

‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

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

SUPPORT for SB2257
February 7, 2022

Good afternoon Senator San Buenaventura, Vice Chair Ihara, and Honorable Members:

The Hawai‘i State Commission on the Status of Women supports the decriminalization of the act of engaging in, or agreeing or offering to engage in, sexual conduct with another person in return for a fee or anything of value, authorization of civil claims against a business, owner or operator of a transient accommodation, or other commercial entity that profits from sexual exploitation and the creation of a human trafficking reparations fund.

1. Partial decriminalization means full empowerment for exploited people.

Firstly, criminalization may make law enforcement easier, but it comes at immeasurable expense to women and sexual and gender minorities. Criminalization of prostituting people allows police, traffickers, and exploiters (sex buyers) to prey on sex trafficking victims and prostituting people, and allows more rape, more torture, more intimate partner violence, and more disabling consequences to vulnerable people. Criminalization also tells exploited people that they are shameful regardless of choice, coercion or circumstances. The depression, self-loathing, and PTSD common that go hand-in-hand with prostitution are only aggravated by the isolating societal message behind criminalization.

Decriminalization of survivors without giving equal power to exploiters will provide them greater power against exploiters, rebuild broken trust between survivors and institutions, and repair decades of injustice where women were essentially supplied to men under U.S. military and HPD management.

Secondly, this is a housekeeping measure. Generally, States only focus on sex trafficking and prostitution, which is framed as self-assured, voluntary and consensual. This binary focus has left the act of buying sex largely free from scrutiny. This is not the case however in Hawai‘i, where the act of buying sex was recently recognized in law as a cause of harm in the sex trade.

In 2021, the Hawai‘i State Legislature redefined the act of buying sex to an act of “commercial sexual exploitation.” That law recognized the vast majority of prostituting people are vulnerable and economically coerced, whether or not there is a third party trafficker. This also means that regardless of whether there is a third party trafficker, the prostituting person is being exploited by a buyer. By decriminalizing prostituting people, SB2557 would align both our values and statute with this new understanding.

2. Why not decriminalize sex buyers too?

In 2021, the Hawai‘i State Legislature formally recognized that the act of buying sex is not neutral, but inherently exploitative and the indirect and direct cause of all harm in the sex trade. There are better solutions than deregulating the toxic sex trade to address instances where people have no other choice but prostitution to get money, such as SB3447.

The London School of Economics and Political Science analyzed data from 116 countries to determine the impact of decriminalized sex buying on human trafficking. The evidence was unmistakable. Countries that decriminalized sex buyers were directly associated with higher human trafficking rates than countries where sex buying and pimping were prohibited. Further, the report found that “the scale effect of legalizing prostitution undoubtedly outweighed the substitution effect—in which legal sex workers are favored over illegal workers. On the whole, countries with legalized prostitution were found to report a greater incidence of human trafficking inflows.”¹

3. Unintended consequences of the decriminalization of exploited people can be overcome.

We agree that consideration must be paid to collateral impacts whatever the issue. Some may argue that however well-intentioned, decriminalization of exploited people is premature, too nuanced for law enforcement to understand, and will have unintended consequences. We strongly urge outright decriminalization of prostituting people but if these concerns cannot be overcome in the short-term, we offer the following safe harbor provision. We absolutely must ensure people in prostitution are protected from arrest and prosecution in some form this Legislative Session:

1) (a) A person or persons who, in good faith, seek medical assistance or law enforcement assistance for themselves or another person, or is the subject of such a good faith request, shall not be arrested, charged, prosecuted, or convicted; have their property subject to civil forfeiture; or otherwise be penalized for Prostitution under 712-1200 if the evidence for the arrest, charge, prosecution, conviction, seizure, or penalty was gained as a result of the seeking of medical assistance or seeking of law enforcement assistance.

