

HB1003,HD2,SD1

Testimony



EQUALITY NOW

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TO: Senator Clayton Hee, Chair
Committee on Judiciary and labor
RE: Strong Support of H.B. 1003, H.D.2, S.D.1
Hearing Date: March 31, 2011 at 9:45 AM

Equality Now is an international human rights organization that works to promote and protect the rights of girls and women. Among the issues of concern to Equality Now are human trafficking, violence against women and discriminatory laws. For the past 15 years Equality Now has worked to pass legislation on human trafficking at the state, federal and international levels.

We are writing to express our strong support of H.B. 1003, H.D.2, S.D.1 concerning labor trafficking. This bill would create the crimes of Labor Trafficking in the first and second degrees and would also criminalize the willful failure to pay wages and unlawful conduct with respect to documents. It would provide law enforcement with the procedural tools necessary to successfully investigate and prosecute these crimes and would provide restitution to the victims of labor trafficking.

As I am sure you are aware human trafficking, of which labor trafficking constitutes a substantial portion, is a multi-billion dollar world-wide criminal enterprise. Through deception, force and various means of coercion traffickers place vulnerable individuals in conditions of modern-day slavery. These individuals are not willing partners in smuggling operations, they are unwitting victims who thought they were destined for legal employment and residence and on the way to making a better life for themselves and their family through hard work and honest participation in a land of opportunity. Instead they wind up far from their homes in circumstances where they do not speak the local language, do not have knowledge of their rights and do not have the ability to free themselves from the slavery into which they find themselves.

As you know, Hawaii is not immune from this scourge. The Global Horizons and Aloun Farms case confirm this irrefutably. Indeed, Hawaii may be particularly vulnerable to this scourge. Throughout the world agriculture, construction, restaurants and hotels are industries where labor trafficking is prevalent. All of these are significant contributors to the economy of Hawaii and as such Hawaii authorities need appropriate laws and training to arrest traffickers, rescue victims and to conduct training and awareness campaigns to identify and prevent labor trafficking.

Trafficking for labor and services does not only adversely affect those trafficked. Indirect victims of labor trafficking include honest businessman who find themselves at a disadvantage when competing against businesses who do not pay but still overwork their trafficking victims. Workers find that their wages become depressed due to the downward pressure exerted by employers who exploit trafficked labor. This reduction in wages, and also benefits, make these workers more likely to access public assistance and services which are already strained in these challenging budgetary times. Ultimately the reduced

purchasing power of legitimate workers damages the entire economy which causes unemployment and further financial deterioration.

Another advantage to a labor trafficking law is the training that will result from its passage. Within three months of the effective date of New York's human trafficking law we succeeded in training hundreds of investigators from the New York State Department of Labor. This sent into workplaces of every type individuals trained to identify human trafficking. This is an extremely effective deterrent to labor trafficking. I am certain that Hawaii will enjoy this same deterrent effect from passage of H.B. 1003, H.D.2, S.D.1.

Hawaii is one of the five remaining states that has not criminalized labor trafficking. This oversight not only ignores the plight of those held in slavery but also negatively impacts honest businesses and workers throughout the state. We urge you to remedy this situation by passing H.B. 1003, H.D.2, S.D.1.

Sincerely,
Ken Franzblau
Equality Now
New York, New York



HAWAII CATHOLIC CONFERENCE

6301 Pali Highway
Kaneohe, HI 96744-5224

Email to: JDCTestimony@Capitol.hawaii.gov
Hearing on: Thursday, March 31, 2011 @ 9:40 a.m.
Conference Room # 016

DATE: March 29, 2011

TO: Senate Committee on Judiciary
Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Strong Support for HB 1003 HD2 SD1 Relating to Penal Code

Mahalo for the opportunity to testify in support of this bill. I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii under the leadership of Bishop Larry Silva. We strongly support this bill that would strengthen the laws in Hawaii regarding human trafficking.

The Catholic Church has placed the elimination of trafficking as an important priority in the areas of public advocacy, public education, and services to trafficking victims. We have begun working to raise awareness within the Catholic community about the problem, including education to help people in the community identify and understand the problem of human trafficking.

Trafficking victims also need, first and foremost, safety and security. According to recent news stories, many are terrified of the traffickers who brought them to Hawaii. Providing them with a secure, safe, and nurturing environment is crucial to ensuring their return to society as contributing members. The Church and its service organizations, particularly Catholic Charities, does all that it can to provide support services to both adult and child victims of trafficking, including health and mental health services, employment assistance, English-language training, counseling, housing and other material assistance needs.

The themes of Catholic social teaching—the protection of human dignity and human rights; the option for the poor; the call to family and community; the rights of workers; solidarity and care for creation—all address evils inherent in human trafficking. These principles of justice are not unique to Catholicism but are manifest in most religions. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities. For this reason we strongly support passage of this measure.

