website to learn more and sign their classroom up for the program this September. <http://energydiet.canadiangeographic.ca>.

CEDC WINNERS:

Grand prize elementary: *Mr. De Santis' grade 10 class from Vancouver Technical Secondary School in Vancouver, British Columbia*

Grand prize secondary: *Mrs. Aylward's grade two/three classroom at St. Mark's School in King's Cove, Newfoundland*

Most Points prize: *Mrs. D'Souza's grade one class at The Divine Infant Catholic School in Scarborough, Ontario*

Top School prize: *Duncan Cran Elementary School in Fort St. John, British Columbia*

Video prize elementary: *Ms. Archibald's grade 3/4 class at Keswick Ridge School in Keswick Ridge, New Brunswick*

Video prize secondary: *Ms. Longworth's grade 6/7 class at Sir William Osler School in Vancouver, British Columbia*

The Canada Math Competition That Counts

The Canadian Open Mathematics Challenge (COMC) is Canada's premier national high school mathematics competition that is open to any student with an interest in mathematics. The purpose of the competition is to encourage students to explore, discover, and learn more about mathematics and problem solving. The competition also serves to provide teachers with a unique student enrichment activity during the fall term.

The COMC provides student performance awards at the regional and national level by grade, as well as randomly drawn prizes (including \$1,000) that any student can win. Junior high school students who perform well can get invited to a free national math camp in the summer. Students with a real knack for math can be invited to write higher level competitions that can eventually lead to being chosen for Math Team Canada and competing in the world olympics of math. And through a partnership with select universities across Canada, a strong performance by a senior student can result in being offered a university scholarship! And even if a student only answers a few questions, they still have a chance at winning a prize!

The Canadian Mathematical Society in partnership with select universities across Canada stages the COMC in early November and the actual competition is usually written at the high school. And last year the COMC was revamped to make it more accessible to any student with an interest in mathematics - now there are a few relatively easy questions, and a few average questions, and then a few hard ones.

So if there's a student who maybe even only has 'kinda some interest in math' they probably should give the COMC a try. And if there are students who enjoy math, they definitely should give the COMC a try. More information on the competition is available from the web site: <http://cms.math.ca/Competitions/COMC>.



CELEBRATING • CÉLÈBREONS NOS

1962 50 2012

CANADIAN WILDLIFE FEDERATION FÉDÉRATION CANADIENNE DE LA FAUNE

Canadian Wildlife Federation

provides educators with:



Michael Patrick O'Neill /Oceans-Image/Photoshot

- Financial support for school-based projects
- Summer Institute experiences for educators
- Professional development opportunities
- Inspiring motivational speakers
- Adventure education programs
- Open Education Resources
(such as the Voices of the North series)
- E-Learning packages

and much more at cwfeducation.ca

Follow these wonderful educational events:

- The Great Canadian Turtle Race
- Capital to Capitol Canoe Journey from Ottawa ON to Washington DC
- Africa to Americas Row by four ocean adventurers

For further information check us out.



TEACH don't BAN

Chocolate fundraisers support the spirit of school food and beverage policies. Here's why...

Teaching works, banning doesn't.

91% of adults agree that teaching about how treats fit into a healthy lifestyle is better than banning chocolate fundraising¹.

Common sense and behavioural science support that treats are part of a healthy active lifestyle.

92% of dieticians say that people are more likely to maintain a balanced lifestyle when they don't deprive themselves of treats².

In the world of treats, chocolate is one of the healthier options.

A robust study reported in the British Medical Journal showed that higher levels of chocolate consumption were significantly associated with a reduced risk of cardiometabolic disorders – a 37% reduction in cardiovascular disease, diabetes 31% and stroke 29%.³

The launch of a chocolate fundraiser is an opportunity to teach kids about healthy lifestyles and World's Finest® Chocolate can help:

INTRODUCING



Teaching materials to help educate children on the importance of portion control and physical activity.

Available with each fundraising campaign:

- Brochures with simple portion control graphics
- Posters promoting eating right and staying fit
- An educational video with an original song and fitness dance

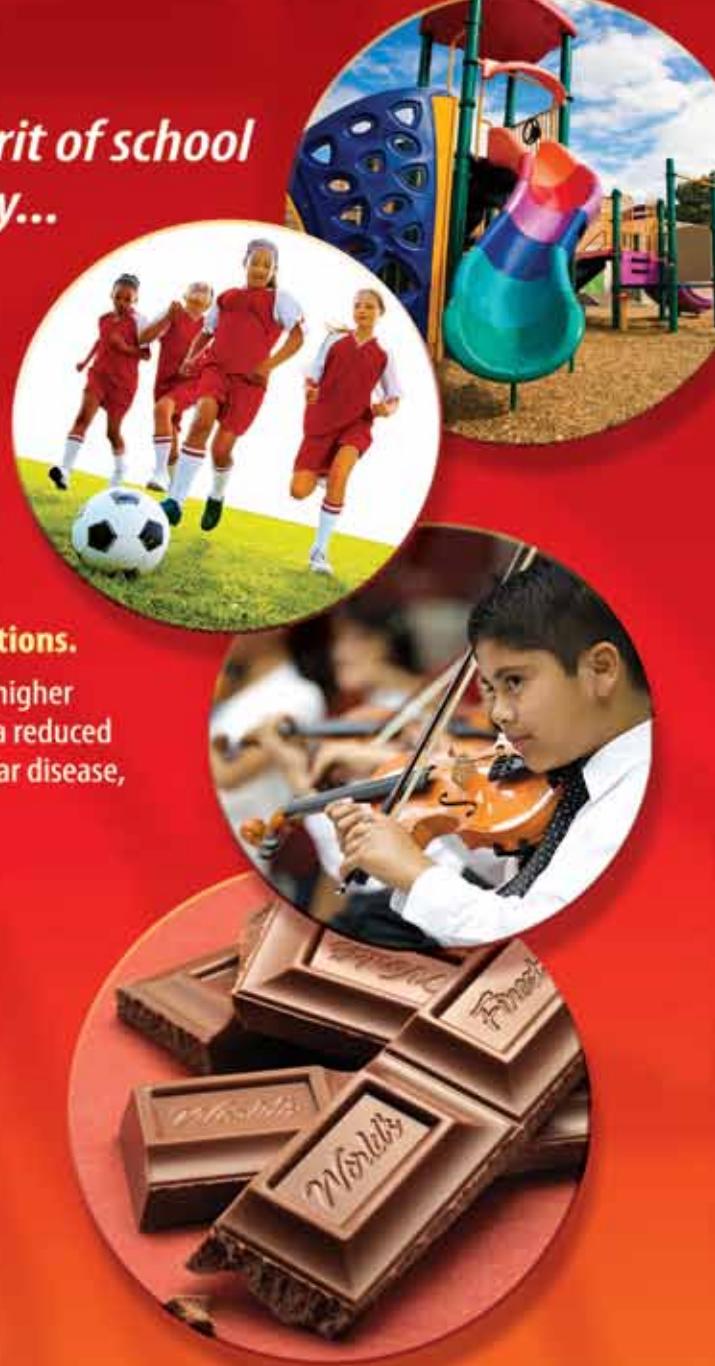
A chocolate fundraiser supports active lifestyles, not unhealthy eating.

This annual or semi-annual event helps pay for school activities and equipment like playground equipment, sports equipment, bussing and school trips that support healthy, active lifestyles.

For more information call 1.800.461.1957



World's Finest Chocolate



¹ September 2010 Ipsos Reid poll of 1300+ adults (including 200 parents of children aged 4-18).

² Survey of Nutritional Professionals. An online survey of 450 registered dietitians (RD) by the Hershey Centre for Health & Nutrition.

³ "British Medical Journal", chocolate consumption and cardiometabolic disorders, 7 studies, involving 114,001 people; studies up to Oct. 2010.