¹ <https://www.law.com/newyorklawjournal/2022/01/04/might-decriminalizing-sex-work-have-unintended-consequences-on-children/?slreturn=20220107035236>

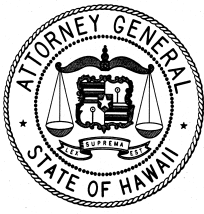
(b) This immunity shall not apply to any other criminal charges, and evidence obtained under the circumstances in subsection (a) shall not be grounds for suppression of this evidence in any other criminal case or for any other criminal charges.

(c) As used in this section:

"Seeks medical assistance" or "seeking of medical assistance" includes but is not limited to reporting a drug or alcohol overdose to law enforcement, the 911 system, a poison control center, or a medical provider; assisting someone so reporting; or providing care to someone who is experiencing a drug or alcohol overdose while awaiting the arrival of medical assistance.

"Seeks law enforcement assistance" or "seeking of law enforcement assistance" includes but is not limited to making a report to 911 or any other law enforcement agency; assisting someone so reporting; or providing care to someone while awaiting the arrival of law enforcement assistance.

Mahalo,
Khara Jabola-Carolus



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

S.B. NO. 2557, RELATING TO SEX TRAFFICKING.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, February 08, 2022 **TIME:** 3:30 p.m.

LOCATION: State Capitol, Room 225, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Farshad Talebi, Deputy Attorney General
Lauren M. Nakamura, Deputy Attorney General

Chair San Buenaventura and Members of the Committee:

The Department of the Attorney General (Department) strongly opposes this bill.

This bill would (1) legalize prostitution and prostitution-related crimes involving the offering or agreeing to engage in sexual conduct with another person in return for a fee or anything of value under sections 712-1203, 712-1206, 712-1207, 712-1208, Hawaii Revised Statutes; (2) authorize civil claims to be made against a business, owner, or operator of a transient accommodation, or other commercial entity that profits from sexual exploitation; (3) convert the human trafficking victim services fund to a human trafficking reparations fund to provide direct financial assistance to survivors of sex and labor trafficking; (4) change the name of the crime of "promoting prostitution" to "sex trafficking in the second degree"; (5) change the name of the crime of "sex trafficking" to "sex trafficking in the first degree"; (6) vacate convictions for the crimes of prostitution, loitering for the purpose of engaging in or advancing prostitution, and street prostitution and commercial sexual exploitation in designated areas; and (7) create a definition for "sexual exploitation," which would have the same meaning as another newly defined term "prostitution."

While the Department recognizes that those engaged in prostitution are amongst the most vulnerable and marginalized members of our community, legalizing prostitution will not change the inherently harmful and violent nature of commercial sexual exploitation. It is widely accepted that those engaged in prostitution are at

extraordinarily high risk for becoming victims of physical and sexual violence.¹ In addition to the violence they may experience from their trafficker, prostituted people are frequently raped or sexually assaulted by sex buyers.² The primary reason to criminalize prostitution is not to punish, but to discourage financially desperate individuals from exposing themselves to the extremely violent and dangerous world of commercial sexual exploitation.

Moreover, legalizing prostitution may lead to the further normalization of commercial sexual exploitation and sex buying, which is directly linked to victimization. A study that analyzed up to 150 countries concluded that legalizing prostitution leads to an expansion of the sex buying market and thus an increase in human trafficking.³

Additionally, legalizing prostitution will hurt law enforcement's ability to identify victims and hold offenders accountable. Victims of commercial sexual exploitation and trafficking rarely seek help from law enforcement or service providers. Thus, proactive investigations are necessary to identify victims, determine whether they are being trafficked, and offer services and resources. For instance, if law enforcement agencies suspect that an individual engaged in prostitution may be a victim of trafficking, the crime of prostitution gives them the legal authority to detain them to offer help and services and/or seek warrants to investigate further. Investigations can be victim-centered and trauma-informed without legalizing the offenses. However, legalizing the offenses will make it easier for traffickers to escape liability and make it more difficult to identify and rescue victims.

