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1. Introduction

Private Member Bill introduced in 2019 by Vijay Thanigasalam, a Conservative Canadian Tamil MPP from Scarborough-Rouge Park.

“**Bill 104** has been enacted as Chapter 11 of the Statutes of Ontario, 2021. The **Bill** proclaims the seven-day period in each year ending on May 18 as Tamil Genocide Education Week”.

“Ontario on May 6 became one of the first jurisdictions in the world to recognize genocide against Tamils in Sri Lanka as a Scarborough MPP’s private bill passed third reading in the legislature”.

“Ontario is sending a loud and clear message, as the first jurisdiction to acknowledge the Tamil Genocide,” said Sinthughan Shanmugalingam, vice president of campaigns for the Canadian Tamil Youth Alliance, a group Shanmugalingam said lobbied for Bill 104’s passage through meetings with politicians and email and letter campaigns since 2019”.

“Sri Lankan-Canadians objected to the word “genocide” – a word Canada and the United Nations have not applied to the conflict, which ended with the defeat of the Liberation Tigers of Tamil Eelam on May 18th 2009 – and urged MPPs not to pass the bill, but pro LTTE Tamil-Canadian groups supported it”.

Bill 104 2021

2. Preamble - To Proclaim Tamil Genocide Education Week Act.

The Tamil community in Ontario is one of the **largest concentrations of Tamils outside Southeast Asia.** It stretches across the province but the highest concentration is in the Greater Toronto Area. Tamil-Ontarians play an important role in the social, economic and political fabric of the province.

Tamil-Ontarians have families still suffering in their homeland in the north and east of the island of Sri Lanka. They have lost their loved ones and have been **physically or mentally traumatized by the genocide that the Sri Lankan state perpetrated against the Tamils during the civil war which lasted from 1983 to 2009, and especially so in May of 2009. Genocide is the deliberate and organized killing of a group or groups of people, with the intention of destroying their identity as an ethnic, cultural or religious group. Acts of genocide against the Tamils started in 1948 after Sri Lanka gained its independence and were perpetrated through Sinhala-Buddhist centric government policies, pogroms, land grabs and ethnic cleansing. The United Nations Organization estimates that in May 2009 alone about 40,000 to 75,000 Tamil civilians were killed. Other estimates place the death toll at 146,679 civilians. These figures only reflect the death toll in 2009 leading up to May 18, the day on which the civil war ended. The loss of Tamil civilian lives during the genocide, which continued for decades in Sri Lanka, is much higher.**

In addition, the Sri Lankan state has systematically **disenfranchised the Tamil population of their right to vote and to maintain their language, religion and culture.** For example, the *Sinhala Only Act* of 1956 made Sinhalese the official language of Sri Lanka ignoring **the 29 per cent of the population** whose primary language was Tamil, thereby putting them at a serious disadvantage for participating in the **public service of Sri Lanka.**

It is important for many reasons to acknowledge publicly that the killings and all aspects of the genocide constitute a heinous act. Not only does this acknowledgement honour the lives that were lost, but it gives a sense of hope to those who have suffered since it represents the first step to healing and reconciliation. Most importantly, by recognizing the Tamil genocide, we affirm our collective desire to maintain awareness of this genocide and other genocides that have occurred in world history in order to prevent such crimes against humanity from happening again.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-104#:~:text=Bill%20104%20has%20been%20enacted,as%20Tamil%20Genocide%20Education%20Week.>

3.0 MULTICULTURAL SOCIETY OF CANADA – IMPACT ON NON TAMIL CITIZENS

This raises concerns, discrimination, racial profiling and fundamental flaws with the newly passed Bill 104 - Tamil Education Awareness Week Act., and it will have detrimental impact on our future Canadian non-Tamil children of the diverse multicultural fabric and specially more on the Canadian Children of Sinhalese origin.

National education policy must be capable of shaping a balanced individuals who respects all cultures, ethnic groups and capable of integrating into the Canadian ideals, values and culture.

Defects in the Data used for birthing Bill 104 to Law:

Bill 104 - problem in terms of context, misrepresentation of facts, statements, credibility of data source and infringes on our Fundamental Citizenship rights. What is alarming is that, the decisions were based on false representation of facts, data and population estimates and did not exercise due care and diligence that they should have exercised as MPP's – motivated only by Tamil centric politics.

