

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

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Question 1:

Since the Covid-19 pandemic, illegal prostitution in private flats has become more prevalent. Both advertising and buying sex work were universally prohibited during the pandemic. Women who have successfully navigated the crisis continue to follow this model even after the ban was lifted, in order to avoid the exorbitant rental prices charged by brothels (€700-900 per week). These women have enabled a second wave of illegal residential prostitution due to its lower cost and the difficulty law enforcement authorities have in catching them. In this group, however, there are people behind the scenes who either come from the same family, the same hometown or are the women's own partners. As a result, some women may struggle to identify whether they are victims of human trafficking. It can be assumed that sex workers from this second wave do not possess the necessary documentation as defined by the Prostitute Protection Act and have therefore not visited the public order office or the health department where they would receive basic counselling. Prior to the pandemic, third-country nationals from Thailand, China, and Nigeria predominantly carried out illegal prostitution. Accessing their communities has always been challenging due to fear of repercussions regarding German immigration laws.

The authorities' measures are limited to attempting to make contact through online platforms, such as ladies.de and online forums, where clients exchange telephone numbers with sex workers. This is how they try to arrange meetings with the women and track them down.

Question 2:

In Germany, the number of sex workers is determined based on registration figures in accordance with the Prostitutes Protection Act. The number was 40,400 in 2019, but decreased to 28,280 by the end of 2022¹. Although the number of unreported cases is likely much higher, the difference between the two figures indicates a significant shift of the sex work industry towards illegality. The majority of sex workers come from Romania, Hungary,

¹ https://www.destatis.de/DE/Presse/Pressemitteilungen/2023/09/PD23_368_228.html
https://www.destatis.de/DE/Presse/Pressemitteilungen/2020/07/PD20_286_228.html

and Bulgaria, with many being Sinti and Roma. Their ages range from 18 to late 60s, with most women falling between 20 and 40 years old, consistent with the national average. Most of them have not received any higher education. Based on our experience, women in residential prostitution tend to be younger, typically starting from the age of 18. On the other hand, most brothels in Trier tend to host women in their mid-twenties to late 30s (this is not to say that child prostitution and trafficking does not exist in Germany. It is just that we have not experienced it yet and therefore cannot speak with any authority about it).

Question 3:

The Prostitute Protection Act in Germany specifies the individuals authorized to run a brothel, with checks conducted on past criminal offenses. However, this regulation has had little impact on the profile of brothel operators, as straw men are frequently used. Regulatory authorities often struggle to provide evidence of this unlawful management. In relation to illegal residential prostitution, individuals from the women's social circle are often the ones who introduce them to the situation, as explained in question number one. Therefore, it can be challenging to identify cases of trafficking, as women may not realise that what they are experiencing constitutes trafficking.

Question 4 & 5:

Women who engage in illegal prostitution often face psychological and economic violence from their partners or the aforementioned social circle. In general, the majority of sex workers from Eastern Europe are under significant pressure to support their families in their home countries, regardless of whether they work legally or illegally. Physical violence can be part of this equation, too. Sexual and physical violence are often associated with illegal activities, as was highlighted in our region during the COVID-19 pandemic. Women who work alone are particularly vulnerable to such risks. Although brothels can be costly, they typically offer a level of safety. Administrative violence tends to occur in situations of high social asymmetry, such as those involving police officers or members of the public order service. It is understood that individuals engaged in sex work may feel impeded and discriminated against by the Protection of Prostitutes Act, particularly in relation to the mandatory work permit that they are required to carry with them while working, which openly identifies them as a sex worker.

Question 6:

Poverty-related prostitution has its roots in the economies of the sex workers' home countries, creating a domino effect. Due to weak economic conditions, these individuals have limited opportunities to find a job that can cover their expenses. This is often the case for highly educated women as well. Discrimination is also a factor, particularly for those who are Roma or Sinti, further reducing their chances of finding employment in their local area. Women often migrate to engage in sex work, sometimes with partners or family members, while men typically work as parcel delivery drivers or in legal/illegal construction jobs.

Question 8:

The Prostitutes Protection Act classifies sex workers as self-employed and free to choose their clients. By law, they are not obligated to serve clients, and brothel owners have no right to interfere. However, in reality, sex workers in our region face high rents for official or legal apartments or brothels. As a result, some women may accept clients they would not otherwise serve to cover their costs. Additionally, the Prostitutes Protection Act mandates the use of condoms. The office of public order reports that brothels have successfully implemented safe sex practices. However, illegal residential prostitution has created a market for sex work without condoms. Clients use specific online forums to discuss prices and the sex workers who offer them.

