

# Trafficking and Forced Prostitution of Palestinian Women and Girls:

Forms of Modern Day Slavery

A Briefing Paper

June 2008

## **Trafficking and Forced Prostitution of Palestinian Women and Girls: Forms of Modern Day Slavery**

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UNIFEM is the women's fund at the United Nations. It provides financial and technical assistance to innovative programmes and strategies to foster women's empowerment and gender equality. Placing the advancement of women's human rights at the centre of all its efforts, UNIFEM focuses on reducing feminized poverty; ending violence against women; reversing the spread of HIV/AIDS among women and girls; and achieving gender equality in democratic governance in times of peace as well as war.



The views expressed in this publication are those of the authors and do not necessarily represent the views of UNIFEM, the United Nations or any of its affiliated organizations.

## **Acknowledgment**

**SAWA - All The Women Together Today And Tomorrow** has always placed combating Gender-Based Violence as their utmost priority. The issue of trafficking of Palestinian women is a despicable crime and a human rights abuse, and has for many years remained a hushed taboo. For this reason, we welcome UNIFEM's efforts to partner with us to compile, develop and release the facts contained within "Trafficking and Forced Prostitution of Palestinian Women and Girls: Forms of Modern Day Slavery".

It is our deepest wish that the powers-that-be sit up and take notice of the shocking facts contained in this report, and acknowledge that these are the tip of the iceberg, and that many steps need to be taken to right the abuses against women's rights- both those detailed, and those we are as yet unaware of. We anticipate with much hopefulness the day wherein Palestinian policy-making takes on board the important conclusions and recommendations raised in this report and together, make Palestine a safer place for women.

SAWA applauds UNIFEM for their commitment to this important struggle and wish to thank all those involved in the implementation of this notable achievement.

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## Introduction

This report seeks to explore the issue of trafficking as well as prostitution of women and girls in the occupied Palestinian territory (oPt). Due to the absence of accurate information, studies and official reports openly dealing with the topic, this briefing paper intends by no means to present itself as a comprehensive study but, rather, as a first step towards the identification of the problem in the oPt. A great deal still remains to be done even in the area of basic research and documentation.

Trafficking in persons has been identified by the 2000 UN *Convention Against Transnational Organized Crime, Supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, as “the recruitment, transportation, harbouring 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” (Trafficking Protocol, Article 3a, page 32)<sup>1</sup>. Although the term *exploitation* as used in this definition encompasses sexual exploitation, forced labour, slavery, servitude and removal of organs, this paper will focus its attention on the topic of trafficking for sexual purposes only, also referred as sex trafficking.

According to the Trafficking Protocol, trafficking occurs when persons are recruited, transported, harboured or received in a process leading to exploitation even though the actual exploitation, in terms of result, does not take place from a place of origin to a final point or destination. To amount to trafficking according to the description given by the Protocol, the victim has to show some kind of coercion or deceit or position of vulnerability to demonstrate that they did not give an informed consent to the operation.

Generally speaking, it is now indisputable that the two crimes, trafficking for sexual purposes and prostitution of women, are intrinsically connected. Reality shows that many girls and women victims are being trafficked with the hidden objective of getting them engaged into forced prostitution activities. Women are normally promised a better life somewhere else. Instead, once they reach the final destination, they are forced to sell themselves for sex until they are able to cover their debt for the travel expenses. Women and girls who are being trafficked and forced into prostitution are victims, first and foremost, of human rights violations and for this reason both, trafficking and forced prostitution, have been identified as a contemporary form of slavery<sup>2</sup>. There are factors, then, that increase the vulnerability of women and girls to being trafficked and forced into prostitution, such as poverty, inequality and discrimination, including violence against women. This briefing paper, based on case studies, attempts to succinctly spotlight human rights violations faced by women and girls victims of trafficking and forced prostitution and factors that increase their vulnerability.

In the oPt, although the information about the topic is very scarce and it is still considered as taboo within the Palestinian society, the problem is not completely new and the deteriorating political and ensuing socio-economic situation may be contributing to its rise. For the first time, people have chosen to break the silence and speak out and this briefing paper can be seen as a first step to start answering the need for protecting women and girls victims of trafficking and forced prostitution in the oPt.

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1 UN *Convention Against Transnational Organized Crime* (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. Convention text and protocols can be viewed at [http://www.unodc.org/pdf/crime/a\\_res\\_55/res5525e.pdf](http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf).

2 The United Nations Working Group on Contemporary Forms of Slavery, under the Commission on Human Rights, is focusing on trafficking in persons as a priority issue (<http://www2.ohchr.org/english/about/publications/docs/fs14.htm>).

## Report Structure

This paper is divided into eleven main parts. **Part One** provides a description of the research objectives, the methodology employed, the selection of key informants for interviews and the challenges faced by the research team. **Part Two** outlines the geopolitical context of the oPt. **Part Three** depicts briefly the problem of women trafficking and sexual exploitation in the oPt.

Mapping prostitution and trafficking movement into and out of the oPt was further presented in **Part Four**. This part outlays how trafficking occurs and presents a better understanding of transnational and domestic trafficking within the oPt and into Israel. In this section, it was attempted to map this movement based only on the cases identified by the research team.

**Part Five** presents information on the background of women forced into prostitution as identified by the interviews with lawyers, police officers and pimps. To combat trafficking and sexual exploitation, it is essential to know who the women are, where they come from. To understand the operation of trafficking and sexual exploitation, it is important to know if women have been sexually exploited before entering into prostitution and at what age. Knowledge of women's educational, social and economical background is crucial to providing assistance to victims. Within the same concept, causes of trafficking and prostitution were also presented in **Part Six**.

**Part Seven** provides the profile of traffickers as identified by the case studies. Case studies of traffickers and the trafficked were tackled in **Part Eight and Nine**. In addition, the issue of human trafficking for the purpose of prostitution was tackled from a legal aspect based on the Palestinian and Israeli legislations and societal practices in **Part Ten**.

Finally, based on the analysis of the root causes that make Palestinian women vulnerable to sex trafficking and the factors that contribute to their ongoing sexual exploitation, policy recommendations were presented in **Part Eleven**.

## Part One:

# Objectives and Methodology

Part One provides a detailed overview of the overall objectives of this research as well as the methodology employed to identify the existence of human trafficking and prostitution of girls and women in the oPt and measuring its extent through a number of case studies.

