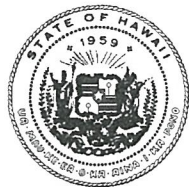


DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

DEPT. COMM. NO. 183

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

December 26, 2018

The Honorable Ronald D. Kouchi
President and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott Saiki
Speaker and Members of the House
of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

SUBJECT: Report in Accordance with Section 367-3(8), Hawaii Revised Statutes, Annual Report of the Hawaii State Commission the Status of Women

Dear President Kouchi, Speaker Saiki, and members of the Legislature,

Attached is the following report submitted in accordance with:

- Section 367-3(8), Hawaii Revised Statutes, Annual Report of the Hawaii State Commission the Status of Women.

In accordance with section 93-16, HRS, copies of these reports have been transmitted to the Legislative Reference Bureau Library and the reports may be viewed electronically at <http://humanservices.hawaii.gov/reports/legislative-reports/>.

Sincerely,

Pankaj Bhanot
Director

Ec copy only:

Office of the Governor
Office of the Lieutenant Governor
Department of Budget & Finance
Legislative Auditor
Senator Russell E. Ruderman, Chair, Senate Committee on Human Services
Representative Joy A. San Buenaventura, House Committee on Human Services & Homelessness



HAWAII STATE
COMMISSION
ON THE STATUS OF WOMEN

Chair
LESLIE WILKINS

COMMISSIONERS:
SHERRY CAMPAGNA
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**Hawai`i State Commission on the Status of Women
Annual Report
Submitted to the Hawai`i State Legislature
2019 Regular Session**

July 1, 2017-June 30, 2018

In 1964, Governor John A. Burns created by Executive Order the Hawai`i State Commission on the Status of Women (HSCSW). The work of the HSCSW is detailed in section 367-1, Hawaii Revised Statutes (HRS) and sections 367-3 (1) through (8), HRS. This report details the HSCSW's events, programs, conferences, and activities during State fiscal year (SFY) 2017-2018.

I. Events and Programs-O`ahu

- Launched #MeToo Prevention Statewide Training in Honolulu, Hawai`i to public and private organizations; organized trainings at the Legal Aid Society of Hawai`i - Immigrant Justice Center, National Association of Commissions on Women, and National Association of Social Workers;
- Co-organized and hosted Hawai`i Says No More Week with the Joyful Heart Foundation, including Mayor Caldwell and Governor Ige proclamation events;
- Hosted "Poverty of Privacy" event at the William S. Richardson School of Law;
- Co-sponsored Paid Family Leave rally at the Hawai`i State Capitol;
- Guest Speaker, Hawaii Public Radio's (HPR) "Think Tech Hawai`i" regarding federal and state Title IX legislation;

- Organized and sponsored Equal Pay Day at the Hawai`i State Capitol;
- Guest speaker, Civil Beat Café “Demand Gender Equality” panel;
- Established Micronesian Women’s Taskforce;
- Sponsored inaugural Micronesian Women’s Empowerment Day;
- Established Women’s Housing Working Group;
- Established Young Feminist Leaders Committee year-long school for girls;
- Organized and launched statewide sex trafficking awareness campaign “She Is All Women”;
- and
- Guest speaker, HPR's "The Conversation" regarding sex trafficking.

II. Neighbor Island Programs, Events, and Activities-Kaua`i

- Established Young Feminist Leaders Committee;
- Guest speaker, Kauai County Commission on the Status of Women;
- Sponsor, YWCA Kauai Financial Literacy Education;
- Sponsor, YWCA Financial Empowerment Conference;
- Sponsor, YWCA Women’s Leadership Conference; and
- Sponsor, YWCA Women’s Empowerment Workshops.

III. Neighbor Island Programs, Events, and Activities-Maui

- Established Young Feminist Leaders Committee;
- Provided advocacy and written testimony for Maui’s CEDAW resolution before Maui County Council;
- Sponsor, Domestic Violence Awareness Fair;
- Sponsor, Women of Excellence Awards;

- Hosted Roundtable Discussion of CSW Representations Statewide;
- Sponsor, Voter Registration Campaign; and
- Sponsor, Outstanding Women in Science, Technology, Engineering and Math event.

IV. Neighbor Island Programs, Events, and Activities-Hawai'i

- Established Young Feminist Leaders Committee;
- Sponsor, Hawai'i County Equal Pay Day;
- Sponsor, Real Women Creative Writing Essay Contest Luncheon; and
- Sponsor, County Commissioners attendance at national conference of the National Association of Women's Commissions.

V. Honolulu County Programs, Events, and Activities-O'ahu

- Assisted in the re-establishment of the Honolulu County Commission on the Status of Women;
- Sponsor, ALEA Bridge Women's Bridge Day;
- Sponsor, YWCA O'ahu and Patsy T. Mink Center for Business and Leadership Girls' Summit 2018;
- Sponsor, Hawaii State Coalition Against Domestic Violence Daysha Aiona Aka Fly to Freedom Fund; and
- Sponsor, Hawaii Children's Action Network Paid Family Leave Outreach.

