

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 Three: Rufus Raccoon and Search and Seizure

Rufus Raccoon



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Rufus Raccoon's Story

It was a great day for Rufus Raccoon as he was one of the fifteen students chosen to participate in the Adinak Elementary School outdoor education extreme mountain climbing trip!

Students were chosen on the basis of their marks, attendance, and athletic achievement.

Rufus's high mark in his Civil Rights and Freedoms test had 'sealed the deal'.



Problem

Rufus's mom was proud of Rufus and gladly prepared to sign his permission slip.

"You had better not take anything dangerous," she said laughingly to Rufus. "The form states that your bags will be opened and searched before you are allowed to board the bus."

"What?" exclaimed Rufus, his black eye patches gleaming with indignation. "I haven't done anything wrong! They shouldn't be able to search my bags – that's unreasonable!"

"Are you sure?" asked his mom, "I think that teachers should be able to search student bags after the parents give permission for the trip. It is just a safe thing to do."

"I disagree," replied Rufus, "I just aced a test about rights and freedoms. I know if our country were to adopt the *Canadian Charter of Rights and Freedoms*, this search would not be allowed!"

What Do You Think?

Do you think that if Adinak were to adopt the *Canadian Charter of Rights and Freedoms*, Rufus could successfully challenge the search on the grounds that it was unreasonable?

- ☐ Yes – If Adinak adopted the *Canadian Charter of Rights and Freedoms*, Rufus could successfully challenge the search on the grounds that it was unreasonable.
- ☐ No– If Adinak adopted the *Canadian Charter of Rights and Freedoms*, the search would still be considered reasonable and could not be successfully challenged under the guidelines of the *Charter*.

Your Explanation

I think that Rufus _____ (could/could not) successfully challenge the search because

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

Search and Seizure: What does this mean?

Section 8 of the *Charter of Rights and Freedoms* ensures that everyone has the right to be secure against unreasonable search and seizure (which means that everyone has a right to expect a reasonable amount of privacy).

Those that act on the behalf of the government, such as police officers, must act in a fair and reasonable way and usually need a search warrant.

In schools, the guidelines regarding privacy are a little less strict, as teachers and principals are responsible for student safety. Students are aware that they must comply with school regulations and as a result that they may be subject to searches.

It is sometimes appropriate for teachers and principals to search student property such as backpacks and lockers. Before the search, however, questions such as the following must be considered.

- Is there enough proof to justify the search?
- Is the search reasonable?
- Is the search carried out in a reasonable manner?

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A Fictional Case Similar to Rufus the Raccoon

Sara and several of her friends signed up for an overnight camping trip. The teachers were to be the chaperones— no parents on this one. Sara’s mom signed a permission form for her to go on the trip. In the past some of the camping trips had been ruined because students had unwisely sneaked alcohol into their backpacks. Therefore, the form signed by the parents stated that any overnight bags packed by the students would be opened and checked before anyone got on the school bus. Sara, as a sharp legal eagle who knew the laws, objected to having her bag searched. “The *Canadian Charter of Rights and Freedoms* protects me against unreasonable searches and seizures,” she boldly protested from the bus steps. “I haven’t done anything wrong. I think this search of my bag is unreasonable,” she contended.

The teacher explained to Sara that the school has been taking students on camping trips for the past 15 years. And on some of those 15 earlier trips, teachers found dangerous things in overnight bags—from drugs and liquor to sports knives, sling shots, homemade rockets and fireworks.

The teachers’ duty to protect Sara and the other students on the camping trip is no different than it is in school. At both times, you are away from home and your teachers have the same responsibility for your safety and well being. So it doesn’t matter whether a teacher or principal conducts a search of you or your property in school or on the steps of a camp bus, the search is based on what is reasonable or unreasonable in the situation.

This was likely a reasonable search. Sara might have had a case if the teacher decided to check Sara’s pockets and socks. It might also be unreasonable if there had been no written warning or if teachers had found no previous dangerous items.

Your teacher may want you to explore the case of *R. v. A.M.* 2008 S.C.C. 19, a recent case involving backpack searches and sniffer dogs.

Further Activities

1. Whether or not searches at school are allowed under the *Charter* is often based on what is reasonable and what is unreasonable in that particular situation (example: who conducts it, why do they conduct it, how to they conduct it).

Make a chart with fictional situations about being searched. Decide as a class why you feel a search would be reasonable or unreasonable in each situation.

Examples

- Sara saw Jonathon outside the school placing drugs in his socks. Sara told her teacher, who sent Jonathon to the principal’s office. The principal asked him to remove his shoes and socks, and he found the drugs.
☐ Reasonable search ☐ Unreasonable search
- Teachers decided to search everyone’s socks to find out who had the dirtiest ones.
☐ Reasonable search ☐ Unreasonable search

2. Schools must have a safe atmosphere that encourages learning, but students also have to have rights. Create a “Student Charter of Rights and Freedoms” for your classroom.

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