

Testimony of Dana Sussman
Deputy Commissioner for Policy and Intergovernmental Affairs
New York City Commission on Human Rights
Before the Committee on Civil and Human Rights
October 15, 2018

Good morning Chair Eugene and Council Members on the Committee for Civil and Human Rights. I am Dana Sussman, Deputy Commissioner for Intergovernmental Affairs and Policy, at the New York City Commission on Human Rights. Thank you for convening today's hearing on discrimination faced by Muslim, Arab, South Asian, Jewish, and Sikh ("MASAJS") New Yorkers, a topic of great and focused concern at the Commission. As you may be aware, the Commission undertook a survey of these communities in the fall of 2017 and published a report earlier this year announcing the findings of the survey. I have provided the Committee with copies of the report and fact sheet, which are also available on our website. I am pleased to share with you today how the survey was developed and implemented, and provide a summary of the survey results and next steps. I will also highlight the Commission's outreach and enforcement efforts as it relates to these communities. I am incredibly proud to be joined by several key members of the Commission's staff who were integral in the development of the survey and in engaging with communities across New York City to ensure the survey reached as many people as possible. Here with me today is Edwin Tablada, Advisor, Policy and Intergovernmental Affairs. Also here from the Commission is Widad Hassan, Lead Advisor for Muslim, Arab, and South Asian Communities, Beth Miller, Liaison to Jewish Communities, Jo Kaur, Chief EEO Officer and Policy Counsel, who also leads our outreach to Sikh communities, and Christelle Onwu, Lead Advisor for African Communities.

After the 2016 Presidential election, in late 2016 and early 2017, the Commission convened a series of roundtable conversations with community leaders and organizations, including immigrants' rights advocates, workers' rights groups, LGBTQ advocates, faith leaders, and racial justice advocates. As we witnessed the rise of hateful rhetoric on the federal level, we observed an increase in bias incidents nationally and in New York City, and organizations reported increases in calls and complaints. The Commission determined that an affirmative survey of MASAJS communities in New York City was needed to better understand what was happening on the ground.

While the Commission recognizes that many marginalized groups in New York City are vulnerable to harassment, discrimination, and acts of hate, the MASAJS groups were selected because the Commission had identified, as a direct result of these roundtable discussions, that these groups had been experiencing heightened risk of these types of incidents. The research project was animated by anti-Muslim rhetoric and policies at the national level, including overt racism against Arab and South Asian communities. Anti-Semitic vandalism and reports of harassment and bullying that emerged early in the project led to the inclusion of Jewish communities. During the community engagement process, Sikh community leaders advocated for their inclusion as a group separate from those already identified, given their distinct visible identity and vulnerability to discrimination and hate.

As the agency charged with enforcing the City's anti-harassment and anti-discrimination protections, and mandated by statute to issue reports, hold hearings, and convene discussions and dialogue to facilitate positive intergroup relations, the Commission was well-positioned to work with community groups to develop a survey that captured diverse groups' experiences with discrimination and bias incidents. In fact, the Commission had undertaken a survey of Muslim New Yorkers in the aftermath of 9/11, and issued a report in 2003, reporting that over two-thirds of survey respondents experienced one or more incidents of bias and/or discrimination in the aftermath of 9/11. The Commission felt that it was necessary to revisit that work and expand upon it, given the current political climate.

The survey was designed and implemented following 15 focus groups coordinated in collaboration with a dozen community-based organizations. The Commission partnered with Strength in Numbers Consulting Group, Inc., a small M/WBE-certified social justice research and evaluation firm located in New York City that specializes in working with the most marginalized groups to do participatory research projects driven by community needs and accountability to those most affected by the work. The Commission partnered with over 150 community groups, faith leaders, City agencies, and elected officials, to disseminate the survey and reach community members. The survey was conducted in nine languages (English, French, Bengali, Punjabi, Arabic, Russian, Hindi, Urdu, and Yiddish) over a three-month period (October – December 2017) in all five boroughs. The survey was made available to participants in print and online, including in a mobile-friendly format. Commission staff were stationed at houses of worship, community centers, colleges, legal services providers, and other partner organizations with iPads and hard copy surveys in multiple languages to assist community members in completing the survey.

WHO TOOK THE SURVEY?

Over 3,100 qualified respondents (3,105) took the survey. The majority (50.4%) were Muslim; nearly one third (31.5%) were Jewish, with over one in four (28.6%) being South Asian American, and 14.5% being Arab American. About one in ten (10.3%) were Sikh.

KEY FINDINGS

The Commission's report found high levels of bias harassment, discrimination, and physical assaults experienced by MASAJIS communities leading up to and following the 2016 presidential election. The report also revealed that victims of such acts are reporting them at low rates. The key findings from the report are highlighted on the one-page fact sheet I have provided to you. I will read the key findings into the record.

- Nearly two in five (38.7%) survey respondents reported experiencing verbal harassment, one in ten (8.8%) reported being the victim of physical assault, and nearly one in six (16.6%) said they experienced some form of racial, religious, or ethnic discrimination-related problem in their employment in either a current job or while seeking a job.
- One in four (27%) Muslim Arab women who wear a hijab reported being intentionally pushed or shoved on a subway platform.

- Sikh New Yorkers under the age of 35 have nearly twice the chance of experiencing verbal harassment than other survey respondents.
- 80 percent of Jewish survey respondents said they were “very” or “somewhat” negatively impacted by anti-Semitic vandalism or property damage.
- One in five (19 percent) South Asian survey respondents said they had experienced employment discrimination.
- Overall, nearly 71 percent of survey respondents said they did not report bias incidents to a community-based organization, a faith-based organization, the Commission, or the NYPD, citing concerns their reports would not be taken seriously, fear of retaliation, and because previous reporting did not result in action.
- In addition, Muslim and Sikh respondents were more likely to be told not to wear religious clothing in the workplace, and Muslim respondents were most likely to indicate that they had been prevented from observing their religion at work.

In June 2018, the Commission released the report with fact sheets summarizing the key findings in the nine survey languages. The Commission also launched a social media campaign promoting the report and how to reach the Commission to file a complaint. The campaign garnered 3 million impressions or views generated across platforms and 14,000 visits to survey project landing page on the Commission website. Over 500 reports/fact sheets have been downloaded and distributed.

Consistent with the experiences reflected in the report, the Commission’s Law Enforcement Bureau fielded nearly 1,000 inquiries alleging discrimination based on immigration status, national origin, race, and religion in Fiscal Year 2018 and filed nearly 400 complaints of discrimination under the same protected categories.

ONGOING COMMISSION ACTIONS AND RECOMMENDATIONS

In 2017, the Commission relaunched its multilingual Bias Response Team – a Commission initiative that originated in the early 1990s – in response to widely reported increases in bias incidents, discrimination, and acts of hate. In Fiscal Year 2018, the Commission significantly expanded this work by hiring two dedicated Human Rights Specialists to serve as Bias Response Investigators. The Commission’s Bias Response Team now quickly mobilizes in the immediate aftermath of incidents of bias or hate with a range of different responses, including: ensuring Commission staff are visible and present at the site of the incident with material about people’s rights as well as services the Commission provides; connecting with community leaders and affected parties; providing programming and on-site legal intake; and engaging with the community about an appropriate agency response.

In Fiscal Year 2018, the Bias Response Team responded to 146 bias incidents – a greater than 200% increase compared to the previous fiscal year. The Commission both strategically responds to and tracks these bias incidents, and this tracking effort will enhance its responses in the future. A few of the Commission’s bias response actions include:

- In August 2017, a condominium in Sunnyside Queens was vandalized with Nazi signs and other hateful symbols in its lobby. The Commission mobilized a Day of Action and press conference with Council Member Jimmy Van Bramer and other City agencies.
- In September 2017, a home in Riverdale was vandalized with a swastika on its doorway. It was quickly discovered that the perpetrator was a local teenager. The Commission alerted Bronx Community Board 8, and the Commission made a presentation to the Board's Youth Committee about the City Human Rights Law and protections under the Law.
- In January 2018, a group of girls in downtown Brooklyn attacked a Muslim woman, calling her a terrorist and spitting on her. Members of the Commission met with victim to inform her of her options to file a complaint with the Commission. The Commission also organized a Day of Visibility near the site of the incident occurred, sharing materials on protections for Muslims and those perceived to be Muslim.
- In March 2018, racist, anti-Black pictures were distributed on social media at a college campus. The Commission conducted outreach to the victims, elected officials, community leaders and Campus officers, and distributed literature in the community.

