

**Testimony of Lauren Elfant, Chief of Staff
NYC Commission on Human Rights
Before the City Council Committee on Civil Rights
Oversight Hearing on Discriminatory Harassment
September 28, 2017**

Good afternoon Chair Mealy, and members of the Civil Rights Committee, and thank you for convening today's oversight hearing on the Commission's work on discriminatory harassment. My name is Lauren Elfant, and I am Chief of Staff at the Commission.

As we have all seen and heard, over the past year, bias-motivated harassment, discrimination, and violence is on the rise, fueled by divisive, xenophobic rhetoric and policies from this country's top leadership. Alongside our sister agencies and elected officials committed to supporting communities targeted by this hateful conduct, the Commission has increased its outreach efforts, strengthened engagement and collaboration with community partners and faith leaders, and promoted unequivocal messages of support. As a result of these efforts and our on the ground partnerships, reporting to our agency is up dramatically. While reports of discrimination generally were up 60% from 2015 to 2016, this year we are on pace to far exceed those numbers.

As Commissioner and Chair Carmelyn P. Malalis described in her budget hearing testimony, the Commission has completely revamped and revitalized every area of its operations over the past 2.5 years, thanks to support from the City Council, the Administration, the Public Advocate, and our community partners. Under Commissioner Malalis' leadership, the Commission is well-positioned to implement creative and innovative strategies to root out discrimination and support impacted communities.

In response to the pre- and post-election climate, the Commission focused its efforts on ensuring that vulnerable and targeted communities understood that they had a

resource, an ear, and a partner at the Commission, and that the Commission is a viable venue for justice for those facing discrimination, harassment, and bias-motivated violence. We held listening sessions with community and faith leaders on a variety of themes, including racial justice, LGBTQ rights, immigrants' rights, and workers' rights. The concerns raised during these roundtable discussions directly impacted the work the Commission undertook in the wake of the election, which includes a significant focus on discriminatory harassment and which I will describe in detail.

The protections against discriminatory harassment are a unique provision of the City Human Rights Law. Unlike the areas of employment, housing, or public accommodations, claims under this provision do not require that a specific relationship – such as worker/employer, tenant/landlord, or customer/business owner – be established. The provision instead creates a cause of action for any individual who is knowingly targeted with violence, or threatened with the use of physical force because of the individual's protected status, resulting in intimidation, injury, or interference with a legal right of the victim. Discriminatory harassment also occurs when someone damages or destroys another person's property because of their protected status.

As you may be aware, the provision on discriminatory harassment was added to the City Human Rights Law in 1991, and amended in 1993, in an effort to address an increase in bias-motivated violence and harassment and provide victims with the option of bringing civil claims – in addition to reporting to the police – to assert their rights and obtain remedies. The incidents cited in the legislative history are remarkably similar to the kinds of attacks and harassment we have seen since the election; for example, assaults and acts of vandalism targeting victims because of their religion, ethnicity, race, sexual orientation or other protected status. However, we are not aware of any case law, either administrative cases litigated through OATH or cases filed in New York State court, specifically addressing claims under this provision. So in many ways, the work the Commission is doing now to promote this unique protection is unprecedented and groundbreaking.

Bias Response Team

In response to the new sociopolitical climate, the Commission assembled a Bias Response Team within our Community Relations Bureau. The team, in addition to their existing responsibilities, monitors discrimination and harassment across the City and responds to bias incidents. The team receives reports and information of bias incidents from the public, advocates, and city agencies and through reports from news media and social media. Bias Response Team members are stationed in every borough. When a Bias Response Team member learns of a bias-related incident, they reach out to victims to address the incident, gather information, and provide resources and know-your-rights information to affected communities so they know how to report discrimination and file a complaint. The Commission is expanding this work and is in the process of hiring two bias response investigators, who will serve as human rights specialists, and will coordinate the Commission's work in this area across the City. Those positions are posted and we are in the process of interviewing applicants.

In addition, the Commission has recently added two key roles to its community outreach staff: a Lead Advisor on Muslim, Arab, and South Asian communities, recently filled by Widad Hassan, formerly of Muslim Community Network, and formerly held by Rama Issa, now Executive Director of the Arab American Association of New York, and a Liaison to Jewish Communities, recently filled by Beth Miller, formerly of the U.S. Advocacy Office at Defense for Children International - Palestine, to ensure these diverse communities are supported and served at the Commission.

- Recent examples of Commission's Bias Response team outreach following possible incidents of discriminatory harassment include:
 - A Jewish woman and her mother were assaulted at the 67th Avenue train station in Forest Hills by a man who yelled slurs such as "Get out of my

country you dirty Muslim." Police are still investigating the case. Commission staff have reached out to local elected officials in Astoria and Forest Hills, Queens to organize a listening session and/or community day of action with the local community. (September 2017)

- Police are investigating a hate crime in Astoria, Queens after a food vendor was attacked with eggs that read hateful messages against Muslims and Arabs. Commission staff contacted CAIR-NY and other organizations in the neighborhood to conduct a community event to bring resources to the community, and educate them about their rights under the City Human Rights Law. (August 2017)
- A leader in the Parkchester Bangladeshi community contacted the Commission's Bronx Community Service Center to inform us that an Imam was verbally harassed and beaten by a group of people. He provided information about the victim, and Commission staff reached out to the victim directly to provide City and Commission resources under the City Human Rights Law. The victim reported that he was dressed in his traditional clothes and a group of four people called him 'you terrorist, you Muslim' and told him to 'go back to his country' before beating him. The NYPD had not classified the case as a hate crime yet. Nonetheless, Commission staff contacted the Commanding Officer at the 43rd Precinct in Parkchester and arranged a meeting with the victim. The meeting was a productive one, and the victim expressed feeling validated and glad that the Commission and NYPD was able to hear his story. As a result, the Commanding Officer followed up with the Bronx District Attorney's Office to learn the status of the case. Additionally, the Commission conducted outreach and training at local mosques in the area. (June to July 2017).

