

Committee on Civil and Human Rights  
Balqees Mihirig, *Senior Legislative Counsel*  
Wiam Diouri, *Policy Analyst*  
Nevin Singh, *Finance Analyst*



**THE COUNCIL OF THE CITY OF NEW YORK**

**BRIEFING PAPER OF THE GOVERNMENTAL AFFAIRS DIVISION**

**Jeffrey Baker, Legislative Director**  
**Rachel Cordero, Deputy Director, Governmental Affairs**

**COMMITTEE ON CIVIL AND HUMAN RIGHTS**

**Hon. Mathieu Eugene, Chair**

**Oversight: Addressing Online Hate and Radicalization**

**November 16, 2020**

## **I. INTRODUCTION**

On November 16, 2020, the Committee on Civil and Human Rights, chaired by Council Member Eugene, will hold a hearing on the topic of “Oversight: Addressing Online Hate and Radicalization.” Those invited to testify include representatives from the New York City Commission on Human Rights (CCHR), advocacy organizations, representatives from online media platforms, community organizations and members of the public.

## **II. BACKGROUND**

In a matter of a few short decades, the internet has completely transformed the way the world communicates. Social media in particular has gained significant popularity, with over 3.48 billion users in 2019, representing just under half of the world’s population.<sup>1</sup> While social media platforms have greatly facilitated the ability of individuals, businesses and groups to share and exchange information, this new technology has also enabled the spread of misinformation and hateful or violent ideologies. In 2020, from April to June alone, Facebook removed nearly 22.5 million pieces<sup>2</sup> of content that violated its policy against hate speech by containing violent or dehumanizing speech, including those based on protected characteristics.<sup>3</sup> In July to September of that same year, YouTube removed over 85,000 videos that broke its policies against harassment, cyberbullying, and hateful or abusive content.<sup>4</sup> The structure of social media platforms, which lack the gatekeepers of traditional sources of information such as news organizations, allow such

---

<sup>1</sup> Kemp, Simon. “Digital Trends 2019: Every Single Stat You Need to Know about the Internet.” *The Next Web*, 4 Mar. 2019, [thenextweb.com/contributors/2019/01/30/digital-trends-2019-every-single-stat-you-need-to-know-about-the-internet/](https://thenextweb.com/contributors/2019/01/30/digital-trends-2019-every-single-stat-you-need-to-know-about-the-internet/).

<sup>2</sup> Clement, J. “Facebook Hate Speech Removal per Quarter 2020.” *Statista*, 5 Nov. 2020, [www.statista.com/statistics/1013804/facebook-hate-speech-content-deletion-quarter/](https://www.statista.com/statistics/1013804/facebook-hate-speech-content-deletion-quarter/).

<sup>3</sup> “Facebook Transparency Report: Community Standards.” *Facebook Transparency Report | Community Standards*, Facebook, [transparency.facebook.com/community-standards-enforcement](https://transparency.facebook.com/community-standards-enforcement).

<sup>4</sup> “YouTube Community Guidelines.” *Google Transparency Report*, Google, 2020, [transparencyreport.google.com/youtube-policy/featured-policies/hate-speech?hl=en](https://transparencyreport.google.com/youtube-policy/featured-policies/hate-speech?hl=en).

groups to reach a wider audience, making it a powerful tool for promoting and coordinating hate groups.

### **III. ISSUES AND CONCERNS**

#### ***a. Rise in online hate***

In a survey conducted by the Anti-Defamation League this year, 44 percent of Americans surveyed said they experienced some form of online hate or discrimination,<sup>5</sup> while 35 percent said that they were targeted online in relation to their sexual orientation, religion, race, ethnicity, gender identity, or disability.<sup>6</sup>

The rise of online hate parallels a multi-year rise in hate crimes.<sup>7</sup> According to the FBI, the increase in hate crimes came even as the rate of overall violent crime in America fell.<sup>8</sup> The Southern Poverty Law Center, an organization that tracks hate groups, has reported annual increases in the number of such groups, particularly since the 2016 election.<sup>9</sup> Last year, the Center reported a record high in the number of hate groups, representing a 30 percent increase since 2014.<sup>10</sup> This increase correlated with an increase in hate crimes and incidents of domestic terrorism.<sup>11</sup> Contrastingly, prior to 2016, the number of hate groups had been falling for three years.<sup>12</sup> The Center attributed this increase to the mainstreaming of right-wing extremist and white supremacist rhetoric in U.S. politics by the Trump Administration, as well as the ability of these groups to propagate online.<sup>13</sup> White nationalist groups in particular have increased at an alarming

