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[PASS]
THE PACIFIC ALLIANCE
TO STOP SLAVERY

February 7th 2013

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Rep. Cynthia Thielen
Rep. Derek S.K. Kawakami

DATE: Monday, February 11th 2013

TIME: 2:30pm

PLACE: Conference Room 325, State Capitol, 415 South Beretania Street

RE: TESTIMONY IN STRONG SUPPORT OF **HB1068 WITH AMENDMENTS
RELATING TO HUMAN TRAFFICKING**

Requires certain establishments to post in a conspicuous place a poster that provides specified information relating to human trafficking and the National Human Trafficking Resource Center hotline. Defines "establishment." Establishes penalties for violations of the poster requirement.

Dear Committees on Consumer Protection and Commerce and Judiciary:

The Pacific Alliance to Stop Slavery (PASS), in unity with Imua Alliance, is in strong support of HB1068 with amendments. The Human Trafficking Resource Center and Hotline, managed by the Polaris Project, is one of the ways in which victims in servitude, community members wishing to report a crime, or individuals wanting to receive more resource information may call 24-hours a day to receive the help

they need. Requiring establishments to post the hotline in clear view would help to get assistance to those who need it the most in areas where outreach is difficult.

The hotline poster is already designed and available for free on this website:

http://www.polarisproject.org/index.php?option=com_content&view=article&id=60&Itemid=73

A sample of the poster is included with this testimony. Costs would be minimal, only pertaining to the value of the sheet of paper it is printed on. The poster is also translated into 10 different languages aside from English at no cost.

Furthermore, from 2007 to 2010, the National Hotline received 75 calls from Hawaii. In 2011 that total jumped to 67 calls for that year alone, almost the same total amount than the previous 3 years combined. With more visibility, due to the passage of this legislation, we expect a significant increase in hotline calls.

We PASS and Imua Alliance encourage you to amend Section 1, of this bill by adding a subsection to state:

"The department may contract with any state or county department or agency, including but not limited to the county liquor commissions, for the purpose of implementing or enforcing this section."

In our opinion, this amendment allows DLIR to obtain assistance from other governing bodies that have experience in working with and policing the establishments enumerated in this bill, thereby lessening the fiscal encumbrance borne by the department.

We also urge you to use HB1068 as a vehicle bill for criminalizing Internet-based, third-party advertisements for prostitution. In the Information Age, the Internet has become the predominant vehicle for commercial sex advertising. Every day, hundreds of ads publicizing sexual services are posted on online classified websites, like Backpage and Craigslist, usually under the guise of escort dates or massage appointments. Often, the photos contained in the ads feature scantily clad women, making explicit their ulterior intent. Connecticut passed a cyber-trafficking prevention law, earlier this year, that outlaws commercial sex advertisements that employ depictions of minors.

Hawaii should be bolder, banning all advertisements for prostitution, online or in any other format. Newly articulated judicial precedent from the Sixth and Ninth Circuit Courts of Appeals suggests that such a law would not run afoul of the First Amendment, as long as it targets third-party advertisers, rather than the online advertising forums themselves. Importantly, Hawaii would be the second state to enact such a law, countermanding our image as a state that lags behind the country in terms of implementing progressive anti-trafficking policy. To create a "cybertrafficking" statute, we propose that the following language be added to the bill:

SECTION §712- Advertising for prostitution. (1) A person is guilty of advertising for prostitution when such person knowingly:

(a) Creates, distributes, or attempts to distribute an advertisement for prostitution; or

(b) Purchases or attempts to purchase advertising space for an advertisement for prostitution.

(2) Advertising for prostitution is a misdemeanor.

(3) For the purposes of this section:

"Advertisement" means a commercial message in any electronic, print, or broadcast medium that aids, promotes, or assists, directly or indirectly, an offer or agreement to engage in sexual conduct with another person for a fee.

"Advertising space" means the right to publish or distribute a commercial message through any electronic, print, or broadcast medium.

(4) This section shall not apply to any member of a police department, a sheriff, or a law enforcement officer acting in the course and scope of duties.

PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons.

PASS is one of Hawaii's few services that helps heal survivors of human trafficking. We testify that there are no specific services tailored to the survivors of this crime. As a result, survivors fall through the cracks or are often re-victimized and criminalized as either "prostitutes" if they are sex trafficked victims or "illegal immigrants" if they are labor trafficked victims. Hawaii must accurately and effectively address the handling of human trafficking survivors.

Earlier this year, Shared Hope International rated Hawaii second worst in the nation in protecting child victims of sex trafficking by law. Since there is no sex trafficking statute in Hawaii, statistics from law enforcement are unavailable as they are combined with general prostitution statistics but other sources of information are very helpful in assessing the great need for services specific to child victims of sex trafficking. Such information states:

- Hawaii's incarceration rate of juvenile girls exceeds national average¹.
- Of the girls incarcerated, 35% are runaways, a high-risk criteria for trafficking².
- Hawaii has the third highest attempted teen suicide rate³.
- Hawaii has one of the highest rates of intrafamilial sexual abuse (incest)⁴.

All of these statistics significantly contribute to the proliferation of sex trafficking. Since 2009, PASS alone has assisted 96 victims of human trafficking. The need to expand anti trafficking services is very severe.

¹ Hawaii Department of the Attorney General, Research and Statistics Branch Crime Prevention and Justice Assistance Division. (May 2006). *The Female Juvenile Offender in Hawaii: Understanding Gender Differences in Arrests, Adjudications, and Social Characteristics of Juvenile Offenders*

² Ibid.

³ Hawaii State Department of Health (2010)

⁴ Dunn, A. Girl Fest Hawaii Conference on Youth. (2012). Deputy Prosecutor, Honolulu City Prosecutor's Office

Thank you for hearing this much needed legislation.

Sincerely,



Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery