

Community Impact Statement

We are members of the Asian Canadian communities. We come from many places, many families, and many walks of life. We have different faces, practice different faiths and live different lives, but we share one thing in common; WE, are Canadians.

And we come, united before you now in this honourable court to make our voices heard, to condemn the accused, to express our pain, and to remind the court that hate, like that perpetrated by the accused, has no place in our home.

We are shocked, hurt and angered, that this predator, this coward, would target our communities' women and elders, simply for the color of their skin. We know for a fact, that like the many before him, racists target those who they perceive to be the most vulnerable, like women, the young, and the elderly, who are between 40 to 250% more likely to be assaulted.¹

Many of us have experienced or know others in our communities who have experienced racial slurs and other forms of harassment. This has been significantly heightened in the past year and a half during the Coronavirus pandemic. As of June 2021, over 1,500 self-reported incidents of anti-Asian racism have taken place across Canada.² The number of actual attacks is undoubtedly much higher. Even in this case, one of the victims remains a nameless, voiceless, Jane Doe.

Today I will address the harm that the accused has caused our communities in terms of:

1. Emotional wellbeing;
2. Physical well being;
3. Economic impact; and
4. Sense of security.

1) These crimes have damaged our emotional wellbeing, collective identity, and sense of belonging.

The accused's crimes have driven a deep divide between our communities and the rest of Canada.

On top of the physical and mental pain that an attack like this will cause its victims, these crimes serve as a cruel reminder to our communities: no matter how long we have been in this country, what we have given it, and what we have done for it, we will perpetually be seen as foreigners. Racist attacks are stark reminders that we may never expect to enjoy the equal rights and freedoms that we are owed under the law, because of the way we look.

A racist slur is more than a bad word meant to upset us, it is an attempt to dehumanize us as always different and unwanted.

¹ <https://drive.google.com/file/d/193CdIC8uq623VRIAzoO3ShfDTEutXQi2/view>

² <https://www.instagram.com/p/CQfGQsAh06s/>

These crimes have deeply affected all Asian Canadians. For those of us who were born in Canada, who have experienced racism firsthand, or heard about it from our parents, we know that it is a fact of life. For those of us who are new to Canada, we ask ourselves “what have we done to deserve this?” and “Will we ever be accepted?”

While the immediate victims of crimes like this one may be individuals, the message sent by the crimes are loud and clear to all Asian Canadian communities. Racially motivated crimes threaten Asian Canadians’ collective sense of belonging to our own country. A sense of belonging is integral to one’s mental and physical health, and there is no question that racist crimes put our collective communities’ well-being at serious risk.

2) These crimes have physically disrupted our lives and lifestyles

Contrary to what many racists think, our communities are not ones of crazy, rich, Asians.

Due to systemic racism that denies racialized communities’ equitable economic opportunities, higher percentages of Asian Canadians live in poverty than the general population. While 14.2% of Canada’s population as a whole lives in poverty, 23.4% of the Chinese community and 32.6% of Korean community live in poverty.³ Many in our communities are frontline workers who were essential during the pandemic, and worked in high-risk sectors, for little pay.⁴

Public transit is an integral and essential part of our communities’ lives.

Now, our communities must live in fear, knowing that every time they step on the subway, any streetcar, or any bus, they could be the next victim of a racially motivated attack.

Many members of our communities have now opted out of using the public transit system or other public spaces or services. They are now forced to find alternative, more inconvenient, or more expensive ways to commute to work, and go about their everyday lives.

To be unable to access these basic, public services is a fundamental denial of the equality and dignity that our communities are entitled to.

3) These crimes have had substantial economic repercussions on our communities

Our businesses and workers are struggling.⁵

The types of heinous attacks carried out by the accused, brands our communities as carriers of disease.⁶ While these actions no doubt inspire radical subsets of individuals to carry out their own attacks, it also sews doubt and xenophobic fears amongst the wider Canadian population.

³ <https://colourofpoverty.ca/wp-content/uploads/2020/04/cop-coc-fact-sheet-cover-page-2.pdf>

⁴ <https://drive.google.com/file/d/193CdIC8uq623VRIAzoO3ShfDTEutXQi2/view>

⁵ <https://www.ctvnews.ca/health/coronavirus/we-need-to-support-our-chinatowns-urgent-calls-for-feds-to-revitalize-hard-hit-areas-1.5384148>

⁶ <https://toronto.citynews.ca/2020/01/29/coronavirus-chinatown-toronto/>

The net effect is to create new fears and feed on deep rooted racist beliefs regarding people of Asian descent. It inspires the idea that being in contact with people of Asian descent, or doing business with Asian businesses, may put you at risk of catching the Coronavirus.

Despite the fact that many Chinese businesses were the quickest to adopt masks and other public health measures, Asian many of our communities' businesses across Canada saw significant reductions in business due to anti-Asian sentiments and Coronavirus fears.⁷

Small businesses, and in turn the many low-income workers who depend on them for employment, are the hardest hit by actions like the accused's anti-Asian attacks. We will never know the full extent of the economic damage caused to our communities. But what we do know, is that poverty is cyclical.⁸ A single loss of income does not only affect the individual, but also affects the quality of life of the people closest to them. Low-income families become trapped in a vicious cycle of poverty after the loss of income becomes yet another barrier to access proper education, medication and nutrition.

4) These crimes have seriously violated our sense of security and safety.

The transit system (where the accused's racist attack occurred) is not just any place. It is unique because it is a public space and a public service that is essential for many people.

Carrying out such crimes in public places suggests that the perpetrator believes that no one will intervene and come to the assistance of the victim. It may even suggest that the perpetrator believes that he can rally support from others who supports his actions. The perpetrator may also want to maximize the impact of his attacks on generating fear and anxiety in the targeted communities.

Given the above, attacks in public places are particularly harmful to our communities.

On the one hand, we are made to feel unsafe no matter where we are. Because how can we ever feel secure, knowing that not even public spaces are safe.

On the other hand, public assaults normalize such behavior, and carries the significant potential to inspire further, and more violent attacks. Our communities are thus left with a paralyzing fear that the violence may escalate, as it appears that racists feel so bold as to attack us in the full view of our peers.

Now, every time we step outside, our friends and family, both here and abroad have to check on us, and warn us that it is dangerous to go outside. Is this really the Canada we were told about? The Canada we want to be?

The transit system is also unique for another reason. It has a lot of security cameras. The accused has pleaded guilty today. In our eyes, this is because he has no other reasonable choice. While we are fortunate to be able to prosecute and sentence the accused today, our research suggests that assaults on public transit make up just over 9% of all assaults against our communities.⁹

⁷ <https://toronto.citynews.ca/2020/01/29/coronavirus-chinatown-toronto/>

⁸ <https://www.worldvision.ca/stories/child-sponsorship/what-is-the-cycle-of-poverty>

⁹ <https://drive.google.com/file/d/193CdIC8ug623VRIAzoO3ShfDTEutXQi2/view>

This honourable court must set the record straight and send a strong message that racism will not be condoned.

We will never know about all of the assaults, the perpetrators, or the victims. But this court has the opportunity and responsibility, to construct a sentence that recognizes the rarity with which we are able to prosecute such heinous offences. The sentence must also take into account our communities' dire need for the courts to send a message of deterrence to other racists who act on their bigotry and ignorance.

It has been more than a year and a half since incidents of extreme prejudice and violence against Asian Canadian communities surged as a result of the Coronavirus pandemic, and months since this case was reported in the news media.

Each incident of hate sends a message to our communities that we should continue to live in fear, and emboldens another predator, another coward, to come out from the woodwork to act on their irrational prejudice and hate.

It is now up to the court to dispense justice through appropriate sentencing. The sentence must reflect the accused's racial bias, the long-lasting harm to the victims and the deep-rooted harm that the accused's actions have had and will *CONTINUE* to have on the Asian Canadian communities.

A severe penalty is needed to recognize all of these harms, deter other perpetrators, and to restore the confidence of our communities in the judicial system.

If I may, for a moment address the accused in closing.

Joseph O'Sullivan Martinez. I know for a fact, that you know little to nothing about our communities. We are not carriers of disease, pawns of foreign powers, or whatever radical nonsense you've concocted to justify your inexcusable violence.

We struggle, we hurt, we suffer. Just the same as you. We. Are. People.

And as a people, we are proud, we are brave, and above all else, we are Canadian.

How dare you try to take that from us.