---

<sup>5</sup> “Online Hate and Harassment: The American Experience.” *Anti-Defamation League*, 2020, <https://www.adl.org/online-hate-2020>

<sup>6</sup> *Id.*

<sup>7</sup> Barrett, Devlin. “Hate Crimes Rose 17 Percent Last Year, According to New FBI Data.” *The Washington Post*, WP Company, 14 Nov. 2018, [www.washingtonpost.com/world/national-security/hate-crimes-rose-17-percent-last-year-according-to-new-fbi-data/2018/11/13/e0dcf13e-e754-11e8-b8dc-66cca409c180\\_story.html?utm\\_term=.d63f0d0b1bbc](http://www.washingtonpost.com/world/national-security/hate-crimes-rose-17-percent-last-year-according-to-new-fbi-data/2018/11/13/e0dcf13e-e754-11e8-b8dc-66cca409c180_story.html?utm_term=.d63f0d0b1bbc).

<sup>8</sup> *Id.*

<sup>9</sup> Liam Stack, “Over 1,000 Hate Groups Are Now Active in United States, Civil Rights Group Says,” *NYT*, (February 20, 2019), available at: <https://www.nytimes.com/2019/02/20/us/hate-groups-rise.html>

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

rate, with a 50 percent increase in 2018 alone.<sup>14</sup> In a parallel study by the Anti-Defamation League's Center on Extremism, 2018 was recorded as the deadliest year for extremist-related deaths since the Oklahoma City bombing. There were 50 extremist-related killings in 2018, all of which were linked to right-wing hate groups.<sup>15</sup> Jihadist groups were linked to none.<sup>16</sup> These findings were echoed by the testimony of the FBI director, Christopher A. Wray before the House Homeland Security Committee in September of this year, in which he warned that racially motivated violent extremism, mostly from white supremacists, has made up a majority of domestic terrorism threats.<sup>17</sup>

Cyberbullying and online harassment are another highly prevalent form of online hate. The Center for Disease Control and Prevention, which collects data annually on cyberbullying, found that 15.7 percent of high school students were bullied online in 2019.<sup>18</sup> Cyberbullying disproportionately affects vulnerable youth, including members of sexual minorities, girls, and racial and ethnic minorities.<sup>19</sup> More than half of sexual-minority middle- and high-school students nationally report being a cyberbully victim during the previous year, with almost one fifth reporting often or frequent victimization.<sup>20</sup>

In recent years, women in politics have also become the target of misogynistic extremist hate. The most common form of violence against women in politics is in the form of psychological threats, such as death threats against them or their loved ones, as well as other online abuse and

---

<sup>14</sup> Id.

<sup>15</sup> Id; Anti-Defamation League, "Murder and Extremism in the United States in 2019," (February 2020), available at: <https://www.adl.org/media/14107/download>

<sup>16</sup> Id.

<sup>17</sup> Zolan Kanno-Youngs, "F.B.I. Director Warns of Russian Interference and White Supremacist Violence,"NYT, (September 17, 2020), available at: <https://www.nytimes.com/2020/09/17/us/politics/fbi-russia.html>

<sup>18</sup> Center for Disease Control and Prevention, Youth Risk Behavior Surveillance System (YRBSS), available at: <https://www.cdc.gov/healthyyouth/data/yrbs/index.htm>

<sup>19</sup> Rice E., Petering R., Rhoades H., Winetrobe H., Goldbach J., Plant A., "Cyberbullying perpetration and victimization among middle-school students," Am. J. Publ. Health. 2015 105(3):e66–e72, available at:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4330864/>

<sup>20</sup> Id.

harassment.<sup>21</sup> In an international survey of women in politics, 81.8 percent of the participants said they faced some sort of psychological violence or abuse.<sup>22</sup> Of those that experienced psychological violence, 44.4 percent said they had received threats of death, rape, beatings or abduction during their time in office.<sup>23</sup> In some instances, the vitriol moved offline, like in the case of former Congresswoman Gabrielle Giffords, who in 2011 was shot in a murder attempt in her home state of Arizona by an individual espousing misogynist and anti-government views.<sup>24</sup> The plot to kidnap Governor Gretchen Whitmer of Michigan is another recent example of groups coordinating attacks and recruiting members online.<sup>25</sup> In addition, in a widely publicized speech,<sup>26</sup> New York Congresswoman Alexandria Ocasio-Cortez spoke openly about the hatred she has received while in office, from not only strangers but also male colleagues. Much of this vitriol has also taken place online.<sup>27</sup> In September, congressional candidate Marjorie Taylor Greene posted an image on her Facebook page that had been edited to show her holding a gun up to the heads of Congresswomen Alexandria Ocasio-Cortez, Ilhan Omar, and Rashida Tlaib, who have all been frequent targets of both online and offline hate.<sup>28</sup> Facebook removed the post soon after, but not before it garnered widespread attention.

