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**Input for SR VAWG's report on violence against women and prostitution**

**From: Luba Fein, 'Voices of Israeli Sex Trade Survivors'**

**Introduction**

The author of the report is a survivor of prostitution, a volunteer in FiLiA UK and a co-founder of the organization 'Voices of Israeli Sex Trade Survivors'. The report refers to the situation in the State of Israel. It encompasses the sections Q1- Q3 of Submission as part of the Call for input to the report of the Special Rapporteur on Violence against Women and Girls to the Human Rights Council on Prostitution and Violence Against Women and Girls.

Israeli law does not suggest a clear definition of prostitution. The court's judgments show that the concept of prostitution includes two cumulative components: sexual contact and payment or reward. The sexual contact specified in the previous judgments is supposed to be physical and direct[[1]](#footnote-1). Nevertheless, the anti-prostitution groups in Israel, including activist groups (such as 'The Task Force on Human Trafficking and Prostitution'), aid and support NGOs and projects for victims of prostitution, and the 'Voices of Israeli Sex Trade Survivors' group understand that the sexual exploitation industries can also take non-physical forms. Accordingly, the document will also address other forms of exploitation (e.g., online exploitation).

**Q1 Hidden Forms of Prostitution**

1. Striptease. In Israel, there is no law prohibiting the activity of strip clubs. Still, the State Attorney's Directive No. 2.2 defines the provision of standard sexual services in strip clubs (i.e. 'lap dance') as a subtype of prostitution[[2]](#footnote-2). That said, the directive allows the strip clubs to operate without the 'lap dance'. The anti-prostitution groups target the strip clubs through two channels: the police (while trying to prove that prostitution activities defined as prostitution take place in the clubs) and the local authorities (while trying to withdraw the strip clubs' business licenses). Club owners respond to these efforts by disguising their premises as pubs or other legitimate business establishments.
2. 'Sugar Daddy' websites. These websites supposedly offer dating services, but in practice, they are a platform for prostitution transactions; every woman who enters those sites' chats receives immediate price offers. The extent of the phenomenon is unknown, but the mainstream media have widely covered it.[[3]](#footnote-3) [[4]](#footnote-4)
3. Trafficking of highly vulnerable women (divorced, widowed, disabled) from Gaza and the West Bank to Israel. Some of those women are smuggled to Israel, while other women and some men enter prostitution after escaping Gaza and the West Bank for personal reasons (mostly domestic violence or persecution due to nontraditional sexual orientation). These individuals are unlikely to obtain formal status in Israel even if recognized as victims of trafficking. The Trafficking in Persons report has addressed this phenomenon[[5]](#footnote-5). In 2022, the Israeli media mentioned a brothel in Haifa, which owner recruited young women from Gaza and the West Bank and advertised their 'services' in the Arabic language in Israel[[6]](#footnote-6). The aid and support organizations in Israel, like 'Lo Omdot Mineged' ('We Are Not Standing Aloof') and 'Turning the Tables', agree the phenomenon's dimensions are unknown; according to Naama Sabato, the social worker of 'Lo Omdot Mineged', "There are women who found us after ten years in prostitution, and I was the first aid worker they met, which may indicate alarming dimensions of the phenomenon. These women are terrified by their pimps; revealing their situation to their families could endanger their lives."
4. There is also a phenomenon of Trafficking in Arab and Jewish women (usually extremely vulnerable) from within Israel to East Jerusalem and the West Bank for prostitution, forced marriage or other forms of sexual exploitation. The extent of the phenomenon is unknown, and reaching out to them from within Israel is almost impossible (according to a worker of the aid organization "Turning the Table").
5. Some women (and a few men) have been trafficked from African countries (with the assistance of human traffickers via the Sinai Peninsula). Even more women have been trafficked from Russia and Ukraine (they reach Israel by flight, enjoying an easy visa regime[[7]](#footnote-7)). The media and the TIP report addressed the phenomenon, but there is no reliable estimate of its scope. Since the beginning of the war, aid organizations (like 'Lo Omdot Mineged') have cooperated with the border police at the airport to identify potential victims of Trafficking. Naama Sabato, the social worker of 'Lo Omdot Mineged', was able to locate one - to two potential victims of Trafficking per week between 1/2023 and 7/2023.
6. All anti-prostitution groups are aware of the widespread exploitation of women in online prostitution (for example, video cameras and networks like OnlyFans). Still, there is no reliable estimation of the phenomenon's extent.
7. Prostitution groups on the Telegram network: according to Shiri Cohen from 'The Task Force on Human Trafficking and Prostitution, many anonymous groups of sex buyers operate via this network, and are difficult to trace.
8. Evidence from the media and evidence from aid and support organizations[[8]](#footnote-8) indicate that in private clubs that offer sexual activity, prostitution and solicitation for prostitution, including minors, are widespread. Again, the scope of this practice is unknown.

