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DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
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February 7, 2008

MEMORANDUM

TO: Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Housing

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 2216 – RELATING TO PROSTITUTION
Hearing: Thursday, February 7, 2008, 1:15 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of this bill is to require the Department of Human Services to contract the services of a health and human services provider to establish a pilot prostitution prevention education and diversion program.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill and respectfully requests that its passage does not replace nor adversely impact the priorities in the Executive Supplemental Budget.

There are numerous private non-profit and advocacy agencies providing health, outreach, and education programs. It should be noted that prostitution is not limited to females but also involves both adults and youth, both male and female.

The Department would like to recommend that a more appropriate agency for contracting this program is the Hawaii State Commission of the Status of Women.

Thank you for this opportunity to testify on this bill.

HAWAII YOUTH SERVICES NETWORK

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Joseph Fichter, President

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Adolescent Services Program, Kaiser
Permanent Medical Care System

American Civil Liberties Union of Hawaii

Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Benson Center

Boys and Girls Club of the Big Island

Catholic Charities Hawaii

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Clearinghouse
and Legal Hotline

EPIC, Inc.

Family Support Services of West Hawaii

Foster Family Programs of Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Behavioral Health

Hawaii Island YWCA

Hawaii Foster Parent Association

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

John Howard Association

Kahi Mohala Hospital

Kahuku United Methodist Church

Kama'aina Kids, Inc.

Kids Behavioral Health

Kids Hurt Too

KMC Teen Intervention Program

Life Foundation

Marimed Foundation

The Maui Farm, Inc.

Maui Youth and Family Services

Palama Settlement

Parents and Children Together (PACT)

Queen's Medical Center, Family
Treatment Center

Rainbow House

Salvation Army Family Intervention Services

Salvation Army Family Treatment Services

Sex Abuse Treatment Center

Sisters Offering Support

Susannah Wesley Community Center

Surfing the Nations

The Center

Turning Point for Families

Waikiki Health Center

Women Helping Women

World Healing Institute

YWCA of Kauai

January 30, 2007

To: Senator Suzanne Chun Oakland
And members of the Committee on Human Services and Public Housing

Testimony on HB 2216 Relating to Prostitution

Hawaii Youth Services Network, a statewide coalition of more than 50 youth serving organizations, supports SB 2216 Relating to Prostitution.

Many young people in Hawaii are at risk of commercial sexual exploitation, which includes prostitution as well as other forms of sex work such as erotic massage and pornography. Sisters Offering Support, a non-profit organization that provided prevention education programs on commercial sexual exploitation until its closing in 2006, reported that **one out of ten students who participated in their education programs stated that someone had tried to recruit them into some form of commercial sexual exploitation.**

Youth who engage in commercial sexual exploitation are at high risk for sexually transmitted infections, unplanned pregnancies, rape, and assault.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH
Executive Director



TO: Chair Suzanne Chun Oakland
Vice Chair Les Ihara, Jr.
Members of the Committee on Human Services and Public Housing

FR: Nanci Kreidman, M.A.
Executive Director

RE: S.B. 2216

Aloha. We are in support of S.B. 2216 and offer our appreciation for the awareness that this is an issue for our community that demands attention.

Our agency has been concerned about victim prostitutes dating back to the years when the Cayetano Administration was in office. With a federal grant, we coordinated general discussion, an evaluation of community policies and the planning for improved services.

With the absence of programs who understand the complexity of the sex industry, safety and support, advocacy and recovery of sex workers is invisible.

We shall look forward to the investment of community resources in the emergence of a pilot program.

Thank you.

Testimony of Dr. Nandita Sharma, Assistant Professor, Department of Ethnic Studies and Department of Sociology, University of Hawai'i at Manoa (contact information below).

Testimony for SB 2216 on February 7, 2008 at 1:15pm in room 016

To Senator Chun Oakland and Members of the Committee on Human Services and Public Housing:

I am writing in regards to SB 2216 and the possibility that the legislature may be making the error of conflating the issue of prostitution in Hawai'i with issues of "sex trafficking" or "trafficking in women and children." Before embarking on any state responses to either prostitution or trafficking in Hawai'i, it is important that the legislature properly understand the scope of the problem of sex trafficking, if any, in Hawai'i. It is clear from much of the reputable research done on the issue of "trafficking," particularly in relation to the sex industry, that many of the figures of the numbers of victims are over-stated and unverifiable. A similar problem exists in Hawai'i where some organizations have vastly overstated both the scope of the problem as well as having linked it to the issue of prostitution in the state.