While the Department understands the intent of the bill, decriminalizing prostitution will weaken Hawaii's antitrafficking efforts and lead to more victimization and commercial sexual exploitation. There could be better avenues to achieve the desired

¹ See Jody Miller & Martin D. Schwartz, *Rape myths and violence against street prostitutes*, 16 *Deviant Behavior* 1-23 (1995); Jacqueline Comte, *Decriminalization of sex work: Feminist discourses in light of research*, 18(1) *Sexuality & Culture: An Interdisciplinary Quarterly*, 196-217 (2014); and Martin A. Monto *Focusing on the clients of street prostitutes: A creative approach to reducing violence against women - summary report*, U.S. Department of Justice (1999).

² See Jody Miller & Martin D. Schwartz, *Rape myths and violence against street prostitutes*, 16 *Deviant Behavior* 1-23 (1995); Melissa Farley PhD, & Howard Barkan DrPH, *Prostitution, violence, and posttraumatic stress disorder*, 27(3) *Women & Health*, 37-49 (1998).

³ Seo-Young Cho, Axel Dreher and Eric Neumayer, *Does Legalized Prostitution Increase Human Trafficking?*, 41 *World Development*, 75 (2013).

outcomes of this bill, such as diversion programs or safe harbor provisions, but testing this theory without a more robust discussion with subject matter experts in the criminal justice system is not advisable.

The Department also notes that section 13 of this bill, on page 15, lines 1-2 and 15-16, includes provisions related to labor trafficking, a subject that appears to be beyond the scope of the title of the bill, "Relating to Sex Trafficking." Article III, section 14, of the Constitution of the State of Hawaii, provides in part: "[e]ach law shall embrace but one subject, which shall be expressed in its title." As articulated by the Hawaii Supreme Court, in *Schwab v. Ariyoshi*, 58 Haw. 25, 34, 564 P.2d 135, 141 (1977):

It is sufficient if the title of an ordinance fairly indicates to the ordinary mind the general subject of the act, is comprehensive enough to reasonably cover all its provisions, and is not calculated to mislead; but an act which contains provisions neither suggested by the title, nor germane to the subject expressed therein, is, to that extent void.

Labor trafficking and sex trafficking are distinct subjects. Therefore, the title of the bill may not reasonably cover the provisions related to labor trafficking and there may be a constitutional issue if those provisions are not taken out of the bill.

The Department respectfully requests that this bill be deferred.



SB 2557, RELATING TO SEX TRAFFICKING

FEBRUARY 8, 2022 · SENATE HUMAN SERVICES
COMMITTEE · CHAIR SEN. JOY A. SAN
BUENAVENTURA

POSITION: Support.

RATIONALE: Imua Alliance supports SB 3347, relating to sex trafficking, which decriminalizes the act of engaging in, or agreeing or offering to engage in, sexual conduct with another person in return for a fee or anything of value; authorizes civil claims to be made against a business, owner or operator of a transient accommodation, or other commercial entity that profits from sexual exploitation; and converts the human trafficking victim services fund to a human trafficking reparations fund.

Imua Alliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 160 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. During the pandemic, demand for victim services to our organization has skyrocketed by 330 percent, driven in part by a fivefold increase in direct crisis calls from potential trafficking victims.

Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity.

A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name. Yet, sadly, many of the victims with whom we work are misidentified as so-called "voluntary prostitutes" and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. At least 23 percent of trafficking victims in Hawai'i report being first exploited before turning 18, according to a recent report, with the average age of trafficked keiki's initial exposure to exploitation being 11. Based on regular outreach and monitoring, we estimate that approximately 150 high-risk sex trafficking establishments operate in Hawai'i. In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O'ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU's findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. Imua Alliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told Imua Alliance prior to being rescued, "I can't be raped. Only good girls can be raped. I'm a bad girl. If I *want* to be raped, I have to *earn* it."

Accordingly, we support measures to advance our state's ability to stop sexual slavery, including this measure's effort to prevent survivors of sexual exploitation from being held legally responsible for their own trauma. State and county law enforcement officials are doing a much better job today of identifying sex trafficking survivors and absolving them of prostitution charges. This empowers victims to work with law enforcement without fear of legal consequences. As the preamble to this

bill states, **decriminalizing the commercialization of people's bodies prevents sex trafficking survivors from being faced with the prospect of prosecution and advances an approach to sex trafficking that focuses on the delivery of social services and trauma-informed care for those in need.** One of the best-known legal frameworks for decriminalizing the sale of sexual services is the Nordic model, which focuses on decreasing the demand for sexual exploitation and increasing funding for individuals seeking to exit the commercial sex trade. Over a half-dozen nations have adopted the Nordic model in whole or in part, including Canada, France, Iceland, Ireland, Israel, Norway, and Sweden.

Yet, the Nordic model does not go far enough for our state. In Hawai'i, a disproportionately high number of sex trafficking survivors are of Native Hawaiian or Pacific Islander ancestry. Sexual exploitation and colonialism go hand-in-hand, with the commodification of the islands by the military and corporate profiteers being reflected in the commodification and subjugation of Hawaiian women's bodies. What we need is a "bodies back" model of addressing sex trafficking, as outlined in this bill. Under such a model, it is important to allow survivors to seek civil remedies from the businesses that turn a blind eye to sexual exploitation that happens on their premises, especially the tourism industry. **Too often, our visitor industry businesses are notified about sex trafficking that is happening in, for example, hotels, but take no action to assist survivors or prevent further harm because such businesses view sex buyers as clients.** Across the country, hotels are being sued for profiting from sex trafficking because of their negligence. We should allow survivors to seek such remedies in Hawai'i, too. Relatedly, the state's human trafficking victims services fund under §706-650.5 has been ineffective since its creation in 2014. It was originally established to provide a funding stream for state contracts with victim service providers. The fund currently carries a minimal balance. **Transforming it into a fund that could provide direct cash assistance to survivors would allow it to strengthen the financial security of those exiting the sex trade,** a goal that could be further enhanced by directing financial penalties related to trafficking violations into the fund for future use.

Slavery has no place in paradise. Together, we can end exploitation on our shores.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org

WRITTEN TESTIMONY

BILL NO: Senate Bill 2557
TITLE: Relating to Sex Trafficking
COMMITTEE: Senate Human Services
DATE: February 8, 2022
POSITION: SUPPORT

Dear Chairperson San Buenaventura, Vice Chairperson Ihara, and Committee Members:

Shared Hope International is a national NGO focused on addressing the root causes of commercial sexual exploitation for the purpose of preventing child and youth sex trafficking in the U.S. Since our organization’s inception in 1998, we have proactively pursued and supported policies that protect the inherent right of individuals to be free from sexual violence, including commercial sexual exploitation. Shared Hope strongly supports Senate Bill 2557 because it centers necessary policy reform on the wellbeing of child, youth, and adult survivors of the sex trade.

Despite Hawaii’s commitment to increasing responses to human trafficking, current state law includes several glaring contradictions and problematic provisions. Presently, HRS § 712-1202 rightfully identifies any person subjected to commercial sex by another as a victim of sex trafficking, while HRS § 712-1200 identifies the same person a prostitution offender. Consequently, state law allows victims of sex trafficking to be criminalized for the very conduct that constitutes trafficking victimization. Since 2011, when we first began grading states on the strength of state statutory law addressing child sex trafficking, we have called on legislatures to recognize any minor engaged in commercial sex solely as a victim of sex trafficking, not a “prostitute” or “delinquent” youth. We know that child survivors have the best outcomes when they are met with protection, trauma-informed services, and a response that is appropriate to the experiences they have endured—such a response cannot be rooted in juvenile justice practices and systems. In fact, [a majority of states](#) have passed legislation to provide this clarification and foundational protection; not only is Senate Bill 2557 critical for remedying a legal paradox, the legislation embraces a nationally-regarded promising practice for protecting children and preventing harm.

And while our policy and advocacy work centers on children and youth, we know the harm experienced by those in the sex trade is neither diminished nor eliminated once a person reaches age 18. While psychological, sexual, emotional, and physical abuse and exploitation may impact children differently, youth and adults engaged in commercial sex experience horrifically high [levels of violence](#) and long-lasting harm at the hands of sex buyers, traffickers, and facilitators. Yet, our laws and systems of justice treat those “selling” sex as offenders of their own victimization. SB 2557 seeks to rectify this injustice and hold true offenders to account.

Together, repealing the prostitution statute and reclassifying the purchase of sex as “sexual exploitation” recognizes the conflation of “choice” and consent. Minors are legally unable to consent to commercial sex and for a vast majority of youth and adults in the sex trade, engagement in commercial sex reflects the presence of coercion, force, fraud, fear, or survival. However, “choosing” sex to survive is not consent and treating the youth or adult as a consensual actor not only misplaces criminal liability, it directly re-victimizes the individual. A majority of those in the sex trade carry years of [trauma, economic vulnerabilities, and abuse](#), significantly influencing the notion of “choice” and safer opportunities. Some youth and adults have trusted a nefarious or malicious actor, been fed a false promise, or have fallen for an exploiter who later sold the person to another who was all too willing to pay for the chance to rape him or her. Persons with unsafe or unstable housing may find the streets safer and, resultantly, trade sex in exchange for something to eat or a place to sleep. This is not the presentation of choice; youth and adults living with such realities deserve, at a minimum, access to care, systems

of support, and services, not the traumatizing and long-lasting impact of arrest, detention, prosecution, or criminal records.

Importantly, SB 2557 also includes several critical provisions that are essential to survivor wellbeing, including the development of the “Human Trafficking Reparations Fund,” strengthening post-conviction relief mechanisms, and increasing meaningful offender accountability, both through civil and criminal avenues.

We appreciate the Committee’s dedication to this issue and for allowing Shared Hope the opportunity to highlight the importance of legislation that seeks non-criminal, service-oriented responses for survivors. We respectfully ask for your support and a “Do Pass” vote.

Respectfully,

Sarah Bendtsen Diedhiou
Director of State Legislative Advocacy
Sarah@sharedhope.org

Supporting Research & Reports

[2021 Hawaii State Report Card](#)
[2021 Hawaii State Analysis Report](#)
[Non-Criminalization Issue Brief](#)



LATE

TESTIMONY

LIBERTARIAN PARTY OF HAWAII
% 92-149 Kohi Place
Kapolei, HI 96707

RE: **SB2557** to be heard on Tuesday February 8

Please support this bill.

This bill is exactly what the people want, decriminalization. No victim, no crime; and when a victim comes forward it holds the true perpetrators of heinous acts accountable. Thank you for your consideration.

Sincerely,

Feena Bonoan
Vice Chair
February 7, 2022

TESTIMONY

Harm Reduction Hawaii
c/o 1658 Liholiho St #205
Honolulu, HI 96822

RE: SB2557 to be heard on Tuesday February 8, at 3:30PM by video conference

Oppose

To the Senate Committee on Human Services

This is an anti-prostitution measure that is rooted in a certain brand of feminist philosophy. It is **widely opposed and hated by sex workers, human rights organizations and by anti-trafficking organizations**. It is in no way a response to (or an approach to ending) sex trafficking. It attacks all workers by attempting to cut off their income. The number one thing that sex workers list as a positive in their work is the money. They do their work for money just like most people. They do not appreciate angry moralistic “feminists” labeling them as victims.

This law puts workers at greater risk as they become less selective and cautious of the men they deal with. Those who leave the industry are those with the agency to do so. Those being trafficked remain. The percentage trafficked women in the industry goes up. The abuse from traffickers when victims bring in less money goes up.

It is so frustrating when there are good examples in the world where sex workers have been listened to. Places where sex trafficking, and various other harms, have sharply declined are the examples you should be looking at. Stay away from SB2557.

Very Truly Yours;

Tracy Ryan
Chair, The Libertarian Party of Hawaii

SB-2557

Submitted on: 2/6/2022 10:38:43 AM

Testimony for HMS on 2/8/2022 3:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alani Tyrol Bagcal	Individual	Support	No

Comments:

Aloha e members of the committee,

My name is Alani and I urge you to pass SB2557 to decriminalize survivors of the sex trade and hold hotels accountable that financially benefit from sex trafficking.

Mahalo,

Alani Bagcal

SB-2557

Submitted on: 2/7/2022 9:40:01 AM

Testimony for HMS on 2/8/2022 3:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rosemarie Muller	Individual	Support	No

Comments:

My name is Rosemarie Muller and I live in Keaau, Hawai'i. Please pass this measure as it would decriminalize the act of engaging in, sexual conduct with another person in return for a fee of anything of value. The call to decriminalize people involved in prostitution is an act to end sex trafficking.

Thank you

SB-2557

Submitted on: 2/7/2022 12:15:55 PM

Testimony for HMS on 2/8/2022 3:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mychal E. Menor Ozoa-Aglugub	Individual	Support	No

Comments:

Dear Chair San Buenaventura, Vice Chair Ihara, and members of the Senate Committee on Human Services:

Please pass SB2557 to decriminalize survivors of the sex trade and hold hotels accountable that financially benefit from sex trafficking.

Thank you for your time and consideration,

Mykie E. Menor Ozoa-Aglugub, J.D.

SB-2557

Submitted on: 2/4/2022 5:48:43 PM

Testimony for HMS on 2/8/2022 3:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alex Miller	Individual	Support	No

Comments:

Aloha,

My name is Alex Miller and I am a resident of Honolulu. I strongly support the passage of SB2557 which decriminalizes the act of engaging in, or agreeing or offering to engage in, sexual conduct with another person in return for a fee or anything of value. Laws which criminalize people for engaging in sex for compensation only punish further people who are often operating under the duress of poverty. These draconian laws reflect a sex-negative Puritan moralism which has no place in our society today. They don't protect women and gender/sexual minorities who engage in sex work, they only put them in further danger. Support services, not criminalization, are how we can care for people engaged in the sex trade.

Please pass SB2557.

Respectfully submitted,

Alex Miller

To: Hawaii State Legislature – Committee on Human Services
Hearing: Date/Time: Tuesday, 2-8-2022 3:30pm
Place: Hawaii State Capitol, Room 225 & Videoconference
Re: Judith Ann Armstrong is in support of SB2557 (decriminalizes commercial sexual exploitation survivors)

Aloha Chair Joy A. San Buenaventura, Vice-Chair Les Ihara, Jr., and esteemed members of the Committee,

I am writing in support of SB2557, which would decriminalize the act of engaging in, or agreeing or offering to engage in, sexual conduct with another person in return for a fee or anything of value. This bill would also authorize civil claims to be made against a business, owner or operator of a transient accommodation, or other commercial entity that profits from sexual exploitation. Finally, this bill converts the human trafficking victim services fund to a reparations fund.

Last year, the Legislature formally defined the act of buying sex into an act of exploitation. It follows that no one should be criminalized for their own exploitation. Vulnerable people exchanging sex for something of value to a more powerful party should be protected from arrest and prosecution.

The call to decriminalize people involved in prostitution is an important act to end sex trafficking. Traffickers often use the threat of criminalization to control trafficked women. This bill will rebuild broken trust between institutions and exploited people. Decriminalizing survivors will also create societal acceptance of people in prostitution, which could reduce shaming and violence.

We understand that there may be vocal opposition from law enforcement to SB2557. Nonetheless, we ask that the Committee center survivors and work to pass this important measure.

Sincerely,
Judith Ann Armstrong



COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura

Senator Les Ihara, Jr.

Tuesday, February 8, 2022 at 1530 HST

RE: Testimony in SUPPORT of SB2257 Relating to Sex Trafficking

Aloha Chair Joy A. San Buenaventura, Vice Chair Les Ihara, Jr., and the members of the Committee on Human Services:

Mahalo for hearing SB2257 relating to sex trafficking. I am writing in **strong support** of SB2257.

