

Adinak and the Charter of Rights and Freedoms

All About Adinak

Adinak is a vast land consisting of five large provinces with many geographic regions. The country is unusual as it is inhabited only by animals – animals similar to those found in Canada, but, remarkably, they possess the ability to think, to communicate, and to govern!

The country of Adinak is governed by a federal parliament as well as provincial legislatures for each of the five provinces. However, citizens felt that something was missing! It seemed that rules or laws were being made that appeared to pick on or to be unfair to some animals. Something needed to be done!

Members of the Adinak's federal House of Commons decided that they needed to add new rules to their basic laws. The members of parliament voted to send out a task force to find a country whose basic rules (or constitution) included a charter that guaranteed basic rights for all citizens.

The task force looked at seven countries, but they didn't quite have what the people from Adinak needed. Then the members of parliament from Adinak found Canada – and its *Charter of Rights and Freedoms*.

They thought that they had found the perfect charter and that it would be great to adopt the Canadian Charter in Adinak. They needed to conduct some “tests” to see if the *Charter* would work in their country of Adinak.



Story Two: Ava Reindeer and Equality Rights

Ava Reindeer



Ava Reindeer's Story

Ava was the only girl in her family. She attended school in the town of Deeta in the province of Granador. When there were no organized games, Ava loved playing hockey outside on the outdoor rink with her brothers and their friends. Ava was a good player! She was talented and had been selected to play on the best boys' teams every year through elementary and junior high school. Now Ava was sixteen and in grade ten.

Ava knew that there was going to be a new high school girls' team, but most of the team would be beginners and they wouldn't be able to play at the level she was used to. She knew that if she joined that team she would spend most of her time helping others get better rather than improving herself. She decided that instead of joining the girls' team, she would try out for the high school boys' team!

Just before recess there was an announcement on the school's P.A. system. "Would Ava Reindeer please come to the office!"



Problem

The problem started when Ava nervously entered the principal's office and found the principal waiting for her along with Mr. Delbert, the head reindeer boys' hockey coach.

"Ava," began Mr. Delbert, "I know that you have played hockey for many years and are a top line player. However, the Ganador Provincial Athletic Association rules say that in high school, if there is a girls' team, you are not allowed to try out for the boys' team. You will have to play with the girls this year."

"But I want to play in a competitive league!" exclaimed Ava. "This team is new this year. Most girls are just beginners."

"I know that and understand how you feel," said the principal. "However, the league feels that if there is a girls' team, it is unfair for a boy to be cut to make room for you. The boy might have nowhere to play."

"But what if I am better than a boy player? Shouldn't I be on the team? I want to be prepared to play at North Reindeer University after high school. Many reindeer from that league get picked to go to the Reindeer Olympics!"

"I am sorry, Ava," said Mr. Delbert slowly. "I am sure you would have made my team. However, I guess rules are rules."

What Do You Think?

If Adinak were to adopt the *Canadian Charter of Rights and Freedoms*, do you think that Ava could successfully challenge the Athletic Association's rule disallowing her from playing on the boys' hockey team?

- ☐ Yes – the athletic association's rule could be successfully challenged if the rule prevented a qualified girl from playing on a boys' team.
- ☐ No – the athletic association's rule could not be successfully challenged if the rule prevented a qualified girl from playing on a boys' team.

Your Explanation

I think the Athletic Association's rule _____ (could/could not) be successfully challenged because

Not sure? Read the information below and on the next page, and then go back and complete your explanation.

Equality Rights: What does this mean?

Section 15 of the *Charter* makes it clear that every individual in Canada – regardless of race, religion, national or ethnic origin, colour, sex, age or physical or mental disability – is to be considered equal.

This means that governments, which can include school boards, must not discriminate on any of these grounds in its laws or programs.

Section 15 of the *Charter* also protects persons who suffer disadvantages because of personal characteristics and may be denied opportunities available to other members of society

A True Case Similar to Ava Reindeer

Identical twin girls Amy and Jesse Pasternak lived in Manitoba and had played hockey since they were four years old. They were very skilled players and had learned many of their skills playing on boys' teams. When Jesse and Amy were 17 years old they decided to try out for the high school boys' team, even though there was a girls' team in the school. Amy and Jesse knew that if they were to play on the girls' team they would spend most of their time teaching other girls how to play better rather than becoming better themselves.

The Manitoba athletics association refused to let the girls play on the team. They explained their rule that girls could try out for a boys' team only if there was no girls' team available.

Dr. Sandi Kirby, a former Olympic athlete, agreed with Amy and Jesse and said that boys were almost always put on teams that allowed them to play to the best of their ability. She argued that it was gender discrimination to force the girls to be on a team that primarily "developed" players, and that they should be allowed to play on a team that helped them improve their skills.

This case was decided by the Manitoba Human Rights Association who decided that if the girls made the boys team because of their skill, they should be allowed to play. The decision in this case was recently upheld by the Manitoba Court of Queen's Bench (January 2008). Although this case was decided by a Human Rights Association, the solution reflects a decision that does not violate the *Charter*.

See the judge's ruling after the case

Manitoba High Schools Athletic Assn. Inc. v. Pasternak et al, 2008 MBQB 24.

www.canlii.org/en/mb/mbqb/doc/2008/2008mbqb24/2008mbqb24.pdf

Further Activities

1. Find examples of situations in history before the *Charter* was adopted where you think people were not treated equally.
 - Write a story or play depicting how the people who were treated unfairly felt, and describe how the *Charter* protects individual rights of equality.
2. Discrimination occurs where, for example, a person, because of a personal characteristic, suffers disadvantages or is denied opportunities available to other members of society.
 - Role play a situation where a person is discriminated against and explains that the discrimination violates his or her rights under the *Charter or Rights and Freedoms*.