**Q2 Profile of women and girls affected by prostitution in your country**

An estimated volume of prostitution in Israel is slightly outdated, originating from the national survey on of prostitution published in 2016 (even more recent documents use this reference). According to this estimate, there were 9,000-10,000 women, 1260-970 girls, 510-540 men, 30-40 boys and 460-510 transgender people in the prostitution circle in Israel (out of 7.9 million people) [[9]](#footnote-9). In recent years, the Israeli media have been using a more recent estimate by the welfare services, according to which 14,000 people (primarily women and girls) were in prostitution as of 2021[[10]](#footnote-10) (out of 9 million people). The national survey from 2016[[11]](#footnote-11) estimates that 43% were Israeli-born, 52% were born in the former Soviet Union and Eastern Europe, and 5% were born in other countries. However, due to the challenge of hidden forms of prostitution, this figure may be incorrect and unrepresentative.

Another attempt to describe the population in prostitution was made by the Ministry of Welfare in 2020, based on a large sample of service receivers of aid and support organizations. According to the internal document distributed by the Ministry of Welfare[[12]](#footnote-12), approximately 1,334 people used the services of those organizations in 2019, which is about 9.5% of all victims of prostitution. About 84.63% were women, 6.07% were men, and about 3% were transgender. 14.32% were minors, 39.66% were 18 to 25 years old, 21.51% were 25 to 45, and 8.7% were 45 or older. Most of the prostitution survivors received various benefits: 13% had a temporary disability benefit, 28% had a permanent disability benefit, 3% received unemployment benefits, and only 12% were fully or partially employed.

**Q3 Profile of those who solicit women in prostitution and whether such relations are regulated, and provide supporting data, where possible.**

Israel has extensive legislation with the purpose of limiting the sex industry and punishing those who take advantage of its victims. The Israeli Penal Code (Chapter 10) prohibits all forms of profiteering (pimping), including the advertising of prostitution services. The definition of profiteering (pimping) is strict: even a landlord who rents a property to a brothel or a spouse of a prostitute can be considered 'living on the profits of prostitution'. The Penal Code imposes harsher penalties on perpetrators of prostitution offences against minors. In 2019, Israel adopted the Sex Purchase Ban (for a trial period of five years), which turns paying for prostitution into an administrative offence punishable by a fine. In exceptional cases or repeated offences, filing an indictment against the sex buyer is an option. The so-called 'Web Blocking Act', 2017, allows the court to block or remove websites that conduct illegal activities, including advertising prostitution services.

Public information about the characteristics of third-party profiteers does not exist in Israel. From the media and courts' judgements, one can learn about the practice of solicitation and pimping of people from different ethnic, cultural and national groups by profiteers from the same group, taking advantage of trust relationships based on shared demographics and sometimes also the language. This phenomenon exists among Eastern Europeans (some smuggle women from ex-communist countries and war zones for exploitation in prostitution[[13]](#footnote-13)), the Arab population (some smuggle vulnerable women from the West Bank and Gaza[[14]](#footnote-14)), and transgender people[[15]](#footnote-15). However, it is impossible to determine whether this practice is responsible for a significant share of the sexual exploitation industries.

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**Q4 What forms of violence are prostituted women and girls subjected to (physical, psychological, sexual, economic, administrative, or other)?**

'Voices of Israeli Sex Trade Survivors', as an abolitionist organization, interprets prostitution as commercial sexual exploitation - a form of sexual violence. The aid and support organizations for victims of prostitution share this position. The Ministry of Welfare's data on approximately 1,334 people in prostitution indicates that aid and support services' receivers face challenges in the field of mental health: 27% experienced psychiatric hospitalizations, 20% suffered from eating disorders, 31% attempted suicide, 50% suffered from complex post-traumatic stress (CPTSD), 45% suffered from undiagnosed mental disorders, and 40% were diagnosed with other mental illnesses. They also faced a variety of physical health challenges: 11% suffered from sexually transmitted infections, 2% suffered from HIV, 11% suffered from other infectious diseases (such as hepatitis or tuberculosis) and 22% were hospitalized with various physical (not mental) illnesses[[16]](#footnote-16). This data suggests a background of trauma and exposure to health risks.

Yonit Ben Tov from the NGO 'Lo Omdot Mineged' wrote: "I have not heard of even one woman in prostitution - and I know hundreds of them, from all sectors and ages, levels of education - who did not experience violence. I do not refer to the psyche violence deeply embodied in prostitution: cursing, humiliation, belittling, name-calling and ridicule that occur daily. I'm talking about overt physical violence: punches, breaking bones and teeth, blue flashlights in the eyes[[17]](#footnote-17)." Professor of Law Shulamit Almog wrote that the individual traumatic damages of prostitution are not in doubt. Furthermore, prostitution is a source of harm to women and society as a whole[[18]](#footnote-18). It is, therefore, not surprising that too many women recovering from prostitution cannot integrate into the labour market and receive disability benefits: 13% were entitled to a temporary disability benefit in 2020, and 28% had a permanent disability benefit (1% - 5% in the general population).

**Q5** **Who is responsible for the perpetration of violence against women and girls in prostitution?**

Israeli law imposes criminal liability on third-party profiteers (by the Penal Law) and also punishes Sex Buyers (by the Sex Purchase Ban). 'Voices of Israeli Sex Trade Survivors' believes that poor enforcement of the Sex Purchase Ban under the current government contributes to the preservation of violence against women[[19]](#footnote-19).