Before proceeding with SB 2216, the legislature would be well advised to consult a recent report written by officials in the U.S. Government Accountability Office (GAO), which notes that there is "considerable discrepancy" between the numbers of observed and estimated victims of human trafficking (GAO, 2006:16). Quite simply, "[t]he scope of the global trafficking problem remains unknown in terms of overall numbers within countries of origin; victims' gender, age, and type of exploitation suffered; and the profile and methods of the perpetrators" (GAO, 2006:36-7). As a result, there is no accurate or reliable estimate of global trafficking. For example, the U.S. government's latest estimate state that there are 600,000 to 800,000 trafficking victims worldwide while the International Labour Organization (ILO) puts the number at 2.45 million. At the same time the International Organization for Migration (IOM), which is mandated to assist actual victims has served only 7,711 victims in the 6 years from 1999 to 2005 (GAO, 2006:16). Notably, the IOM "is the only one of the four databases that contains data directly obtained from victims" (GAO, 2006:24).

Similar discrepancies exist within the U.S. as well. The GAO report noted this specifically. "The U.S. government estimated that the number of people trafficked into the United States ranged from 14,500 to 17,500 in 2003. Despite concerted U.S. government efforts to locate and protect victims, the government certified fewer than 900 victims in the United States during the 4 years between March 2001 and September 2005" (GAO, 2006:21).

A key problem with having reliable figures on the problem of trafficking and its scope and dimensions is the flawed (or wholly absent) research methodologies utilized. For example, the U.S. arrives at its figures not by conducting its own studies by relying "...on the estimates of others, adjusting them through a complex statistical process. It essentially

averages the various aggregate estimates of reported and unreported trafficking victims published by NGOs, governments, and international organizations, estimates that themselves are not reliable or comparable due to different definitions, methodologies, data sources, and data validation procedures. Moreover, the methodologies used to develop these estimates are generally not published and available for professional scrutiny” (GAO, 2006:17). On the other hand, the ILO “...attempts to overcome the gap between reported and unreported victims using an extrapolation that is based on assumptions and observations that have not been rigorously tested and validated” (Ibid.).

A key problem with the data is the tendency to conflate the numbers of sex workers (especially migrant sex workers) with the numbers of trafficked persons. The problem of over-inflating the numbers is further exacerbated by the fact that in many cases, “official statistics do not make clear distinctions among trafficking, smuggling and illegal migration” (GAO, 2006:19). This points to the necessity of implementing a very stringent definition of trafficking that is used consistently within and across sectors.

Some have argued that perhaps the numbers are unreliable because of a lack of political will to find those who have been trafficked and to properly identify them as such. However, quite the opposite seems to be the case. Aside from numerous examples where there has been a wholesale conflation between the numbers of sex workers and victims of trafficking, the international (and national) anti-trafficking agenda is considered one of the most popular and easily ratified set of international Conventions that the United Nations (UN) has produced. The UN’s 2000 *Convention against Transnational Organized Crime* and its accompanying 2000 *Protocol to Prevent, Suppress and Punish Trafficking in Persons* was signed by 140 countries and, in comparison to most Conventions, ratified very shortly after it was introduced (September 29, 2003). Moreover, many countries across the world, including the U.S., have enacted aspects of the UN Convention and Protocol Against Trafficking within their criminal code legislation.

Furthermore, not only are there concerned efforts to end trafficking by national governments of both sending and receiving countries, there are great inducements for people to come forward and identify themselves as victims of trafficking, especially the possibility of temporary residence in the U.S. through the T-visa system. This, of course, carries its own set of problems, as many researchers (Murray, 1998; Kempadoo and Doezma, 1998; Sharma, 2005) have shown that the availability to access temporary residence visas act as inducements to plagiarism, as people claim to have been trafficked instead of ‘being undocumented migrants or sex workers are criminalized statuses.