## 1. Overall objectives

The overall objective of the study on girls and women trafficking and prostitution in the oPt is to assist NGOs in developing strategies to address such major human rights violations. By assessing the actual existence of women trafficking in the oPt and measuring its extent, six case-studies (two cases of fathers selling their daughters, three cases of traffickers, a case of a woman working in prostitution) were tackled with the aim of breaking the silence around the issue while focusing on possible trafficking routes: from the West Bank to Jerusalem; from Gaza to Jerusalem; and within the West Bank.

## 2. Methodology

To realize the objectives of this study, a number of consecutive and parallel activities were carried out to come up with an integrated final report that includes qualitative analysis and recommendations for future interventions by the government as well as local and international NGOs. This was initially based on data collection through literature review, face to face interviews with key informants identified by the research team. As detailed in Appendix 1, a questionnaire was also developed to be used by field workers and filled by trafficked women and women in forced prostitution.

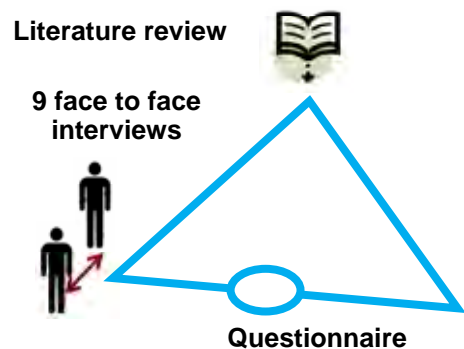
**Literature review:** A thorough search for grey literature and published reports on human trafficking and prostitution in the oPt was conducted. However, no specific studies or research papers tackling the issue could be found. The only source of information gathered was from local newspapers about reported case studies of families selling their daughters

**Face-to-face interviews with key informants:** a total of 11 face-to-face interviews with key informants were conducted to get information about trafficking cases identified by this study. Key informants included police officers, the lawyers of the victims, taxi drivers, and hotel owners.

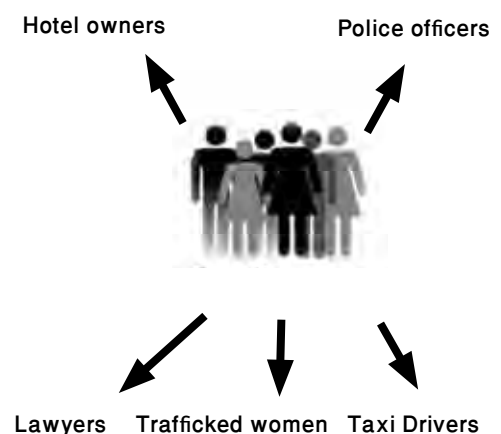
**Questionnaire:** a detailed questionnaire was developed (Appendix 1) to collect specific information about the background of women working in prostitution. This questionnaire set the basis for the face-to-face interviews with key informants.

The questionnaire tackled issues related to the socio-economic situation of the trafficked women, their relation with the pimp, their family situation as well as the profile of the traffickers.

**Figure 1:  
Methodology employed in the study**



**Figure 2:  
Type of key informants**



### **3. Research challenges and obstacles**

Various challenges and obstacles were encountered while conducting this study affecting hence data collection and the depth of the analysis. These challenges could be summarized as follows:

- § Difficulty arranging face-to-face interviews with trafficked women and women involved in prostitution except for one case.
- § Difficulty gathering information from the police about the issue.
- § Difficulty arranging meetings with police officers or pimps to discuss the issue with them.
- § Threats directed at the research field workers who were “advised” to stop the research and data collection.



## Part Two:

# Geopolitical Context

When tackling the issue of trafficking in the oPt, it is first fundamental to understand the current geopolitical context of the Palestinian territories. In the last forty years (1967-2006) of Israeli military occupation in the Palestinian territories (the Gaza Strip, East Jerusalem and the West Bank), Israel has put into practice a policy of movement restrictions within, as well as in and out of the oPt. This has included checkpoints, earth mounds, trenches, roadblocks, gates, bypass roads and the Wall.

In 2007, the Office for Coordination of the Humanitarian Affairs (OCHA) reported a total of 561 physical obstacles restricting the movement of around 2.4 million Palestinians to their basic services and families.<sup>1</sup> This policy of movement restriction has led to a current fragmented landscape of the oPt with several discrepancies in demographic, economic and even legal terms: the West Bank and the Gaza Strip separated from each other and from East Jerusalem by the State of Israel. It has also fragmented the Palestinian communities in the West Bank into several separated cantons as sub-enclaves have been created. The urban hub of the main towns of Nablus, Ramallah, Hebron and Jericho are also difficult to access because of tight restrictions. Jericho, for example, is encircled by a ditch on three sides and all traffic is channelled through two checkpoints.

With the existence of this complex system of closure, the passage through Palestinian communities means passing first through the Israeli authorities.

In addition, Israeli settlements in the West Bank are expanding. Special roads for settlers' use only are built within the West Bank, creating tiny enclaves where Palestinians in return struggle to pass through an increasing array of obstacles just to move around their own communities.



<sup>1</sup> Office for Coordination of the Humanitarian Affairs (OCHA), OCHA Closure Update October 2007, p.1, <http://www.ochaopt.org/documents/ClosureUpdateOctober2007.pdf>

# Women Trafficking and Prostitution in the oPt: A Small-scale Activity

This section characterizes briefly the problem of women trafficking and prostitution in the oPt. Information for this section was primarily obtained from interviews with the police, lawyers and taxi drivers.

**Lack of statistical data.** Gauging the level of trafficking and prostitution in the oPt with precision is difficult since it is not visible but rather an underground problem. Not only are these considered immoral activities but both are regarded as illegal under Palestinian and Israeli laws<sup>2</sup>. Estimates of the problem in the oPt vary, given the limited case studies appearing only in local newspapers, NGO hotlines and police records. At present, no governmental or non-governmental organization (NGO) is compiling accurate statistics and archiving all received cases in this regard. Moreover, many of them deny the existence of the problem. There is, hence, an evident lack of accurate information and official reports tackling the issue.

Due to the lack of information and resources available, it is rather difficult to verify any statistical data on women trafficking and prostitution. Such incidents are often reported in isolation from one another. Questions about the “who”, “what” and “why” of trafficking for sexual purposes and prostitution have not been evident. A great deal remains to be done even in the area of basic research and documentation. Cases of trafficking and prostitution are mainly reported in newspaper accounts and police records. It appears that no one has been able to interview even small numbers of women who have been trafficked or forced into prostitution. Law enforcement officials together with some social service providers, have interviewed girls and women once they were arrested during brothel and local prostitution residence raids or through NGO hotlines. However, there are currently no research studies on the experience of victims of trafficking and prostitution in the oPt.

**A small scale activity.** Despite the fact that trafficking and prostitution constitute illegal activities in the oPt, reality shows that they exist and that they appear to operate informally on a small-scale basis rather than as a sophisticated and organized activity.

Based on the cases identified by this study, girls and women are being facilitated through escort services, brothels in hotels, rented houses, private apartments and even house cleaning companies. There exist many of these locations though they differ in modus operandi, structure and management.

<sup>2</sup> Refer to Part Ten in this paper for further details about the issue as identified by Palestinian and Israeli legislations.

## A prostitution hotel, Old City of Jerusalem

In the old city of Jerusalem, there exists a small prostitution hotel. Over the past few years, the hotel has been facing a financial crisis and as part of the attempts to find an additional source of income, the hotel has been functioning as a brothel, where most of the customers are from Jerusalem as well as individuals from the authority. Fourteen girls and women, ranging in age from 14 to 28 years old, have been brought illegally from the West Bank and the Gaza Strip. They are beggars during the day and work in prostitution at night.

The “Madame” charges 200 New Israeli Shekels (NIS) for the use of a room and the client pays the women whatever he feels appropriate. This amount generally ranges from 30 NIS to 200 NIS depending on the “beauty of the woman and her experience”.

The Israeli police arrested the owner who was accused and charged with running a brothel. However, the case was closed 8 hours after the investigation began and women and girls were deported back to the West Bank and the Gaza Strip being charged with their illegal presence in Israel since they did not have the required permits issued by the Israeli authorities.

“A while ago, a girl from Nablus stayed in my hotel for a month. She said that she’s a nurse working in a hospital in Jerusalem and her shift is always at night. But eventually we found out that she’s been working as a prostitute in an Israeli settlement in Jerusalem. I hear of many cases of Palestinian women from the West Bank that work in prostitution in East Jerusalem. I can assure you that the old city of Jerusalem is even full of prostitution houses.”

**An owner of a hotel in Jerusalem**

Some business that enjoy legal status, are in reality prostitution venues which offer sexual services to men. Our sources have asserted that there are some cases of legally registered hotels and cleaning companies that in reality are clandestine prostitution venues with various forms of illegal prostitution activities offered to men. *“For example, a client can contact a cleaning company, which operates also as a sex service company whereby a woman is sent to the client to clean the designated house. After cleaning, the woman will also have sex.”*<sup>3</sup>

Yet others are underground prostitution enterprises, operating out of private residences and discreet apartments and run mainly by Palestinian women, who are referred to as *“Madams”* or *“pimps”*. This is the case of the clandestine business known as *“mobile prostitution services”*, where women working in prostitution in Israel who are originally from Eastern Europe, mainly from Russia and Ukraine, are trafficked into the West Bank. *“A van transports prostitutes and drops them off at the houses of certain clients, or picks up these clients and takes them to public parks nearby their residence where they have sex. At times, a prostitute sleeps with a group of men.”*<sup>4</sup>

Discreet apartments for prostitution are considered as one of the most striking phenomena in the development of local prostitution in the oPt. Currently, for what is known, there are no organized large scale prostitution networks.

It has been reported, however, of a group of four Palestinian women managing prostitution houses in East and West Jerusalem as well as nearby settlements. The majority of these apartments are managed by women known as *“Madame”* and of whom some are former prostitutes but more and more young women find in this activity an easy way to earn a high income. These apartments usually cater for the wealthy sector of society.

Since 2001, the police has discovered 8 prostitution houses in Ramallah and up until 2007, this number has increased. However, there isn't currently any accurate estimate about how many they are.

Lastly, it is worth it to mention that field researchers for this paper and key informants interviews have revealed that trafficking and prostitution in the oPt thrives mostly in urban areas, mainly in two major cities: Ramallah and Jerusalem. Prostitution houses are predominantly found in East Jerusalem, including Israeli settlements, refugee camps, West Jerusalem and their surroundings. More specifically, the area of East Jerusalem is very active as there are several known brothels run by women in the old city of Jerusalem.

<sup>3</sup> tion was obtained by the field researcher from a conversation in a public taxi from Jerusalem to Ramallah.

<sup>4</sup> Information was obtained by the field researcher from the police.

**“Many taxi drivers are regular clients of prostitution houses and even transport prostitutes to their workplace. However, it is difficult to locate these places on your own and you need the right connections to do so. Most of these prostitution houses are found in East and West Jerusalem as well as nearby Israeli settlements.”**

**Taxi driver from Ramallah**

**“I have taken different school girls three times to the same place in downtown Ramallah, which made me wonder. When I asked one of the garage owners there about that place, he informed me that it is a private prostitution house run by a woman called Um Z. and most of the girls working there are school girls. I know also of a group of women in a Refugee Camp in Ramallah that work in phone sex service. Their husbands work inside Israel and most of their clients are garage workers.”**

**Taxi driver from Jalazoun Refugee Camp, Ramallah**

**A Palestinian father sells his two daughters in Tulkarem**

**On the 16th of June 2006 a father from Tulkarem sold his 13-year-old and 14-year-old daughters to two brothers (16 and 17 years old) from Qadura Refugee Camp in Ramallah for 1150 Jordanian Dinars.**

**The man, a father of three boys and the two girls, works in the Ramallah vegetable and fruit market as a porter and the mother is a housewife. The two young boys work in Al Bireh market also as porters and their father, who is married to three women, owns a stand in the vegetable and fruit market.**

**This case was reported to the Palestinian authorities one year after the father sold his daughters (on 22007/5/) after one of the girls reached the hospital bleeding intensely and was discovered pregnant later during the police investigation.**

**The boys were arrested and sent to jail for a month. The case was closed and the girls were married to the boys. They were not present during the court sessions. During their entire absence, the school did not enquire about their disappearance.**

**Research key informant**



## **Mapping Prostitution and Trafficking Movement into and out of the oPt**

Movement is a central element in the trafficking process. To understand how trafficking occurs, it is important to know how, where, and why borders are crossed. Sex trafficking involves both the legal and illegal crossing of federal and international borders for sexual exploitation purposes .