Tamil Genocide Bill 104, unilaterally, imposed upon the provinces without due consultation of the other segments of the multicultural society making up the Canada population, specially more or so on the Canadian Sri Lankan population ethnic groups made-up of Sinhalese, Tamil, Muslims, Burger etc.

3.1 Bill 104 2021 - Source: PREAMBLE

Factual Errors

DEFECTS IN BILL 104

Evidence based – Facts

Members (MPPs) mislead the house by deliberately providing incomplete, inaccurate false information on the armed conflict in Sri Lanka. The contents on the Preamble are completely false, non-credible and not supported with evidence- motivated by Tamils voter base, LTTE diaspora agenda, bad faith or deliberately mislead the House with false information.

Factual Data

(a) Preamble Para 1 – 1st Sentence: largest concentrations of Tamils outside southeast Asia - False
















Fact: According to online Global population – Canada is #3

- i. Global population (WIKIPEDIA) 140,702 - Aug. 2019
- ii. Tamil site (Tamilculture.com) 157,000 - data for 2016

iii. **Global Population of Tamils (Aug 2019)**

https://en.wikipedia.org/wiki/Tamil_population_by_nation

This is a list of Tamil population per nation.

Country	Tamil	Percent	Year
 India	69,026,881	5.89%	2011 census
 Sri Lanka	3,135,770	15.40%	2012 census
 Malaysia	1,800,000	6.70%	2012
 Myanmar	1,000,000[dubious – discuss]	1.80%	2018
 United States	238,699	0.07%	2016 census
 South Africa	250,000		
 Singapore	192,665	3.30%	2015 census
 Canada	140,720	0.40%	2016
 United Kingdom	101,000		
 France	125,000		
 Réunion	120,000		
 Fiji	80,000		
 Australia	73,161	0.30%	2016 Census
 Mauritius	72,089	5.83%	2011 census
 Germany	50,000		

History on Sri Lanka

https://en.wikipedia.org/wiki/Sri_Lanka

iv. STATS CANADA

Total - Mother tongue by total population Ontario & Canada - 100% data

2016 Census

<u>Census Profile,</u>	<u>Ontario</u>			<u>Canada</u>		
	Total	Male	Female	Total	Male	Female
Tamil	105,815	51,355	54,455	140,720	69,080	71,640

<https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=POPC&Code1=0944&Geo2=PR&Code2=01&Data=Count&SearchText=tamil&SearchType=Begin&SearchPR=01&B1=All&TABID=1>

(Aug 05, 2017)

- Tamil population of Canada 157,000. Tamil is the 16th most spoken immigrant language in Canada.

<https://tamilculture.com/how-many-tamils-are-in-canada>

Bill 104 2021 - Source: PREAMBLE

3.2 Factual Errors

Preamble Para 2 – 3rd Line: during the Civil War (1983-2009) - **False**

Fact: It was an armed conflict and not a Civil war

A civil war Definition:

Which parties within the same [culture](#), [society](#), or [nationality](#) fight against each other for the control of political power

Armed Conflict -

Non-international armed conflict – or internal conflict. This body of law aims to limit the methods and means of warfare, and to protect people who are not, or no longer, taking part in the hostilities.

FACT

Eastern Province Sri Lanka - Sinhalese who had long coexisted amicably with Tamils for generations were killed. Sinhalese and Muslims were massacred in buses, trains, and villages in various regions in the Eastern province. LTTE rounded up 700 Police officers under the pretext of the cease and killed and burned beyond recognition. Also, over 200 Sinhalese civilians were killed, 20,000 were made refugees. The actual number of dead may be higher as some people disappeared and their fates were unknown.

https://en.wikipedia.org/wiki/1987_Eastern_Province_massacres#:~:text=Sinhalese%20and%20Muslims%20were%20massacred,an%20LTTE%20leader%20named%20Devi.&text=By%20the%20end%20of%20the,and%2020%2C000%20were%20made%20refugees.

https://en.wikipedia.org/wiki/1990_massacre_of_Sri_Lankan_Police_officers#:~:text=Members%20of%20the%20Liberation%20Tigers,killed%20as%20high%20as%20774.

3.3 Preamble Para 2 – 6th line: **Acts of genocide against the Tamils started in 1948** – **False**

Truth - There was no genocide. British Colony of Ceylon was granted independence in 1948 and became member of the British Commonwealth of nations. Ceylon inherited from the British an efficient civil Administration, Judicial system and some of the Asia's best Queen's Councils (QC's) – mix of British & Tamil, Muslim & Sinhalese (18 out of 33 QC's are non-Sinhalese). Had there being a genocide as claimed, do you think these Hon Justices, QC's, Govt. ministers will not act or and speak up? The Genocide story was planted to expedite the Tamil refugee influx to Canada.

<https://www.legislation.gov.uk/ukpga/Geo6/11-12/7/data.pdf>

https://en.wikipedia.org/wiki/Category:Ceylonese_Queen%27s_Counsel

FACT: The 1st Parliamentary cabinet – 4 out of 18 ministerial portfolios was held by Tamils

https://en.wikipedia.org/wiki/D._S._Senanayake_cabinet

Chief Justices of Sri Lankan from the inception: Total of 47 – British 28, Sinhalese 15 & Tamils 4

https://en.wikipedia.org/wiki/Chief_Justice_of_Sri_Lanka

To those projecting a picture that the Government of Sri Lanka has committed “genocide” should explain why they would save 295,873 civilians by the Sri Lankan armed forces from the war zone. They were initially transported to refugee camps, where they received shelter, food and medical aid. After demining was completed in the north and eastern provinces, and the lands were deemed safe, these refugees were resettled in their homes. Livelihood redevelopment projects and infrastructure development programs are currently underway.

In last phase of the war, Govt. security forces lost 6,600 soldiers sacrificed their lives to save these Tamil civilians held as hostage by LTTE. Sri Lanka lost 29,000 Soldiers and Police - Do these Govt. soldiers not have families of their own and are their kids – who is there to mourn for these fatherless children?

Sri Lankan census data shows that the Tamil population has grown steadily. This REFUTES any claim of a genocide occurring in Sri Lanka. The following table, taken from the Department of Census Statistics Sri Lanka shows how the Tamil population grew steadily from 1971-2012.

Ethnic group	2012	2001	1981	1971
All Ethnic Group	20,359,439	16,929,689	14,846,750	12,689,897
Sinhalese	15,250,081	13,876,245	10,979,561	9,131,241
Sri Lanka Tamil	2,269,266	732,149	1,886,872	1,423,981
Indian Tamil	839,504	855,025	818,656	1,174,606
Sri Lanka Moor	1,892,638	1,339,331	1,046,926	855,724
Burgher	38,293	35,283	39,374	45,376
Malay	44,130	54,782	46,963	43,459
Other	25,527	23,922	28,398	15,510

(Source: http://sis.statistics.gov.lk/statHtml/statHtml.do?orgId=144&tblId=DT_POP_SER_267&conn_path=12)

3.4 Preamble Para 2 – line 8: perpetrated through Sinhala-Buddhist centric government policies - **FALSE**

This statement **itself is racist attack** – Disgraceful, offensive & insensitive. Bill 104 legitimizes systemic racism directed toward specific ethnic origin & religion – Sinhala Buddhist Canadian segment of the immigrants. This is inhumane and portraying and deliberately engaging in racist discourse and infringing our Citizenship rights according the constitution of Canada

What is racial harassment: threatening or treating unfairly because of perceived bias motivated by Race, colour, ancestry, and place of origin, ethnic origin, Creed or Citizenship?

Racial harassment may also be because of your background, speak with an accent or practice a certain religion.

A **hate crime** (also known as a **bias-motivated crime**) is a prejudice - motivated crime which occurs when a perpetrator targets a victim because of their membership of a certain racial demographic – directed towards Canadian Sinhalese Buddhist migrants.

Hate crime victims can also develop depression and psychological trauma.

3.4 Truth on LTTE (TAMIL Terrorist Group):

LTTE is “widely recognized to be one of the most proficient and dangerous guerrilla/terrorist groups in the world. This reputation is owed to the extremely sophisticated international network that has been built by the organization to sustain its 26 year-long struggle for the creation of an independent state of Tamil Elam”

LTTE, they assassinated prominent world leaders, civil servants, parliamentarians, journalists, military officers, police officers, Politicians, Journalist and the general public who voiced against the killings. Additionally, they attacked non-military targets such as Central Bank, Colombo International Air Port, religious places including Temple of Tooth Relic (UNESCO protected), Sri “Maha Bodhiya “ (UNESCO) and other several places of religious importance. Furthermore, they detained civilians, used suicide bombers and conscripted child soldiers. Additionally, they radicalized and brainwashed child soldiers to “swallow the cyanide pill in the name the Tamil cause” in the event of capture. Moreover, they were into the drug trade and people smuggling.

They targeted and killed thousands of innocent civilians across the Island, they forcibly recruited Tamil children as young as 9 years old, they assassinated Tamil politicians who opposed them, and even assassinated the Prime Minister of India, Mr. Rajiv Gandhi and the President of Sri Lanka

Sri Lankan conflict – Council of Foreign Relations

<https://www.cfr.org/background/sri-lankan-conflict>

Lord Naseby speaks of reconciliation challenges and progress in SL in UK Parliament

<http://www.ft.lk/news/Lord-Naseby-speaks-of-reconciliation-challenges-and-progress-in-SL-in-UK-Parliament/56-718212>

3.6 Preamble Para 3 – 1st line: disenfranchised the Tamil population of their right to vote and to maintain their language, religion and culture - FALSE

FACT – Tamils have the same rights and privileges like every citizen in Sri Lanka – If Tamils were disenfranchised to vote – 16 Tamil MP’s voted to the current Sri Lankan parliament?

https://en.wikipedia.org/wiki/16th_Parliament_of_Sri_Lanka

FACT - There are over 500 major Tamil Hindu Temples all over the island incl. South & West

https://en.wikipedia.org/wiki/List_of_Hindu_temples_in_Sri_Lanka

3.7 Preamble Para 3 – 3 line: 1948 -Tamils 29 per cent of the population - False

A 2001 government census says - Sri Lanka’s main ethnic populations - see under Historical Context - Sinhalese (82 percent), Tamil (9.4 percent), and Sri Lanka Moor (7.9 percent)

The [Sinhalese](#) make up 74.9% of the population (according to 2012 census) and are concentrated in the densely populated south-west and central parts of the island.^[21] The [Karava](#) make up the 33% of the population. The [Sri Lanka Tamils](#), who live predominantly in the [north](#) and [east](#) of the island, form the largest minority group at 11.1% (according to the 2012 census) of the population.^[2]

https://en.wikipedia.org/wiki/Demographics_of_Sri_Lanka

4.0 CANADIAN CITIZENSHIP MEANS

Fundamental freedoms

Everyone in Canada is free to practise any religion or no religion at all. We are also free to express religious beliefs through prayer or by wearing religious clothing for example. However, the Charter also ensures that others also have the right to express their religious beliefs in public.

We're free to think our own thoughts, speak our minds, listen to views of others and express our opinions in creative ways. We're also free to meet with anyone we wish and participate in peaceful demonstrations. This includes the right to protest against a government action or institution.

However, these freedoms are not unlimited. There may be limits on how you express your religious beliefs if your way of doing so would infringe on the rights of others or undermine complex public programs and policies. For example, you may have religious reasons to object having your photo taken for your driver's license, but this requirement may be linked to a need to stop others from unlawfully using your identity. In addition, the Charter does not protect expression such as hate speech that involves threats of violence or that takes the form of violence.

Canadian values include freedom, respect for cultural differences, and a commitment to social justice. Our laws are based on our democratic and Canadian values.

6.0 CANADIAN CHARTER OF RIGHTS AND FREEDOM?

The Constitution says that the Charter takes priority over all other legislation in Canada because it is part of the "supreme law of Canada." It applies to all government action, meaning to the provincial legislatures and Parliament, and to everything done under their authority. This means that governments must take the Charter into account in developing all laws and policies. It also means that when an individual goes to court because he or she believes that Parliament or a legislature or a government official has violated rights or fundamental freedoms guaranteed in the Charter, the court may declare the law invalid if it conflicts with the Charter or provide any other "appropriate and just" remedy.

