



**Testimony on behalf of the
Hawai'i State Commission on the Status of Women**

Khara Jabola-Carolus, Executive Director

Prepared for the House Committee on Judiciary

In Support of HCR175

Wednesday, April 3, 2019, at 2:00 p.m. in Room 325

Dear Honorable Members,

The Hawai'i State Commission on the Status of Women supports HCR175, which requests the Commission to maintain a database on sex trafficking.

Hawai'i faces a data crisis around sex trafficking. While the public debates the very existence of sex trafficking in the state, Hawai'i's criminal justice-service provider alliance struggles daily to meet the needs of sex trafficking survivors. For example, since 2017, Child Welfare Services has received one hundred and forty (140) reports of child sex trafficking. Until the Commission's January 2019 *Sex Trafficking in Hawai'i: The Stories of Survivors*, this data was not made publicly available.

The state simply cannot manage what it cannot measure. A central database is necessary to improve the State's sex trafficking efforts by establishing systemic information collection and retrieval processes necessary for policy guidance, training, legislative reporting, and response and prevention programs. Accordingly, we support the Legislature's request that the Commission maintain a database.

Mahalo,

Khara Jabola-Carolus

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COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy SanBuenaventura, Vice Chair

Wednesday, April 3, 2019

2:00 pm

Room 325

CONCERNS ABOUT HCR 175 HD1 - HSCSW MAINTAINING HUMAN TRAFFICKING DATABASE

Aloha Chair Lee, Vice Chair SanBuenaventura and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,400 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons has concerns about this measure. Human Trafficking is a heinous crime and Community Alliance on Prisons fully supports and encourages prosecution of people who exploit others through force and coercion for profit.

Our concern is the Hawai'i State Commission on the Status of Women maintaining the database on such a sensitive and highly-charged issue as human trafficking. Page 2, lines 1-3 read: WHEREAS, the Commission also found that there is a larger incentive to force women and youth into sex trafficking in the State than in major American cities;

This resolution stems from a study with faulty data co-authored by the Arizona State University's Office of Sex Trafficking Intervention Research and the Hawai'i State Commission on the Status of Women that conflated sex trafficking with prostitution and adults and children. The report was reviewed by scholars in Hawai'i who have researched human sexuality for decades.

After reviewing the study, two respected Hawai'i researchers, Meda Chesney-Lind, Professor of Women's Studies at UH Manoa and President-Elect of the American Society of Criminology, and Nandita Sharma, Associate Professor of Sociology at UH Manoa wrote an Op-Ed¹ that was published in the Honolulu Star Advertiser.

¹ **Column: Methodology, conclusions of sex-trafficking study flawed**, By Meda Chesney-Lind and Nandita Sharma, October 18, 2018. <http://www.staradvertiser.com/2018/10/18/editorial/island-voices/column-methodology-conclusions-of-sex-trafficking-study-flawed/>

Chesney-Lind and Sharma assert that the report's slippage between "sex advertisements" and "the existence of victim movement and trafficking networks" is problematic. **Numerous researchers, including those working for the US Government Accountability Office, have warned that researchers who equate the existence of sex work with sex trafficking are doing a great disservice to both sex workers and to victims of trafficking.** Sex workers get caught up in police raids searching for "traffickers" while much needed resources to end violence are wasted on moral crusades to change the behaviour of their customers.

The authors ignore such cautions and continue to rely on the general horror associated with "sex trafficking" to advance their dubious political goal of eliminating sex work altogether. **This is an astonishingly bad policy recommendation that is not supported by the evidence provided by the study they authored.** Like other criminalization strategies, such actions make the lives of women, men and trans folks engaged in sex work more – not less – dangerous.

Conflating sex work and human trafficking is of great concern to Community Alliance on Prisons as we advocate for marginalized and criminalized individuals and communities along with our partners in the harm reduction community.

Dr. Kimberly Mehlman-Orozco, as well as being an accomplished survey methodologist, research scientist, and quantitative & qualitative consultant on issues related to human trafficking, is a professor of criminology and the author of **Hidden in Plain Sight: America's Slaves of the New Millennium**, told Front Page Confidential² that she **finds the estimate of Oahu's sex market "absolutely preposterous" and added that the study's conclusions "are not supported by that data."**

Numerous researchers, including those working for the US Government Accountability Office, have warned that researchers who equate the existence of sex work with sex trafficking are doing a great disservice to both sex workers and to victims of trafficking.

A few months after the study was released, Civil Beat ran a story³ about a new group called Hawai'i Predator Hunters formed by Giovanna Arioli, who works from the Big Island for a bail bond company. The group planned to operate on O'ahu and Hawai'i Island - the two islands in the study. Law enforcement and others have expressed concern about vigilante justice in our communities. When such a sensitive issue is fueled by bad data and fear, everyone in the community is at risk.

If the legislature respects and supports individuals who have been victims of this heinous crime, then such a sensitive database should be maintained by the Attorney General, the head of law enforcement in Hawai'i nei. It appears, however, that this resolution seeks to legitimize a report that has been widely criticized for its poor methodology and bias by researchers and by people in the harm reduction community who were never consulted.

We are mindful of the sensitive nature of the issue and the awful trauma of the people who have been trafficked. Community Alliance on Prisons doesn't want the real issues surrounding human trafficking to be lost in hysteria and fear.

Mahalo for this opportunity to testify and for hearing our concerns about this resolution.

² Arizona State University Study of 'Sex Trafficking' in Hawaii Finds...No Evidence of Sex Trafficking in Hawaii', BY STEPHEN LEMONS ON OCTOBER 15, 2018. <https://frontpageconfidential.com/roe-sepowitz-arizona-sex-trafficking-hawaii-study-debunked/>

³ **Sex-Sting Vigilantes Are Trying to Bust 'Predators' In Hawaii**, By Terri Langford, November 21, 2018. <https://www.civilbeat.org/2018/11/sex-sting-vigilantes-are-trying-to-bust-predators-in-hawaii/>

HCR-175-HD-1

Submitted on: 4/2/2019 11:14:49 AM

Testimony for JUD on 4/3/2019 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Melodie Aduja | O`ahu County Democrats Legislative Priorities Committee | Support | No |

Comments:

Subject: Hawaii State Measure HCR 175, pertaining to the request of the Hawaii State Commission to create and maintain a database on sex trafficking offenses in the state of Hawaii

Testimony of Amnesty International Hawaii Chapter.

Aloha, Representatives Chris Lee, Joy A. San Buenaventura and all Members of the House Judiciary Committee of the Hawaii State Legislature:

The state of Hawaii is considering a measure (HCR 175) which would give permission to the State Commission on the Status of Women to maintain a database on sex trafficking offenses in the state of Hawaii. Since 2016, Amnesty International USA has provided testimonies before members of the Hawaii State Legislature on proposed bills and resolutions pertaining to prostitution and sex trafficking in the State of Hawaii. Amnesty International fully supports the criminalization of human and sex trafficking as a matter of international law and calls on all countries to guarantee effective legal protections against it. We believe that every country must investigate, prosecute, and bring traffickers to justice and guarantee victim's access to justice and reparation, including all necessary levels of support.

Although we do appreciate the Hawaii State Commission's wish to create and maintain a database on sex trafficking offenses in the state of Hawaii, regrettably, we cannot support HCR 175 measure in its current form. We have many reasons for taking such position, but due to the fact that the community was only notified of this afternoon's hearing with less than 24-hour notice, we will focus on a couple of issues:

1. HCR 175 measure intends to collect, track and utilize data of commercial sex (prostitution) between consenting adult offenses, per 712-1200 (1) (b) Hawaii Revised Statutes. Consenting adults who engage in consensual commercial sex work are not sex trafficking criminals. Sex trafficking offense is a distinct offense from commercial sex (prostitution) between consenting adults under federal, international, and state laws not only with regards to its definition, but also regarding the threshold of evidence required to prove the offenses.

In order to correct this problem, we recommend the following amendment on HCR 175 measure: to eliminate section 712-1200 (1) (b) of the Hawaii Revised Statute from paragraph 3, on page 2, at line 7 through line 12 of HCR 175, as follows:

BE IT RESOLVED by the House of Representatives of the Thirtieth Legislature of the State of Hawaii, regular Session of 2019, the Senate Concurring, that the State Commission on the Status of Women is requested to Maintain a database **on sex trafficking offenses, which include offense under section 712-1202 of the Hawaii Revised Statutes.**

We also recommend that the Hawaii State Commission on the Status of Women complies with the Wilberforce Act of 2018, which Mandates both the FBI and also Attorney

General Offices of every state in this country, including the state of Hawaii, to make clear distinctions between sex trafficking, coerced sex, and commercial sex (sex work/prostitution) between consenting adults. The Hawaii State Commission on the Status of Women must hold itself and its work accountable to this Federal mandate. Doing so will ensure that its database tracking system, findings and reports accurately reflects the real numbers of real sex trafficker victims and offenders in the state of Hawaii, and it will also ensure that its work will become reliable and a credible source of information, which at the present moment is not because of its current “research” frame work and “findings”, along with HCR 175 measure proposition conflates commercial sex work (prostitution) between consenting adults with sex trafficking offenses.

2. HCR 175 measure intends to collect, track and utilize data pertaining to the total number of arrests, prosecutions, and convictions under section 712-1200 (1) (b), per Hawaii Revised Statutes. This offense is a commercial prostitution solicitation and not a sex trafficking offense, as defined per Hawaii Revised Statute, or U.S. Federal Statute. Moreover, HCR 175 measure plans add data collection pertaining to the age range, and average age, sex, and gender identity, race and ethnicity of consenting adults who were engaged in commercial sex (prostitution). Consenting adults who engage in consensual commercial sex (prostitution) are not sex trafficking offenders if they solicit commercial sex from consenting adults. Consenting adults who engage in consensual commercial sex with consenting adults who solicit such services are not sex trafficked victims.

To correct this problem, we recommend the following amendment on HCR 175 measure: To eliminate Section 712-1200 (1) (b) of Hawaii Revised Statute from paragraph 5, on page 2, section 3, as follows:

(3) Total number of arrests, prosecutions, and convictions under section 712-1202 of Hawaii Revised Statutes.

In closing, we ask that the Judiciary Committee either does not accept HCR 175 measure. Or, at the very least, amend this resolution with the above-mentioned recommendations.

HCR-175-HD-1

Submitted on: 4/3/2019 2:25:31 PM

Testimony for JUD on 4/3/2019 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--|--------------------|--------------------|
| Beatriz Cantelmo | Amnesty International Hawaii Chapter #1013 | Oppose | Yes |

Comments:

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Testimony of Amnesty International Hawaii Chapter #1013

Aloha, Representatives Chris Lee, Joy A. San Buenaventura and all Members of the House Judiciary Committee of the Hawaii State Legislature:

The state of Hawaii is considering a measure (HCR 175) which would give permission to the State Commission on the Status of Women to maintain a database on sex trafficking offenses in the state of Hawaii. Since 2016, Amnesty International USA has provided testimonies before members of the Hawaii State Legislature on proposed bills and resolutions pertaining to prostitution and sex trafficking in the State of Hawaii. Amnesty International fully supports the criminalization of human and sex trafficking as a matter of international law and calls on all countries to guarantee effective legal protections against it. We believe that every country must investigate, prosecute, and bring traffickers to justice and guarantee victim's access to justice and reparation, including all necessary levels of support.

Although we do appreciate the Hawaii State Commission's wish to create and maintain a database on sex trafficking offenses in the state of Hawaii, regretfully, we cannot support HCR 175 measure in its current form. We have many reasons for taking such position, but due to the fact that the community was only notified of this afternoon's hearing with less than 24-hour notice, we will focus on a couple of issues:

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We also recommend that the Hawaii State Commission on the Status of Women complies with the Wilberforce Act of 2018, which Mandates both the FBI and also Attorney General Offices of every state in this country, including the state of Hawaii, to make clear distinctions between sex trafficking, coerced sex, and commercial sex (sex work/prostitution) between consenting adults. The Hawaii State Commission on the Status of Women must hold itself and its work accountable to this Federal mandate. Doing so will ensure that its database tracking system, findings, and reports accurately reflect the real numbers of real sex trafficker victims and offenders in the state of Hawaii, and it will also ensure that its work will become reliable and a credible source of information, which at the present moment is not because of its current “research” framework and “findings”, along with HCR 175 measure proposition conflates commercial sex work (prostitution) between consenting adults with sex trafficking offenses.

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(3) Total number of arrests, prosecutions, and convictions under section 712-1202 of Hawaii Revised Statutes.

In closing, we ask that the Judiciary Committee either does not accept HCR 175 measure. Or, at the very least, amend this resolution with the above-mentioned recommendations.

HCR-175-HD-1

Submitted on: 4/1/2019 8:33:25 PM

Testimony for JUD on 4/3/2019 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lea Minton | Individual | Support | No |

Comments:

HCR-175-HD-1

Submitted on: 4/1/2019 4:04:07 PM

Testimony for JUD on 4/3/2019 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dara Carlin, M.A. | Individual | Support | No |

Comments:

Presuming the State Commission on the Status of Women is ok with this assignment ~

TESTIMONY ON BEHALF OF HARM REDUCTION HAWAII

c/o 1658 Liholiho St #205

Honolulu, HI 96822

LATE

April 2, 2019

RE: HCR 175 to be heard Wednesday, April 3, in Room 325, at 2:00 PM
OPPOSE

To the members of the House Committee on Judiciary

It is very frustrating to see that after our efforts to successfully stop this in its bill form (HB486 and SB1039) it has popped up again as a resolution. There was substantial opposition to allowing the individual involved to have herself appointed to keep some sort of database on sex trafficking. We feel she is not qualified. Opposition heard by the Senate Committee on Public Safety is noted in its report "Your Committee received testimony in opposition to this measure from the Honolulu Police Department, Harm Reduction Hawaii, K&R Enterprises, Community Alliance on Prisons, SWOP Hawaii, and four individuals." Most of the testimony in favor of this seems to have come from people who do not understand the issue or the problems with the assignment of the task to the HSCSW. In the hearings Senator Thielen suggested that the person who expects to be in charge work with those of us in harm reduction before moving forward. Instead an end around through a resolution seems to have been the choice made. The fact that both the police and sex workers agreed to oppose this measure should indicate how problematic it is.

Recent "research" done by the HSCSW along with Arizona State University has been subject to strong criticism. We do not consider it research. The conclusions do not follow from any data collected. It is an exercise in opinions, that many of us, with decades of first-hand experience working with persons in the sex trades do not share. Two distinguished UH scholars have already published a rebuttal to the first portion of this publication. A rebuttal to the second half is in the works. The sort of bias and manipulation that is evident throughout the work should not be rewarded by the legislature through this resolution.

Aloha



Tracy Ryan
For Harm Reduction Hawaii

LATE

HCR-175-HD-1

Submitted on: 4/3/2019 4:34:36 AM

Testimony for JUD on 4/3/2019 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Douglas Davidson | Individual | Oppose | No |

Comments:

Information about forced labor, and the conditions that lead to it would be helpful in combatting trafficking.

However the Hawaii State Commission on the Status of Women* (HSCSW*) is not the right entity to control these efforts for several reasons.

- The HSCSW* has not made a valid effort to cooperate with local agencies who service clients that may be affected by trafficking. Commission energy has been focused on an anti-prostitution agenda, under the guise of rescuing trafficking victims.
- HSCSW* does not explicitly distinguish between the two separate issues of sexual labor induced by force, fraud or coercion; and adults who consensually choose to exchange sexual services for things of value, aka sex workers. (HPD and the FBI are very forthright in their intentions not to confuse the two)
- HSCSW* has been aware of a sex worker-led rights organization called SWOP-Hawaii for some time. This local chapter of the national Sex Workers Outreach Project has not been able to have a respectful discussion with the Commission about the needs of our community. Furthermore, HSCSW* has chosen to silence sex worker voices and delay true anti-trafficking efforts, by suppressing studies by international agencies that support the decriminalization of sex work (both buying and selling of services).
- HSCSW* chose a controversial outside organization (Arizona State University or ASU) to publish a report that was allegedly informative about trafficking, but the data collected does not reflect any evidence of "trafficking"; nor does that data logically support HSCSW*'s conclusion that arresting people willing to pay for sex will save anyone from trafficking situations.
- HSCSW*'s association with ASU implies an inappropriate overlap of religion with government, as the ASU became infamous in the sex worker community for collaborating with Catholic charity-led diversion programs. People in Arizona counties with prostitution charges are given the option of participating in faith-

based programs, or going to jail.

- HSCSW* members and associates have a record of impropriety. Commission head Khara Jabola-Carolus has a family with failed Congressional candidate Kaniela Ing, who had numerous campaign finance fraud charges leveled against him, fraud that Jabola-Carolus personally benefitted from. Another member of HSCSW*, Sherry Alu-Campagna is very close to controversial character, Kathy Zang, alias Kathryn Xian. This Kathy Zang/Xian person managed Alu-Campagna's failed Congressional run, and the two appear to remain close. The Kathy Zang/Xian person was relieved of duties on the Hawaii State Trafficking Task Force for being disruptive and counterproductive. She was even asked to leave a downtown Catholic church, when they found out that the Kathy Zang/Xian person was defrauding them by taking credit for activities produced by other agencies.

Any legitimate efforts to understanding the root causes and appropriate remedies to fight trafficking would be undoubtedly helpful. However, the current members of the Hawaii State Commission on the Status of Women* are the wrong people to entrust with this endeavor. If a trafficking database is something the State of Hawaii really wants, a non-biased and uncorrupted organization would be better suited to this project. Please perform your due diligence before putting the power to affect people's lives in the wrong hands.