However, tackling the issue of trafficking in the oPt is a complex task. This is primarily due to the Israeli occupation which has resulted in the geographical fragmentation of the Palestinian territory by Israeli checkpoints, settlements, and by-pass roads within the West Bank. This has resulted in a lack of internationally recognized borders between Israel and the oPt, as well as the lack of control of the occupied country over the arbitrarily defined borders, the absence of a Palestinian State and the fragmentation of the territorial unity among the West Bank, Gaza Strip and East Jerusalem.

In this context, even when trafficking occurs within the Palestinian territories (for example between Bethlehem and Ramallah), trafficked women will have to pass through the Israeli checkpoints. Therefore, even though the act takes place within the oPt, as long as there are different authorities involved, namely the Palestinian National Authority (PNA) and Israel, the act amounts to international trafficking. In the same line, the trafficking that takes place from the oPt, either from the West Bank or from Gaza, into Israel is regarded also as international trafficking. On the contrary, when victims are trafficked within the oPt coming across with just one authority, the PNA, the case is considered as internal trafficking.

The transnational dimension of human trafficking implies a different approach compared to the human trafficking occurring inside a country, where the victims are sold by family members through an abuse of power and position in return of economic advantages. However, the implications for the victims, in terms of exploitation and human rights violations are equivalent and possibly worst in the perspective that it is a “locally owned” process of human trafficking. This is the reason why, women and girls victims cannot be left alone for the mere fact that they do not fall within a definition of transnational traffic. In this regard though, an important remark deserves to be highlighted here. The protocol has been criticized for narrowing human trafficking to situations where two elements are present: first of all, that the activity must be carried out by organized criminal groups and, secondly, that it should be transnational. The most direct consequence of this sort of interpretation is that internal trafficking is not considered as falling within the scope of the Palermo Protocol. However, there is a strong movement at the international level which disagrees with a narrow interpretation of the Palermo Protocol viewing the trafficking strictly as a transnational crime committed by an organised criminal group, leaving internal trafficking outside of its scope. Therefore, the Palermo definition can be understood as setting also the legal framework for the prosecution of internal cases of trafficking.

In conclusion and as indicated in Map 1 above, there are four main patterns for trafficking movement:

- § From Israel into the West Bank
- § From the West Bank into Israel and East Jerusalem.
- § Within the West Bank
- § From Gaza Strip into Israel



Combating girls and women trafficking for sexual purposes and prostitution is a task that, requires a clear understanding of the issue. In order to provide an effective assistance to the victims, it is essential to know: who the victims are, where they come from, whether or not they have been victims of any form of sexual exploitation before entering into prostitution and, if so, at what age, as well as their educational, social and economic background.

This section presents information on the background of women forced into prostitution. The information was retrieved from interviews with some of the victims, their lawyers, law enforcement officers and even pimps.

**Age.** According to the case studies presented here, most of the victims are in their early 20s, though in some reported cases the victims were as young as 12 and 14, or in their 30s and 40s.

**Education.** It has been difficult to assess precisely the educational background of women through interviews as the research team was not able to meet them face-to-face. Relevant information relied on what stated by law enforcement agents, lawyers and pimps interviewed. Surprisingly, most of the victims are mainly university students from Palestinian colleges and universities who come from accommodated families. There are also a number of identified cases, especially in Ramallah, of teenage school girls working in prostitution.

**Place of residence and origin.** Many of the women practicing prostitution in the cases identified are from Nablus, Jenin, Hebron, Ramallah, Al-Ram, Jerusalem and the Gaza Strip. Some of the trafficked women into the West Bank through Israel are from Easter Europe, mainly Russia and Ukraine.

**Relations with their families.** Most of the identified and researched cases of trafficked women and those working in prostitution have been violently abused by their families, especially their fathers. According to their testimonies, they refer to prostitution as a mean to escape the violence and abuse they face at their homes. The three face-to-face interviews with trafficked women as well as the information about women working in prostitution that was gathered from key informants have revealed that these women were battered continuously and forced into marriage (either legally or urfi marriage) or out of school at an early age for those who didn't continue their education.<sup>5</sup>

<sup>5</sup> According to the definition at Wikipedia( [http://en.wikipedia.org/wiki/Nikah\\_urfi](http://en.wikipedia.org/wiki/Nikah_urfi)), "an urfi marriage is a marriage without an official contract. Couples repeat the words, "We got married" and pledge commitment before God. Usually a paper, stating that the two are married, is written and two witnesses sign it. Most of the Islamic countries do not recognize 'Urfi marriages. A woman could not get a 'legal' divorce since the government did not recognize the legality of the marriage in the first place."

Profile of a trafficked woman from the West Bank into Israel

Place of residence: Nablus

Age: 24

Marital status: Married

Number of children: 3

After S was raped by her husband's uncle, she ran away. She met a male who was trafficking women from the West Bank into Israel, mainly into Tel Aviv. Taking advantage of the vulnerability of the woman, he convinced her to work for him. Using a fake Israeli identity card, her passing through the Israeli checkpoints was possible.

After a period of working in prostitution, she got involved into drugs and became also pregnant from the same man. After a dispute, she stabbed him, which placed her in jail, where she had her child. After her release, she was sent back to the West Bank.

## Part Six:

# Causes of Trafficking and Prostitution

Researches reveal that socio-economic conditions as well as violence and sexually exploitative relationships experienced by the victims, either during their youth or marriage by one of the family members, constitute important causes leading to their sexual exploitation.

**Socio-economic factors affecting trafficking and prostitution.** Particular socio-economic factors, such as increasing economic insecurity and higher levels of unemployment and poverty, play a major role either pushing girls and women into prostitution or rendering them extremely vulnerable to be exploited by the recruiters and traffickers.

Despite this, the Palestinian police has traditionally held that the majority of women engaged in prostitution do it by their own “will” in comparison to a minority who are forced into it due to their dire economical situation and the need for financial resources. This amounts not only to an inaccurate interpretation of the truth but also constitutes a very dangerous view. The lack of willingness by the law enforcement officers to investigate and persecute traffickers, societal practices and criminalizing behaviour towards victims all together makes the latter to keep in silence. All this help the traffickers to work with total impunity.