Problems with providing services to those who have been trafficked:

The problem with the lack of reliable data has serious consequences for the provision of services. “[A]ccording to agency officials in Washington, D.C. and in the field, there is little or no evidence to indicate the extent to which different types of efforts – such as prosecuting traffickers, abolishing prostitution, increasing viable economic opportunities,

or sheltering and reintegrating victims – impact the level of trafficking or the extent to which rescued victims are being re-trafficked” (GAO, 2006: 25).

In part, because existing estimates are so unreliable, such estimates “...cannot help in targeting resources and evaluating program effectiveness” (GAO, 2006:18). In addition, while the TVPA has a mandate to evaluate progress, there is no federal plan to evaluate overall U.S. government efforts abroad (GAO, 2006: 24). Indeed, the 2005 State Department Inspector General report stated that State’s Trafficking Office needs to better identify relevant, objective, and clear performance indicators to compare progress in combating trafficking from year to year. Without this it is difficult to measure outcomes for the millions of dollars being spent on the problem of trafficking.

According to the GAO (2006:37), since 2001, the U.S. has spent about \$375 million in anti-trafficking assistance for various projects. At the same time, while the “TVPA 2005, passed in January 2006, called on the President, through various agencies, to conduct research into the development of an effective mechanism for quantifying the number of victims of trafficking on a national, regional, and international basis,” few projects have been funded (GAO, 2006:22).

It seems risky to allocate (and divert) even more funds to NGOs to work on issues of trafficking when the GAO is stating that in the U.S. there has been no evaluation of programs to determine whether stated outcomes are being achieved. It would be prudent for the State of Hawai’i to try and not repeat the same problems identified as existing at the federal level.

Research on the problems of youth, particularly marginalized youth in Hawaii has been ongoing at the University of Hawaii. Both the Hawaii Youth Gang Project as well as the Hawaii Girls project have benefited from extensive data gathering efforts on the precise dimensions of the challenges we face as a state. These research efforts often use multiple measures, such as arrest data, self-report data, media reports (e.g. crime beat), key informant interviews, and other data gathering methods as appropriate (see Chesney-Lind, et al, 2005a; Chesney-Lind, 2005b as examples) .

Dr. Chesney Lind’s doctoral student, Lisa Pasko, similarly conducted a study (reported in her Ph.D. dissertation at UHM and a report available through the website of the Hawai’i Attorney General’s office) on the problems faced by “street girls” in Hawai’i.

Pasko examined select case files of chronic girl offenders who ended up at HYCF and found the following patterns:

- A history of neglect and/or sexual abuse
- A history of foster care placements (not *hanai* or extended family)
- Relationships with older men
- Self-injury
- Frequent “ice” use
- Risky sexual behaviour, including prostitution (mostly “survivor sex”)

- Negative peer group
- Academic failure

Clearly, then, there are serious problems facing girls and women in Hawai'i and there are continuing efforts to try and address these problems, e.g. the Girls Court.

In regards to issues of trafficking, notably absent from this profile are immigrant girls involved in the sex industry. In fact, 43% of the sample were Hawaiian/part Hawaiian and even these girls were not heavily involved in structural prostitution but in "survival sex." Outreach workers in Waikiki with whom Chesney-Lind spoke agreed with this assessment.

We do need gender responsive programming for this population, including robust gender responsive drug treatment; mental health services specifically for adolescent females; educational remediation to address academic failure in this population.

The problems that have been identified and the responses urged are the result of careful early needs assessments and ongoing careful research. I urge the same approach to the issue of prostitution and/or trafficking in Hawai'i.

References

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**Testimony on SB 2216
Relating to Prostitution**

**COMMITTEE ON HUMAN SERVICES & HOUSING
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Vice Chair
Thursday, February 7, 2008 1:15 p.m.
Room 16, State Capitol**

My name is Sharon Ferguson-Quick and as Executive Director of the Hawaii State Commission on the Status of Women, I'm providing written testimony on the measure Relating to Prostitution (SB2216). I am joining the Hawaii Women's Legislative Caucus in support this bill that will establish a pilot prostitution prevention education program. It is imperative that we give our children the information to make good choices. Ones that have a positive impact on their futures. This program will provide that kind of information.