**Q6 Describe the linkages, if any, between prostitution and the violation of the human rights of women and girls.**

Sexual exploitation industries contradict a fundamental Israeli law, Human Dignity and Liberty, designed to protect the basic human rights. Section 2 of the law states that no one can harm a person's life, body, or dignity. Section 4 of the law states that every person is entitled to the protection of their life, body and dignity. Prostitution has severe consequences for human life and dignity, and adequate, practical ways to prevent these consequences have not yet been implemented in Israel or elsewhere. Designing such ways could be incredibly challenging, providing the fact that the harm stems from the core elements of prostitution, not only from the surrounding conditions. Section 7 (a) of the law states that every person is entitled to privacy. The boom in photography technologies has made documenting victims of the sex industry, under forced consent, without consent and even without their knowledge, very easy. The boom in communication and distribution technologies left no chance of ever gaining privacy for a woman recorded in such circumstances.

Prostitution contradicts as well the human rights enshrined in international treaties to which Israel is a signatory. Thus, section (a) within Article 3 of the Palermo Protocol states that:

*"Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.*

Some of the members of 'Voices of Israeli Sex Trade Survivors' have been involved in the struggle against prostitution for decades, and before that, we were in the sex industry. With our vast experience, we cannot think of many examples of women in prostitution who were not in some position of vulnerability exploited by third-party profiteers and sex buyers. In other words, most people who have been or are in prostitution can be defined as "victims of trafficking" based on the definition of the Palermo Protocol, given the inherent background of vulnerability.

**Q7 What links are there between pornography and/or other forms of sexual exploitation and prostitution?**

There are interrelationships between different domains of the sex industry. Victims of prostitution are often involved in more than one such domain. Thus, the members of 'Voices of Israeli Sex Trade Survivors' and women who contacted us testify that during their life in prostitution, they were photographed for the production of porn materials by pimps and by sex buyers, often without consent. Also, many women in street prostitution or brothel prostitution use the Sugar Daddy websites, often under their pimps' supervision[[20]](#footnote-20). Descriptions of additional practices of spillover from one domain of the sex industry to another are abundant, for example: (1) Women in 'sex cameras' premises also engage in physical prostitution: "There are cases when the conversation moves from the virtual world to the real world, for meetings in apartments or hotel rooms for a fee. Men who offer such offers are solicitors, and the webcamming sites - even if unbeknownst to them - provide the platform[[21]](#footnote-21)." (2) "I think it's ['OnlyFans'] even worse than webcam prostitution because you have to beg men to buy your content for a few dollars. And like all pornography, the materials are leaked straight to Telegram groups and PornHub and anything you can imagine. And the video you just sold for $20 will cost you your life. You can't protect yourself[[22]](#footnote-22)."

**Q8 How is the issue of consent dealt with? Is it possible to speak about meaningful consent for prostituted women and girls?**

Professor of Law Shulamit Almog[[23]](#footnote-23) believes that women in prostitution should always be perceived as victims and sex buyers - as criminals. According to her, a prostitution 'agreement', similar to a slavery transaction, human trafficking or the sale of organs, involves such severe damages that consent to it becomes meaningless. The authors of this report also believe that commercial sexual exploitation practices are not in line with the development of the concept of consent to sex in the State of Israel. The original version of the Penal Law, 1977, implied that a woman is required to carry out physical resistance to rape or not to be conscious to claim that sexual activity was 'against her will'. In 1988, the phrase "against her will" in the text of the law was replaced by 'without her free consent' (Amendment 22). Since 2001, the law dropped the reference to the use of force and centred the woman's 'free will' as the consent criteria (Amendment 61). Today, the courts focus on the external circumstances that indicate the lack of free consent. Courts' judgements show that adversarial relationships (Criminal Appeal 04 / 9256, Noi v. State of Israel) or "Unequal power relationships" (1909-1015, State of Israel v. Moshe Katsav) may be a condition that significantly limits the possibility of freely consenting to sexual relations. In light of these legal developments, the consent to sex given by a woman for the payment that is essential to her economic survival cannot be 'free.' Consenting in advance to this practice is equivalent to assuming that one can give consent in advance to be sold into slavery (a practice known as 'debt bondage') or that one can give consent in advance to marrying a violent partner - which is seen overwhelmingly as practices that cannot be consented to.

**Q9 How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution?**

The Sex Purchase Ban was enacted in Israel in December 2018 and enforced starting in 2021. There is preliminary evidence that the very existence of the law causes sex buyers to reconsider this practice and even give it up[[24]](#footnote-24). For example, between 2019 and 2020, the year the law came into effect, the percentage of men who consumed prostitution dropped from 7% to 5%. The frequency of paying for sex among active sex buyers also decreased between the two years[[25]](#footnote-25). However, the current government's poor enforcement of the law (from January 2023 onward) raises serious concerns about its continued educational and deterrent effect[[26]](#footnote-26).

Word Count: 1851.

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