**Violence and sexually exploitative relationships.** Researches have also proved that some of the victims were either drawn into the sex industry while being very young or have experienced sexually exploitative relationships by a member of their family or during their marriage. It is this vulnerability and lack of power which render them the targets of sexual exploitation.

**Lack of social networks and shelter houses.** The lack of social networks and shelter houses in comparison to the increasing problem of women trafficking and their sexual exploitation aggravate the problem as victims count with very few alternatives when facing dire economical situation or violence from their family members.

The social stigma of prostitution is also a problem as Palestinian women trafficked into Israel who are returned to the oPt may be ostracized within their communities and families.

A dialogue between two women sitting in the front seat of a public taxi on the way from Jerusalem to Ramallah

While I was in a public taxi heading from Jerusalem to Ramallah I accidentally overheard a conversation between two Palestinian women. One of them, approximately 40 years old was wearing a veil and holding a baby while talking to the woman sitting near her.

She was telling her “The other day I went to obtain a birth certificate for my new born child, but the employee refused even to talk to me. I tried to explain to him that my husband is in prison since few years charged with fraud and the possession of drugs.

I have already two children in addition to this new born child. I met a woman (W.) in the market and she promised to help me find a job. After a while, I started working for her offering my sexual services to men in exchange of money but I got pregnant from one of the clients and W refused to help me. Instead, she forced me to leave work threatening me if I tell anyone about her. So I left and now I don't know what to do. I went to the social services in Jerusalem but they could not help me either. I lived in Anata for a while, and now I'm living in Beit Hanina.”

Field researcher

According to the 2000 UN *Convention Against Transnational Organized Crime, Supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, traffickers are identified as individuals engaged in “the recruitment, transportation, harbouring 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” (Trafficking Protocol, Article 3a, page 32)<sup>6</sup>.

In the oPt, research interviews with key informants have revealed that the profile of traffickers has been almost homogenous: Palestinian women in their forties or early fifties who, in most of the cases, have previously worked in prostitution, or have experienced sexually exploitative relationships by their family members and husbands, or have been in dire economic situation which have forced them into prostitution or being the victims of trafficking for sexual purposes.

Some of the other common aspects detailing the profile of traffickers as identified by the cases found by this research include the following:

- § Traffickers that were identified through this research are married and their husbands and family are aware about their business.
- § The level of education identified is fairly low. Most of them have finished secondary or high school only.
- § All of the traffickers identified by our sources have worked in prostitution before being pimps and many of the women working for these pimps are “expected” in consequence to become future traffickers. However, their educational profile is higher than the current pimps as many of the identified cases are university graduates.

#### Profile of a trafficker 1

The business of W. is considered one of the largest sex industries in Palestine. W. is a 41 years old female, illiterate pimp living currently in Beit Hanina, but is originally from Hebron with a Jerusalem identity card. W. manages 4 prostitution houses in West and East Jerusalem. Most of her work falls into escort services limited to Jerusalem and Tel Aviv. In East Jerusalem, W. runs a small hotel where most of the women are from inside the West Bank.

W has been working in the sex industry since 1520- years. She is married and has 5 children: 4 of whom are boys and one 9 years old girl, at the time of the research. Her husband works in Israel and knows about her activity. She leaves the house dressed properly accompanied by her young daughter and when she arrives to Jerusalem she changes her clothes. In the past, along with employing women into prostitution, she was also involved in the business and would receive her own clients. Nowadays, she no longer does that.

W has very strong relations and is able to traffic women everywhere into Israel by using fake Israeli identity cards. Our sources even assert that she has very good connections with law enforcement agents as she has never been arrested or charges filed against her even with the complaints received by the police about her business.

<sup>6</sup> UN *Convention Against Transnational Organized Crime (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. Convention text and protocols can be viewed at [http://www.unodc.org/pdf/crime/a\\_res\\_55/res5525e.pdf](http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf).*



## Part Eight:

# “The Perpetrator”

### A Case Study

This section briefly presents one case study regarding a woman trafficker called “W”. The case gives details of the background of the victims trafficked, their clients, the type of medical care received as well as the violence experienced by them. All the information here presented is based on data collected by field researchers from key informants.

**Women in prostitution.** Most of the women working for W. come from educated backgrounds and families, ages varying from 16-45 years old, and are mainly university students from Palestinian colleges and universities. Our sources indicate also that 10% of the women working with W. come from Jerusalem. The majority of them are married and have escaped from their families. It is normal for them to attract other girls known by them into this business.

#### Profile of a trafficker 2

F.S is a 52 years old Egyptian woman that owns two apartments in Al-Ram, where women mainly from Al-Ram and Nablus work in prostitution.

F.S. is the only bread provider for her family. She was 14 years old when she got married and left Egypt in order to live in Palestine, but was raped by her brother in law. Her husband has no objection about her work and he leaves the apartment whenever she has clients.

#### A lawyer from Jerusalem

W. allows the girls and women working for and living with her to return to their homes every two or three weeks as their families do not know they are engaged in prostitution activities but rather that their daughters have “decent” jobs working in places such as kindergartens or restaurants. In case there is a problem in convincing the family, W. interferes assuring the family that their daughter legally works with her.

Unless they are called upon when a client requests their company, the girls and women working for W. go back to their families. Only one or two girls live permanently at W’s house. The majority of these women wear veils to try to pass unnoticed, but, once they enter the house, clothing must be change into erotic one.

**Violence and choice.** There are different degrees, levels and extent of coercion, abuse and violence perpetrated against these women. However, all of them are violated, sexually exploited and subject to violence. W. prevents them from talking to the men; they cannot use the telephone or call anyone without her knowing. In general, when a woman enters into the sex industry and works for W., she is obliged to stay for 3-4 years and if the woman is in high demand by clients, she is forbidden to leave. In case she tries to escape, W. threatens to inform her family and disseminate her pictures in sexual activity.

**Medical care.** Health checks and screening of girls and women working in prostitution for W. for sexually transmitted infections are not available. Their only mean of protection from sexually transmitted diseases is the use of condom during sexual intercourse. If sick, W. treats them herself. A doctor from Jerusalem is called when necessary and W. allows him to have sex with a woman of his choice as a compensation for his services. In case a woman becomes pregnant, W. refuses to help her and forces her to leave the prostitution house.