“There are about 1.3 million prostitutes in America. Many of them, an estimated 500,000, are children. One million to 500,000 children are involved in prostitution and pornography every year. Also, an estimated 50% of streetwalkers are HIV infected. Prostitution is a major source for the spread of sexually transmitted diseases. One estimate in the "Free Teens" pamphlet states that two in five of all prostitutes in major cities are HIV positive” (<http://www.wright-house.com/ac/papers97/Name-removed-ac1.html>). Prostitution looms as a large danger for young people, especially those most vulnerable who have been abused in their young lives already, *“a high percentage of child prostitutes (those under 18) were victims of incest, rape or sexual abuse as younger children”* (<http://www.wright-house.com/ac/papers97/Name-removed-ac1.html>).

While boys still constitute a majority of youth served in the juvenile justice system, the gender gap in arrests is closing rapidly. As a result, girls constitute a growing portion of those being referred to court, both in Hawaii and across the nation. In 2003, girls' arrests accounted for 41% of the total juvenile arrests in Hawaii compared to 33.7% of juvenile arrests in 1991 (Department of the Attorney General, 2003). Nationally, girls accounted for only 29% of juvenile arrests in 2003. Court statistics from Family Courts on all the islands show that of the 6,842 juvenile referrals per year over the past five years, on the average, female referrals accounted for 45%. The Legislature has recently taken steps to address this growing negative trend by passing the Parity in Services bill and supporting the Girls Court program that speaks directly to this population. But girls in Hawaii are clearly at risk and additional services are needed. There are “pockets” of efforts working around the community to change the downward spiral that puts our girls at risk and this bill has the opportunity to contribute a coordinating voice to those efforts.

In this day and age our children have access to massive amount of information and images. This “two edged” sword can be a gift that shows them a wide range of opportunities and the choices they can make to get there in their future. Unfortunately the darker edge of that sword is those who would mislead them down paths to make choice that have harmful consequences. Prostitution is one of those dark paths and too often our children are solicited and lured there. We must equip them with the tools and skill to see and understand the dangers of these situations as they appear. One of the major tools we can offer them always is education.

I supports this bill and its effort to education our children about the dangers of prostitution and give them the skills to avoid being ensnared in their lives.

Sharon Ferguson-Quick, Executive Director
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HARM REDUCTION HAWAII

c/o 1658 Liholiho St #205

Honolulu, HI 96822

TESTIMONY

To the Senate Committee on Human Services and Public Housing

RE: SB 2216 to be heard Thursday, February 7, 2008, in Capitol #016, at 1:15 PM

Dear Senators:

I regret that this bill must be opposed as written. Harm Reduction Hawaii is a non-profit organization that supports treating social problems through targeting specific harms in a non-judgmental framework rather than through the use of punitive measures to achieve moral absolutes.

This bill addresses neither the funding needs of professional agencies providing social services to sex industry workers or the citizen complaints in areas such as Kukui Street. A better vehicle start for discussion would be to hear SB 706 which at least provides a zoning alternative to ameliorate neighborhood issues. The underlying problem seems that the legislature is not familiar with issues surrounding prostitution or how existing social service agencies operate. Soliciting such information prior to session would be a better way to move ahead than to simply write a bill based on what some "citizen" read about what is being done in Sweden. This committee should seek input from people like the Rev. Pam Vessels who ran a residential facility for persons exiting this industry for five years here in Hawaii, or Meda Chesney-Lind the nationally recognized criminologist at our own University of Hawaii. Representatives from viable programs such as the Life Foundation, The YO Project, Kulia Na Mamo, and the CHOW project should be contacted.

This bill could serve a useful purpose if it were amended to delete the ambiguous and problematic references to "prevention and education". The bill should also specifically note that it aims at harm reduction as I have defined it though the application of appropriate social services.

Remember even if this bill should be passed as written the executive department must still determine if money is available to fund it. Passing ambiguous bills without support of the professional people in the areas they concern is a vast waste of time. They are likely to be on the bottom of the pile for funding.


Tracy Ryan

Director, Harm Reduction Hawaii

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