Human trafficking is a global issue. It's a shameful crime that unfortunately has persisted over the course of time. According to the United Nations, **79% of human trafficking involves sexual exploitation.**

Many victims of sex trafficking never come forward when help is available because they fear criminalization up to and including deportation. When victims end up in the criminal justice system, they are at risk of being sexually exploited again in the prison system. Additionally, there is a strong correlation between poverty and sex trafficking. How many people are coerced into forced labor when they were misled about a job opportunity?

Decriminalizing the act of engaging in, or agreeing or offering to engage in, sexual conduct with another person in return for a fee or anything of value will be equitable and it makes sense. It will eliminate a potential "second evil" that sex traffickers use to keep the victims isolated; therefore, the victims will be in a better place to safely exit the sex trade. It is paramount that we center the safety of sex trafficking victims, rather than "individual freedom" for sex traffickers and buyers.

Additionally, the human trafficking reparations fund and allowing sex trafficking victims to file a civil claim against their traffickers aligns with the objective of the victims' rights movement. Any survivor who chooses to do so should have the opportunity to address their abuser in court. These measures can empower survivors, thereby giving them a better chance at moving forward.

Mahalo for considering my testimony,

Soon Kim

Senate District 15

SB-2557

Submitted on: 2/7/2022 4:03:58 PM

Testimony for HMS on 2/8/2022 3:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in Support.

SB-2557

Submitted on: 2/7/2022 4:58:27 PM

Testimony for HMS on 2/8/2022 3:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ashley Galacgac	Individual	Support	No

Comments:

Dear Chair San Buenaventura, Vice-Chair Ihara, and Members of the Committee on Human Services,

Please pass SB2557, which would decriminalize the act of engaging in, or agreeing or offering to engage in, sexual conduct with another person in return for a fee or anything of value. This bill would also authorize civil claims to be made against a business, owner or operator of a transient accommodation, or other commercial entity that profits from sexual exploitation. Decriminalize survivors of the sex trade and hold hotels and other multinational corporations accountable for profiting from sexual exploitation.

Finally, this bill converts the human trafficking victim services fund to a reparations fund. These reparations are vital for the healing of victims and their families and communities who will need time and resources to heal and build the life they deserve.

Last year, the Legislature formally defined the act of buying sex into an act of exploitation. It follows that no one should be criminalized for their own exploitation. Vulnerable people exchanging sex for something of value to a more powerful party should be protected from arrest and prosecution.

The call to decriminalize people involved in prostitution is an important act of harm reduction. Traffickers often use the threat of criminalization to control trafficked women. This bill will also rebuild broken trust between institutions and exploited people. Decriminalizing survivors will also build societal acceptance of people in prostitution, which could reduce shaming and violence against them.

We understand that there may be vocal opposition from law enforcement to SB2557. Nonetheless we ask that the Committee center survivors and work to pass this important measure.

Mahalo,

Ashley Galacgac

SB-2557

Submitted on: 2/4/2022 9:40:22 PM

Testimony for HMS on 2/8/2022 3:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

This is prostitution. Any that aproves this Belong in Jail for LIFE!!

SB-2557

Submitted on: 2/7/2022 11:22:48 AM

Testimony for HMS on 2/8/2022 3:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Maddalynn Seseparasara	Individual	Oppose	No

Comments:

To the Senate Committee on Human Services

This is an anti-prostitution measure that is rooted in a certain brand of feminist philosophy. It is widely opposed and hated by sex workers, human rights organizations and by anti-trafficking organizations. It is in no way a response to (or an approach to ending) sex trafficking. It attacks all workers by attempting to cut off their income. The number one thing that sex workers list as a positive in their work is the money. They do their work for money just like most people. They do not appreciate angry moralistic “feminists” labeling them as victims.

This law puts workers at greater risk as they become less selective and cautious of the men they deal with. Those who leave the industry are those with the agency to do so. Those being trafficked remain. The percentage trafficked women in the industry goes up. The abuse from traffickers when victims bring in less money goes up.