**Clients.** The clients range from wealthy businessmen in their middle age to ordinary young individuals. W. accompanies the women when they go to a client and she waits outside. Some of the clients are from Israeli towns hiring women that are usually accompanied by men trusted by W.

Clients usually pay 300 NIS. 100 NIS end up in the hands of the woman who offered the service. Normally it is the client who contacts W. by telephone requesting a woman. She accepts a new client only if he comes through an old client of her.

## “The Victims”. Two Case Studies

This section briefly presents two case studies of trafficked Palestinian women. They describe the background of trafficked women, their relationships with their families as well as with their pimps. The main reasons that forced them into prostitution are also tackled here. All information presented in the section below is based on face-to-face interviews conducted with trafficked women by the field researchers.

### First case study: Profile of a trafficked woman from Jerusalem

**Place of birth: Jerusalem**

**Age: 23**

**Marital status: Married**

**Number of children: 3**

I, a 23-year-old Palestinian woman, was forced into marriage by her father against her will when she was 16. Her husband raped her on their wedding night and left her bleeding. I confesses that although she was forced into marriage, she internally was happy to leave her parents' house as she used to be hit violently by her father on a daily basis. I sorrowfully explains *“He would tie the belt over my neck and slowly tightens it until I suffocate and faint. He forced me to sleep at the basement and sometimes leaving me for a week without food. He forced me also to leave school after the ninth grade to work in cleaning houses for Israelis. My relationship with my mother was good but she was also abused by my father, especially when she tries to help me.”*

I had also to pay the rent for staying with her parents, although the house is owned by her family. She referred to various women organizations seeking assistance but none of them succeeded in helping her.

“After I got married, I discovered that my husband is not that different from my father as he also recurred to violence continuously.”

I fell in love with her brother in law. When her mother in law knew, she hit her badly, which made I refer to the Israeli police that imprisoned the husband. I was then transferred to a safe house, where she continues her education. She sees her children every week and has no relation whatsoever with her husband.

I continues to narrate her story and how she met the pimp “After I ran from home for the second time, I met two young men from East Jerusalem that offered me to move to the north of Israel with them. They promised me to put me in contact with a woman that will help me in finding shelter and employment. At first, I moved into a Druze family in the north who later introduced me to S., a 30 year old divorced woman who had a 13 year old daughter and owned a brothel in Akko. We shared the house with two Israeli women and before I left another two girls from the north came to work for S.

I was forbidden to leave the house and all my needs were met by S. I was banned from calling anyone or having a mobile. I started having clients but S. would never give me any money. S. would force me to drink alcohol to the extent that I could not remember how many men I had that night. But usually this ranges from 5 to 15 approximately. They had to use condoms but some of them sometimes would sleep with me without having any kind of protection and S. never took us to a doctor, instead she paid most attention to our hygiene and smell and would bring us scented creams, oil and soap.

I practiced prostitution for 8 months and when I once refused to sleep with a client, S. called my father. My father came and found me and S.'s daughter sleeping with two men. At first I didn't recognize my father and when I realized what was happening, I tried to commit suicide by breaking the bathroom's window but my father and the two men caught me. When I came home, my father forced me to take off all of my clothes and hit me violently until I fainted. When I became better, I escaped and went to the police that transferred me to this current safe house.”

## **Second case study: Profile of two women sold by their father through Urfi marriage**

**Place of residence: Hebron**

**Age: 18 and 19 years old**

**Marital status: Married**

**Number of children: 1**

A. and S. are two sisters that have been sold by their father recurrently to Palestinian men inside Israel through Urfi marriage at the age of 13 and 14 years old. The duration of each urfi marriage do not usually last more than 2 to 3 months. In general, the father forces them to get a divorce, he collects the money and the gold that were bought by their husbands, then the two women return to live with their father.

S., who is now 18 years old, tells to the field researchers her story with sorrow: “I got married to around 12 men under the Urfi marriage. And I ran away from my last marriage as the wife of my husband knew of my pregnancy and tried to burn me. My baby was put in a kindergarten in Beit Jalla and I have never seen him. As I turn 18 years old, I will have to leave this safe house but I cannot return to my family and have no place to go. A year ago, my relatives took me and made me marry my cousin as a mean to protect me but the judge forced me to get a divorce as there is no legal evidence of my divorce from my last husband. And after I got the divorce for my last Urfi marriage, my cousin refused to marry me again.”

A. also ran away from her father and returned to search for her last husband. She killed him and is currently in the prison in Nablus.

This section presents the issue of human trafficking for sexual purposes from a legal aspect according to the Palestinian and Israeli legislations and societal practices. It also attempts to depict the attitude of the police when dealing with trafficking and prostitution cases.

**Palestinian legislation and societal practices.** Due to the history of foreign occupation the oPt has endured, the Palestinian legislation represents today a collection of laws applicable to different areas of the oPt, in particular: (1) unified laws that the Palestinian Legislative Council (PLC) promulgated since 1996 for the entire oPt, (2) the Jordanian Penal Law No. 16 (1960), which continues to apply to the West Bank, and (3) the Egyptian Penal Law No. 58 (1937), still applicable to the Gaza Strip. At present, the drafting of a new criminal code for the oPt is in process, but no indications are available about when the final draft will be ready nor a prevision on its finalization can be made considering that the PLC is currently non functional. Thus, in relation to penal matters, the Jordanian and Egyptian penal codes are still applicable.

An analysis of those laws shows that offenders such as traffickers, brothel owners, people renting or assisting in establishing brothels and those forcing girls and women to engage into prostitution are punished. The punishment differs according to the type of offence and is detailed as follows:

Article 310 – Traffickers leading or trying to lead women into prostitution are punished by a term of imprisonment ranging from 1 month to 3 years along with a fine ranging from 5 to 50 Jordanian Dinars (JDs).

Article 311 – Traffickers forcing women into sexual prostitution by the use of threats, drugs, or deceit are punished by a term of imprisonment ranging from 1 to 3 years.

Article 312 – Brothel owners, people renting, assisting in establishing a brothel or working in one are imprisoned up to 6 months and/or with a fine of 100 JDs.

Article 313 – Any male forcing a woman into prostitution for financial support is punished by a term of imprisonment ranging from 6 months to 2 years.

Article 314 – Any woman leading, influencing or forcing another into prostitution is imprisoned for one year or charged with a fine up to 50 JDs.