VI. Committees and Taskforces

- Commercial Sexual Exploitation of Children (CSEC) Taskforce
- Justice Reinvestment Initiative-Victim Services Group
- Paid Family Leave Working Group
- Co-Chair, Hawai'i Women's Coalition

- Title IX Working Group
- Member, VOCA Advisory Board
- Board of Directors member, National Association of Commissions for Women (NACW)

VII. Community Advocacy and Provision of Testimony-Legislation

Through the Hawai'i Women's Coalition, the Commission helped draft, revise, and/or advocate for the legislation listed below. Please note, this list is shorter than other years due to the vacancy in our executive directorship until February 27, 2018, mid-way through the Legislative Session:

1. SB175/HB131; Relating to Elections
2. SB334/HB291; Relating to Elections
3. SB3028; Relating to Child Support
4. SB3047; Relating to Family and Medical Leave
5. HB679; Relating to Domestic Violence
6. HB1187 Relating to Elections
7. HB1401; Relating to Elections
8. HB1614; Relating to Automatic Restraining Orders
9. HB1627; Relating to the Minimum Wage
10. HB1647; Relating to Health
11. HB1717; Relating to Health
12. HB1718; Relating to Taxation
13. HB1721; Relating to Minimum Wage
14. HB1724; Relating to Human Trafficking;
15. HB1727; Relating to Labor

16. HB1755; Relating to Family and Medical Leave
17. HB1876; Relating to Human Services
18. HB1905; Relating to Health
19. HB1912; Relating to Kupuna Caregivers Program
20. HB1994; Relating to Law Enforcement
21. HB2022; Relating to Child Support
22. HB2125; Relating to Prescription Drugs
23. HB2126; Relating to Health Insurance
24. HB2127; Relating to Health Care
25. HB2128; Relating to Victims of Sexual Violence
26. HB2129; Relating to Domestic Violence
27. HB2130; Relating to Automatic Restraining Orders
28. HB2131; Relating to Sexual Assault
29. HB2132; Relating to Address Confidentiality
30. HB2133; Relating to Police Departments
31. HB2134; Relating to Violation of Privacy
32. HB2135; Relating to Domestic Violence
33. HB2136; Relating to Family Leave
34. HB2137; Relating to Equal Pay
35. HB2138; Relating to Protection of Children
36. HB2139; Relating to Discrimination in Education
37. HB2179; Relating to Elections
38. HB2184; Relating to the Licensure of Midwives

39. HB2293; Relating to the Minimum Wage
40. HB2294; Relating to the Minimum Wage
41. HB2423; Relating to the Minimum Wage
42. HB2598; Relating to Family Leave

VIII. National Advocacy and Legislation

- Worked with Family Values @ Work, A Better Balance, National Partnership for Women and Families to elevate and uplift the need for paid family leave;
- Worked closely with Family Values @ Work to track family leave trends;
- Worked closely with National Association of Commissions on Women to centralized advocacy;
- Assisted in national advocacy for Sexual Harassment Prevention;
- Assisted in national advocacy against sex trafficking; and
- Assisted in statewide education on Title IX.

IX. Recommendations

Transitioning to a Feminist State Government

This year, Hawai`i became the first state in the United States where every county passed legislation committing to the principles of the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Commission was instrumental in coordinating the county effort to pass their respective CEDAW measures. The Commission applauds this important milestone as gender equity should be a key component in all governmental decision-making and resource allocation. The Commission recommends that the state support progress by requiring at least five percent of each government agency's respective state-funded budget be dedicated to gender programming. There are programs that would achieve greater results

in gender equality and address women's human rights. For example, programs to address violence against women, maternal and neonatal morbidity, gender-focused research and data, and campaigns to ensure active participation of women are examples of successful gender programming. Gender-based budgeting is also one of the most important tools to improve the status of women.

Additionally, the Commission remains concerned about the lack of equal representation of women on state agencies and boards, and throughout government. Women and men must share the same power to shape policy. It is imperative that the state act proactively by conducting a gender and racial equity audit and instituting policies to increase equal participation.

Eliminating Sexual Exploitation and Sex Trafficking

Currently, state and non-governmental entities are struggling to meet the immediate housing, legal, and rehabilitation needs of Hawai'i's sex trafficking victims; and, there is no comprehensive prevalence data available. The Commission's July 2018 report *Sex Trafficking Part 1: Exploring Online Sex Buyers*¹ showed that Hawai'i faces one of the worst demand problems for paid sexual exploitation in the United States, and is limping behind the nation in terms of an adequate response structure. The problem remains enduringly gendered and thrives on the lower social, political, and economic status of women-identified people, particularly women of color and indigeneity. While men and boys are victimized, the majority of sex trafficking victims are cisgender women and girls.

