

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 361
TITLE: Certificates of Birth – Issuance of New Certificates – Sex Designation (Birth Certificate Modernization Act)
COMMITTEE: Health & Government Operations
HEARING DATE: February 21, 2023
POSITION: **FAVORABLE**

House Bill 361 would alter the circumstances under which the Secretary of Health is required to make a new certificate of birth due to the change of a sex designation of an individual. The Human Trafficking Prevention Project supports this bill because it makes it easier for transgender and gender non-conforming people to obtain identity documents that match their gender identity. This small change will greatly reduce the stigma they face, which, in turn, reduces their risk of being trafficked.

Efforts at raising public awareness about the crime of human trafficking commonly ignores the impact that gender identity has on a person's vulnerability to trafficking. The reality is that transgender and gender non-conforming persons are made disproportionately more vulnerable to being trafficked because of the discrimination and isolation that they so often face, which commonly translates into the hallmarks of heightened trafficking risk including sexual assault, financial instability, homelessness, and drug addiction.¹ One of the primary forms of discrimination that transgender and gender non-conforming people face is the consequences that come with showing identification carrying a gender marker that does not match the person's lived gender experience.

Having to produce this type of identification essentially "outs" a transgender or gender non-conforming person in any situation where they need to show their identification, such as while traveling, applying for jobs or educational opportunities, entering certain public establishments, or obtaining benefits that require proof of identity. This can further expose them to a variety of problematic and often dangerous outcomes, such as unnecessary scrutiny by law enforcement, denial of housing, employment, healthcare or public benefits, verbal harassment, and physical violence.² Experiences like these typically drive affected individuals into isolation, which is why so many people transgender and gender non-conforming people exist on the margins of society where they face a far greater risk of exploitation.

In recent years, Maryland has begun to show its support for *preventing* human trafficking by addressing the societal challenges that make Marylanders more vulnerable to being trafficked. HB 361 would further this goal by reducing the stigma that transgender and gender non-conforming persons face every time they are asked to produce their identification documents, which would, in turn, affirm the humanity of these individuals and make them less vulnerable to the ills that so commonly precede a trafficking experience. For these reasons, the Human Trafficking Prevention Project supports House Bill 361, and respectfully urges a favorable report.

¹ Polaris Project, *Unique Obstacles Put Transgender People at Risk of Trafficking* 1 (2017), <https://polarisproject.org/blog/2017/03/10/unique-obstacles-put-transgender-people-risk-trafficking>.

² See generally National Center for Transgender Equality, *The Report of the 2015 U.S. Transgender Survey* 85-91 (2015), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.