Article 315 – Anyone forcing a woman without her consent to practise prostitution or stay in a brothel is punished by a term of imprisonment ranging from 2 months to 2 years.

In addition, rape and indecent assault are illegal under the Palestinian criminal law that is based on the Jordanian penal code number 16 of the year 1960. There is no separate law specifically for rape. Under the Palestinian criminal law, rape is considered as a crime only when it implies an act of non-consensual sexual penetration. In addition, a husband forcing sex on his wife is not considered “rape”. Articles 292 and 294 of the law state that rape is punishable by 10 years imprisonment if the victim is physically inapt to defend herself, 7 years if she is under 15 years old and 5 years if the aforementioned cases do not apply. However, a case is not legally considered as rape if there was consent by the victim or if it is done by the husband.

The Law further states that a woman committing adultery is imprisoned for a period ranging from six months to two years. Concerning men, however, in order for the act to amount to a crime, it must be

performed in the marital home.

In 2004, the Palestinian judicial system set up certain legal prevention measures to tackle the cases of families forcing their daughters into marriage with men outside the oPt and sometimes into trafficking and prostitution. The Palestinian judge, Tayseer Tamimi, chief of the High Council of Sharia Jurisdictions has issued an order (Annex 2) to all judicial courts, copied to the Ministry of Women's Affairs, to verify a set of conditions related to marriage. These are the following:

- The consent of the woman;
- The woman is more than 18 years old;
- The couple has a secured residence to live in after they get married;
- All medical examinations required for the marriage should be completed and the man should not have AIDS;
- There are no legal or religious conditions hindering a marriage.

**Israeli legislation.** The Israeli legislation relevant to the topic are the Penal Law 1977 amendment 2000, the Law for Combating Criminal Organizations and the Prohibition on Money Laundering Law, among others. According to the Penal Law of 1997: "Selling or purchasing of a person in order to engage him in prostitution or serving as a middleman in the selling or purchasing of a person for this purpose is punishable by a term of imprisonment of 16 years" and "causing a person to leave the state in which he lives in order to engage in prostitution, is punishable by a term of imprisonment of 10 years."<sup>7</sup>

Investigation by the Israeli police regarding a felony of "trafficking in human beings for the purpose of prostitution" is generally opened with a complete check of the women's stay in Israel. When women enter illegally into Israel, they are taken away immediately and sent back to their place of origin. According to Israeli Justice System, the consent of the women to prostitute is irrelevant in view of the prohibition of trafficking.<sup>8</sup>

It should be noted that the lack of internationally recognized borders between Israel and oPt as well as the lack of control of the occupied country over the borders arbitrarily defined, the absence of a Palestinian State and the fragmentation of the territorial unity among the West Bank, Gaza Strip and East Jerusalem have all led to weakly and ineffectively combating trafficking of women. The two authorities do not communicate or regulate policies or strategies among each other to combat trafficking and sexual exploitation of women.

In this scenario, Israel, as occupying power, not only is responsible for the implementation of the international treaties and conventions it is party to in those areas under its control<sup>9</sup>, but also it should not obstruct or hinder the movement of Palestinian stakeholders such as judges, police officers, lawyers, social service and health care providers within and between the West Bank, Gaza Strip and Israel when trying to carry out their professional duties and responsibilities. The Israeli occupation curtails the right of Palestinian women to seek legal redress when victims of a crime, through the limitations placed upon the full implementation of the Palestinian criminal justice system. One among many examples is the fact that Palestinian courts are only able to hear cases arising from within areas A and B but not C, where Palestinian courts do not have the jurisdiction to implement judicial decisions. This amounts to a serious impediment to the effective administration of justice in the oPt, namely when trying to punish the culprits of sexual abuse and sexual exploitation against girls and women.

<sup>7</sup> Leah Gruenpeter Gold and Nissan Ben Ami, on behalf of the Awareness Center (Machon Toda'a), Representative of the IAF in Israel, *National NGOs report to the annual UN Commission on Human Rights: Evaluation of National Authorities activities and Actual facts on the Trafficking in Persons for the purpose of prostitution in Israel*, April 2004, page 12.

<sup>8</sup> Idem, page 16-17.

<sup>9</sup> See the International Court of Justice's Advisory Opinion, "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," available at <http://www.icj.org/icjwww/idocket/imwp/imwpframe.htm> para. 112.

# Recommendations

Based on the analysis of the case studies presented in this briefing paper, including the root causes and factors that make Palestinian women vulnerable to trafficking and forced prostitution, the following recommendations to civil society organizations and Palestinian governmental institutions are presented for action.

Civil society organizations are called:

1. To advocate for a law by the Palestinian Legislative Council referring to forced prostitution as sexual violence and guaranteeing that girls and women are treated as victims of the crime and not as offenders.
2. To develop a new and in depth research exploring the dimensions of prostitution and human trafficking for sexual purposes in and from oPt.
3. To document cases of forced prostitution and women and girls trafficking for sexual purposes, in light of a common understanding, within the framework of human rights law, of the adopted terminology. Cooperation and coordination mechanisms in the collection, documentation and monitoring of the cases shall be established among civil society organizations.
4. To create a network between Palestinian civil society organizations dealing with forced prostitution and women and girls trafficking for sexual purposes and civil society organizations abroad, including those in sending and receiving Countries.
5. To support international movements advocating for the adoption of a more inclusive definition of “human trafficking”, as including internal trafficking.

Palestinian governmental institutions are called:

6. To draft, with the active involvement of the Palestinian civil society organizations and, in particular, women’s organizations, a law to be adopted by the Palestinian Legislative Council referring to forced prostitution as sexual violence and guaranteeing that girls and women are treated as victims of the crime and not as offenders.
7. To support Palestinian law enforcement officers with the necessary training and guidance to deal with and protect women and girls’ victims of sexual exploitation in a manner respectful of their human rights.

Civil society organizations and Palestinian governmental institutions are called together:

8. To develop, as a preventative measure, awareness raising programs, targeting men, women and youth, on issues related to forced prostitution, human trafficking, women human rights as well as consequences of prostitution and trafficking on the victims.
9. To establish and continue support services, including safe houses, for the protection and reintegration of women and girls victims of prostitution and trafficking.