¹ A copy of this report is available at <https://humanservices.hawaii.gov/wp-content/uploads/2018/09/Sex-Trafficking-in-Hawaii-Online-Sex-Buyers.pdf>

In order to elevate the status of women and to reduce instances of sexual exploitation in our state, the state should develop a cohesive, concerted and data-driven strategic plan that begins with the establishment of: 1) a statewide training program on Hawaii's human trafficking laws provided to those in the law enforcement and legal community; 2) a statewide sex trafficking database and centralized data collector; 3) state coordinator on the trafficking in persons; and 4) public outreach and community problem-solving campaign with special attention to Native Hawaiian, immigrant, youth, LGBTQ, disabled, formerly incarcerated, and houseless communities.

The Commission also recommends the passage of statutory revisions to section 712, HRS. Some key revisions would include the repeal of section 712-1200(1)(b), HRS, and creation of "sexual exploitation" as a separate crime. The Legislature should also expand section 712-1209.6, HRS, to include exploited people who cannot prove "force, fraud, threat or intimidation." National research is clear that most trafficking victims are unable to disclose or prove that they are trafficking victims due to fear of retaliation from a trafficker or "john," physical harm inflicted by the trafficker, economic dependency upon the trafficker, family connections with their trafficker (children, parents), emotional manipulation, trafficker-controlled finances or legal documents, language barriers, fear of police, or they are unaware of their legal status as a "victim," and fear the impact of stigma. The challenges to proving victimization have resulted in a group of exploited people who are excluded from the legal notion of "victim;" this exclusion puts them at an even higher risk of facing additional barriers to exit the sex trade. A change to the state's motion to vacate conviction statute, section 712-1209.6, HRS, would allow all people exploited by predominately men sex buyers in the sex trade to better exit without the barrier of a criminal record.

Further, the Legislation should consider the addition of increased fee assessments to add monetary penalties to section 712-1200(1)(b) and 712-1202(1)(a) and (b), HRS, disincentivize demand and fund prevention and exit services. The Legislature should also institute sexual abuse, including sex trafficking, intervention training in all DOE schools by continuing advocacy to create and appropriate funds for the Erin's Law Task Force to review policies, programs, and curricula for educating public school students about sexual abuse and sex trafficking prevention, and report recommendations for the establishment of a program to educate public school children on sexual abuse prevention through age appropriate curricula.

The Legislature should appropriate funds for public awareness campaigns to counter the misguided idea that if someone wants to exit the sex trade, she, he, or they have the ability, contrary to those trafficked who alternatively need assistance. This effort also must coincide with initiatives to counteract sex and gender-based discrimination, gender-stereotypical norms and attitudes, and economic inequality.

Shifting Workplace Policies to a Universal Caregiver Model

Hawai`i is in the midst of a historical demographic transition. As our elderly population expands, women workers in Hawai`i are becoming increasingly squeezed by caregiving duties for two or more generations. Currently, employees in Hawai`i do not have any right to paid medical or family leave. While the federal Family Medical Leave Act (FMLA, which leaves out 40 percent of the workforce) allows for unpaid leave with job protection up to 12 weeks for employers with 50 or more employees, our own Hawai`i Family Leave Law only applies to those with 100 or more employees and allows for 4 weeks of unpaid leave. For employees at businesses of less than 100 employees, the decision of whether one receives unpaid maternity leave, paternity leave, or leave to take care of an aging and ill parent or spouse is completely

dependent upon one's employer. Most people working in Hawaii cannot take unpaid leave and still maintain financial stability. 42% of employees in Hawaii do not have access to even a single day of paid leave. Multiple states and jurisdictions have enacted and successfully implemented family leave insurance policies across the nation. All data from those states and jurisdictions reveal higher employee retention and loyalty, increased retention in the workforce, and positive impacts on business. Currently, Hawai'i has the highest percentage of multi-generational households, the highest cost of living, the highest cost of housing, and the fastest growing age 65 and older population. It is *imperative* that we support our working families who are struggling to balance these demands.

Safeguarding Pay Equity and Economic Justice for Hawaii's Working Families

The Commission recommends the passage of additional Equal Pay revisions, to ensure that women have actual protection under the law and that employers are cognizant and educated of their responsibilities under state and federal law. Additionally, as part of a strategic plan for economic justice, the state should consider a further elevation of the minimum wage to that of a family wage. Low income women and women of color, many of whom are primary breadwinners for their family, continue to make up the majority of minimum wage jobs and continue to live in poverty. Raising the minimum wage has been identified as a means to close the gender wage gap. Closing the wage gap has been identified as a means to lift a large percentage of families out of poverty. The Commission also recommends tax system reform from a women and gender perspective.