- A bus rider on the Q20 bus said she "hated Asians" before smacking another straphanger on the head with an umbrella. The victim got off the bus to avoid further confrontation. Following the incident, the Commission distributed information on rights and protections under the NYC Human Rights Law to communities and organizations along the Q20 bus route in Flushing, Queens. (March 2017)
- Two trans women were crossing the street in front of a McDonald's in Jackson Heights when a drunk man called them "faggots" and "prostitutes" and proceeded to assault them. The Commission reached out to the victims to inform them of their rights. The Commission also reached out to community members following the incident to inform them of the law and how to report discrimination to the NYC Commission on Human Rights. (March 2017)

Public Outreach Efforts

In addition to the Bias Response Team, the Commission has increased its public outreach efforts over the last year to ensure that all New Yorkers understand their rights and protections under the law, focusing specifically on discriminatory harassment and discrimination, harassment, and bias based on race, national origin, immigration status, and religion.

- The Commission held two City-wide days of action at transit hubs in all five boroughs in December 2016 and May 2017 – to inform New Yorkers about legal protections against discriminatory harassment and discrimination on the basis of race, national origin, immigration status, and religion.
- We launched a citywide anti-discrimination ad campaign in May 2017 affirming New Yorkers' right to live, work, and pray free from discrimination

and harassment. The ads featured six individuals representing black, Jewish, Muslim, Hispanic, Asian, and LGBTQ New Yorkers standing up to scenarios of discrimination and appeared in more than 3,400 placements citywide.

- We also launched anti-discrimination ads on transit apps, such as Transit Tracker New York, MyTransit NYC, QuickStop NYC, NYC NextBus, TransitTracker MTA, NYC Maps, as well as Google and Facebook, urging people to contact the Commission if they witness or experience harassment in the subway, on the bus, at a bus shelter or any other public space.
- We ran multilingual ads in ethnic newspapers in New York City, including *Allewaa Alarabi*, *Weekly Bengalee*, *Queens Latino*, *Sing Tao Daily*, *Korean Central Daily News*, *News India Times* and *Haitian Times* on discriminatory harassment protections to inform NYers of their rights.
- Our Community Relations Bureau launched mobile clinics in partnership with community-based organizations and elected officials in 2017 to reach vulnerable communities across the city to educate them about their rights and speak with them one-on-one about possible discrimination claims.

Survey Project

In early October, the Commission will launch an unprecedented survey of Muslim, Arab, South Asian, Jewish, and Sikh (MASAJS) New Yorkers to collect data on their experiences of discrimination, bias, and bias-motivated harassment and violence since July 2016, when xenophobic rhetoric during the presidential election began to deeply penetrate the national discourse.

As a direct result of our series of roundtable discussions in late 2016 and early 2017, and in response to the lack of comprehensive data about the scope and frequency of bias-motivated harassment, discrimination, and violence across at-risk communities throughout the City, particularly because most incidents go unreported, the Commission began to develop its survey project initiative.

The Commission partnered with Strength in Numbers Consulting Group (SiNCG), an M/WBE research and evaluation firm experienced in conducting rigorous community-based survey projects in partnership with marginalized communities, to consult with partner organizations on the development of a survey. In partnership with SiNCG and 20 advocacy organizations, direct service providers, and community-based organizations serving the MASAJS communities in the City, the Commission convened 15 focus groups with 118 MASAJS community members who live in New York City about their recent experiences with and perceptions of bias harassment, discrimination, and hate crimes. The findings of these focus groups served as the basis for the development of a 5-10 minute survey, available electronically or on paper, to gather data from MASAJS community members on their experiences of bias harassment, discrimination, and hate crimes since July 2016.

As I mentioned, the survey will launch in early October, remaining in the field until mid-November, and will be available in Arabic, Bengali, English, French, Hindi, Punjabi, Russian, Urdu, and Yiddish. The Commission is working with over two dozen community partners on a comprehensive outreach and promotional strategy for the survey in an effort to yield a diverse and robust sample of the MASAJS communities in City. The Commission will publish a final report on survey findings to empower the Commission and other City agencies to better address and combat bias-motivated harassment, discrimination, and violence. The report and survey findings will also serve as an advocacy and fundraising tool for CBOs, advocacy organizations, and direct service providers. We would be happy to partner with members of the Committee to bring the survey to your constituents during the next six weeks.

As I've described, the Commission has increased its outreach, enforcement, and communications work on discriminatory harassment to unprecedented levels and we will continue to commit significant resources to ensure that New Yorkers know their rights and know what resources are available to them if they face discriminatory harassment or discrimination, bias, or hate in New York City.

Thank you for convening today's hearing and I look forward to your questions.