# Annex 1

## Data Collection Questionnaire

### General data:

Date of questionnaire administration: \_\_\_\_\_

From \_\_\_\_\_ hour to \_\_\_\_\_ hour

Field researcher: \_\_\_\_\_

Place: \_\_\_\_\_

### Personal data:

Age: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Educational level:    Elementary    Preparatory    Secondary  
   Academic    Vocational

Marital status: Single            Married            Divorced

Children:                    Yes, How many \_\_\_\_\_    No

Economic status:    Poor    Good    Very good    Excellent

Health status: In need for continuous treatment

Unwell In good health

Wearing a veil?    Yes            No

Dos she have an ID card/documents?    Yes. Type \_\_\_\_\_    No

### Her relation with the pimp:

Where does she stay now? \_\_\_\_\_

What kind is her work? \_\_\_\_\_

Is she the only/main provider for her family?    Yes            No

Who helps her? \_\_\_\_\_

How does she care for herself:

\_\_\_\_\_

In what year did her trafficking start? \_\_\_\_\_

How did the trafficking start?

\_\_\_\_\_

For how long? \_\_\_\_\_

How was she reached? \_\_\_\_\_

Did the pimp promise her of anything? Yes. What? \_\_\_\_\_ No

Did she get what she was promised? Yes No

Was she lied to? Yes No

If yes, how did she feel? \_\_\_\_\_

Did she try to break the agreement? Yes No

Was she paid? Yes. How much? \_\_\_\_\_ No

If no, Who got the money? \_\_\_\_\_

How is her relation with the pimp? \_\_\_\_\_

How much is she dependent on the pimp? \_\_\_\_\_

Is she now at risk? Yes No

If yes, what is she planning to do? \_\_\_\_\_

Has she been subjected to any form of violence? Yes No

What form of violence? \_\_\_\_\_

Who is the offender? \_\_\_\_\_

When? \_\_\_\_\_

Where? \_\_\_\_\_

Did she report about the offender? Yes No

How is her living condition as supported by her work?

Poor Good Very good Excellent

Does she undergo medical tests? Yes No

Does she use any prevention methods? Yes. What? \_\_\_\_\_ No

Is she aware of her rights? Yes No

Does she have any ambitions? \_\_\_\_\_

**Family data:**

How many members are in the family? \_\_\_\_\_

Where does the family live? \_\_\_\_\_

How was her relation with her family before the trafficking?

Poor Good Very good Excellent



How is her relation with her family after the trafficking?

Poor            Good            Very good    Excellent

Does any family member know about her situation?

Yes. Who? \_\_\_\_\_ No

If yes, did they offer her any kind of help?

Yes. What help? \_\_\_\_\_ No

If the case relates to trafficking of women from the West Bank to Jerusalem, the questions will focus on the following:

**Data about the pimp:**

Place of residence: \_\_\_\_\_

Sex:            Male            Female

Age: \_\_\_\_\_

Nationality: \_\_\_\_\_

Educational level:    Elementary    Secondary    University    Illiterate

Since when is s/he practicing this work? \_\_\_\_\_

Marital status: Single            Married            Divorced

Does s/he have children?            Yes    No    Don't know

Has s/he been arrested by the police?            Yes    No    Don't know

How does s/he reach to girls? \_\_\_\_\_

What methods does s/he use for the trafficking of girls?

\_\_\_\_\_

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

دولة فلسطين

ديوان قاضي القضاة/ المحاكم الشرعية  
مكتب قاضي القضاة / رئيس المحكمة العليا الشرعية  
رئيس المجلس الأعلى للقضاء الشرعي

الرقم : عد / 15 / 2004  
التاريخ : 15 / 10 / 2004  
عد / 15 / 2004

تعميم رقم ( 40 / 2004 )

فضيلة قاضي  
الشرعي المحترم

السلام عليكم ورحمة الله وبركاته !!!

نظرا لتسرب بعض الفتيات عن طريق الزواج بأزواج من خارج أراضي السلطة الوطنية الفلسطينية وخدماتهن والتغريب بهن في امور تتنافى مع عقيدتنا وعلاتنا واخلاقنا الحميدة مستغلين في ذلك اوضاع المهن الاقتصادية السيئة بسبب ممارسات الاحتلال الظالمة وللحفاظ عليهن عن أن يقعن في حبال من لا أخلاق ولا ضمير لهم قرر قبل إجراء عقود الزواج لمثل هذه الحالات اتباع مايلي :-

- 1- يجب التأكد من تجاوز المخطوبة الثامنة عشرة من عمرها .
- 2- التأكد من خلو الخاطب من الموانع الشرعية والقانونية حسب الانظمة والقوانين المعمول بها في المحكمة الشرعية التي يقيم في منطقة اختصاصها وإحضار شهادة حسن سير وسلوك من المجلس المحلي ومن إمام المسجد ووجهاء المنطقة التي يقيم فيها .
- 3- التأكد من محل الإقامة الذي سيقوم فيه الزوجان بعد الزواج .
- 4- التأكد من خلو الخاطب من الأمراض المعدية والمعوية خاصة مرض نقص المناعة ( الايدز ) وإجراء الفحص الطبي اللازم لهذه الغاية في المختبرات التابعة لوزارة الصحة الفلسطينية .
- 5- موافقة الزوجة ووليها دون إكراه أو إجبار والتأكد من أن مقاصد هذا الزواج متحققة بعيداً عن وساطة سمسرة أزواج .
- 6- تنظيم محضر من قبل فضيلتكم دون إتلبة أحد في الموضوع الهام للتحقق مما ذكر ورفع المحضر مع سقر الأوراق المتطقفة به إلينا مع تسبب فضيلتكم لتدقيقه وإتخاذ القرار المناسب .
- 7- التصيم على جميع المأذونين في منطقة اختصاص محكمتكم التقيد والالتزام .
- 8- كل زواج يتم دون التقيد بما ورد في هذا التعميم سيتم إتخاذ أقصى العقوبات بحق المخالف .

وتفضلوا بقبول فائق الاحترام !!!

قاضي القضاة  
رئيس المجلس الأعلى للقضاء الشرعي

الشيخ بيمبر رجب التميمي



نسخة لعلى الاصح وزيرة شؤون المرأة المضمرة  
نسخة لكل واحد من أعضاء المحكمة العليا الشرعية المحترمين .  
نسخة لهيئة التدقيق علم المحاكم الشرعية .