

B. Child Abuse

"A society which cares for its children and teaches them to care for their offspring flourishes forever, but our society, which abuses and neglects its children endures perilously. Here lies the cycle of violence breeding violence."²⁴

93. Child abuse has taken place in society throughout the ages, but it generally has been ignored or hidden. Only in recent years has it been recognized as a serious social problem. Several psychiatrists who appeared before your Committee agreed that violent criminal behaviour is a direct result of abuse and neglect in the first three years of life. Of course, many abused and neglected children become excellent citizens, but others surface in later life as tragic figures in society — mutilated, physically or psychologically, by their parents — as juvenile delinquents or not only as criminals but also as the abusive parents of the succeeding generation.

94. Historically, children have been viewed as the property of the parents whose right to neglect and abuse them was seldom even questioned. Today society is hampered in its efforts to help children by this concept of the child belonging to the parents. It is now time to recognize that the rights of parents over their children should exist only so long as parental responsibilities are fulfilled. These responsibilities involve not only the provision of food, clothing and shelter, but also a secure and nurturing emotional environment.

95. In the past our society has paid more attention to cruelty to animals than to cruelty to children. Legislation against cruelty towards animals was enacted as early as 1824 while Canada did not begin to legislate against cruelty to children until 1893 when the Province of Ontario passed an *Act for the Prevention of Cruelty to and Better Protection of Children*. While Manitoba passed legislation modelled on the Ontario Act in 1898, the remaining provinces did not follow suit until the 20th Century. Indeed, the first legal landmark occurred in the State of New York when a young child, Mary Ellen, successfully sought relief from abuse on the grounds that she was a member of the animal kingdom who was being maltreated! Even today under the Criminal Code of Canada the rights of the child appear to be less important than the rights of an animal because the caretakers of a maltreated animal must show that they did not cause the maltreatment, while the caretakers of an abused child do not suffer under this burden of reverse onus.²⁵

96. There is now an increasing awareness of the seriousness of the problem of child abuse. In some countries legislation has been passed to protect the safety of children. In Canada there are provincial laws requiring the mandatory reporting of child abuse. Each Province has enacted legislation for the protection of neglected children. Nevertheless, the problem remains unsolved, and children continue to be