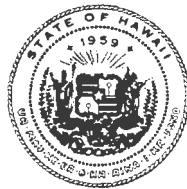


DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

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

December 26, 2019

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 on 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 on 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
JUDY KERN

COMMISSIONERS:
MARILYN B. LEE
CYD HOFFELD
DEJA OSTROWSKI
TERRI ANN MOTOSUE
SIERRA HAMPTON-ENG

Executive Director
KHARA JABOLA-CAROLUS

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**Hawai`i State Commission on the Status of Women
Annual Report
Submitted to the Hawai`i State Legislature
2020 Regular Session**

July 1, 2018-June 30, 2019

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, Hawai`i 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) 2018-2019.

I. Events and Programs-O`ahu

- Organized and sponsored Equal Pay Day at the Hawai`i State Capitol
- Guest speaker, HPR's The Conversation
- Appearance on KFVE/Hawai`i NewsNow "Sunrise" show to launch #ShelsAllWoman campaign
- Guest speaker on iHeart radio "Community Matters" on #ShelsAllWoman campaign
- Launched #ShelsAllWoman sex trafficking prevention and intervention outreach with radio campaign on local Honolulu radio stations
- Launched #ShelsAllWoman sex trafficking hotline on bus advertisements
- Attended Hawai`i Youth Services Network event on the "Overview of Sex Abuse and Sex Trafficking in Hawai`i"
- Partnered with national research center from Arizona State University, Office of Sex Trafficking Intervention and Research to produce two parts of four-part "Sex Trafficking in Hawai`i" report
- Facilitated Hawai`i State Coalition Against Domestic Violence's Annual Conference "Weaving Together Safety & Collaboration"

- Became member of “Trafficking Tiger Team”
- Sponsored first annual Marshallese Women Empowerment Workshop
- Conducted #MeToo Prevention Training at Harm Reduction Services Branch, Hawai`i Department of Health
- Media events with Hawai`i Public Radio's (HPR) and Hawai`i News Now regarding “Sex Trafficking in Hawai`i Part I: Exploring Online Buyer Demand”
- Hosted five student internships to women in the community and at local colleges and universities
- Guest speaker on “What’s Your Story?” Podcast on “Unlearning Patriarchy”
- Conducted Young Feminist Leaders Committee leadership school and training on feminism and advocacy
- Guest speaker at “Talk Story” with women leaders at Aloha United Way
- Guest speaker at Better Tomorrow Speaker Series with Karen Kelsky’s public lecture on the #MeToo Movement
- Attended Hawai`i Business Magazine’s Wahine Forum 2018
- Sponsored and hosted Hawai`i Women’s Coalition Retreat
- Co-sponsored screening of “Call Her Ganda” at the Hawai`i International Film Festival
- Presenter to the Hawai`i Immigrant Justice Center, Legal Aid Society of Hawai`i on the sex trafficking demand study
- Attended Senator Stanley Chang’s Housing Conference
- Co-sponsored Brown Bag Lunch Series at the Capitol “Abortion in Hawai`i” with community partner organization Planned Parenthood
- Conducted press conference on the release of the “Sex Trafficking in Hawai`i” study
- Hosted Deaf Women’s Roundtable
- Secured and commemorated Governor Proclamation of annual “Sex Trafficking Awareness Day” every January 20TH

- Presented sex trafficking demand study to statewide Human Trafficking Task Force under the Attorney General
- Guest speaker with survivor leaders to Rotary Club Honolulu
- Co-hosted Brown Bag Lunch Series at the State Capitol “Know Your Rights as a Renter” workshop with community partner Hawai`i Appleseed
- Presented peer reviewed empirical research on Honolulu Police Department practices of violence against women to Honolulu Police Commission
- Presented sex trafficking demand study to Women’s Legislative Caucus
- Attended “Human Trafficking and the Child Welfare Population in Florida” seminar through Center for Victim Research
- Hosted community event “Legislative Impact on Transgender Lives”
- Keynote Speaker at Pinay Powerhosue annual conference by Filipina Women in Law
- Co-hosted “Decriminalization of Sex Industry” Coffee Talk
- Created sex trafficking public service announcement video for training sessions
- Attended 16th Annual Hawai`i International Summit
- Presented at the Institute on Violence, Abuse and Trauma conference
- Attended 3rd Training Conference on Building Competency in Serving LGBTQ+ Youth
- Coordinated bill signing ceremony for HB 1165, No License to Discriminate Law and SB1039, Survivors Not Criminals law

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

- 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
- Sponsor, YWCA Women’s Empowerment Workshops

- Sponsor, Kauaʻi Committee on the Status of Women’s NACW annual membership fee
- Sponsor, Kauaʻi Committee on the Status of Women’s registration fee to NACW conference
- Guest speaker, Kauai County Commission on the Status of Women
- Young Feminist Leaders Committee Training “Connection with Communities”
- Presented the sex trafficking demand study at the Kauai Partner’s Meeting

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

- Sponsor, Maui Committee on the Status of Women’s NACW annual membership fee
- Sponsor, Maui Committee on the Status of Women’s registration fee to NACW conference
- Young Feminist Leaders Committee Training “Connection with Communities”
- Hosted Maui Midwives Roundtable
- Training to County of Maui on sex trafficking

IV. Neighbor Island Programs, Events, and Activities-Hawaiʻi

- Sponsor, County Commissioners attendance at national conference of the National Association of Women’s Commissions.
- Guest speaker at the Hawaiʻi Leadership Fund Conferene on Equal Pay
- Guest speaker with Hawaiʻi Island Coalition Against Human Trafficking
- Young Feminist Leaders Committee Training “Connection with Communities”
- Appeared on sex trafficking panel hosted by Zonta Club of Hilo
- Met with Mayor Harry Kim regarding sex trafficking demand study

IV. Honolulu County Programs, Events, and Activities-O`ahu

- Co-Sponsor, Women’s Legislative Caucus Meeting
- Presented sex trafficking demand study to Honolulu Committee on the Status of Women

V. University of Hawai`i, Programs, Events, and Activities-O`ahu

- Guest speaker for Title IX Know Your Rights panel
- Presented sex trafficking data to UH Committee on the Status of Women
- Commencement keynote speaker at Univeristy of Hawai`i, FilGrad

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
- Established Equity & Inclusion Committee, and Suport Group for Women of Color
- Title IX Working Group
- Member, VOCA Advisory Board
- Board of Directors member, National Association of Commissions for Women (NACW)
- Established Hawai`i Public Housing Task Force
- Working Families Coalition
- Micronesia Women's Task Force
- Hawai`i Human Trafficking Coalition under the Attorney General
- Member, University of Hawai`i, Manoa, Center for Pillippine Studies Council
- Administratively assigned to Hawai`i Home Birth Task Force per Act 32, SLH 2019

VII. Community Advocacy and Provision of Testimony-Legislation

In leadership and support of the Hawai`i Women's Coalition, the Commission assisted in the drafting, revising, and advocating for the legislation listed below. The Commission was short-staffed during the 2019 Legislative Session due to half of its staff on unpaid maternity leave, but was able to pass two of five bills where the Commission acted as a lead advocate: (1) No License to Discriminate Law – removing the gender binary from Hawai`i's driver's licenses ([HB](#)

[1165 HD SD2; Act 148, SLH 2019](#)); and (2) Survivors Not Criminals Law – supporting all people in recovery from prostitution, not just sex trafficking victims ([SB 1039 HD1 CD 1; Act 176, SLH 2019](#)).

1.	HB1192 HD2 SD2	Relating to Equal Pay.
2.	HB483 HD2 SD2	Relating to Civil Rights.
3.	HB1191 HD1 SD2	Relating to Minimum Wage.
4.	SB789 SD2 HD2	Relating to Minimum Wage.
5.	HB2 HD1 SD1 CD1	Relating to The State Budget.
6.	HB486 HD1SD1	Relating to Prostitution.
7.	SB1039 HD1	Relating to Prostitution.
8.	HR6	Requesting Members of The United States Congress to Amend Federal Law to Ensure That Victims of Sexual Harassment and Sexual Assault Who Might Otherwise Be Forced into Arbitration and Silence Instead Have Access to The Courts.
9.	SCR12	Requesting Members of The United States Congress to Amend Federal Law to Ensure That Victims of Sexual Harassment and Sexual Assault Who Might Otherwise Be Forced into Arbitration and Silence Instead Have Access to The Courts.
10.	SR11	Requesting Members of The United States Congress to Amend Federal Law to Ensure That Victims of Sexual Harassment and Sexual Assault Who Might Otherwise Be Forced Into Arbitration and Silence Instead Have Access to The Courts.
11.	SB1041 SD2 HD2	Relating to Employment Practices.
12.	SB1048 SD1 HD1	Relating to Sexual Harassment.
13.	HB1165 HD2 SD2	Relating to Gender Identification.
14.	HCR175 HD2	Requesting the State of Hawaii Department of The Attorney General to Maintain A Database On Sex Trafficking Offenses.
15.	HR154 HD1	Requesting the State Commission on The Status of Women to Maintain A Database on Sex Trafficking Offenses.
16.	HB467 HD1 SD2	Relating to The Kupuna Caregivers Program.
17.	SB1025 SD1 HD2	Relating to The Kupuna Caregivers Program.
18.	HB32 HD1 SD2	Relating to Family Leave.
19.	SB821 SD1 HD1	Relating to Gender Equity.
20.	HB437 HD1 SD1	Relating to Crime Victim Compensation for Mental Health Services.
21.	HB295 HD1 SD1	Relating to Domestic Abuse
22.	SB1037 SD1 HD1	Relating to Domestic Violence.
23.	SB1047 SD1 HD2	Relating to Domestic Violence.
24.	HB1433 HD1 SD1	Relating to Address Confidentiality.

25.	HB1248 HD1 SD2	Relating to Elections
26.	HB1485 HD2 SD1	Relating to Voter Registration
27.	SB412 SD2 HD1	Relating to Voting.
28.	SB1033 SD2 HD2	Relating to The Licensure of Midwives.
29.	HB710 HD1 SD1	Relating to Employment Practices.
30.	SB1034 SD1 HD1	Relating to Insurance.
31.	HB18 HD1 SD1	Relating to Childhood Sexual Abuse.
32.	SCR8	Urging the Hawaii State Department of The Attorney General to Conduct A Statewide Investigation of Sexual Abuse of Minors in The State of Hawaii By Clergy of The Roman Catholic Church.
33.	SR4	Urging the Hawaii State Department of The Attorney General to Conduct A Statewide Investigation of Sexual Abuse of Minors in The State of Hawaii By Clergy of The Roman Catholic Church.
34.	HR88	Requesting the Auditor to Assess the Social and Financial Effects of Requiring Health Insurers to Provide Coverage for Clinical Victim Support Services for Victims of Sexual Violence and Abuse.
35.	SR138 SD1	Requesting the Auditor to Assess the Social and Financial Effects of Requiring Health Insurers to Provide Coverage for Clinical Victim Support Services for Victims of Sexual Violence and Abuse.
36.	HCR93	Requesting the Auditor to Assess the Social and Financial Effects of Requiring Health Insurers to Provide Coverage for Clinical Victim Support Services for Victims of Sexual Violence and Abuse.
37.	SCR171	Requesting the Auditor to Assess the Social and Financial Effects of Requiring Health Insurers to Provide Coverage for Clinical Victim Support Services for Victims of Sexual Violence and Abuse.

VIII. National Advocacy and Legislation

- Worked with Rights4Girls in Washington, D.C., to advance national advocacy on sex trafficking
- Worked closely with National Association of Commissions on Women to centralize advocacy
- Assisted in national advocacy for sexual harassment prevention
- Assisted in statewide education on federal Title IX

IX. Recommendations

Building a More Sustainable Commission

The Commission remains concerned that women do not share the same power to shape policy affecting their lives. It is imperative that the State act to support women's needs by adequate representation in policymaking. The Commission is the primary policymaking and coordinating body for women and gender equality concerns in the State.

Currently, the Commission is not backed with the requisite financial and political support to execute its statutory mandate under Section 367-3(1), HRS, to act as a central coordinating body for governmental and nongovernmental activities relating to the status of women. Specifically, the Commission is not adequately staffed to provide policy recommendations to decisionmakers across the State as required by Section 367-3(3), HRS.

The Commission's eight mandated duties are largely limited to the capacity of the Executive Director. The Executive Director is the only staff member able to draft, research, and provide legislative testimony on law and policy reform related to women. The Commission does not employ a legislative aide, policy researcher or policy advocate to address the needs of over seven hundred thousand women and girls in the State. The Executive Director commits 80-90 hours to the workweek during the legislative session and submits an average of 200 individual pieces of written testimony on proposed legislation. Despite the input, the Executive Director is unable at times to attend up to half of pertinent legislative hearings due to schedule conflicts despite a near-total halt to regular programming during the January through May period.

Additionally, during the 2019 Legislative Session, the Legislature passed a new law, chapter 457J, HRS, that tasked the Commission with convening and supporting a Home Birth Taskforce to address regulation and law around midwifery, and to collect data. The Commission has struggled to meet the demands of convening this taskforce without being allocated additional staff or funds. The taskforce requires, on average, at least two days per week of work to prepare drafts of the required report, evaluate input, organize logistics of meetings and travel of members. As a result, the Commission was severely limited in performing its regular work.

The Commission is also unable to generate statistics, research, and analysis of legislative proposals in a timely manner, and measure and track policy implementation, due to lack of staff. The lack of "person power" has delayed the Commission in responding to research requests such as a request from the Maui County Council to provide a status of women report on the county. Further, the Commission requests during the 2020 legislative session for a full-time Program Specialist IV to assist the Executive Director in devising a legislative plan, drafting the plan into legislative form, gathering support for legislation, and tracking and providing testimony on legislation that impacts women and girls under Section 367-3(3), HRS. The Program Specialist IV would also coordinate information related to the status of women in Hawaii per Section 367-3(1), HRS, to better serve legislators and nongovernmental organizations.

Developing a Statewide Plan to Tackle Sexual Exploitation

During FY2017-208, the Commission began production of a historic body of peer-reviewed empirical data on sex trafficking in Hawaii: *Sex Trafficking in Hawaii Part I: Exploring Online Buyer Demand* and *Part II: The Stories of Survivors*. The research was made possible through an informal partnership with the lead U.S. academic research center on sex trafficking at Arizona State University, as well as collaboration with various local experts affiliated with the State's Commercial Sexual Exploitation of Children (CSEC) Steering Committee and social service providers focused on sex trafficking. No state funds were used to underwrite the research project.

Parts I and II of the report found that 1) the demand for paid sex in Hawaii is large relative to other major U.S. cities and dwarfs supply; 2) the sex market size in Hawaii creates an incentive to sex traffic women and girls; 3) sex trafficking is real and occurring in Hawaii; 4) Native Hawaiians appear to be at higher risk of sex trafficking; 5) governmental organizations are complicit in sex trafficking and failing to properly respond; and 6) sex trafficking survivors provide an invaluable source of information to address system gaps and to provide recommendations.

During the 2019 Legislative Session, the Commission met one of its main goals from last year's Annual Report by partnering with the Women's Legislative Caucus to pass a bill to expand the state's vacation statute section 792-1209.6, HRS, to include sexually exploited people who cannot prove "force, fraud, threat or intimidation." Today, all people exploited by sex buyers may motion to vacate a prostitution conviction and exit the commercial sex industry without the barrier of a criminal record.

Currently, Hawai'i continues to tackle the issue of sex trafficking and serve the individuals along the continuum of commercial sexual exploitation absent a statewide plan or coordinating body, which was recommended by the Commission in last year's Annual Report. To address this continued need, the Commission strongly urges the creation of a statewide coordinator position on the issue of commercial sexual exploitation as a top legislative priority.

Sex trafficking and prostitution are distinct legal concepts, but in the realworld marketplace for sex they share the same demand, the same buyers, and the same venues. Given the research findings, as well as the Commission's community work with frontline sex trafficking service providers, the Commission does not recommend unrestricted sex buying through the full decriminalization of prostitution, whether left deregulated or accompanied by legal and policy reforms to legitimize sex buying. Instead, the Legislature should contain sex buyer demand, repeal section 712-1200(1)(b), HRS, and create "sexual exploitation" as a separate crime.

The Legislature should continue to consider the addition of increased fee assessments to add monetary penalties to sections 712-1200(1)(b) and 712-1202(1)(a) and (b), HRS, thereby disincentivizing demand and funding critical prevention and exit services. The Legislature should also repeal section 712-1200 (a), HRS, to ensure that no woman is charged or arrested for being sexually exploited.

Commercial sexual exploitation is not a labor issue—it is a values issue about women’s role and LGBT individuals’ role in our society. The Legislature should mandate and monitor gender awareness training, and sexual abuse, including sex trafficking, intervention training in all education institutions and programs that receive state funding. The Legislature should also 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.

Finally, the Legislature should support public awareness campaigns to end the practice of commercial sexual exploitation targeted to areas of transit such as airports and tourist and military facilities. As emphasized in previous Annual Reports, this effort must coincide with initiatives to counteract sex and gender-based discrimination, gender-stereotypical norms and attitudes, and economic inequality.

Drafting a Magna Carta for Women

Realizing women’s equality will require more than tinkering at the edges of a failing economic system and at piecemeal reforms such as paid family leave and wage equality. Women will never have equal power under the current economic and political system because money is power. Even if men assume a greater share of caregiving, most women in Hawai’i will never have equality of money because women cannot participate equally in waged labor due to childbirth, breastfeeding, and post-partum recovery. This means that women will continue to be dependent on men. Dependency is a form of subordination and renders women vulnerable to exploitation and abuse.

Full equality for all women will require a cultural transformation that prioritizes a change in intimate relations. The process to shift culture must include society in general and all individuals. Dr. Riane Eisler provides a succinct justification for a focus on cultural change at the family level to address the rise of a federal administration hostile to women:

“The ‘traditional’ authoritarian, male dominated, punitive family is foundational to an authoritarian, male dominated, punitive politics. By contrast, for most progressives, what happens in families is a matter of ‘just’ women’s issues and children’s issues. So they have focused primarily on dismantling the top of the pyramid (politics and economics) and left its foundations (domination in family, gender) in place. And it is on these foundations that domination systems have kept rebuilding themselves, rightist or leftist, religious or secular.”

The continued subordinate status and vulnerable condition of women in Hawai’i necessitates an integrated political agenda as advocated by Dr. Eisler. A new culture that values women should be mirrored in and effectuated by law.

In last year’s Annual Report, the Commission noted passage of four county-level resolutions committing to a bill of rights for women in each county in Hawaii. With a target of 2021 Legislative Session, the Commission recommends that the Legislature introduce a state-level Magna Carta of Women, which would spell out every woman’s rights, especially women from marginalized communities. The Magna Carta would be collaboratively developed in the first annual conference

of Hawaii Commissions on the Status of Women scheduled for early 2020. The participating organizations are CSW, Honolulu County, Maui County, Hawaii County, Kauai County, and the University of Hawaii commissions. The Magna Carta would provide a vision of rights necessary to guarantee the safety and security to all women, and to correct the status of women in Hawaii. The State, the private sector, society in general, and all individuals would contribute to the recognition, respect, and promotion of the Magna Carta of Women. The Magna Carta of Women would also serve as an educational and organizing tool to increase women's participation in politics.