---

<sup>21</sup> Krook, Mona Lena. "How Sexist Abuse of Women in Congress Amounts to Political Violence – and Undermines American Democracy." *The Conversation*, 2 Nov. 2020, [theconversation.com/how-sexist-abuse-of-women-in-congress-amounts-to-political-violence-and-undermines-american-democracy-147169](https://theconversation.com/how-sexist-abuse-of-women-in-congress-amounts-to-political-violence-and-undermines-american-democracy-147169).

<sup>22</sup> "Sexism, Harassment, and Violence against Women Parliamentarians ." *Ipu.org*, Inter-Parliamentary Union, Oct. 2016, [archive.ipu.org/pdf/publications/issuesbrief-e.pdf](https://archive.ipu.org/pdf/publications/issuesbrief-e.pdf).

<sup>23</sup> Id.

<sup>24</sup> Lacey, Marc. "In Attack's Wake, Political Repercussions." *The New York Times*, The New York Times, 8 Jan. 2011, [www.nytimes.com/2011/01/09/us/politics/09giffords.html](https://www.nytimes.com/2011/01/09/us/politics/09giffords.html); Klawonn, Adam. "What Motivated Giffords' Shooter?" *Time*, Time Inc., 9 Jan. 2011, [content.time.com/time/nation/article/0,8599,2041427,00.html](https://content.time.com/time/nation/article/0,8599,2041427,00.html); Barry, Dan. "Looking Behind the Mug-Shot Grin." *The New York Times*, The New York Times, 15 Jan. 2011, [www.nytimes.com/2011/01/16/us/16loughner.html](https://www.nytimes.com/2011/01/16/us/16loughner.html).

<sup>25</sup> "Alleged Plot To Kidnap Michigan Governor Continues To Roil State." *NPR*, NPR, 23 Oct. 2020, [www.npr.org/2020/10/23/927257431/alleged-kidnap-plot-continues-to-roil-state](https://www.npr.org/2020/10/23/927257431/alleged-kidnap-plot-continues-to-roil-state).

<sup>26</sup> Wu, Nicholas. "I Am Someone's Daughter Too.' Read Rep. Ocasio-Cortez's Full Speech Responding to Rep. Ted Yoho." *USA Today*, Gannett Satellite Information Network, 24 July 2020, [www.usatoday.com/story/news/politics/2020/07/24/aoc-response-ted-yoho-read-text-rep-ocasio-cortez-s-speech/5500633002/](https://www.usatoday.com/story/news/politics/2020/07/24/aoc-response-ted-yoho-read-text-rep-ocasio-cortez-s-speech/5500633002/).

<sup>27</sup> Devaney, Susan. "Alexandria Ocasio-Cortez Opens Up About The Online Death Threats She Receives From Men." *British Vogue*, British Vogue, 14 Aug. 2019, [www.vogue.co.uk/article/alexandria-ocasio-cortez-death-threats-video-twitter](https://www.vogue.co.uk/article/alexandria-ocasio-cortez-death-threats-video-twitter).

<sup>28</sup> Stracqualursi, Veronica. "Marjorie Taylor Greene Posts Image of Herself with Gun alongside 'Squad' Congresswomen." *CNN*, Cable News Network, 4 Sept. 2020, [www.cnn.com/2020/09/04/politics/marjorie-taylor-greene-gun-post-squad/index.html](https://www.cnn.com/2020/09/04/politics/marjorie-taylor-greene-gun-post-squad/index.html).

### ***b. Impacts of online hate and radicalization***

The impact of online hate can have real life implications for public safety and cohesion. Many recent hate-fueled attacks have been inspired directly through online hate groups and content.<sup>29</sup> Moreover, in addition to finding inspiration on the internet, extremists have gone online for tactical guidance when planning hate crimes.<sup>30</sup> Examples include bomb-making instructions, hit lists on who to target, and even guidance on how to attack minorities on the street.<sup>31</sup> In a study conducted by RAND involving 15 participants classified as extremists, all 15 said that the internet had been a key source of information, communication, and propaganda for their extremist beliefs.<sup>32</sup>

Online algorithms also amplify online hate and radicalization by recommending content based on an individual's browsing history. If a user clicks on content promoting hateful ideologies, similar content and advertising will be recommended and promoted to that user, increasing the risk of radicalization.<sup>33</sup> In relation to social media, content lends itself to proliferation or "going viral."<sup>34</sup> Extremists understand the viral nature and power of social media wherein content that is associated with intense emotions can be easily broadcast or live streamed, making its impact far reaching and all the more dangerous.<sup>35</sup>

In addition to inspiring violent attacks, online hate can also lead to reduced social cohesion and negative impacts on targeted groups. Several studies have pointed towards the ways in which social media decrease social cohesion and warp perceptions of reality by those holding hateful

---

<sup>29</sup> Donovan, Joan. "How Hate Groups' Secret Sound System Works." *The Atlantic*, Atlantic Media Company, 11 Apr. 2019, [www.theatlantic.com/ideas/archive/2019/03/extremists-understand-what-tech-platforms-have-built/585136/](http://www.theatlantic.com/ideas/archive/2019/03/extremists-understand-what-tech-platforms-have-built/585136/).

<sup>30</sup> "The Consequences of Right-Wing Extremism on the Internet." *Adl.org*, Anti-Defamation League, 2013, [www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/The-Consequences-of-Right-Wing-Extremism-on-the-Internet.pdf](http://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/The-Consequences-of-Right-Wing-Extremism-on-the-Internet.pdf).

<sup>31</sup> *Id.*

<sup>32</sup> von Behr, Ines, et al. "Radicalization in the Digital Era." *RAND Corporation*, 5 Nov. 2013, [www.rand.org/pubs/research\\_reports/RR453.html](http://www.rand.org/pubs/research_reports/RR453.html).

<sup>33</sup> Susarla, Anjana. "Unraveling the Impact of Social Media on Extremism." *Voxpol.edu*, The Program on Extremism at George Washington University, Sept. 2019, [www.voxpol.eu/download/report/Unraveling-the-Impact-of-Social-Media-on-Extremism.pdf](http://www.voxpol.eu/download/report/Unraveling-the-Impact-of-Social-Media-on-Extremism.pdf).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

views. In a survey study conducted in Australia, people were asked about their attitudes towards Aboriginal Australians and asylum seekers. They were also asked to estimate what percentage of people they believed held the same attitudes as them. The study found that people tended to overestimate the number of people who shared their views, with those who held the most fringe and negative beliefs, vastly overestimating the support for their beliefs in the community compared to those with positive attitudes.<sup>36</sup> In an experiment to test the impact of hateful online commentary, academic researchers in Germany conducted an online experiment involving 253 participants. They exposed the participants to negative or hateful comments about refugees and provided five Euros to each participant, which they could donate for a refugee aid organization or keep for themselves. The results showed that participants exposed to hateful or negative user comments donated little or no money.<sup>37</sup> The field of psychology is also just beginning to examine the social and psychological impacts of online hate, an area still lacking research and development, to examine the long term impacts of online hate. While there have been several studies on its impact on adolescents, there has been much less focus on adults.<sup>38</sup>

### *c. Combating online hate*

In the last few years, in response to the increase in hateful or violent attacks, several governmental and private entities have attempted to address the proliferation of online hate.

#### *i. Search Engines and Social Media Platforms*

---

<sup>36</sup> Pedersen, Anne, Brian Griffiths, and Susan E. Watt. "Attitudes toward Out-groups and the perception of consensus: All feet do not wear one shoe." *Journal of Community & Applied Social Psychology* 18, no. 6 (2008): 543-557.

<sup>37</sup> Mathias Weber, Christina Viehmann, Marc Ziegele, Christian Schemer, "Online Hate Does Not Stay Online – How Implicit and Explicit Attitudes Mediate the Effect of Civil Negativity and Hate in User Comments on Prosocial Behavior," *Computers in Human Behavior*, Vol. 104, 2020.

<sup>38</sup> Alan Yu, "How psychology is just catching up with the effects of online hate," PBS, (January 16, 2020), available at: <https://why.org/segments/how-psychology-is-just-catching-up-with-the-effects-of-online-hate/>

Tech companies such as Facebook, Google, and Twitter have faced increased scrutiny regarding their role in facilitating the spread of extremist and violent ideologies. At a congressional hearing in September 2019, lawmakers criticized the tech giants for failing to adequately regulate extremist ideologies on their platforms.<sup>39</sup> The criticism was in response to several incidents, including Facebook’s failure to remove videos after the Christchurch mosque attacks in New Zealand were livestreamed by the shooter.<sup>40</sup> Similarly, plans for the El Paso shooting were announced in advance on 8chan and then advanced through other social media, including Facebook with little or no detection.<sup>41</sup>

In response to these failures, several tech giants announced steps to address online hate. Among the methods announced by Google and other platforms is the “Redirect Method,” which, as the name suggests, redirects users away from violent and hateful content by providing alternative resources that confront online hate and radicalization.<sup>42</sup> The original pilot of the method focused on the typical target demographic for ISIS recruits, and redirected them towards YouTube videos debunking ISIS recruiting themes.<sup>43</sup> This open methodology was developed from interviews with ISIS defectors with the intent that it could also be used to tackle other types of violent recruiting discourses online.<sup>44</sup> Several social media platforms have also announced new measures to combat online hate. For example, this year Twitter introduced warning labels and disclaimers that would be attached to tweets related to disputed or controversial issues and topics for which the platform cannot verify validity.<sup>45</sup> The labels link to a page with trusted sources that

---

<sup>39</sup> Davey Alba, Catie Edmondson and Mike Isaac, “Facebook Expands Definition of Terrorist Organizations to Limit Extremism” NYT, (September 17, 2019), available at: <https://www.nytimes.com/2019/09/17/technology/facebook-hate-speech-extremism.html>

<sup>40</sup> Id.

<sup>41</sup> Id.

<sup>42</sup> Id.; See also “The Redirect Method.” *Redirectmethod.org*, Jigsaw, [redirectmethod.org/pilot/](https://redirectmethod.org/pilot/).

<sup>43</sup> Id.

<sup>44</sup> Id.

<sup>45</sup> Roth, Yoel, and Nick Pickles. “Updating Our Approach to Misleading Information.” *Twitter*, Twitter, Mar. 2020, [blog.twitter.com/en\\_us/topics/product/2020/updating-our-approach-to-misleading-information.html](https://blog.twitter.com/en_us/topics/product/2020/updating-our-approach-to-misleading-information.html).

contain more information on the subject of the tweet.<sup>46</sup> In 2018, Instagram updated its community guidelines to prohibit illegal content (support or praise of terrorism, organized crime or hate groups) and hate speech, bullying and abuse.<sup>47</sup> Instagram’s policy also specifically prohibits attacks on or abuse of users based on race, religion, ethnicity, national origin, sexual orientation, sex, gender identity, disability or disease and promises to remove credible threats of violence and hate speech.<sup>48</sup> Despite some of these changes, tech companies have faced criticism that their methods are inadequate or ineffective. For example, a recent investigation found Facebook’s enforcement of the prohibition of hate speech on their platform has been uneven.<sup>49</sup> When asked about the handling of a sampling of 49 cases of hate speech on their site, Facebook admitted that 22 of these instances were cases of misclassified content that did actually violate their rules.<sup>50</sup> In addition, many hate groups that have been banned from platforms such as Facebook have simply moved on to alternative platforms, commonly known as “Alt-tech,” which while not as popular as traditional social media still provides an unregulated space for online hate.<sup>51</sup>

*ii. Governmental approaches to addressing the rise of online hate*

In the United States, First Amendment concerns must always be considered in the context of combating online extremism. The First Amendment's protection of online hate speech directly contrasts with the laws of many other nations in the world that seek to limit hate speech on the Internet.<sup>52</sup> After the 2019 Christchurch shootings in New Zealand,<sup>53</sup> in which a white

---

<sup>46</sup> Id.

<sup>47</sup> “Instagram Community Guidelines FAQs.” *Instagram*, Instagram, Apr. 2020, [about.instagram.com/blog/announcements/instagram-community-guidelines-faqs](https://about.instagram.com/blog/announcements/instagram-community-guidelines-faqs).

<sup>48</sup> Id.

<sup>49</sup> Varner, Madeleine, and Ariana Tobin. “Facebook's Uneven Enforcement of Hate Speech Rules Allows Vile Posts to Stay Up.” *ProPublica.org*, ProPublica, 28 Dec. 2017, [www.propublica.org/article/facebook-enforcement-hate-speech-rules-mistakes](https://www.propublica.org/article/facebook-enforcement-hate-speech-rules-mistakes).

<sup>50</sup> Id.

<sup>51</sup> April Glaser, “The Internet of Hate,” *Slate*, (August 30, 2017), available at: <https://slate.com/technology/2017/08/the-alt-right-wants-to-build-its-own-internet.html>

<sup>52</sup> James Banks, *Regulating Hate Speech Online*, 24 INT'L REV. L. COMPUTERS & TECH. 233, 233-34 (2010).

<sup>53</sup> Helsel, Phil. “Suspect in Christchurch Mosque Shootings Charged with Terrorism.” *NBCNews.com*, NBC Universal News Group, 21 May 2019, [www.nbcnews.com/news/world/suspect-christchurch-mosque-shootings-charged-terrorism-n1008161](https://www.nbcnews.com/news/world/suspect-christchurch-mosque-shootings-charged-terrorism-n1008161).

supremacist targeted two mosques, going as far as to livestream a shooting in one of them, French President Emmanuel Macron and New Zealand Prime Minister Jacinda Ardern led the “Christchurch Call,” a global campaign against online hate and extremism, but the White House declined to sign on citing freedom of speech concerns.<sup>54</sup>

Despite the limitations of the First Amendment, some U.S. lawmakers have proposed regulations to thwart the spread of hate speech. Congressman Max Rose of New York has pushed for more regulation of hate speech online, and has pressured providers of social media networks to work towards eliminating terrorist and white supremacist content online.<sup>55</sup>

In New York, Senator David Carlucci introduced Senate Bill 7275 (S.7275) to address the rise in online hate.<sup>56</sup> The bill would prohibit hate speech on social media platforms and also requires that the “provider of a social media network shall maintain an effective and transparent procedure for handling complaints about hate speech content.”<sup>57</sup> Social media providers are required to determine whether reported content is hate speech and, if the material is deemed so, remove it within 24 hours of receiving the complaint. S.7275 also would give the New York Attorney General the power to bring an action and seek damages against social media platforms that fail to comply with the measures outlined in the bill.<sup>58</sup>

Advocacy organizations have also suggested a number of ways governmental entities could address online hate. The Anti-Defamation League, for example, has made a number of policy recommendations for governments to adopt in addressing online hate. They include:

---

<sup>54</sup> Id.

<sup>55</sup> Birnbaum, Emily. “Freshman Dem Finds Voice in Fight against Online Extremism.” *The Hill*, The Hill, 13 Mar. 2020, [thehill.com/policy/technology/487332-freshman-dem-finds-voice-in-fight-against-online-extremism](https://thehill.com/policy/technology/487332-freshman-dem-finds-voice-in-fight-against-online-extremism).

<sup>56</sup> “NY State Senate Bill S7275.” *NY State Senate*, 16 Jan. 2020, [www.nysenate.gov/legislation/bills/2019/s7275](http://www.nysenate.gov/legislation/bills/2019/s7275).

<sup>57</sup> Id.

<sup>58</sup> Id.

- Introducing legislation to make sure constitutional and comprehensive laws cover cyber crimes such as doxing, swatting, cyberstalking, cyberharassment, and non-consensual distribution of intimate imagery, video-teleconferencing and unlawful and deceptive synthetic media (sometimes called “deep fakes”).
- Increasing training and resources to ensure law enforcement personnel can better investigate and prosecute hate incidents and providing better support to targeted individuals when they are contacted by law enforcement responders.
- Commissioning research that provides a summary of the available tools provided by social media platforms to their users to protect and defend themselves, including a needs assessment of users and a gap analysis of available tools and services.
- Requiring strong community guidelines that are enforced by social media and gaming platforms.
- Requiring independent audits of social media platforms regarding the extent of online harassment and the effectiveness of the methods used by such platforms in addressing such abusive content.
- Exploring the numerous avenues that hate groups and extremists use to fundraise online. Online hate has been monetized by users on platforms and through services that facilitate payments. This creates perverse incentives for content creators on topics that attract users interested in hateful ideologies and conspiracy theories.<sup>59</sup>