Question 9 & 10:

An evaluation of the Act and its effectiveness is underway. Results are expected in 2027. Our perspective on its effectiveness is one of doubt. Sex workers often feel overwhelmed by the mandatory and recurring appointments with the health department and the public order bureau to obtain their work permits. Furthermore, it is unlikely that sex workers will disclose possible experiences of sex trafficking or violence in the workplace to random members of the health and public order department. Additionally, many of the women originate from countries with high levels of corruption in public offices. Building trust takes time, which cannot be provided by individuals with a regulatory background.

Question 11:

There are currently no state-regulated measures in place to assist individuals in leaving the sex work industry. Counselling centres in Germany, which are funded by either federal states or municipalities, are responsible for assessing the need for counselling services. In certain instances, counselling centres receive co-funding from church organisations, which may impact the agenda of these services. Counsellors may be directed to encourage their clients to leave sex work, rather than objectively assessing their current situation and addressing their specific needs. A state-wide initiative was implemented to provide support for counselling services that assist women in exiting sex work.

Question 12:

Most women who leave sex work aim to achieve financial independence through traditional employment. However, they face significant obstacles due to the taxation of sex work in Germany. Sex workers are classified as self-employed, which obligates them to file tax returns. The tax authorities have acknowledged the issue that sex workers frequently change cities and, as a result, tax zones. Therefore, the tax authorities of the federal states in Germany introduced the Düsseldorf procedure. It is voluntary for those involved and serves to avoid tax losses in the red light district. Sex workers pay a lump sum to the tax office under their pseudonym for each working day during the financial year. This lump sum is not a substitute for filing tax returns or paying the actual taxes incurred on their activity. Instead, it is offset against the individual's tax liability. It is worth noting that the tax authorities often

seem satisfied with the revenue they receive, which may lead to overlooking this last part. Women working in brothels often make their payments through the brothel owners, which can create problems when they want to leave their jobs. The tax office may not have received the lump sums, making it difficult for clients to prove their employment in Germany. This presents a significant issue during the exit process, as temporary social benefits or integration benefits cannot be obtained without proof of at least 5 years of work in Germany. Additionally, access to social housing or other accommodations is not possible for them. As labour lawyers and counsellors, we typically find a solution to initiate the exit process without causing undue distress to our clients. However, currently, there is no universally regulated method to resolve this issue.

Question 13:

Sex workers are often highly attuned to social dynamics and may perceive a disconnect between themselves and counsellors from different socio-economic backgrounds. It is therefore important to avoid an overly academicised view of sex workers and their lives, even if the realities of their daily lives may take some getting used to.

To establish a sustainable relationship with clients, it is important to build trust. This can be achieved by regularly checking in on them through outreach work and staying in contact via messaging services. Counselling should be offered on a low-threshold basis, without any direct suggestion that the client should quit. Only when a mutual understanding has been established, and the sex worker is assured that the counsellor will not judge or patronise them, will they feel comfortable sharing their experiences in the sex work industry, regardless of whether they involve trafficking or violence. It is important to consider that clients may have to turn against their own family members in order to free themselves from trafficking. This can cause significant cognitive dissonance, may lead to relapses, and continued contact with those individuals. Exit counselling rarely follows a linear course.

Question 14:

In Germany, policy-making is typically not influenced by frontline organizations. Instead, counselling centres are responsible for contacting the relevant local, federal, or state government authorities to raise awareness of their issues. Working groups are frequently established within federal states, consisting of members from specialist ministries and counselling services. These groups have been helpful in addressing and overcoming the challenges faced by both counsellors and sex workers.

Question 15:

The Protection of Prostitutes Act should be reviewed to reflect the complexity of sex work and the individual skills of sex workers. It is hoped that when the law is reviewed in 2027, it will become more precise and supportive of women. The economic disparities between Eastern and Central Europe are at the heart of poverty-driven prostitution. Tackling this problem is beyond our current means. Banning sex work will lead to an increase in illegal residential prostitution, as the demand for sex work is unlikely to decrease. The consequences of the short-term ban during the pandemic are evident. Women and their potential traffickers may remain hidden and less accessible to frontline organisations.