Ont. Govt. Bill 104 - it infringes on our fundamental rights as citizens guaranteed by the constitution.

- **Fundamental Freedom** :
 1. we do not infringe valid laws which protect the rights and interests of others
 2. The interests of society must always be balanced against the interests of individuals to see if limits on individual rights can be justified.
 3. The Charter also affirms that we are a multicultural country and that the Charter must be interpreted consistently with this ideal
- **Legal Rights** : everyone is treated with the same respect, dignity and consideration (i.e. without discrimination. unreasonable laws that could lead to imprisonment or harm their physical safety)
- **Equality rights** : everyone is treated with the same respect, dignity and consideration (i.e. without discrimination, regardless of personal characteristics such as race, national or ethnic origin)

6.1 Bill 104 – HOW OUR CANADIAN CITIZENSHIP RIGHTS ARE VIOLATED - IMPACT

- Violates our fundamental freedom by teaching our children false Tamil genocide education curriculum. This takes away our rights as free thinkers, able to express our views & beliefs on issues we know did not happen.
- Infringes on rights of Canadian Sri Lankans - not bring laws to protect rights & interest of one segment of the people at the expense of another. The interest of the society must always be balanced. False Tamil genocide claim is politically motivated supporting only the Tamil community and alienating other segments of the Canadian citizens. The Charter affirms that we are a multicultural country and that it must be interpreted consistently with this ideal
- Erosion of our legal rights – Bill 104 will create divisions, discrimination, and loss of respect, dignity, fear and physical safety of Canadian Sri Lankan Sinhalese. Our children will be target of hate crime.
- Preamble to bill 104 – Sinhalese Buddhists are directly accused of party to crimes of Genocide committed on Tamils, this is a racist, provocative demagogue political statement. This directly conflict with our equality rights. Canadian Sinhalese Buddhist are not treated with respect, dignity, without discrimination regardless of race or religion or the origin.

Stress & Health Issues

- Divisions and factionalism arising in response to hate crimes are particularly damaging to multicultural societies. Immediate intense distress. You are aware that your human rights are being infringed upon and you cannot control the situation. Intense helplessness, panic, adrenaline, restlessness and disassociation.
- Health issues: Mental health disorders such as post traumatic disorder, personality disorders, depression, anxiety disorders, psychosis, suicide ideations, changes, inability to work/ learn physical disabilities as a result of incidents, compromised quality of life, personality changes and problems with interactions.

7.0 BILL 104 – IMPACT ON OUR EDUCATION SYSTEMS

Tamil Genocide education week, with growing concern and the impact on our children's future, on our communities promoting divisions and hatred with people of different ethnic backgrounds rather than building inclusive society free from harassment, discrimination, violence, intimidation and bullying. This is not a TAMIL issue—this is a Canadian issue. It is the responsibility of every Canadian citizen to know the truth and counter false charges. Also, it infringes into our individual rights, beliefs including morality issue. Also, it will promote racial divisions, fear and insecurity that will actively promote intolerance leading to divisions in the class room.

Racial harassment can happen in school when someone:

- makes racial slurs or “jokes”
- makes fun of you or insults you because of your racial identity
- posts cartoons or pictures in school or housing space, that degrade persons of a particular racial group
- Calls you names because of your race, colour, and citizenship, place of origin, ancestry, ethnic background or creed.

7.1 Bill 104 HOW IT IMPACTED OUR CHILDREN - EVIDENCE

Last year, on May 18th, which is the anniversary of the end of the Sri Lankan civil war, the York, Toronto and Peel District School Boards issued tweets with unsubstantiated information that had claims of an alleged “genocide” against the Tamil people. The boards refused to recognize the hundreds of thousands of Sinhalese and Muslims who died during the civil war. In effect, the boards were sending a message to the community that only the Tamil lives mattered. After these tweets from the boards were issued, our Sinhalese children were relentlessly bullied on social media; some were even threatened. As parents, it was very troubling to see our children are harassed and bullied.

In January 2021, the Toronto Catholic and Durham District School Boards when celebrating Tamil Heritage Month issued videos which not only had inaccurate information but also showed images of, and glorified the actions of the Liberation Tamil Tigers of Eelam (LTTE), a terrorist organization that has been banned in 32 countries including Canada. Both videos had young Tamil boys who were coached to state hateful, incorrect, and inflammatory accusations against the Sinhalese people, and they refer to the terrorists as “heroes”. It was alarming and disturbing.