### *iii. Other jurisdictions*

In contrast with the United States, many world nations prohibit hate speech. For example, the European Union prohibits the “public incitement to violence or hatred directed against a group

---

<sup>59</sup> Anti-Defamation League, “Online Hate and 2020 Harassment: The American Experience 2020,” (June 2020), available at: <https://www.adl.org/media/14643/download>

of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin.”<sup>60</sup> The European Union has taken the approach of working directly with social media and online video platforms by entering into an agreed upon “Code of conduct on countering illegal hate speech online.”<sup>61</sup> Pursuant to the code of conduct, these companies have agreed to take down hate speech within 24 hours.<sup>62</sup> Some countries have taken harsher approaches. In Sri Lanka, due to a surge of online hate targeted at the Tamil Muslim minority in 2018, the government blocked access to Facebook and messaging apps WhatsApp and Viber, claiming that Facebook was not sufficiently responsive to the emergency.<sup>63</sup>

#### **IV. CCHR’s RESPONSE TO ONLINE HATE**

While hate crimes generally fall under the jurisdiction of the NYPD, CCHR can investigate incidents of discriminatory harassment or violence. The New York City Human Rights Law prohibits the use of “force or threat of force, [to] knowingly injure, intimidate or interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the constitution or laws of this state or by the constitution or laws of the United States or local law of the city when such injury, intimidation, oppression or threat is motivated in whole or in part by the victim's actual or perceived race, creed, color, national origin, gender, sexual and reproductive health decisions, sexual orientation, age, marital status, partnership status, disability, or immigration or citizenship status....”<sup>64</sup> This prohibition also

---

<sup>60</sup> European Commission, “Commission publishes EU Code of Conduct on countering illegal hate speech online continues to deliver results,” Press Release, (June 22, 2020), available at: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_1134](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1134)

<sup>61</sup> Id.

<sup>62</sup> Id.

<sup>63</sup> Al Jazeera. “Sri Lanka: Facebook Apologises for Role in 2018 Anti-Muslim Riots.” *Sri Lanka / Al Jazeera*, Al Jazeera, 13 May 2020, [www.aljazeera.com/news/2020/05/13/sri-lanka-facebook-apologises-for-role-in-2018-anti-muslim-riots/](http://www.aljazeera.com/news/2020/05/13/sri-lanka-facebook-apologises-for-role-in-2018-anti-muslim-riots/).

<sup>64</sup> N.Y. Admin. Code § 8-603.

extends to property damage.<sup>65</sup> In 2020, CCHR received 96 complaints of discriminatory harassment.<sup>66</sup>

CCHR has also created two trainings to address cyberbullying for both parents and school administrators. The trainings focus on “identifying and understanding more deeply the ramifications of cyberbullying and building community collaboration to prevent harassment, bullying and cyberbullying. The workshops serve as a framework to support safe environments in the workplace, housing and public accommodations free of discrimination and harassment. They highlight the components of harassment, bullying and cyberbullying; explore who bullies; elaborate on protections under the City Human Rights Law; and offer advice to parents, students and schools on the positive roles they can play.”<sup>67</sup>

While CCHR has jurisdiction over discriminatory harassment and has undertaken some work in the area of cyberbullying, little information is available regarding CCHR’s enforcement of complaints that contain an online component. This hearing will serve as an opportunity to shed more light on CCHR’s enforcement, and the challenges the Commission may face in pursuing complaints that arise in the online sphere.

## **V. CONCLUSION**

Online hate poses a very clear and present danger, not only here in New York City, but to the world at large. The ever-extending reach of social media and other online platforms brings with it increasing accessibility to hateful individuals and groups looking to spread their ideologies, incite violence, and increase recruitment to their disturbing and dangerous causes. While there have been attempts to address the increase in online hate and radicalization, the novelty of social

---

<sup>65</sup> Id.

<sup>66</sup> CCHR, Fiscal Year 2020 Annual Report, available at: [https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/CCHR\\_Annual\\_Report\\_FY20.pdf](https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/CCHR_Annual_Report_FY20.pdf)

<sup>67</sup> N.Y.C. Commission on Human Rights, Cyberbullying for Parents, available at: <https://www1.nyc.gov/site/cchr/community/cyberbullying-for-parents.page>

media and other online platforms has meant that governmental attempts to address such issues have lagged considerably. This hearing represents an opportunity for the Council, city agencies, advocates and social media platforms alike to explore and improve the ways in which society addresses and responds to the proliferation of online hate and radicalization.