The Commission continues to increase its focused community outreach to observant religious communities, and seeks to ensure a consistent Commission presence at community-based resource fairs, forums, and events to share information about what the Commission does and what to expect if community members report experiences with discrimination and harassment. For example, in response to the rise in anti-Muslim rhetoric leading to the 2016 election and, later, the announcement of the Trump Administration's travel bans primarily targeting Muslim-majority countries, the Commission collaborated with the Mayor's Office of Immigrant Affairs (MOIA) on providing outreach and education about the most updated developments, New Yorkers' rights, and relevant City resources. More precisely, the two agencies cross-trained frontline staff to ensure that the agencies were educated on both immigration issues and anti-discrimination to better address inquiries related to the policies announced. MOIA created public-facing materials to inform New Yorkers about the latest travel ban developments and how to connect to free legal help and other resources and the Commission developed materials in multiple languages regarding religious discrimination and harassment protections. Together with MOIA and faith and community groups, the Commission participated in major outreach events in communities highlighting information about the travel bans and protections for vulnerable communities.

The Commission convenes events intended to lift up the experiences of New Yorkers of diverse faiths and bring communities together, while also educating community members on their rights and City resources and provides know your rights workshops for diverse communities. For example, over the last three years the Commission, MOIA, and the Mayor's Community Affairs Unit have hosted the City's Iftar in the City, the largest outdoor Iftar in New York City, to celebrate and support the City's diverse Muslim communities in Manhattan, Brooklyn, and Queens. This year's Iftar, which was held in the heart of Jackson Heights, Queens and was attended by more than 600 people and centered on celebrating the resiliency of immigrant communities.

This spring, the Commission co-hosted an Interfaith Seder for Immigrant and Refugee Rights with the Center for Faith and Community Partnerships, which brought together attendees from diverse faiths and ethnicities to share in the re-telling of the Jewish story of Passover and its liberation narrative and discuss what people throughout the City can do to support and protect immigrant and refugee communities in New York, which welcomed 130 attendees across many faiths. The Commission partnered on an Interfaith Diwali Celebration with the Bronx's diverse South Asian and Indo-Caribbean communities, which was attended by over 300 people and co-hosted by the Vishnu Mandir, a local Hindu temple in which faith and community leaders from Hindu, Sikh, Jain and Buddhist communities came together to deliver a message of peace and unity. And the Commission coordinated the City's first-ever Vaisakhi celebration to celebrate and bring awareness to the City's Sikh communities.

The Commission regularly deploys mobile legal clinics in which lawyers from the Commission's Law Enforcement Bureau meet with community members where they are most comfortable, in their communities, at community-based organizations, or at houses of worship, to assess potential cases and collect information at the initial stage of a case. The following cases are examples of the Law Enforcement Bureau's work in this area.

- The Commission required a bank to pay nearly \$40,000 in damages and penalties after they denied a Muslim employee an accommodation to observe her religion.
- The Commission required a Dunkin Donuts to pay an employee \$7,000 and attend a training on the City Human Rights Law after a manager used a derogatory term in reference to the employee's national origin who is Egyptian.
- The Commission launched an investigation into a vendor at JFK airport after they openly disparaged Muslim employees on an intercom and denied them an accommodation to pray during Ramadan.

As a direct follow-up to the report, the Commission is partnering with seven community-based organizations to pilot the Commission Referral Network, in which staff from the partner organizations will be trained on how to identify potential violations of the City Human Rights Law and refer cases directly to the Commission. The Commission has developed a Referral Network toolkit and is hosting the first meeting of Referral Network organizations this month.

As recommended in the report, the Commission is in the process of training City and Mayoral staff on the City Human Rights Law and the survey results so that they are better equipped to identify potential violations of the Law and refer cases directly to the Commission. To date, we have provided our Human Rights Law 101 to the Mayor's Community Affairs Unit, the City's mental health first aid workers, and plan to offer it, along with our workshop on "Understanding Muslim Experiences and Combatting Anti-Muslim Bias," to other Mayoral staff and outreach staff at other City agencies. The Commission is also exploring ways to expand education around Jewish and Sikh awareness and the religious discrimination faced by these communities.

Thank you for convening this hearing today on this important issue. I look forward to your questions.