National education policy must be capable of promoting Canadian culture and values, not promote politically motivated, biased, false genocide claimed cultures and ethnic group based values.

8.0 What’s the Incentive for the Genocide Hype for the Tamils?

Tamils need influx of Tamil refugees from Sri Lanka to Canada. (1) Funds for the LTTE front organization. Quoted \$50,000/refugee payment to land in Canada (2) Rapid increase of numbers in Canada and influence the political landscape of Canada.

The slowing growth of the Tamil population can be attributed to the following:

- Decreased immigration from Sri Lanka
- Low immigration from Sri Lanka & South India
- Low birth rates
- Increased out marriage rates, with the children of mixed unions less likely to identify Tamil as their mother tongue
- Loss of language retention

What does this mean for the future of the Tamil community in Canada?

As the population of other large, fast-growing communities including Chinese, Filipinos, Arabs, Persians and Punjabis continues to rise, the % of Tamils in the Canadian population has already peaked and will continue to fall.

The combination of the above factors foreshadows that the Tamil community will grow slowly and eventually decline in the coming years, gradually blending and disappearing into the broader Canadian multicultural mosaic.

9.0 SIGNIFICANCE OF MAY 18th 2009 FOR THE TAMILS – DEATH OF ITS TERRORIST LEADER

Liberation Tigers of Tamil Elam (LTTE) quest for territorial division of Sri Lanka ended in a disaster for the terrorists when they were defeated on May 18th 2009 – with the killing of its Leader killed in action. Since, the end of the war not a single person died due to LTTE terrorist activities.

<https://www.state.gov/reports/country-reports-on-terrorism-2019/sri-lanka/>

<https://www.britannica.com/topic/Tamil-Tigers>

10. CANADA’S ANTI-TERROR LAWS SILENT ON PRO-LTTE CANADIAN PARLIAMENTARIANS

Canada needs to Act seriously and address the issue of LTTE lobbying Canadian parliamentarians and the type of monetary and non-monetary inducements that pro-LTTE groups provides in Canada?

Why is the Canadian Government so hostile towards Sri Lanka?

When not a single country dares to accuse the US and NATO of war crimes - why is it only Sri Lanka that is being flogged? Why did the Canadian PM make a statement that he would not attend the Commonwealth Summit in Sri Lanka after meeting leaders of the LTTE diaspora in Toronto? Is this all related to geopolitics of US, India supported by Canada playing the 2nd fiddle for domestic politics to please the LTTE centric voter.

[https://www.eurasiareview.com/23112012-canadas-anti-terror-laws-silent-on-pro-ltte-canadian-puppet-parliamentarians-oped/?utm_source=feedburner&utm_medium=twitter&utm_campaign=Feed%3A+eurasiareview%2FVsnE+\(Eurasia+Review\)](https://www.eurasiareview.com/23112012-canadas-anti-terror-laws-silent-on-pro-ltte-canadian-puppet-parliamentarians-oped/?utm_source=feedburner&utm_medium=twitter&utm_campaign=Feed%3A+eurasiareview%2FVsnE+(Eurasia+Review))

Some of the organizations working towards and supporting the Eelam dream

Tamil Rehabilitation Organization; Tamil Coordinating Committee; British Tamil Forum; World Tamil Movement; Canadian Tamil Congress; Australian Tamil Congress; Global Tamil Forum; National Council of Canadian Tamils; Tamil National Council; Tamil Youth Organization; World Tamil Coordinating Committee; Transnational Government of Tamil Eelam (TGTE); Tamil Eelam Peoples’ Assembly; World Tamil Relief Fund; and Headquarters Group.

Several groups operate in Canada. For the TGTE alone, Canada’s diaspora fills 25 seats, in the 115-seat TGTE parliament, and 15 represent Greater Toronto22. Canadians fill more seats than any other country belonging to the TGTE.

There are many more such organizations across the globe, and here in Canada

Canada is the only country where we see and experiences the division and racial profiling that occurs, a land we call our home. Canadian Sri Lankans are discriminated by our own politicians.