It is so frustrating when there are good examples in the world where sex workers have been listened to. Places where sex trafficking, and various other harms, have sharply declined are the examples you should be looking at. Stay away from SB2557.

mahalo,

Maddalynn Seseparasara

SB-2557

Submitted on: 2/7/2022 3:15:28 PM

Testimony for HMS on 2/8/2022 3:30:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Darlene Popoalii	Individual	Oppose	No

Comments:

Aloha Committee on Human Services:

I am a sex trafficking survivor and I strongly oppose this bill! I became a prostitute at the age of fifteen here on the island. That was 45 years ago, I've learned much and raised two kids here out of the life, in a drug free, violence free home. I have grandchildren here, I care deeply and I know this is not the way! What is needed is to completely decriminalize all sex work, put control back onto the hands of the worker--mostly women! This bill puts sex workers in greater danger not less! I am willing to talk to anyone, answer any question you have and so are other's who have lived and survived in the sex industry. You need our input and not just when it "sit's right" with you! Feminist who oppose decriminalizing sex work are telling a whole group of strong women we can't decide for ourselves how to earn a living or have sex! How is that any different than some men telling me how to live? People over the age of 18 have a right to live how they see fit. Making sex a crime simply because money changed hands is ridiculous! My body, my choice plain and simple! Please don't put sex worker's, most of whom are women, in more danger by passing this bill!

Sincerely,

Darlene Popoalii, Darlene Jamil, Kathy Zaleski & last but not least Candy!

SB-2557

Submitted on: 2/7/2022 3:33:29 PM

Testimony for HMS on 2/8/2022 3:30:00 PM

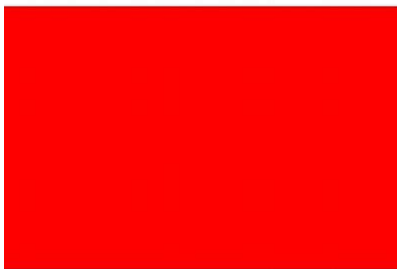
Submitted By	Organization	Testifier Position	Remote Testimony Requested
Bella Robinson	Individual	Oppose	No

Comments:

Letter in Opposition to SB2557 attached

Thank you

Bella Robinson (COYOTE RI)



SB-2557

Submitted on: 2/7/2022 9:17:50 PM

Testimony for HMS on 2/8/2022 3:30:00 PM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Douglas Davidson	Individual	Oppose	No

Comments:

SB2557 is proposing what is commonly known as The Nordic Model. Basically, the idea is to decriminalize charging for sexual services, while increasing penalties for those interested in paying for sexual services.

Without performing a needs assessment for people in the sex trade, outsiders like those in the Hawaii State Commission on the Status of Women* (HSCSW*) suggest cutting off the source of income to those affected by trafficking, as well as those of us thriving, or just surviving and paying bills via sex work. How does that help us?

If the typical story is true, and someone being trafficked does have a quota to meet on the street, how does scaring away potential clients help someone make that money and avoid violence from their “trafficker”?

The Global Alliance Against Traffic in Women (GAATW) published a report quoted below, titled

Criminalizing Clients Endangers Sex Workers and Creates Barriers to Exiting Sex Work: Lesson Learned from the Anti-Trafficking Industry

“In summary, GAATW strongly opposes criminal penalties against sex workers’ clients as this approach:

- Has not reduced trafficking;
- Threatens sex workers’ income security and working conditions, by increasing competition amongst sex workers, and decreasing opportunities for safe screening procedures;

- Has not stopped violent or abusive clients who are more experienced at evading law enforcement, but has ended up impacting less experienced clients;
- Dismisses and silences the concerns, priorities and knowledge of sex workers;
- Increases law enforcement power over sex workers; and
- Increases stigma against sex workers.

Criminalising clients may end up necessitating risky work practices and increasing the risk of violence. Less ‘demand’ or less business can put sex workers in situations where they feel pressured to take on more dangerous clients, work longer hours, lower their rates, or engage in unsafe work practices. Sex workers may feel the need to work alone and/or work in more isolated locations, in order to avoid detection by law enforcement.”

http://gaatw.org/advocacy/Bill_C-36-GAATW_brief.pdf