

lation also provides consultative services to the provinces and acts, in a limited way, in an information disseminating capacity.

## PART II—FINDINGS (Based on Evidence Presented)

1. That there is no accurate figure on the incidence of child abuse because of variations in definitions and in reporting systems. Approximately 1,100 cases were reported by the provincial Child Welfare authorities in 1973. Other authorities place the estimates much higher because of deficiencies in reporting.

2. That the incidence of "child battering" is relatively low in the context of the total neglect picture.

Such cases cause much distress and concern among those who have direct contact with the child when the situation comes to official notice. The hospital, the physician or the police are frequently the first contact with the battered child.

3. That there appears to be a multiplicity of causes in child abuse and neglect. In some cases, particularly where the child is physically abused, there is mental illness, drug or alcohol abuse or other pathology. In many cases of child battering, however, this is not so.

Studies indicate that much child abuse takes place in the context of child rearing where physical punishment is said to be for the "child's own good", and the intent of the parent is stated to be correction, not injury. There is indication that this type of abuse may be more widespread than is generally thought.

4. That it is difficult to isolate the etiology of child abuse and neglect and that there is a need for research in this area.

5. That physical discipline of children is common in our society and that this is referred to in the provisions of the Criminal Code (Section 43) although provincial legislation provides sanctions against ill-treatment of children. One brief stated: "The determination of reasonable force and ill-treatment becomes blurred and hazy".

6. That the present provisions of the Canada Evidence Act under which a spouse is not a competent and compelling witness in criminal proceedings is a barrier to prosecution in child abuse cases where there is seldom any other witness.

7. That criminal proceedings, which are designed to punish the offender, can be applied only in those cases where there is sufficient evidence to justify such proceedings, and such proceedings are probably not applicable in most cases because of the rules of evidence and other requirements. Provisions now exist in the Criminal Code for proceedings if these are warranted.

8. That the Criminal Code offers little by way of preventing or treating child neglect or abuse except that a conviction for an offence under the Code may remove the parent or person standing in the place of the parent from contact with the child. All provinces and territories have legislation providing protection, treatment, and custodial

services in cases of child abuse or neglect under Child Welfare legislation or other authority.

9. That provincial legislation for the protection of children provides for the investigation and intervention, including supervision in the home or apprehension, if necessary, by the Child Welfare authority when a report of abuse or neglect is received. The Child Welfare authority also provides ongoing protection and supervision of the child when the condition of the child is such that a court of competent jurisdiction declares the child a neglected child or a child in need of protection as defined in the legislation.

10. That central registries are needed at the provincial level to which all cases of abuse would be reported, and that such registries are, in fact, established in nearly all provinces, and in addition in some communities there are multi-disciplinary child abuse committees. No federal registry exists.

11. That all provincial and territorial legislation containing mandatory reporting provisions protect the informant against any action provided the report was not made with malicious intent.

12. That reporting requirements in provincial law are not generally understood, and there is an unwillingness on the part of the public to report because of reluctance to interfere in the affairs of others and a fear of legal reprisals. Some provinces have conducted very effective publicity campaigns to acquaint the public with procedures.

13. That current services available to neglected and abused children tend to concentrate on the child after the family has broken down, rather than to actively concentrate on supporting the parents to care for their children before a family crisis occurs. As a consequence, preventive health and welfare services for children in their own homes and support services for families with children have a relatively low priority in some situations.

14. That families in need of assistance to strengthen the family unit do not always have ready access to or awareness of skilled, sensitive community-based support.

15. That there appears to be a general lack of knowledge by parents of existing services for families and children, which may in part be due to the relative isolation and lack of motivation of many families.

16. That each case of neglect or abuse must be treated on the basis of individual need and the unique circumstances of the case.

17. That public demand for punishment of the parent as a result of emotional reaction to publicity about abused children may cloud both the real issues in child neglect and in the provision of services for families at risk.

18. That there have been substantial developments at the provincial level in the past five years in the administration of child welfare services to deal with the specific aspects of child abuse and neglect and that there is now sufficient knowledge to enable provincial authorities to make a significant impact in the area of prevention of child abuse and neglect, given the necessary resources.