Please support this measure. Mahalo for the opportunity to testify.



Email to: JDLTestimony@Capitol.hawaii.gov
Hearing on: Thursday, March 31, 2011 @ 9:45 a.m.
Conference Room # 016

DATE: March 29, 2011

TO: Senate Committee on Judiciary
Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

FROM: Allen Cardines, Jr., Executive Director

RE: Strong Support for HB 1003 HD2 SD1 Relating to the Penal Code

Mahalo for affording me the opportunity to testify in support of this measure. I am Allen Cardines, representing the Hawaii Family Forum. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations.

It is estimated by the U.S. State Department that as many as 17,500 human beings each year are trafficked into the United States to work in the sex trade or as slave labor. Women and children have been forced to work in prostitution and child pornography rings, while men, women, and children have been forced into different types of manual labor, without pay or protection. As an organization that cares deeply about the ohana, we find this extremely unacceptable.

Victims of human trafficking are commonly linked by poverty and lack of opportunity. Often they seek to escape their impoverished life with the hope of finding opportunity and a brighter future in Hawaii. It is in these types of environments that human traffickers flourish, promising unsuspecting victims an opportunity to travel, at no immediate expense, for employment and housing. When they reach Hawaii, they find coercion, abuse, entrapment, and exploitation in a brothel, a massage parlor, or an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse. Many become ill and some have even lost their lives.

Hawaii Family Forum has placed the elimination of trafficking as an important priority in the areas of public advocacy and education both to the wider community and to trafficking victims. Let me add that faith-based organizations are uniquely positioned to identify and provide assistance to victims of human trafficking.

First, faith-based organizations act from a theological and philosophical perspective. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities.

Second, most faith-based organizations have networks that enhance their capacity to give voice and volume to the cry for justice. They have access to a cross-section of agencies which offer an expertise that expands the possibilities for outreach and service, an asset not to be underestimated.

Finally, faith-based organizations have resources which can assist in the fight against human trafficking. Organizations like Catholic Charities Hawaii, Pacific Alliance to Stop Slavery and others. While we see the effort as a partnership with the government and the faith-based community, please know that those of us in the faith-based community will be performing this work regardless, particularly because of the moral gravity of the issue and the ongoing suffering of its victims.

Please pass this measure. Mahalo!



DATE: 3/29/11

ATTN: SENATE JUDICIARY COMMITTEE

Sen. Clayton Hee, Chair
Sen. Maile Shimabukuro, Vice-Chair
Sen. Mike Gabbard
Sen. Les Ihara, Jr.
Sen. Sam Slom

HEARING DATE: Thursday, March 31st 2011

HEARING PLACE: Conference Room 016 - State Capitol - 415 South Beretania Street

TIME: 9:45am

RE: **HB1003 SD1**

Dear House Committee on Judiciary:

The Pacific Alliance to Stop Slavery strongly supports HB1003 SD1. The rise in Human Trafficking among international and domestic trafficked persons is increasing as Hawaii is now 1 of 5 states in the nation that has not passed local legislation making it all too easy for victims of this modern-day slavery to fall through the cracks of our justice system as they are mistakenly seen as "illegal immigrants."

Hawaii has also recently been implicated in a federal investigation of the largest human-trafficking case in U.S. history involving more than 400 victims. ([Global Horizons](#)).

Existing laws are non-existent to deter Labor-Trafficking while protecting victims. Effective deterrents require bringing traffickers who exploit trafficked persons, to justice.

The lack of legal definition in our Hawaii criminal statutes creates a reluctance in the implementation of adequate services and facilities in Hawaii to meet the needs of trafficking victims in terms of health care, housing, education, medical services, and legal assistance-- services which safely support the recovery and ability of trafficked persons to regain control of their lives and also to assist with the prosecution of traffickers.

In order to deter Human Trafficking, Hawaii must recognize that Human Trafficking is a serious



offense. This can be simply accomplished by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

Please pass this measure.

Sincerely,

A handwritten signature in black ink, appearing to be "Kathryn Xian". The signature is fluid and cursive, with a large initial "K" and "X".

Kathryn Xian
Executive Director

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: trisha.watson@gmail.com
Subject: Testimony for HB1003 on 3/31/2011 9:45:00 AM
Date: Tuesday, March 29, 2011 10:15:52 PM

Testimony for JDL 3/31/2011 9:45:00 AM HB1003

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Trisha Kehaulani Watson, JD, PhD
Organization: Individual
Address:
Phone:
E-mail: trisha.watson@gmail.com
Submitted on: 3/29/2011

Comments: