

Legalizing prostitution markets increases the demand for prostitution that fosters human trafficking

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

Alliance Nordic Model Germany

January 2024

The *Alliance Nordic Model* is an alliance of over 45 associations and initiatives engaged in civil society throughout Germany, numerous individuals as well as survivors of prostitution. The *Alliance Nordic Model* brings together the expertise and experience of many experts and organizations working with and supporting prostituted women. We demand a fundamental change in legislation: The Nordic Model. The *Alliance Nordic Model* is in full solidarity with women in prostitution¹, what it rejects is the system of prostitution.

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¹To emphasise this fact and to reflect the real gender proportionality in the context of prostitution, in the following we will refer to 'women' as those who are prostituted. We are aware that men and trans people are also among those affected.

I. Introduction

In Germany, the prostitution market is legalized. In addition to the sale and purchase of sexual acts, the operation of brothels and forms of pimping are also legal.² The violence that women experience in and through prostitution is not only concealed by the legal definition of prostitution as a 'sexual service'³, but also promotes violence by enabling perpetrator-friendly structures.⁴ German legislation makes a legal distinction between 'voluntary prostitution'⁵ and 'forced prostitution'⁶, although this is not possible in practice. Since the legalization of the prostitution market 22 years ago, the situation of prostituted women has worsened, and the number of women brought into prostitution has also increased due to the 'market expansion'.

II. Answers

1. Hidden forms of prostitution in Germany

Only around 20,000 prostitutes out of an estimated 150,000 to 200,000 are registered in accordance with the law.⁷ This means that over 2/3 of prostitutes are in fact 'working' illegally. But they are not hidden in the sense of being invisible. Sexual acts can be purchased or arranged at any time at any place, on the street, in brothels or on the internet.⁸ Access to prostitution is low threshold for sex buyers. Prostitution takes various forms. Some are often not recognized as prostitution⁹, even though their aim is to buy sexual acts. Minors are also victims of sexual exploitation and violence.¹⁰

2. Profile of women and girls in prostitution in Germany

Most prostitutes are migrant, poor, and young women. Most of them come from south-eastern Europe.¹¹ Many of these women belong to highly discriminated minorities. However, women from Nigeria and some Asian countries are also disproportionately represented in prostitution and are mostly victims of human trafficking.¹² Many of the prostituted women were victims of sexual, physical, or psychological violence in their childhood or youth and have already

² § 12 [Prostitution Protection Act](#); pimping [§181a of the Criminal Code](#)

³ § 2 [Prostitution Protection Act](#)

⁴ In this context, 'perpetrator-friendly' means that third parties can legally earn money from the prostitution of others, and the purchase of sexual acts itself is also legal. However, the exploitation and violence that often accompany the prostitution of others remain largely unpunished, making sexual exploitation a crime with low law enforcement risk for the perpetrators

⁵ This concerns the [Civil Code](#), [Prostitution Act \(since 2001\)](#), and [Prostitution Protection Act \(since 2016\)](#).

⁶ This concerns the [Criminal Code § 232a](#)

⁷ Federal Statistical Office https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Prostituiertenschutz/_inhalt.html

⁸ Network Ella, author Ronja (2022): Only Fans: the modern SMS chat? <https://netzwerk-ella.de/index.php/2022/02/16/on-lyfans-der-moderne-sms-chat/>

⁹ Such as pocket money prostitution, sugar dating or internet platforms like 'Only Fans'

¹⁰ <https://www.swr.de/swraktuell/rheinland-pfalz/minderjaehrige-prostitution-kinderprostitution-rlp-100.html>

<https://www.die-tagespost.de/politik/menschenhandel-junge-sklaven-in-deutschland-art-244487>

https://rp-online.de/nrw/staedte/krefeld/krefeld-polizei-holt-minderjaehrige-aus-bordell_aid-46482237

¹¹ [Federal Criminal Police Office, "The Victims", "Die Opfer"](#)

More details and sources regarding the profile of women and girls in prostitution in Germany in our [Shadow Report 2021](#), COE "Istanbul Convention", page 47 - 48

¹² Federal Statistical Office: https://www.destatis.de/DE/Presse/Pressemitteilungen/2023/09/PD23_368_228.html

learned to dissociate.¹³ For some young women, prostitution is also a form of self-harming behaviour due to violence they have experienced. For the most part, prostitutes are controlled by others. Their everyday life is characterized by economic coercion, multiple dependencies, and unimaginable violence.¹⁴

4. Forms of violence in prostitution

Most women perceive prostitution itself as a form of violence. Other forms of violence, that women experience during prostitution, add to this basic experience.

4.1 Any sexual act that is not based on voluntariness and consent is sexual violence. Money cannot replace consent. Therefore, every sex buyer encounter is experienced as violence by those affected. Prostitution itself causes irreversible damage to health. Gynaecologists and psychotherapists report an exceptional disease pattern associated with prostitution.¹⁵ The violence in prostitution is lethal in many cases: Since 2002, over 100 women have been murdered in the context of prostitution in Germany.¹⁶

4.2 Sexual coercion and attempted sexual coercion¹⁷ are part of the everyday life of prostitutes, for example, by sex buyers who try to enforce more than negotiated. Demand for sexual acts without condoms is very common.¹⁸

4.3 It is important to consider the facts described in paragraphs 4.1, 4.2 and dissociation, even if individual women claim not to experience violence. Violence is structurally inherent in the prostitution system.¹⁹

5. Who is responsible for violence in prostitution?

Besides pimps and traffickers, it is primarily the sex buyers who exert violence. Also, other people or companies profit. Internet platforms or brothel operators also profit and are therefore responsible for the continued existence of the prostitution system.

Since 2002, the responsibility of the legislator has gradually increased. According to German law, it is legal for men to buy access to women's bodies, even though it is associated with health damage and risks for women, from which the state does not offer sufficient protection. Germany offers little to no protection and support for vulnerable women.²⁰

¹³ Kraus, Ingeborg (2022): Human trafficking and prostitution from a psychotraumatological perspective. <https://www.trauma-and-prostitution.eu/category/wissenschaftliche-texte/mechanismen-dissoziation-trauma/>

¹⁴ See also KARO e.V. (2023): Annual report 2022, <https://www.karo-ev.de/downloads/jahresberichte.html> SOLWODI: <https://www.solwodi.de/seite/653634/prostitution.html>

¹⁵ Cf. Committee on Labor and Social Affairs, Youth and Family (2023): 65th session, hearing 'Situation of prostitutes in Bavaria'. See in particular Annex 2 (Liane Bissinger), Annex 6 (Rodica Knab), Annex 7 (Netzwerk Ella), Annex 15 (Ge-StAC), Annex 19 (Richard Heil). https://www.bayern.landtag.de/fileadmin/Internet_Dokumente/Sonstiges_P/PII/Anhoerungen/SO/065_SO_120522_Anh_Prostitution_Protokoll.pdf (see Annex)

¹⁶ The platform 'Sexindustry kills' documents cases that have come to light, https://www.instagram.com/sik_deutschland/. [Since there are no official statistics on murders in prostitution, we have to rely on civil society documentation of known cases.](https://www.instagram.com/sik_deutschland/)

¹⁷ This is a crime, §177 (3) StGB German Criminal Code

¹⁸ The platform "Die unsichtbaren Männer" (The Invisible Men) provides an insight into the behavior of sex buyers: <https://dieunsichtbarenmaenner.wordpress.com/menu/>

¹⁹ Prostitution is based on various mechanisms of oppression, such as misogyny, poverty, racism or strict migration policies.

²⁰ In this context, 'vulnerable' refers to groups of individuals who are marginalized due to their position in society and excluded from social benefits or, due to other limitations, are unable to assert their rights. Particularly affected are migrant and very young women, women without residency rights, homeless women, illiterate women, women with disabilities, and pregnant women. There is even a distinct 'market segment' for the latter in Germany.

Instead of addressing the prostitution system and its profiteers, the so-called *violence prevention* often focuses on concepts that aim only for 'harm reduction.'²¹

The abolition of the root cause of harm or criminalizing the perpetrators of violence is currently not a goal of the government.²²

6. Connections between prostitution & the violation of the human rights of women and girls

Prostitution is a violation of fundamental human rights due to the points already mentioned and is incompatible with human dignity. There is a causal connection between German prostitution laws and human trafficking for the purpose of sexual exploitation. Germany fails to recognize this causality. It takes only a few, often ineffective measures²³ to combat the prostitution system and its associated issues. Germany does not fulfil its international obligations and neglects international agreements.²⁴

7. Links between pornography and prostitution

Pornography prompts some men to become sex buyers and increases visit intervals. As in prostitution, victims of exploitation and coercion are also found in pornography.²⁵ Pornography is often filmed prostitution.²⁶

²¹ House of Representatives Berlin (2023): Sex work and accompanying services. Document 19/16 031, S. 4 ff.

<https://pardok.parlament-berlin.de/starweb/adis/citat/VT/19/SchrAnfr/S19-16031.pdf>

²² We also recommend our shadow reports - see attachment:

Violence in prostitution, [2021-Alliance-Nordic-Model-Shadow-Report_Violence](#) COE 'Istanbul Convention', page 47 – 48
Human Trafficking, 2023-Alliance-Nordic-Model-Alternative-Report_GRETA – in the attachment

Discrimination in prostitution, [2023-Alliance-Nordic-Model-Shadow Report_Cedaw](#)

²³ An example of an ineffective measure was the reform of the criminal regulations concerning human trafficking. A detailed evaluation of the reform and an assessment of its effectiveness can be found at the Criminological Research Institute of Lower Saxony <https://kfn.de/blog/2021/11/neuer-forschungsbericht-veroeffentlicht-evaluierung-der-strafvorschriften-zur-bekaempfung-des-menschenhandels-%C2%A7C2%A7-232-bis-233a-stgb/>

²⁴ This concerns:

- CEDAW Convention (1979), particularly Article 6
- Beijing Declaration, 4th World Conference on Women, United Nations (1995)
- Palermo Protocol, United Nations (2000)
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, United Nations (1949)
- Istanbul Convention, Council of Europe (2011)
- Convention on Action against Trafficking in Human Beings, Council of Europe (2005)
- Resolution on the regulation of prostitution in the EU: its cross-border implications and impact on gender equality and women's rights, European Parliament (2023)

²⁵ A focal prosecution office has been set up in Bucharest. Chief prosecutor Camelia Stoina says: 'The victims are also getting younger and younger. If they are brought to Germany - there they are exploited and even filmed. If the perpetrators are caught, they should actually also be charged with human trafficking and pornography with minors.' SWR Docu: Illegal prostitution the dangerous business with sex <https://www.youtube.com/watch?v=43phPZzoydE&t=1778s> minute 32:30

²⁶ Netzwerk Ella, Autorin Ronja (2021): Pornografie und Prostitution. <https://netzwerk-ella.de/index.php/2021/11/10/pornografie-und-prostitution/>

8. Consent in prostitution

Sexual self-determination presupposes the autonomy of an individual to be able to determine at any time what they want to do sexually or not.²⁷ In prostitution consent occurs only under the premise of money transfer. The desires of the sex buyers are decisive. Women dissociate to escape to survive sexual violence. The qualified consensus should also persist on the part of the prostitute in the act of prostitution.²⁸ Due to the 'contract,' however, there is a risk that the woman will not terminate the act if she wishes to.²⁹ While Germany has theoretically established the right to terminate, it is doubtful whether this legal knowledge exists.³⁰ Because Germany regulates prostitution legally without being able to guarantee the protection of sexual self-determination practically and legally, it knowingly accepts the violation of the right to sexual self-determination.

Apart from that, the question of consent is more a matter of legal philosophy than legal practice. Therefore, we see few reports and court cases. In this issue, the similarity of prostitution to other sexual offenses, such as rape, becomes apparent. It is inherent in these offenses that only the perpetrator and the victim are present. The presence or absence of consent, and thus the presence or absence of a crime, can objectively almost never be proven. Furthermore, sex buyers are well aware that women in prostitution do not engage voluntarily. However, this is not only indifferent to the sex buyer, but they justify their behaviour through payment, believing it absolves them of responsibility.³¹

9. Effectiveness of legal frameworks in preventing and responding to violence in prostitution

After 22 years the objectives of the German legislation have not been achieved.³² The German framework has a counterproductive effect on the prevention of violence and the rights of women and girls as victims. The legislator has not considered the fact that the legally regulated purchase of sex encourages men to believe that they have a right to another person's body for sexual use. Demand for prostitution has increased and therefore not only causes more women to be brought into prostitution, but also promotes human trafficking.³³ Offers for exiting prostitution that provide comprehensive support, housing and healthcare for women are rare and insufficiently funded. Health care for prostituted women is made more difficult because most of them do not have health insurance.³⁴ Victims of human trafficking from third countries are threatened with deportation because their residence permit is linked to their willingness to testify in court. The aim must be to push back the prostitution market, dry up the profit opportunities for third parties and reduce demand. Only then support programmes have a lasting effect and prevention succeed.

²⁷ Further elaborations on the complexity of consent are provided in our [Shadow Report 2021](#), COE 'Istanbul Convention', page 47 - 49

²⁸ [Mack/Rommelfanger \(2023\): Purchasing Sex: A Legal and Ethical Examination of Prostitution](#). Nomos. p. 234.

²⁹ [§ 183 BGB](#) Civil Code

³⁰ The service contract between the sex buyer and the prostitute is a unilaterally binding contractual relationship. The sex buyer has no entitlement to the service. Once the service has been provided, the prostitute is entitled to the agreed-upon compensation.

³¹ In detail on this topic: [Neuhaus, Kerstin \(2023\): They know what they're doing – Prostitution and the Nordic Model from the perspective of clients. In: Konrad Adenauer Foundation: Analyses and Arguments, No. 510/ September 2023.](#)

³² [BMFSFJ \(2007\): Report of the Federal Government on the effects of the law regulating the legal status of prostitutes](#) (Prostitutionsgesetz – ProstG) p. 80 ff.

³³ [Federal Criminal Police Office, "The Victims", "Die Opfer"](#)

Cho/Dreher/Neumayer 2013: Does legalized prostitution increase human trafficking? *World Development*, 41. P. 67-82

³⁴ There is no National Health Service in Germany.

12. Barriers to support victims and survivors of prostitution

Despite the regulation of prostitution in Germany, the legal instruments fail to provide adequate protection and support for people in prostitution. The reasons why those affected do not register are varied and illustrate the failure of legal, regulated prostitution. Many of those affected are victims of human trafficking³⁵, language barriers, illiteracy or coercion by traffickers and pimps (for example by stealing identity documents) are the causes of the sometimes-illegal practice of prostitution. Many of those affected are traumatized, afraid and mistrust authorities and the justice system. Many fear stigmatization if they register under the Prostitutes Protection Act.³⁶ Because the state considers prostitutes to be self-employed, it ostensibly grants them rights, but these are accompanied by obligations and lead to criminalization in the case of violations. In this approach, the state is not standing on the side of the vulnerable and those affected by violence. This makes it more difficult to help and makes the state structurally blind to women's experiences of violence and their actual needs.

13. What is not working to reduce the negative impact of prostitution on human rights?

Prostitution is neither controllable nor regulatable. The most effective instrument to abolish the negative consequences of prostitution is to prevent entry into prostitution.

The main legal 'system error' in Germany is distinguishing between 'voluntary prostitution' and forced prostitution. By this sex buyers find justifications not only in cases of the - legally hardly verifiable - knowing use but also for their own sexual offences and violence. The legislator has made it possible for the *declaration of intent under contract law* and the *consent justifying criminal law* to be juxtaposed in a fundamentally dangerous situation, in which witnesses are naturally never present and other evidence is not possible.³⁷ In no other 'service' in Germany does the absence of consent from the service provider result in the 'customer' becoming the perpetrator of a (gender-specific) crime.³⁸ This comparison with other services clearly illustrates the fatal legislative systemic flaw in Germany, predominantly harming women and favouring men. Not only does this violate individual rights, but it also hinders gender equality at the societal level.³⁹

Simultaneously, Germany exposes sexual self-determination to the mechanisms of the free capitalist market.

³⁵ vgl. <https://tampep.eu/wp-content/uploads/2017/11/ANNEX-4-National-Reports.pdf> (page 109)

³⁶ More details and sources regarding the difficulties in our [Shadow Report 2021](#), COE 'Istanbul Convention', page 29-33

³⁷ Consent [§ 183 BGB](#) civil code; consent excluding the [sexual offence § 177 criminal code](#) against the recognisable will; forced prostitution, [§ 232a criminal code](#)

³⁸ We have debated whether these explanations about German law might be too difficult to understand. However, even if that were the case, it becomes clear that the affected women might also have these difficulties.

³⁹ Di Nicola (2021): The differing EU Member States' regulations on prostitution and their cross-border implications on women's rights. [https://www.europarl.europa.eu/thinktank/de/document/IPOL_STU\(2021\)695394](https://www.europarl.europa.eu/thinktank/de/document/IPOL_STU(2021)695394)

14. Involvement of front-line and survivor organizations

Survivors of prostitution are not usually heard in consultations on prostitution policy and human rights. Instead, so-called professional associations of 'sex workers' or brothel operators are invited as 'experts' for a 'profession'. We also experienced this at the 85th CEDAW session.⁴⁰ Organizations with 'end demand' approach were explicitly filtered in a questionnaire for funding opportunities. This gives organizations calling for legalizing the prostitution market an indirect opportunity to influence the recommendations of the CEDAW experts.

15. Recommendations for ending and preventing violence in prostitution

- Decriminalization of prostitutes and recognition of prostitution as a form of gender-based violence
- Offers of help, rehabilitation and exit programs for prostitutes with comprehensive health, psychological and social support services
- Criminalization of buying sex because sex buyers directly inflict violence on prostitutes and perpetuate the prostitution system through their actions
- Criminalization of any profiting from the prostitution of others
- Education and prevention as well as broad social awareness rising of the situation of prostitutes
- Further training for professional groups, who deal with prostitutes
- Prospects to stay for victims of the prostitution system, also for third-country nationals

More detailed recommendations can be found in our shadow reports, see annex.

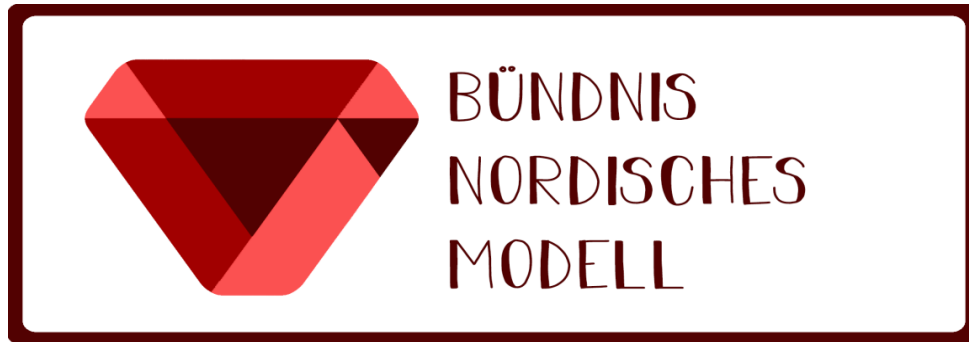
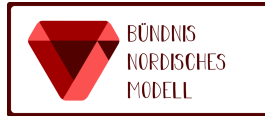
Annex

Shadow Report Istanbul Convention GREVIO

Alternative Report Human Trafficking Council of Europe GRETA

Shadow Report CEDAW

⁴⁰ https://docs.google.com/document/d/1WWB0nmakiCV5jzIfxjji-cnRRQJkiKA44qkp_6Kvq24/edit
<https://forms.gle/YzHo8R2FyjaohMPTA>
<https://www.iwraw-ap.org/wp-content/uploads/2020/10/The-Human-Rights-Violations-Behind-End-Demand-Laws.pdf>
<https://sozialministerium.baden-wuerttemberg.de/de/soziales/gegen-gewalt-an-frauen/prostitution-und-menschenhandel>

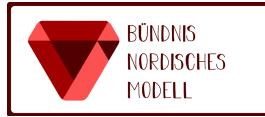


Shadow report

Council of Europe Convention on
preventing and combating violence
against women and domestic
violence

Alliance Nordic Model

July 2021



Alliance partners:



TERRE DES FEMMES
Menschenrechte für die Frau e.V.
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SISTERS -
für den Ausstieg aus
der Prostitution! e.V.



landes**f**rauenrat
Baden-Württemberg



Katholischer
Deutscher
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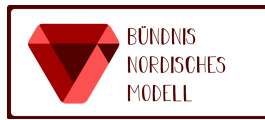
AUGSBURGER/INNEN
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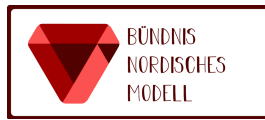
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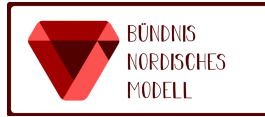
KARÖ
e.V.

Mut. Selbstbestimmung. Leben.
Der Mensch ist keine Ware!



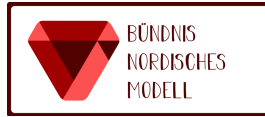






List of Alliance Partners // as of 09.07.2021

Alarm! Against Sex Buying and Human Trafficking e.V., Gießen
Working Group Stop Sex Purchase Munich
Working Group Stop Sex Purchase Durlach
Education on prostitution and human trafficking - Sandra Norak
AUGSBURGER/INNEN GEGEN MENSCHENHANDEL e.V., Augsburg
Counselling Centre Women's Emergency Hotline Munich
FEMEN
Emma
End Demand Switzerland
Femicide Observation Center Germany
Feminist Party THE WOMEN
Feminist Discourse, Vienna
Feminist Alliance Heidelberg
Women's rights are human rights, Paderborn
Women's Association Courage
Hadassah Initiative féminine gUG, Saarbrücken
Initiative Stop Buying Sex, Vienna
Katholischer Deutscher Frauenbund e.V., Cologne
KARLSRUHE AGAINST SEX PURCHASE
KARO e.V., Plauen
Kofra e.V., Munich
State Women's Council Baden-Württemberg, Stuttgart
Leben in Freiheit e.V., Bonn
LEFT for a world without prostitution
MANNHEIM AGAINST SEX PURCHASE
Marburg Citizens' Initiative bi-against-brothel
NEUSTART e.V., Berlin
Network Ella
Network against Human Trafficking e.V., Berlin
NetzwerkBplus (Network of people affected by violence) e.V. , Baiersbronn
North-South Forum e.V., Munich
Ecological Democratic Party, BAK Women, Würzburg
Ostalb Alliance against Human Trafficking and |Forced| Prostitution
Radfem Munich
#RedLightOut campaign
Shespect e.V.
SISTERS - for the exit from prostitution e.V., Stuttgart
SOLWODI Solidarity with Women in Need, Boppard
SPD network pro sex purchase ban
TERRE DES FEMMES - Human Rights for Women e.V., Berlin
Trauma and Prostitution
Independent Women Fürth
VulvaFem
Windrose e.V., Düsseldorf
Zéro Macho



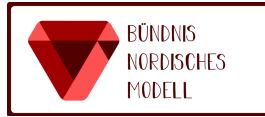
The report was prepared voluntarily and without financial support by the expertise of the *Alliance Nordic Model*.

Coordination and editing of the report

Barbara Bauer, Ina Hansmann, Simone Kleinert, Antje Langenthal

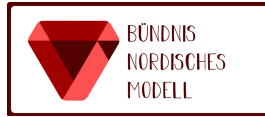
This report was unanimously adopted in plenum on 08 July 2021 and sent to GREVIO by the Steering Committee.

Steering committee: Ina Hansmann, Simone Kleinert, Silvia Reckermann, Ronja Zimm

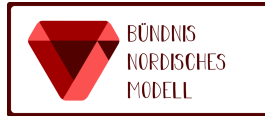


Content

Presentation of the Alliance Nordic Model	3
Chapter I. Purpose, Definitions, Equality and Non-Discrimination, General Obligations	4
Article 2 Scope of the Convention	4
Article 4 Fundamental rights, equality and non-discrimination	6
Article 5 Obligations of States and Due Diligence	9
Chapter II. Integrated Policies and Data Collection	12
Article 7 Comprehensive and Co-ordinated Policies	12
Article 11 Data Collection and Research	15
Chapter III Prevention	21
Article 13 Awareness-raising	21
Article 15 Training of Professionals	25
Article 17 Participation of the Private Sector and the Media	28
Chapter IV Protection and Support	29
Article 18 General Obligations	29
Article 22 Specialist Support Services	31
Article 23 Shelters	34
Article 24 Telephone Helplines	35
Chapter V. Substantive law	36
Article 33 Psychological Violence	36
Subitem 1 on Article 33 Psychological Violence Loverboys	36
Subitem 2 on Article 33 Sex buyers' Forums	37
Article 35 Physical Violence - General	38
Article 35 Physical Violence – Femicides in Prostitution-	39
Article 36 Sexual Violence, Including Rape	41
Subitem 1 on Article 36 (1) Psychological Consequences of Prostitution	41



Subitem 2 on Article 36 (1) Physical Consequences of Prostitution	45
Subitem 3 on Article 36 (2) Result of Free Will.....	47
Chapter VI Investigations, Prosecution, Procedural Law, Protective Measures	50
Article 49 General Obligations	50
Concluding Remarks	52
Quotes from German Sex Buyer Forums (2007-2020)	53



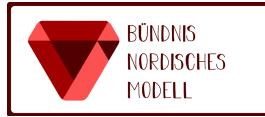
Presentation of the Alliance Nordic Model

The *Alliance Nordic Model* is an alliance of more than 40 associations, networks and initiatives engaged in civil society nationwide, as well as numerous active individuals. The *Alliance Nordic Model* sees this diversity as its strength, with which it wants to achieve a fundamental change in social awareness and political action. Religious and party-political interests play no role in the Alliance. The Alliance competently supports politics and society with its entire expertise through consultation and education. The *Alliance Nordic Model* is in full solidarity with women in prostitution, what it rejects is the system of prostitution.

The aim of the broad-base *Alliance Nordic Model* is to introduce and implement the Nordic Model in Germany. The *Alliance Nordic Model* declares the German policy of regulating the prostitution market to be a failure from the perspective of effectively protecting the women concerned from violence. Prostitution in Germany has become a flourishing criminal market and an engine for human trafficking. Prostitution promotes everyday physical, psychological and lethal violence against women. By taxing the income from prostitution, the state turns itself into a pimp. Together, the *Alliance Nordic Model* is campaigning for a progressive prostitution policy in the sense of universal human rights in Germany:

1. decriminalisation of all women in prostitution
2. criminalisation of all profiteers: clients, pimps, brothel operators, traffickers.
3. exit assistance (nationwide and comprehensive), protection and support.
4. education and public relations work through anti-sexist education and prevention with the aim of changing society's thinking.

Prostitution is primarily gender-based violence against women, which is why our focus is here. The measures to be taken should of course also protect and support other people in prostitution. Prostitution is a violation of human rights and prevents gender equality. The legitimisation of a patriarchal system characterised by violence, such as prostitution, has an impact on all girls and women in society and is a breeding ground for gender-based violence against women in all its forms. The trivialisation of prostitution and any sexual exploitation as "sex work" is unacceptable to the alliance partners.



Chapter I. Purpose, Definitions, Equality and Non-Discrimination, General Obligations

Article 2 Scope of the Convention

The existing legislation in Germany regulating prostitution is based on the understanding that prostitution is a profession, in principle like any other. The legal framework thus cements the view that violence is not inherent in prostitution.

The *Allianace Nordic Model* fundamentally disagrees with the premise that prostitution should be considered a profession. The overwhelming majority of those who sell sexual acts are women. The vast majority of those who buy these sexual acts are men. The violence associated with prostitution is gender-specific in the sense of Art. 3 d of the Istanbul Convention. To emphasise this fact and to reflect the real gender proportionality in the context of prostitution, we shall in the following refer to "women" as those who are victims of violence in prostitution, although we are aware that men and trans-persons are also among the victims.¹

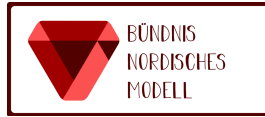
When the violence that systematically occurs in prostitution is not recognised, it is only a logical consequence that there is a serious lack of measures that both prevent this violence and help the victims who are exposed to it. On a practical level, when social workers in a women's counselling centre are instructed to consider the sale of sexual acts as work, there is a fundamental lack of understanding of how the sale of sexual acts affects a woman's physical and mental health. As a result, the necessary help is often not provided.

Our alliance partners unanimously confirm that the vast majority of women have experienced violence.

Prostitution is a system in which violence is inherent:

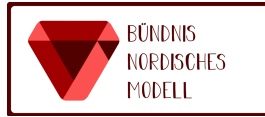
- Prostitution is part of a long patriarchal tradition of making the female body available for the benefit of the man (droit du seigneur, rape, sexual harassment, "conjugal duties", etc.).
- The vast majority of prostituted persons have suffered violence, often of a sexual nature, before entering prostitution.
- The vast majority of women experience forms of male violence (physical, verbal, sexual, psychological).
- Repeating sexual acts, mostly performed by young women, several times a day without physical desire is sexual violence. Men take advantage of women's financial and social exclusion.
- Men in Germany have been exploiting inequality, experienced violence, financial and social hardship legally and illegally for 20 years.
- Prostitution exploits multiple forms of inequality: the domination of men over women, the rich over the poor, the North over the South, majority groups over minorities.
- Minority, discriminated and migrant groups are overrepresented in prostitution all over the world.
- By placing the human body and sex in the realm of the market, the system of prostitution reinforces the objectification of all women and their bodies. It is a direct violation of the physical and psychological integrity of prostituted persons.
- The system of prostitution feeds and perpetuates human trafficking for the purpose of sexual exploitation.
- Prostitution is a social obstacle on the way to a truly free, respectful and egalitarian society.
- Side by side with johns, pimps and traffickers, Germany has been in denial of its own complicity in the male violence against women that has been taking place at an industrial scale

¹ (p.133, UNODC, Global Report on Trafficking in Persons 2020)



in its brothels for 20 years. Even worse: Germany is abrogating its responsibility for the girls of tomorrow who are still in school, hoping for an equal professional life. Women's bodies in Germany are everywhere within reach, 24/7, sexually available and accessible, recently also within seconds via mobile phone and internet.

- Especially in the age of digitalisation, almost every boy at school knows what men can legally buy in Germany: Defecating and urinating on women, inserting a hand into the rectum or vagina, swallowing sperm and rape "simulations". Women are advertised as commodities, with size references to other body parts, age, hair and skin colour, ethnic origin. The sexual acts are of a degrading, dehumanising and racist nature, incompatible with the dignity of any human being.



Article 4 Fundamental rights, equality and non-discrimination

Art 1 para. 1 Basic Law

In Germany's commercial districts, men can still buy a woman's body on the street or in a brothel after shopping in a DIY store or car dealership. In the entrances, there are advertising posters with detailed descriptions of the women's body features and body openings for sale. On many large Internet sites in Germany, any man can choose the female body he wants and within a very short time the body is available for sexual use. Men click on body features as if in a configurator:

Skin colour	Nationality
Hair colour	Cup size
Size	Po size
Weight	Pubic hair

One can also search for body orifices that can be bought for use. For the appropriate money, practically every sexual act can be bought in Germany. Following the sex purchase, sex buyers in Germany post ratings on the internet about their buying experience and the current physical condition of the woman.

For original quotations from German sex buyer forums, see the attachment on the last page of the report.

Germany does not recognise that this practice is a violation of women's dignity and that it prevents gender equality.

The effects of the German prostitution laws violate the constitutional requirement to protect the inviolable dignity of every human being in Article 1 (1) of the Basic Law. Prostitution is still immoral. ²

The legislator is neither authorised nor in a position to change anything about the existing immorality of prostitution. ³

To legally regulate sexual devotion in return for payment equivalent to a profession has led to legally regulated, officially approved and administered inhumane conditions in Germany.

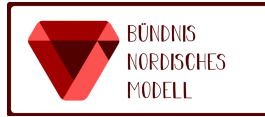
The dangers of "professional practice" are countered by the Federal Ministry of Health, for example, with the following advice:

"Do not wear long chains or scarves/shawls" (strangulation incentive) "In an emergency, take off shoes and run away in the opposite direction of travel." ⁴

² BGH, Criminal Division, decision of 18 January 2011 - 3 StR 467/10 (Hannover Regional Court); BGH, decision of 21 July 2015 - 3 StR 104/15 (Lüneburg Regional Court).

³ ProstBGH NSTZ 2011, 278 f.; 2015, 699 (700); AG Lichtenberg MMR 2012, 66 (67) m. zust. Anm. F. Albrecht jurisPR-ITR 2/2012 Anm. 5; Erman/Schmidt-Räntsch BGB § 138 Rn. 140; Kurz GewA 2002, 142 (143 f.); Majer NJW 2008, 1926 (1927 f.); Palandt/Ellenberger Rn. 2; Palandt/Ellenberger BGB § 138 marginal no. 52; Staudinger/Sack, 2003, BGB § 138 marginal no. 454 f.; Staudinger/Schiemann, 2014, cornerstone marginal no. 174; Jauernig/Mansel BGB § 138 marginal no. 7; OLG Schleswig NJW 2005, 225 (227); Hagen GS Sonnenschein, 2003, 581 (588 ff., 591); cf. also - in the context of job placement - BSG NJW 2010, 1627 marginal no. 23 ff.

⁴ Guideline of the Ministry of Family Affairs on health counselling according to § 10 of the Prostitutes Protection Act ProstschG



Art. 4 para. 1 obliges States Parties to take legislative or other measures to ensure that women can live free from violence in both the public and private spheres.

Studies show that prostitution is characterised by a high prevalence of physical, sexual and psychological violence.⁵ The perpetrators in this context are first and foremost the male clients, and secondly the pimps and other so-called protectors. It should be noted that the pimp or the so-called protection person is often also the current relationship partner.⁶

Violence in the context of prostitution is gender-specific violence against women, since in prostitution almost exclusively women work as prostituted persons and almost exclusively men act as clients or work as pimps or so-called protectors.

In prostitution, gender-based violence is deeply rooted in the structures, norms, social and cultural values of the prostitution system. As in other areas of society, it is both a cause and a consequence of unequal power relations. However, here the unequal power relations appear to be concentrated by manifold special vulnerability factors of women in prostitution (poverty, debts, unemployment, experiences of violence and abuse, lack of schooling and/or vocational training, psychological pressure, exploitative personal dependencies, lack of German language skills, illiteracy, etc.) in a way that they do not exist in any other work and life context.

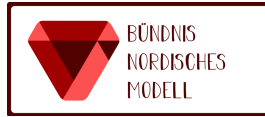
In its legislative or other measures in the field of prostitution, the German state must therefore consider the prostitution system as a whole, as a system in which significant gender-based violence is deeply engrained. The de facto tolerance of massive gender-based violence against women in the German prostitution system must be consistently ended through legislative measures. To this end, the focus must be on the male demand side in particular and on the profiteers of women's prostitution as a whole.

Art. 4 para. 2 obliges the States Parties to ensure the practical implementation of effective equality between women and men.

The social facts in the working field of prostitution (high prevalence of violence, stereotypes and sexism, Stigmatisation, poverty, debts, unemployment, experiences of violence and abuse, lack of schooling and/or vocational training, psychological pressure, exploitative personal dependencies, lack of knowledge of German, illiteracy, etc.) clearly show that prostitution is an expression of structural gender-specific and thus indirect factual discrimination against women. The vast majority of women on the German prostitution market are migrants. These women are thus exposed to multiple discriminations. Structural discrimination is a collective phenomenon. The fundamental legal reference point for legislative or other measures by the German state in the area of prostitution is Article 3 (2) of the German Basic Law (GG), as only this recognises structural discrimination against women as relevant under fundamental law.

⁵ German study: "Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland. II. sub-populations - survey of prostitutes".

⁶ Ibid. S. 72.



Article 3 (2) of the Basic Law extends the requirement of equal rights for men and women to social reality.

The state's mandate to act includes, on one hand, duties to protect women from discriminatory acts and disadvantages, also on the part of private third parties. On the other hand, it includes the promotion of the elimination of indirect-factual, i.e. including structural discrimination through active state measures.⁷

The apparent normality of prostitution in society and the accompanying acceptance of a system in which gender-specific violence against women is inherent must be recognised as discriminatory, gender-hierarchising and thus in violation of the equal rights requirement of Article 3 (2) of the Basic Law by the German state.

The aim of state measures in the field of prostitution must be to change the structures that maintain and consolidate gender-hierarchical power relations to a particular degree. It is not sufficient that regulatory legislative measures no longer attach legal disadvantages to the role of prostituted women or that general working conditions are improved, because the prostitution system based on violence remains unchanged. This is shown by the experience of the German regulatory approach since 2001. 20 years after the German Prostitution Act came into force, the discriminatory and gender-hierarchising reality of life of prostitutes with a high prevalence of violence still exists and has even been strengthened in some cases. The beneficiaries of the regulatory approach are rather sex buyers, brothel operators and the entire sex industry, whose position has in fact been strengthened.

The regulatory approach of the German Prostitution Act is thus to be assessed as unsuitable for the protection and reduction of discrimination within the meaning of Article 3 (2) of the Basic Law of women in prostitution.⁸

In addition, the consequences of the regulatory approach for society as a whole must be considered: The male use of sexual services by women is in fact legally strengthened. Gender-specific violence against women in prostitution continues to be tolerated by society as a whole. At the same time, the regulatory approach leads to a normalisation, social acceptance and also to a cementing of a gender-hierarchising reality of life shaped by structural and sexual discrimination, not only of prostituted women but of all women. This is because the general asymmetry of gender relations is reinforced by the role of women that is propagated as socially acceptable by the sex industry and prostitution, but also by politics and the media.

In view of the circumstances described, any indirect restriction of the liberty rights of other persons is proportionate.⁹

Under the Nordic Model, prostitution is not prohibited, but buying sex is.

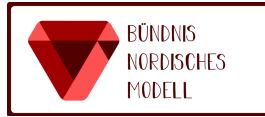
RECOMMENDATIONS

The Federal Government should recognise prostitution as violence against women and end the legalisation of demand, i.e. buying sex.

⁷ Osterloh 2009, Art. 2, para. 261 f.

⁸ Prof. Dr. Rahel Gugel, M.A. Lawyer, Master in Humanitarian Assistance, Rahel Gugel - DHBW Villingen-Schwenningen (dhw-vs.de)

⁹ Microsoft Word - Bachelorarbeit_v5 (bsz-bw.de) Philip Göhner, Swedish Curtains for German Freier, Page 69, 2018/2019



Article 5 Obligations of States and Due Diligence

Art. 5 para. 2 of the Istanbul Convention obliges states to take the necessary legislative and other measures to fulfil their due diligence obligations to prevent, investigate and punish acts of violence committed by third parties.

Germany has an obligation to discourage demand that fosters all forms of exploitation of persons that lead to human trafficking.¹⁰

This legal obligation arises, inter alia, from Germany's ratification of the Palermo Protocol and is reinforced by Germany's legal obligations under the Council of Europe Convention on Action against Trafficking in Human Beings.

The Convention of 1949 - a universal international human rights instrument adopted by the UNGA in 1949 and binding on States Parties - states that prostitution is a violation of human dignity:

"Whereas prostitution and the attendant evil of trafficking human beings for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the well-being of the individual, the family and the community."

Human dignity is the cornerstone of the international human rights corpus and is upheld by the Universal Declaration of Human Rights of 1948. This has not been ratified by Germany to date.

The CEDAW Convention (1979) then calls on all States Parties under Article 6 to eliminate and suppress trafficking in women and the exploitation of prostitution:

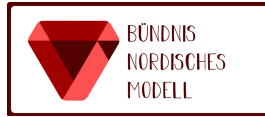
"States Parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women."

The Federal Republic of Germany has not fulfilled these obligations in the area of prostitution despite two laws passed since 2001.

The Prostitution Act of 2001 was intended to improve the legal and social position of prostitutes. They were to be integrated into the social security system common in Germany like employees. In fact, this has not happened. Although since then prostitutes have since then had a subsequent legal claim to the agreed remuneration despite the fact that the basic transaction is still immoral, in fact this claim is hardly enforced in court. However, this law has led to the establishment of a large number of brothels and has in fact strengthened the sex industry and the position of the johns at the expense of women. Most of those affected are women (estimates put the figure at 90%) with a migrant background, who were and are forced into this path by people from the sex industry, sometimes from their own families. One reason is the enlargement of the EU in 2004 and 2007. Since then, Germany has seen an increasing migration of women from south-eastern Europe who are now engaged in prostitution in Germany. Pimp gangs from Eastern Europe seem to have an inexhaustible reservoir of resources. Prostitution legislation in Europe is not uniform. At EU level, several resolutions of the EU Parliament set standards regarding prostitution and trafficking in human beings (THB).

In 2014, the EU Parliament's Honeyball Resolution recognised that "prostitution, forced prostitution and sexual exploitation are highly gender-specific problems and violations of human dignity that run counter to the principles of human rights, including gender equality, and thus to the principles of the Charter of Fundamental Rights of the European Union, including the objective and principle of gender equality": "One way of combating trafficking in human beings for the purpose of sexual exploitation and improving gender equality is the model implemented in Sweden, Iceland and Norway (the so-called Nordic model), which is currently being considered in several European countries and where the purchase of sexual services is the offence and not the services of the prostituted persons."

¹⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the, United Nations Convention against Transnational Organized Crime, 2000



Earlier this year, in 2021, two EP resolutions insisted that “the prostitution market fuels trafficking in women and children and exacerbates violence against them, especially in countries where the sex industry has been legalised.” They also underlined the obligation of Member States to discourage and reduce the demand that fosters all forms of exploitation.

In 2014, the Parliamentary Assembly of the Council of Europe stated in a resolution that the criminalisation of sex buyers¹¹ is the most effective instrument to combat and prevent trafficking in human beings: "The criminalisation of the purchase of sexual services according to the Swedish model is the most effective instrument to prevent and combat trafficking in human beings."¹²

The Prostitution Protection Act, which was passed in 2016 due to the recognisable abuses, could do little to change this. Both supporters and critics of the current prostitution policy in Germany largely agree that the law does not fulfil its protective purpose.

It is therefore of utmost importance to examine and understand how Germany's liberal prostitution laws and policies have affected Germany's ability to meet its international legal obligations related to combating trafficking in human beings for sexual exploitation.

The OSCE report “Discouraging the demand that fosters trafficking for the purpose of sexual exploitation” states: Under the international framework on demand, States are obliged to take measures to "discourage the demand that fosters all forms of exploitation of persons ... that leads to trafficking in persons". By referring to demand that "fosters exploitation" that "leads to trafficking in persons", this agreed wording establishes a concept of demand that goes beyond "demand for trafficking in persons" or "demand for sexual exploitation" and addresses demand that fosters exploitation that in turn leads to trafficking in persons. This creates an obligation to address demand that extends beyond the deliberate exploitation of victims of trafficking to any act that encourages the exploitation of the prostitution of others."¹³

According to the UNODC Global Trafficking Report 2020, human trafficking for sexual exploitation continues to be the most commonly identified form of exploitation in Western Europe.¹⁴ As 90% of these victims are women and girls, Germany's lack of commitment to combating demand that fosters human trafficking for sexual exploitation is a direct cause of the increase in violence against women as defined in the Istanbul Convention Art. 2.

German legislature must finally realise the failure of their prostitution policy with regard to the protection of the women concerned and change their policy. Prostitution is structural and manifest violence. The problem is not the women, but the men who buy (and sell) women. It is not the practice of prostitution that needs to be regulated, but the demand for it.¹⁵ Therefore, the *Alliance Nordic Model* comes to the following conclusion

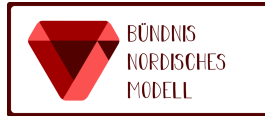
¹¹ Some alliance partners are against the term "sex buyer" because clients do not buy "sex" but power of disposal over women's bodies for their own sexual satisfaction. Nevertheless, the term was used because it is easier to translate into English.

¹² CAP INTL "Prostitution under International Human Rights Law" & see the Briefing Note Int/European/French Standards on prostitution

¹³ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Discouraging the Demand that Fosters Trafficking for the Purpose of Sexual Exploitation, p. 11 (Vienna 2021).

¹⁴ Ibid. p. 133

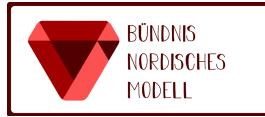
¹⁵ Lights out in the brothel, prostitution in Germany: <https://www.mdr.de/kultur/radio/ipg/sendung929160.html>



RECOMMENDATIONS

The Federal Government should

- align their prostitution policy with the Nordic Model with its four pillars:
 1. Decriminalisation of women
 2. Criminalisation of the buyers (johns) and the profiteers (pimps, operators of prostitution sites, human traffickers, landlords of premises for prostitution purposes)
 3. Programmes for the exit from prostitution protection and support for the women concerned,
 4. Information and prevention through anti-sexist education, training and public relations work
- recognise that their measures taken to date to eliminate demand and human trafficking for sexual exploitation do not comply with obligations of international law;
- present a package of measures to reduce the demand for sexual exploitation;
- implement their commitments under signed agreements.



Chapter II. Integrated Policies and Data Collection

Article 7 Comprehensive and Co-ordinated Policies

The prostitution policy started by Germany in 2002 failed its objectives. Even the women in prostitution agree to this today. In 2019, their complaint against the Prostitution Protection Act was rejected by the European Court of Human Rights as inadmissible, as the Federal Constitutional Court had already ruled in 2018 on this issue.¹⁶

Despite the legal possibility to do so, wage claims are hardly filed and, only a small proportion of women is registered or have access to social insurance. Stigmatisation also persists. In fact, stigmatisation of women has found additional online. Crime in the red light district still exists. And fast growing methods, such as the loverboy method, increasingly endanger very young girls and women. The demands of the responsible politicians are the same today as at the time of legislation. " By improving the legal position of prostitutes, we can withdraw the basis of the phenomenon of criminal concomitant that is often prevalent in this area and which can also be found in the area of organized crime."¹⁷

In 2021 there are even politicians withdrawing from their responsibility and resigning due to the laws they adopted themselves: "We have to accept that women prostitute themselves, be it because it is their profession, be it because they are forced."¹⁸ This was said during the peak of the Covid 19 pandemic.

In Germany, people continue to uncritically adhere to legislation that has not stood the test of time for 20 years, even at the regional level. This is shown by the current example of the State Parliament of North-Rhine-Westphalia (NRW) in January 2021:

In September 2020, the governing parties, the Christian Democrats (CDU) and the Liberal (FDP) had submitted the motion to the NRW state parliament: "*No! To the sex purchase ban of the Nordic model - help those affected and do not deport them into illegality*". The Social Democrats (SPD) and the Greens supported this motion.

An "expert hearing" was held on 14 January. Nine out of ten of the invited "experts" were declared opponents of the sex purchase ban which is at the center of the so-called Nordic Model. For example, the association of brothel operators' "Unternehmerverband Erotikgewerbe Deutschland" (UEGD) or the "Berufsverband erotische und sexuelle Dienstleistungen" (BesD), in which numerous brothel operators are also organised. As a result, there were complaints from our NGOs as a result. In total 21 comments were submitted on this motion and during the hearing, which according to the secretariat State Parliament is very unusual high number.

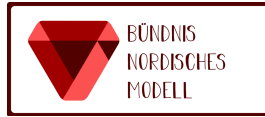
The Swedish Embassy then sent a complaint because of many false allegations made. Per-Anders Sunesson, the Swedish *Special Envoy for Combating Trafficking in Human Beings* at the time, wrote a paper after his visit to the State Parliament NRW in September 2020, rectifying false assumptions that had been repeated like a mantra: prostitution had not increased in Sweden - it had strongly decreased. Women in prostitution do not disappear into illegality - they can be tracked down by police officers and social workers. Violence against women in prostitution has actually decreased in Sweden. Not one

¹⁶ <https://www.donacarmen.de/prostituiertenschutzgesetz-europaeischer-menschenrechtsgerichtshof-verweigert-befassung-mit-klage-gegen-deutschland/>

<https://www.donacarmen.de/tag/bundesverfassungsgericht/>

¹⁷ Draft law 08.05.2001 page 4 paragraph 3 1405958.fm (bundestag.de)

¹⁸ Member of Parliament Simone Wendland State Parliament NRW January 2021 (Plenary Minutes 17/100, State Parliament NRW, p.95)



woman in prostitution had been killed for 20 years. In the same period there were at least 80 women in prostitution murdered in Germany.¹⁹

In 2019, in the so-called "Paradise trial" (Paradise was the largest brothel chain in Germany), the brothel operator and the "marketing manager" were convicted of aiding and abetting pimping and (serious) human trafficking. "A clean brothel of this size is hardly imaginable" emphasised the presiding judge.²⁰

Nevertheless, a current example from Bremen shows that politicians are still acting very "naïve" with regards to this issue.

In 2019, the brothel "Eros 69" opened on the outskirts of the city, apparently run by a Hells Angels boss. In the months and years before, citizens had unsuccessfully protested against the project, as well as at and after the opening. The reason: 78 years earlier, the first Soviet prisoners of war had been brought to this site. 21 men from the first transport died. Where the barracks stood then, bikers now run their brothel. The Russian consul general also protested unsuccessfully.

At the beginning of 2021, the Hells Angels wanted to open a second brothel in the centre of Bremen. Abolitionists²¹ provided parliamentarians with background information in order to prevent the planned brothel from being approved and thus closed.

Unfortunately, or significantly, this was not implemented. The operators were quicker: The 'Joy Company GmbH' was the operating company of the brothel, the managing directors were the Hells Angel Andrée Pröhl's wife and sister. The shares in the company have now all been sold to "investors from the East Frisian region", as the lawyer of the Joy Company told local television. The positions of the managing directors are also to be filled with other people. This means that the legal grounds for a withdrawal of the operating licence no longer apply. The new investors also want to use the premises bought by the "Joy Company" in the city centre for a brothel. The authorities are sympathetic to the red-light milieu. They allow the brothels to reopen despite the dangers of Covid, without concrete conditions and controls.

The legal situation in Germany makes it possible to continue operating brothels through such manoeuvres instead of them being closed down. They let the brothels open again despite the sanitary risks linked to Covid-19, without proposing concrete conditions and controls.²²

"Germany has a leading role and also responsibility in Europe. We cannot allow our men to sexually abuse the most vulnerable women and, when they are destroyed, simply throw them away again. We cannot and must not allow ourselves to become a society of looking the other way again. Abolition is more than a ban on buying sex, with abolition we show attitude and values."²³

¹⁹ <https://www.welt.de/regionales/nrw/article225545747/Nordisches-Modell-und-Sexkaufverbot-Schutz-fuer-Prostituierte-und-Frauen.html>

<https://www.emma.de/artikel/prostitution-schweden-ruetgt-nrw-cdu-338395>

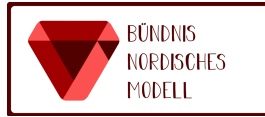
²⁰ Stuttgart Regional Court, judgment of 26.02.2019 - 7 KLS 200 Js 115430/13

https://landgericht-stuttgart.justiz-bw.de/pb/,Lde/Startseite/Aktuelles/Urteil+in+_Paradise_process_/?LISTPAGE=1195716

²¹ In the history of the women's movement, abolitionism (from the Latin *abolitio* 'abolition') refers to a social movement that worked towards the abolition of state-controlled prostitution. The abolitionist movement of today is mainly perceived with the demand to introduce the Nordic Model. According to this, the supply of prostitution should be decriminalised, the demand for prostitution should be criminalised and extensive prevention and exit measures should be implemented; [https://de.wikipedia.org/wiki/Abolitionismus_\(Prostitution\)](https://de.wikipedia.org/wiki/Abolitionismus_(Prostitution))

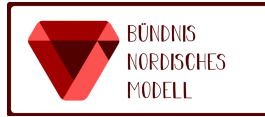
²² <https://www.butenunbinnen.de/nachrichten/gesellschaft/prostitution-bremen-lockerungen-reaktionen-100.html>

²³ Speech by Dr Ingeborg Kraus, Psychological Psychotherapist to Angela Merkel at the 3rd World Congress against the Sexual Exploitation of Women and Girls in Mainz. 03.04.2019) <https://www.trauma-and-prostitution.eu/2019/04/15/gegen-den-hass-nordisches-modell-ijetz/>



RECOMMENDATION

The Federal Government should take the necessary legislative measures to prevent the violence against women inherent in the system of prostitution and to enable them to find a way out of it.



Article 11 Data Collection and Research

There is a lack of data on almost all essential questions concerning women in prostitution in Germany. This is exemplified by the points listed below and in conclusion a recommendation for indispensable data collection is given.

Data on the health situation and experiences of violence of women in prostitution

In its "First State Report Germany 2020", the federal government states that the Robert Koch Institute (RKI) was commissioned by the Federal Ministry of Health to compile a report on the "Health Situation of Women in Germany" as part of federal health reporting. However, this 'women's health report', meanwhile published, does not contain an evaluation of the subpopulation of prostituted women: A keyword search yields only two hits on prostitution in reference to forced prostitution.²⁴ This is despite the fact that a report by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) from 2004 clearly showed that women in prostitution are particularly exposed to violence. The fact that nonetheless this group was not considered in the RKI report is incomprehensible given their attested exposure to violence. The aforementioned report shows that, compared to the general female population, prostituted women²⁵ experience significantly more violence and are susceptible to considerably greater health risks:

92% experience sexual harassment
87% experience physical violence
82% experience psychological violence
59% experience sexual violence

...**One third** of the women (33%) had named up to 10 complaints and about two thirds (67%) had named more than 10 complaints in the last 12 months. In the main study, the proportion of women who named more than 10 complaints was only half as large at 32%, although the surveyed group was older overall. This already indicates a poorer state of health in the subpopulation of prostituted women.

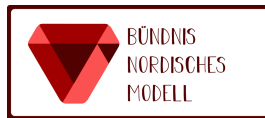
... **Compared to** the main survey, it is striking that almost half of the respondents (49%) named more than 10 of the listed complaints and problems (in the main survey it was only 11%).

...**The findings** that half the respondents showed frequent or occasional signs of depression, a quarter had suicidal thoughts, almost a third had anxiety or panic attacks and about one in seven had intentions to self-harm, illustrate the very high levels of psychological distress in this group.

...**Overall**, a high (prescription) drug consumption becomes visible. In the past five years 67% of the women had taken painkillers, 38% had taken sedatives, 37% had taken sleeping pills, 34% had taken antidepressants, 19% had taken stimulants and 10% had taken other psychotropic drugs. Especially in the area of psychotropic drugs, the subpopulation of prostituted women consumed a disproportionate amount of drugs; two to three times more often, sometimes even more, than the respondents of the main survey. Drugs such as hashish, LSD, heroin or ecstasy had been consumed by 41% of the prostituted women in the last 5 years; compared to only 3% of the respondents of the main survey.

²⁴https://www.rki.de/DE/Content/Gesundheitsmonitoring/Gesundheitsberichterstattung/GBEDownloadsB/Gesundheitliche_Lage_der_Frauen_2020.html

²⁵ BMFSFJ: Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland; 2004. <https://www.bmfsfj.de/blob/84328/0c83aab6e685eeddc01712109bcb02b0/langfassung-studie-frauen-teil-eins-data.pdf>



According to a smaller study, 63% had been victims of rape in prostitution and of those, 50% had been raped more than five times.²⁶

Data on the number of women engaged in prostitution in Germany

Germany has not yet collected any official data on the number of prostituted women in Germany to date, although Germany wanted to consider prostitution as a profession as of 2002. For this 'profession', almost no data is collected, contrary to regular professions. Even in the Green Party's Prostitution Act bill of 2001, the party only referred to estimates: *"According to estimates, about 400,000 people - predominantly women - pursue it in Germany, their services are demanded by more than one million men daily."*²⁷

The federal and state governments still refer to the insufficient data to this day.

German legislature does not record prostitution as violence against women.

Due to mandatory registration required by the additional Prostitute Protection Act of 2017, 40,369 women had registered by the end of 2019.²⁸ There is a lack of official data on 80-90% of the women active in Germany today. The darkfield data concealed by the legalisation of prostitution is not being collected.²⁹

Number of sex buyers in Germany

No statistical data is collected on the number of sex buyers in Germany.

A 2001 estimate puts the number of men per day at around 1.2 million.³⁰ In a scientific study, 8% of men reported external relations with an average of 4.06 prostituted women.³¹

Data on the nationalities of women at risk in prostitution

There is solely estimated data on the women's nationalities, but the vast majority of prostituted women are believed to be from other European countries, primarily from Romania, Bulgaria and Hungary.

Almost one fifth of prostituted people registered at the end of 2018 have German citizenship. Of the 32,800 registered, 25,000 (76%) were 21 to 44 years old, 5,700 (17%) were 45 years or older and 2,000 (6%) were between 18 and 20 years old. 6,200 prostitutes (19%) had the German citizenship. The three most common foreign nationalities of prostituted people were Romanian with 11,400 (35% of all those registered), Bulgarian with 3,200 (10%) and Hungarian with 2,400 (7%). The percentage of German women might be overestimated, as they are most likely overrepresented among the registered women.³²

²⁶ Farley, 2003, p. 43 or 11 <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>

²⁷ <https://dserver.bundestag.de/btd/14/059/1405958.pdf> Page 1 <https://www.tagesspiegel.de/kultur/prostitution-1-2-millionen-maenner-am-tag/225870.html>

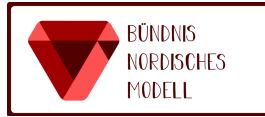
²⁸ <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Prostituiertenschutz/Tabellen/prostitutionstaetigkeit2019.html;jsessionid=9C750CF1368398F262BB903148F9A4FF.live721>

²⁹ <https://de.statista.com/infografik/20104/in-deutschland-gemeldete-prostituierte/>

³⁰ <https://www.tagesspiegel.de/kultur/prostitution-1-2-millionen-maenner-am-tag/225870.html>

³¹ Haversath J, Gärtner KM, Kliem S, Vasterling I, Strauss B, Kröger C: Sexual behaviour in Germany-results of a representative survey. Dtsch Arztebl Int 2017 114: 545-50. DOI: 10.3238/arztebl.2017.0545; <https://www.aerzteblatt.de/archiv/192871>

³² https://www.destatis.de/DE/Presse/Pressemitteilungen/2019/11/PD19_451_228.html?fbclid=IwAR3413zLH-u7C2wDOQdcJc78RV8749zEm4UR-w839r8CGTx4ueKCcVHKQt0



This is also shown by figures from Munich: "Although the percentage of migrant sex workers we encountered in Munich during our outreach work in prostitution had already risen to 86% in the past years, we were noticed a further increase in the year under review. Meanwhile, they represent about 90%. Among them are trans* sex workers with a share of 4.5%. Like in the previous year, women from Romania make up the largest fraction with 42% (2014: 42%), ahead of Hungarian sex workers with 16% (2014: 14%) and sex workers from Bulgaria with a share of 10% (2014: 8%). They are followed by women from the Czech Republic with 4% (2014: 5%). 16% were women from various other countries and of unknown origin (5%). In total, we had contact with sex workers from 38 different countries from four continents." ³³ Various counselling centres and social workers have confirmed the high percentage of 90-95% of women with a migrant background. The high percentage of 90-95 % migration background is confirmed by various counselling centres and social workers.

Data on the earnings of women at risk in prostitution

The average earnings of women in prostitution in Germany are not documented either. Hence it cannot be confirmed how many times per day a woman has to sell herself to earn her living or to meet her pimp's and trafficker's demands respectively.

There is also no reliable data on the proportion of income the prostituted women get to keep. There is one study from Bielefeld, however: 43% of respondents stated that they had to attend more than 17 men a week, 18% had to attend more than 35 men per week. 77% of respondents were German. Migrant prostituted women oftentimes have to prostitute themselves even more frequently.³⁴

The dire conditions for many women due to a deterioration in prices become obvious considering this information conveyed by word of mouth: a prostituted woman on Berlin's Kurfürstenstraße (a well-known red-light district) received 20-30€ per act in 2019. As almost all women had pimps, a substantial amount of their earnings usually has to be handed over to them. In Stuttgart in 2019, one woman had to attend 150 sex buyers just to pay the monthly room rent in a brothel.

An older study concluded in 2008 that women were left with only 30-45% of their earnings.³⁵

Due to the lack of statistics in Germany, there is no solid database on these points either and the view is blocked on legal protection regulations that would otherwise have to be taken.

Data on financial turnover of the prostitution industry

There are only estimates of the actual turnover of the prostitution industry. A large part disappears into organised crime, criminologists say. The buying and selling of girls and women for the sexual use of men generates 14 billion euros in Germany. "Prostitution is a thriving market in Germany. Its revenue is estimated to be around EUR 14.6 billion (USD 16.53 billion) per year."³⁶

Data on the stigmatisation of women in prostitution

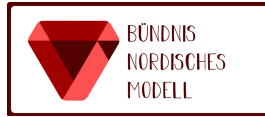
There is no data collection in Germany on "stigmatisation" of women in prostitution as a form of violence.

³³ <http://www.hilfswerk-muenchen.de/upload/help/578f3ffe98703.pdf>

³⁴ Dr. Monika Schröttle/ Prof. Dr. Ursula Müller, interdisziplinäres Zentrum für Frauen- und Geschlechterforschung der Universität Bielefeld

³⁵ <https://tampep.eu/wp-content/uploads/2017/11/ANNEX-4-National-Reports.pdf>, S 116

³⁶ The World, November 3, 2013, "2019 Fondation_SCELLES_5th_Global_Report, p. 249, <https://www.globalprostitutionreport.org/>



Data on women's motives

Germany has not collected any data on women's reasons to turn to prostitution. This would require a nuanced breakdown regarding: single parent, homeless, addicted to alcohol, medication or drugs, entitlement to social benefits, experience of violence in childhood and adolescence, experience of violence from previous forced prostitution, average earnings, other motives.

This data is all the more significant because most women in prostitution only want to stay in prostitution for a certain time, if at all, and the vast majority would like to exit it.³⁷

Social security for women in prostitution

Germany does not regularly collect data on women's private or statutory social insurance. A distinction would have to be made between health, pension, unemployment and long-term care insurance. The average pension amount would also have to be determined.

Killing of women in prostitution

Femicides in the context of prostitution are also not recorded as such. Since 2017, the year the Prostitute Protection Act was implemented, NGOs have registered 40 murders and attempted murders of prostituted women.³⁸

Official statistics and research on this are not available.

A study by Walter et al. from 1999 showed that prostituted women's mortality rate is about 12 times higher than the one of the average population.³⁹

A paper by Schon and Hoheide comes to the same conclusion in 2021:

"These findings indicate that legalising and decriminalising prostitution does not make it safe for women in prostitution."⁴⁰

In 2018, an international study by UNODC (United Nations Office on Drugs and Crime) found that prostituted women have the highest victimisation rate for homicides of any group of women ever studied. According to the report, epidemiological studies based on data from the United States suggest that prostituted women are about 18 times more likely to become victims of homicide than women of similar age and ethnicity who are not involved in prostitution. Less conservative estimates suggest that women in prostitution are 60 to 120 times more likely to get killed than women who are not involved in prostitution. The authors also state that data on the killings of women in prostitution is not systematically collected at the international level. Therefore, the study only reports data from a handful of countries. However, even with this data, the phenomenon is likely to be grossly underreported, as these homicides are particularly vulnerable to being unreported or misreported.⁴¹

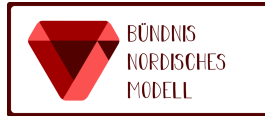
³⁷ Farley: Prostitution and Trafficking in 9 Countries, 2003, p. 34; Honeyball: Report on Sexual Exploitation and Prostitution, 2014, p. 14.

³⁸ <https://www.sexindustry-kills.de/doku.php?id=prostitutionmurders:de>

³⁹ Walter et al: Risky business health and safety in the sex industry over a 9 year period, 1999, page 1 <https://sti.bmj.com/content/sextrans/75/5/340.full.pdf>

⁴⁰ Schon, Manuela and Hoheide, Anna (2021) "Murders In the German Sex Trade: 1920 to 2017, page 14 " Dignity: A Journal on Sexual Exploitation and Violence: Vol. 6: Iss. 1, Article 4. DOI: 10.23860/dignity.2021.06.01.04 Available at: <https://digitalcommons.uri.edu/dignity/vol6/iss1/4>

⁴¹ https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender-related_killing_of_women_and_girls.pdf



The extent of forced prostitution in Germany is in the dark.

Low conviction rates are cited to prove that there is hardly any forced prostitution in Germany. This conclusion is wrong.

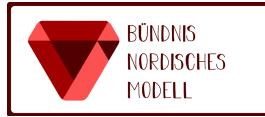
At present, a conviction for trafficking in human beings is usually only handed down if the victim of forced prostitution makes a statement, for reasons of evidence. Only a few victims have the courage to testify in court. Their experiences of violence make it difficult for their testimony to be qualified as credible. The power potential of organised crime intimidates victims (potential violence against the victim in Germany or against their family members in their home country). Consequently, there are very few reports and even fewer convictions. In 2018, a total of 386 cases of human trafficking were investigated. 92% of these were cases of human trafficking for the purpose of sexual exploitation. Of the total of 552 suspects, almost half were family members of the victims or known to the victim prior to the sexual exploitation. In the case of 96 suspects, charges were brought and 68 of them were convicted. Of the convicted traffickers, the majority received suspended sentences. They did not have to go to prison.⁴²

This is contradicted by the accounts of women who survived and exited prostitution. They describe that the victims would have to fear for their lives if they dared to press charges or even testify in court. The low numbers of convictions do not provide any information about the extent of forced prostitution in Germany, but rather point to gaps in the process of prosecution. The number of convictions does not qualify for drawing conclusions about the real extent of forced prostitution and human trafficking as long as convictions are not taking into account the special conditions of the victims. According to the police and the courts sufficient victim statements are hardly ever available, and circumstantial evidence is not enough for the courts.

"Let's just assume that there are about 250,000 women in prostitution. These figures are based on extrapolations from cities where quite reliable figures are available. Of these, 95 per cent are foreign women, that would be about 240,000. If we now assume only 50 per cent women with a typical victim profile, then that is a six-digit figure. But if I look at the BKA's "Situation Report on Trafficking in Human Beings", how many cases of trafficking in human beings are there? 400 to 500. There is a huge gap between these figures. This means that only a tiny fraction of victims are recognised. So the legislator is currently accepting that the majority of victims remain unrecognised and that the crimes committed against them are not prosecuted. The state is not sufficiently fulfilling its responsibility. It does not provide effective instruments against human traffickers. This means that the current system does not work."⁴³

⁴² <https://de.usembassy.gov/de/laenderberichte-zu-menschenhandel-2020-bundesrepublik-deutschland/>
<https://de.statista.com/themen/5938/menschenhandel-in-deutschland/>

⁴³Source: Helmut Sporer Augsburg Senior Criminal Councillor (ret.) Helmut Sporer, responsible for "organised crime", in <https://www.emma.de/artikel/der-ermittler-337507>

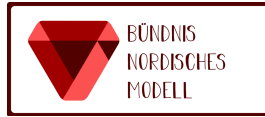


RECOMMENDATIONS

The Federal Government should periodically gather itemised statistical data in accordance with Article 11(1a).

The Federal Government should commission a darkfield study on prostitution, as only a small percentage of prostituted women are registered according to the Prostitute Protection Act. Without determining data on their living and working reality, a classification of the situation of prostituted women in Germany can only paint a highly distorted picture of their reality.

The Federal Government should have the group of prostituted women re-examined in a study on the prevalence of violence, like the BMFSFJ did in 2004, so that the current situation can be compared to the results from 2004 and the developments can be evaluated based on facts.



Chapter III Prevention

Article 13 Awareness-raising

There is a widespread legal misconception in society that the immorality of prostitution according to § 138 BGB was abolished with the ProstG. Society is not aware that the legislator cannot unilaterally determine social values such as immorality and that the German prostitution laws are very likely unconstitutional. The German legislature is not empowered to change the immorality associated with the violation of human dignity of "paid sexual devotion" - which is the definition of prostitution in literature and case law. 68 BGH NSTZ 2011, 278 f.; 2015, 699 (700); AG Lichtenberg MMR 2012, 66 (67) m. zust. Anm. F. Albrecht jurisPR-ITR 2/2012 Anm. 5; Erman/Schmidt-Räntsch BGB § 138 Rn. 140; Kurz GewA 2002, 142 (143 f.); Majer NJW 2008, 1926 (1927 f.); Palandt/Ellenberger Rn. 2; Palandt/Ellenberger BGB § 138 marginal no. 52; Staudinger/Sack, 2003, BGB § 138 marginal no. 454 f.; Staudinger/Schiemann, 2014, cornerstone marginal no. 174; Jauernig/Mansel BGB § 138 marginal no. 7; OLG Schleswig NJW 2005, 225 (227); Hagen GS Sonnenschein, 2003, 581 (588 ff., 591); cf. also - in the context of job placement - BSG NJW 2010, 1627 marginal no. 23 ff.

As a result, society today, especially sex buyers, assume that the effects and framework conditions in prostitution are sufficiently investigated and regularly checked by the authorities. On the other hand, the media report daily on forced prostitution and human trafficking. For 20 years, legislators and politicians have been spreading the misconception in our society that they have regulated and controlled "sexual services" and forced prostitution and human trafficking in a legally separable way.

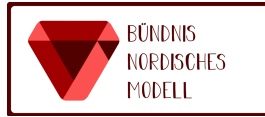
"...the mention of prostitution in connection with human trafficking does not mean that human trafficking is the order of the day here, or that the two phenomena even go hand in hand, or are to be equated."⁴⁴ In doing so, they enable German society to look the other way again. In view of the billions of dollars earned in Germany, Europe, and worldwide from the sale of women's bodies, and in view of the very reasonable assumption that organised crime uses all channels to continue to grow, objective and disinterested NGOs must be strongly involved in the political debates on how to deal with prostitution.

Critical voices are again ignored in Germany and called "paternalistic", for example, or pushed out of sight as a "question of morality", also by lawyers and advisors to the German legislator. The advantages and chances that a new approach to prostitution policy would have are hastily devalued by assumptions that are only superficial and cannot be proven. This is very convenient e.g. for rash evaluators, sex buyers, politicians, tax coffers, and other profiteers.

The topic of prostitution is covered with many taboos and trivialising and untrue statements ("oldest trade in the world", "those affected do it voluntarily", "a profession like any other"). A new or different linguistic culture, e.g. buying sex instead of prostitution, love servants, and other trivialising terms, play down the existing problems. Women are exploited, e.g. through rent-seeking, revenue-sharing by operators, or exploitation of dependencies up to illegal and highly criminal forced prostitution and human trafficking for the purpose of sexual exploitation. This must be named and awareness must be created for the plight of women who are daily robbed of their dignity with violence, assault, and abuse.

It is of great importance for the women in prostitution that prejudices and ignorance are countered with facts, experiences, and reports of the prostitutes and descriptions of the current situation in order to improve their situation as soon as possible. Raising awareness of the fact that men do not buy sex but

⁴⁴ Chapter 4 Guidelines of the Ministry of Family Affairs on health counselling according to § 10 of the Prostitutes Protection Act ProstschG



power⁴⁵ and that thus the problem goes much deeper can strengthen the willingness to endorse the Nordic Model and thus influence policy.

Awareness-raising can take place on the most diverse levels and in the most diverse dimensions:

1. awareness campaigns
2. congresses
3. discussion forums
4. lectures, workshops
5. articles, books, publications
6. films, television reports
7. discussion and publication in social media

This can and should be done in cooperation with different social actors:

1. Universities / Colleges

Here, many young people can be and are reached through lectures, studium generale, elective courses, project work, Bachelor's or Master's theses in order to sensitise them to the issue and to raise their awareness of the inhumane situation of women in prostitution. Young people also often know too little about the true background of prostitution but are extremely sensitive to injustice.

2. Further Education Institutions

Seminars, workshops, discussion forums, conferences, and congresses could be organised and held here to raise awareness of the situation of prostitutes. Specifically, the following institutions could be requested for events: Federal Centre for Political Education, Federal Centre for Civil Affairs, State Centres for Political Education, Friedrich Ebert Foundation, Konrad Adenauer Foundation, adult education centres, general adult education institutions etc.

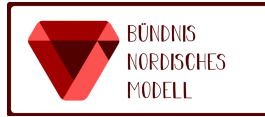
3. Churches

With their Christian image of humanity, the churches could be pioneers in the fight against prostitution as an act of violence that deeply disrespects human dignity. Here, clear statements could be formulated that strengthen the awareness of the injustice done to women. In this sense, the Synod of the Evangelical Church in Württemberg has already called for a sex purchase ban based on the Swedish model.

4. Service Clubs

They stand up for peaceful coexistence and human rights worldwide. Service clubs are mainly made up of people with influence, power, and financial means, who can advance the issue as decision-makers, if they can be won over to the awareness that the situation of prostitutes in Germany needs to be

⁴⁵ Schwarzer, Alice: Der große Unterschied. Against the division of people into men and women, Cologne 2000, 138



changed. Individual service clubs of Soroptimist International and Zonta are already committed in this sense.

5. Women's Organisations/Human Rights Organisations

The Swedish Government's definition that prostitution is male violence against women and children is a clear statement compared to Germany, where the legalisation of prostitution results in a permanent human rights violation of women. This must be made visible. Women's and human rights organisations are particularly committed to ensuring that women's rights are respected. They are active in the political, social, and church spheres. Cooperation offers itself here in many ways: Support for campaigns, actions, events, and in public relations work.

The reports and biographies of the women affected can be an important building block as the emotions triggered by them can reach consciousness in a very special way and bring about change. Emotions and motivation are closely related, which is why emotions can trigger change. Emotions touch and move, so that actions can arise. ⁴⁶

It is about making people think: "Imagine if your sister, mother, daughter were a prostitute, would you want that?" It's about the awareness of respect for every woman. You don't respect another human being and their body when you buy them. A human being cannot be for sale!

Prostitution is characterised by health risks, violence, and often great psychological stress resulting from the activity itself, poor hygienic conditions, and undignified treatment and "use". The danger of becoming a victim of blackmail or violent crimes is also high. There is an urgent need to raise awareness among the population about these dangers in accordance with Article 13.1 of the IC. Unlike in the case of drugs, alcohol, or nicotine, for example, such education of the population has hardly taken place so far.

Likewise, there is no "comprehensive information" in the population about measures to prevent acts of violence in prostitution according to Article 13 para.2 of the IC, apart from the fact that violence is inherent in prostitution. Unfortunately, in political bodies such as the Round Table on Prostitution of the Ministry of Social Affairs of Baden-Württemberg, no representation of those harmed by prostitution has been provided for so far; this should be changed immediately if one wants to make a realistic picture the basis of one's actions.

Every single person whose awareness can be raised of the plight of women in prostitution is an asset on the way to a country in which women and girls are no longer humiliated, raped, and deprived of their dignity with physical and psychological violence.

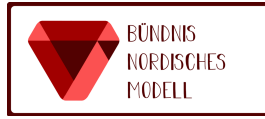
RECOMMENDATIONS

The Federal Government should comprehensively involve NGOs that work altruistically to enlighten society in its opinion-forming processes. It should also recommend this to the state Governments.

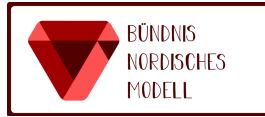
The Federal Government should take a critical look at whether statements by NGOs and counsellors could be influenced by organised crime or self-interest.

The Federal Government should arrange for independent research on the effects of a legally regulated sex purchase without punishment, on the awareness of society, and the attainability of genuine equality

⁴⁶ ROTHERMUND, Klaus; EDER, Andreas: Motivation und Emotion. Textbook. Wiesbaden 2011, p. 165



for women in Germany in comparison to the development of awareness in countries with a sex purchase ban.



Article 15 Training of Professionals

Prostitution can no longer be considered the oldest trade in the world, a part of the liberal market economy with supply and demand, or even a profession like any other. The oldest trade in the world, by the way, is midwifery.⁴⁷

Therefore, we demand that in the training and further education of social education and psychotherapeutic professionals, gender equality-oriented approaches to prostitution policy (modelled on the Nordic Model) and their importance for the implementation of the goals of the Istanbul Convention be conveyed.

This also applies to all other professional sectors that have to deal with the issue of prostitution again and again, such as police officers.

The implementation of Article 15 of the Istanbul Convention is indispensable.

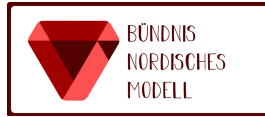
A: Medical and Psychological Psychotherapists:

Basically, there is still a serious lack of psychotherapists with special psychotraumatological training in the field of trauma therapy, so that traumatised people often do not find an adequate outpatient or inpatient therapy place for a long time. Furthermore, too few of the psychotraumatologists have dealt with the specific circumstances of people who have experienced prostitution. Only some of the trauma therapists are familiar with the treatment of survivors of organised violence and forced prostitution as well as child prostitution and can offer competent exit support. On these topics, as well as in general on the psychological and physical consequences and psychological mechanisms in the context of prostitution, there is an urgent need for education and targeted further training for practising psychotherapists. These topics should also be made compulsory in the training of psychotherapists. The sexual abuse fund should also be used for minors who have prostituted themselves or have been prostituted outside the family or institutional context, so that longer-term therapies can be financed if the health insurance funds no longer authorise sessions.

Since, unfortunately, most prostituted women do not have health insurance, the creation of opportunities of treatment outside the health insurance schemes is necessary.

Finally, psychotherapists have noticed an increase in sexual harassment and sexualised violence against women outside prostitution, especially in partnerships with young adults or at the workplace. Prostitution negates the image of women as self-determined persons with their own sexual desires and impulses.

⁴⁷ <https://www.frauenrechte.de/rss/380-prostitution/sieben-mythen-der-prostitution/2560-mythos-7-prostitution-ist-das-aelteste-gewerbe-der-welt-und-wird-es-immer-geben>



A Recommendations of Medical and Psychological Psychotherapists:

The Federal, State and Local Governments should work to ensure that

- psychotherapists are trained in psychotraumatology in basic and further training.
- exit support from prostitution is carried out in an interdisciplinary manner

B Social Work

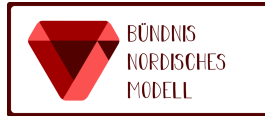
It is not easy to talk about prostitution objectively in social education practice in Germany. Professionals who are involved in this field on a full-time and voluntary basis have different perspectives on prostitution. While social work in the field of domestic violence, for example, is based on a social understanding of outlawing and prosecuting domestic violence, the field of prostitution is characterised by conflicting social political views and there are vehement disputes about the respective sovereignty of interpretation. Social work with its counselling services and support systems operates in the midst of this diversity of conflicting interpretations of "sin", "violence", "freedom", "profession" and "market". Social work faces a highly complex situation. It faces the challenge of being aware of the diversity of interpretations in its commitment to prostitutes in order to be able to offer appropriate individual and structural help. ⁴⁸

B Recommendations on Social Work

The Federal, State and Local Governments should work to ensure that it is

- taught to respectfully support women in prostitution and to always show them ways to get out,
- taught that prostitution is not to be seen as an expression of women's sexuality, but as patriarchally legitimised violence against women,
- taught that it is important to respectfully show women the frequent consequences and dangers of prostitution, especially to very young women. The highly criminal and violent environment is not to be left out, but to be looked at. Prostitution is also destructive of sexuality and gender equality. Prostitution is not the oldest trade in the world but the oldest oppression of women.
- taught that prostitution is not sex work and not a sexual service and, according to current supreme court rulings and legislation, continues to be immoral under §138 BGB.
- It is taught that prostitution is not to be seen as a natural part of a liberal market economy and cannot be a normal economic business based on supply and demand, if only for ethical reasons.
- that prostitution cannot be a job option, as it is highly traumatising and results in multiple health issues.

⁴⁸ Cf. Barz, Monika (2020): Soziale Fachkräfte im Engagement für Prostituierte - Deutungsmuster, politische Ziele, Entwicklungen. In: Werkstatt PARITÄT gemeinnützige GmbH (ed.): Beratung, Unterstützung und Perspektiven für Frauen in der Armutsprostitution. Experiences from five years of project work in bella and bella+. Stuttgart pp. 6-12. https://www.werkstatt-paritaet-bw.de/wp-content/uploads/2021/02/202012_Brosch_Bellaplus_final_1.0.pdf



Police and Judicial Authorities

Law enforcement agencies learn and work according to the victims' testimonial psychology. Contradictory statements, sudden memory lapses or attention disorders are a consequence of their dissociation. Dissociation is a common automatic protective mechanism of the body during sexual violence. Therefore, teaching victims of violent experiences must detach itself from the psychology of testimony and teach them to deal with dissociation as a reality.

Experienced German criminologists on uncovering organised crime today ask Manfred Paulus, retired chief detective and avowed supporter of the Nordic Model and bearer of the Federal Cross of Merit⁴⁹:

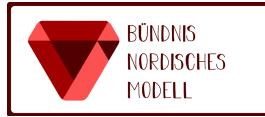
"What can we do? ... It has become terrifically brutal..."

RECOMMENDATIONS

The Federal Government should

- create a legal basis whereby prostitution is recognised as violence and the purchase of sex is punishable.
- prepare police and judicial authorities for the upcoming change in the legal situation.
- implement a new doctrine in victim interviewing that corresponds to the situation of traumatised witnesses, plan regular training and further education by police and judicial officers from the other countries, that implemented the Nordic Model, e.g. France, Sweden.
- train police and regulatory authorities in investigative possibilities in the prostitution environment so that trafficking in human beings and forced prostitution can be uncovered and the flow of money in favour of organised crime can be reduced.

⁴⁹ Paulus, Manfred: Menschenhandel und Sexsklaverei-organisierte Kriminalität im Rotlichtmilieu. Promedia Verlag, Wien 2020. Paulus, Manfred: Die Einflussnahme der (organisierten) Kriminalität auf die bundesdeutschen Rotlichtmilieus. SOLWODI CAP, 3. Weltkongress gegen sexuelle Ausbeutung von Mädchen und Frauen; Mainz 2019: <https://www.solwodi.de/seite/396262/weltkongress-reden.html>



Article 17 Participation of the Private Sector and the Media

Although, according to estimates, 1.2 million men in Germany buy women for sexual use every day, prostitution is considered a niche topic by journalists.⁵⁰ In addition to the consequences of prostitution for the women concerned, the group of betrayed wives and partners as well as the group of daughters and sons whose fathers buy sex and conceal this with a tissue of lies is left out. On the other hand, the same arguments of the pro-prostitution side have been spread over and over again for 20 years - a list of pro and contra arguments whose resilience is not tested. It remains with the "on the one hand, on the other hand" reporting. The connection with society as a whole is not seen. Effects on equality, human dignity or questions of international coexistence from an ethical point of view are not dealt with. Investigative journalism is also lacking with regard to indirectly affected state-funded institutions and NGOs that speak out against the Nordic Model.

The language of the media and journalists also faces a dilemma against the background of German legislation. The term "forced prostitution" implies that there is also "voluntary prostitution". The "right" of women to sell themselves suggests that there is a right of men to buy women's bodies. Terms like "going to a brothel", "sexual service" or "buying sex" obscure the fact that violence is done to women's bodies. Experts and Government agencies know that prostitution is highly dangerous for women's mental and physical health, also outside the German Penal Code.

RECOMMENDATIONS

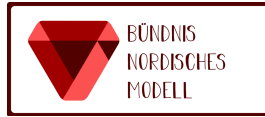
With regard to prostitution in the media, we recommend that the Federal Government implement

- Recommendation No. R (84) 17 of the Committee of Ministers to Member States on equality between women and men in the media;
- Recommendation 1555 (2002) of the Parliamentary Assembly of the Council of Europe on the image of women in the media;
- Recommendation 1799 (2007) of the Parliamentary Assembly of the Council of Europe on the image of women in advertising;
- Resolution 1751 (2010) and Recommendation 1931 (2010) of the Parliamentary Assembly of the Council of Europe on combating sexist stereotypes in the media; and
- Recommendation on Gender Equality in the Audiovisual Sector (CM/ Rec(2017)9).

We recommend to the Federal Government, the Federal States and municipalities with regard to prostitution in the media,

- the promotion of measures that support media houses and media professionals to adequately address their responsibilities in relation to violence in prostitution and its impact on gender equality (e.g. through the development of codes of conduct (sensitive language, no advertising of prostitution, no voyeuristic photos and films of women) and norms of self-regulation, in particular involving those persons affected);
- To oblige media houses and media professionals, especially internet service providers, to inform authorities immediately about content related to prostitution that has degrading elements. This must be implemented as soon as possible, especially for the purpose of protecting minors.

⁵⁰ <https://www.tagesspiegel.de/kultur/prostitution-1-2-millionen-maenner-am-tag/225870.html>



Chapter IV Protection and Support

Article 18 General Obligations

Despite the regulation of prostitution in Germany by means of the ProstG⁵¹ and the ProstSchG,⁵² the instruments of the rule of law fail to provide sufficient protection and support to people in prostitution for prevention of violence and in cases of violence already experienced.

The laws mentioned above treat prostitution in Germany as a legal business on the part of the consumer and as a profession on the part of the women concerned. People in prostitution have to register with the authorities and pay tax on their income from prostitution. In return, they are entitled to health, unemployment and pension insurance. Hardly any use is made of this. Since most of the women come from abroad, it is difficult to apply for basic benefits. The women often do not meet the requirements for basic income support. If the women are under 24 years old, the signature of their parents is required. This is almost impossible. There must also be a permanent residence. However, most of the women do not have a permanent residence, but regularly move from town to town. Many live in the brothels, even though it is forbidden. During the brothel closures due to the Corona pandemic, some brothel operators rented flats for the women. However, the women's real names were often missing from the doorbell. It is also difficult to find employment while receiving basic benefits, as some women have never thought or been able to think about working outside of prostitution. These measures are supposed to protect those affected, but they do not reach the majority of people working in prostitution. It is estimated that only 10-20 per cent of those affected are registered in the sense of the Prostitution Protection Act.⁵³ The majority of prostitution in Germany therefore continues to take place illegally, underground, making access to protection and support for prostituted persons in this context extremely difficult.

The reasons why trafficked persons do not register are manifold and illustrate the failure of legal, regulated prostitution.

Many of those affected have come to Germany as migrants as victims of human trafficking or poverty.⁵⁴ For these people, language barriers, ignorance of German legislation, illiteracy or coercion by traffickers and pimps (for example by stealing identity papers) are often the reasons for the illegal practice of prostitution.

In addition, many trafficked persons are traumatised and have great fear and mistrust of authorities and the justice system. Either because they had to make negative experiences, for example because they experienced rejection when trying to get social benefits or recognised police officers as sex buyers. Or because they are not registered residents in Germany and/or have already accumulated debts due to e.g. fines, violations of the Narcotics Act or lack of health insurance and therefore expect heavy penalties if they were to report to the authorities.

Finally, many affected persons fear stigmatisation if they register under the ProstSchG. For example, affected persons from the Ella network, an action group for women affected by prostitution, report that they were denied unemployment benefits when they wanted to leave prostitution.⁵⁵

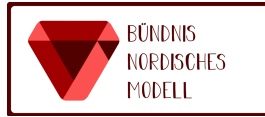
⁵¹ Law regulating the legal relationships of prostitutes: Prostitution Act, 2002

⁵² Act on the Regulation of the Prostitution Trade and the Protection of Persons Engaged in Prostitution: Prostitution Protection Act, 2017

⁵³ cf. <https://dserver.bundestag.de/btd/18/090/1809080.pdf> (p. 7) and <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Prostituiertenschutz/Tabellen/prostitutionstaetigkeit2019.html>

⁵⁴ cf. <https://tampep.eu/wp-content/uploads/2017/11/ANNEX-4-National-Reports.pdf> (p. 109)

⁵⁵ <https://netzwerk-ella.de/>



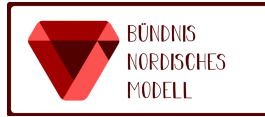
The criminalisation of undeclared trafficked persons and also of those who are declared and who engage in prostitution out of financial need in restricted areas or despite Corona bans ensures that they are not offered protection and support in case of violence by pimps or sex buyers. This violence is largely gender-based violence against women. It exacerbates and/or causes trauma, which in turn acts as a barrier to the sustainable success of protection and support measures.

RECOMMENDATIONS

The Federal Government should recognise that legal sex purchase encourages demand and more women are prostituted accordingly.

The Federal Government should consider whether it wants to continue to be responsible for the fact that the women of yesterday, today and tomorrow are not covered by social, health and pension insurance.

The Federal Government should immediately begin to plan concretely for the implementation of the Nordic Model for Germany.

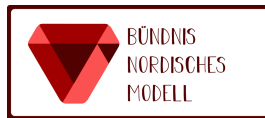


Article 22 Specialist Support Services

People in prostitution are predominantly in coercive contexts. They are usually under the control of pimps and are strictly monitored. Furthermore, in the context of prostitution, a variety of different problems come together: from (unwanted) pregnancy, homelessness, debts, addiction, violence to severe physical and mental illness. Another problem is social isolation. Those affected are largely left to their own devices or are driven into isolation by pimps using psychological manipulation and deprived of any social contacts in order to make them more helpless. As a result of the above-mentioned problems, the victims are also denied access to social participation, so that they are increasingly cut off from "average" society or, as migrant women, do not find access at all. This makes it absolutely impossible for them to leave prostitution without targeted and individual help from outside.

In Germany, there are very few services that specifically help women in prostitution recover from violence. The majority of prostituted women in Germany come from abroad. Many have no home of their own, no national insurance number and are thus not covered by health insurance. Associations in our membership that have their own counselling centres for women in prostitution (such as SOLWODI e.V.) report on the poor health of many women in prostitution. There are many women in prostitution who have vaginal inflammations, fungi and warts. Due to the frequent penetration by johns, which often takes place without a condom, the women's need for gynaecological treatment is very high. Without health insurance, they depend on counselling centres like those of SOLWODI e.V., which finance gynaecological treatment for them. Not all women have contact with such a counselling centre. There are only very few such counselling centres in Germany.

The most important aspect of working with those affected is the low-threshold nature of all support services. This is due to the fact that they generally do not have the opportunity to visit a counseling center. Furthermore, the general language barriers and also the feelings of shame and guilt represent a major obstacle to visiting a counseling center. This is particularly worrying because those affected are denied access to important (exit) information. Outreach work therefore plays an important role in this context in order to talk to the women and make them aware of exit services by distributing information material.



Outreach work ensures that those affected have the opportunity to access specialised support services without the risk of social exclusion and feelings of shame (e.g. if they had to visit a specified specialised counselling centre in person, where they could be observed). In the course of the digital age, online counselling is also playing an increasingly central role, as it is a particularly low-threshold way of being able to use help services.

Due to the structures in their milieu and as a result of violence and drug use, women in prostitution are currently hardly or not at all accessible for regular support measures. They need voluntary, anonymous and, if possible, low-threshold services that take into account all aspects of their living environment and that treat them with the same respect as other people. Due to the plurality and complexity of the issue, multi-perspective approaches are needed.

Despite the growing number of women in prostitution, there are hardly any sustainable support services for those affected. In Germany, one can definitely "assume a latent undersupply of social work in the field of prostitution".⁵⁶

"Those who could not return are left with nothing. Some are threatened with homelessness, they have no savings because the system of prostitution works in such a way that people, mostly women, are exploited and trapped in a vicious circle without prospects. They are now destitute, without social support and without integration into the health system.

*The counselling centres, which have been funded for years with state money and have frequently also supported the practice of prostitution, are apparently not able to help these women effectively now, otherwise one would not constantly read in media reports from counselling centres that the women are now be homeless. If there had been a properly and well developed support system in Germany that did not consider prostitution as work and promoted it as such, but saw and treated prostitution as a system of exploitation and violence, then this precarious situation for some women in prostitution would not have come about. There would be enough resources and enough "know-how" to help all those affected."*⁵⁷

In Thuringia, for example, there are still no comparable counselling or contact points.

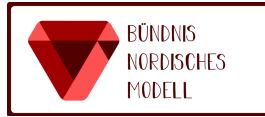
The thesis that offers of help are only possible through brothels and corresponding agreements with brothel operators is wrong, as the example of Sweden shows. Criminal investigators have had experience for many years. The criminal investigation departments for combating prostitution and human trafficking have employed social workers who offer direct help to women to leave prostitution. Some social workers are also dedicated to counselling sex buyers.⁵⁸

Germany does not need brothels so that women can be reached for help. If clients find the women, police and social workers will find them too.

⁵⁶ ALBERT, Martin, 2015, pp. 23-34 Social Work in the Field of Prostitution - Structural Development Trends in the Context of Organisation, Social Space and Professional Role. In: Martin ALBERT and Julia WEGE, eds. *Social Work and Prostitution: Professional Approaches to Action in Theory and Practice*. Wiesbaden: Springer VS, 9-26.

⁵⁷ page 6: <https://www.trauma-and-prostitution.eu/wp-content/uploads/2020/04/ForderungnachLeitlinienzumeinheitlichenVorgehenbezüglichProstitutionangesichtsderCorona-Epidemie.pdf>

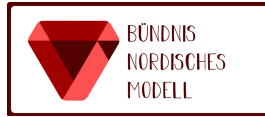
⁵⁸ Simon Haggstrom, Swedish Criminal Investigator
<https://www.youtube.com/watch?v=fQI9nUNvMj0> from minute 16



RECOMMENDATIONS

The Federal Government and the municipalities should work to ensure that

- no agreements are concluded between special assistance services and brothel operators;
- special support services in the environment of prostitution are sufficiently financially equipped and must disclose to everyone on a regular basis from whom they receive how much in donations, grants and subsidies. It must be ensured that there are sufficient special support services in the region;
- special support services are networked with higher-threshold support services (doctors, psychologists, authorities, justice system, police) on the basis of clear legal regulations;
- Costs (medical, therapeutic, legal representation) incurred in the care of all women are covered;
- both short-term and longer-term accommodation for women is ensured during the exit process. Reliable funding from public funds must be guaranteed for the corresponding services;
- Counselling centers and social work should only be funded with tax money if they can develop and implement concrete exit perspectives at the request of the women concerned.



Article 23 Shelters

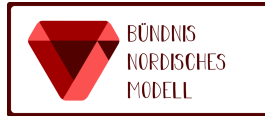
In Germany, there are currently only very few shelters that are suitable for women in prostitution. Many women's shelters lack space, staff, budget and also sufficient knowledge about the plight of prostituted women. Also, especially victims of human trafficking can pose a threat to the staff and the other residents in a regular women's shelter. The perpetrators seek contact with the women so that they, for example, withdraw charges, do not testify in court proceedings or even re-enter prostitution. In particular, it must be taken into account that children of other women also seek protection here and experience additional fears. In a survey among women's shelters, 57 per cent of the shelters therefore stated that their shelter was not suitable for victims of human trafficking.⁵⁹

Due to the prevailing political view in Germany that prostitution is "a job like any other", there is no political will to create suitable and easily accessible shelters for women leaving prostitution. Some non-profit associations offer special shelters for women leaving prostitution. For example, the associations "SISTERS - für den Ausstieg aus der Prostitution! e.V.", "Pink Door" and "SOLWODI" can be mentioned here. Many exit and protection shelters for women in prostitution are currently financed exclusively by donations and membership fees of the associations. The services currently offered by these non-profit associations are far from sufficient to offer women in prostitution sufficient protection and to help them exit prostitution.

RECOMMENDATION

The Federal Government should work towards establishing state-funded shelters for women leaving prostitution throughout Germany. These must be equipped with qualified staff to facilitate the exit from prostitution.

⁵⁹ BMFSFJ (2013): Report of the Federal Government on the situation of women's shelters, specialised counselling centres and other support services for women affected by violence and their children. Available here: <https://www.bmfsfj.de/resource/blob/93350/e8f90d2446d01af18a3c88a110200457/bericht-der-bundesregierung-zur-situation-der-frauenhaeuser-data.pdf>.



Article 24 Telephone Helplines

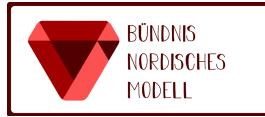
In Germany, several telephone support services for women have been set up, e.g. the nationwide help line Violence against Women. Furthermore, there are women's counselling centres at the local level, which also offer telephone and personal counselling for women affected by violence. The nationwide help line offers 24-hour telephone counselling in different languages. These telephone counselling centres for women provide different counselling hours depending on their capacity. All current counselling services on the topic of violence against women are not designed for the complex problem situations of women in prostitution. The counsellors are rarely trained for this.

24-hour emergency availability is necessary due to the irregular night-day rhythm in prostitution. The offer should not be limited to telephone counselling. Supplementary online counselling and/or chat based counselling should be set up nationwide. Many victims of sexualised or physical violence find it easier to write than to speak, so internet-based and data-secure online counselling/chat counselling is another urgently needed and low-threshold service for victims. This ensures accessibility and referral to specialised counselling centres also for women who are, for example, in flats.

RECOMMENDATIONS

The Federal Government should implement a nationwide counselling service (by telephone and online) for women in prostitution.

- with staff specially trained for women in prostitution,
- with 24-hour emergency accessibility,
- multilingual,
- free of charge and
- low-threshold, data-secure online counselling/chat counselling.



Chapter V. Substantive law

Article 33 Psychological Violence

Subitem 1 on Article 33 Psychological Violence Loverboys

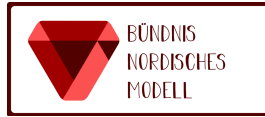
"Loverboys" are men who tend to look for minors and young women, pretend to be in a love relationship with them, and bring them into a relationship of emotional dependence while having the intention from the very beginning to subsequently push/force their victims into prostitution for exploitation. "Loverboys", also called "Romeo pimps", are masters of manipulation and suggestive behaviour enabling them to make their victim dependent on them in many ways. At first, they pretend to be the perfect partner and do everything to make their victims feel secure with them, but eventually this will always change. Throughout the relationship, they use every opportunity to manipulate the victims. For example, they talk badly about the victim's friends and family and tell them that they only need him. At the turning point, they often start using physical violence. Furthermore, they try to break the girls so that they give up their own will, personality and ambitions. They do this with physical and/or psychological coercion and violence. For example, they threaten their victims, lie to them, tell them that no one will believe or help them, that they themselves are to blame for the situation and that they are worthless and do not deserve anything better. Often "loverboys" deliberately administer drugs to their victims so that they become dependent on them in this respect as well. "The girls and women are brought into a complex circle of dependencies, violence and abuse and kept there. Also, what the women experience in prostitution destroys them physically and emotionally and therefore makes it even harder to break away from the "loverboy"." The loverboy method is a way of trafficking in human beings for the purpose of sexual exploitation.⁶⁰

RECOMMENDATIONS

The Federal Government should initiate comprehensive awareness campaigns at all levels, at federal, federal state and municipal level, especially in schools and media, to educate young people and their adult environment about the methods used to deliberately push girls and young women into prostitution.

Recruiting through feigned love should be liable to prosecution from the beginning of the deceptive act.

⁶⁰ <https://sandranorak.com/loverboy-methode/>; <https://www.liebe-ohne-zwang.de/>; Barbara Schmid, Schneewittchen und der böse König



Subitem 2 on Article 33 Sex buyers' Forums

Sex buyers' forums are internet sites where sex buyers exchange information about brothels, escort agencies and specifically individual women, evaluating and recommending them to each other or advising against a "booking" (see **attachment at the end of the shadow report**). The "race"/origin, weight, body size, breast size, transgender status, intimate hair, any tattoos/scars/etc (which also mirrors the common structure of prostitution advertising, and must be understood as a structure that runs through the entire industry) are discussed. It goes as far as "assessing" the tightness of various body openings. With regard to behaviour, the primary criterion is whether all the demands of the sex buyer were met, how much enthusiasm was put on and whether the sex buyer could feel sufficiently "masculine" himself (e.g. in the forums there is often a focus on particularly brutal penetrative sex, where it is considered particularly desirable to "thrust hard", to "give the woman some stick" or to "hammer her through"). Women who do not comply with demands are subjected to particularly nasty insults, but even those who are positively evaluated are repeatedly subjected to extreme objectification.

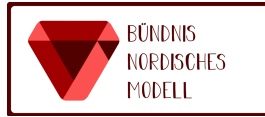
The resulting reports and the subculture that exists around them are deeply misogynistic, racist, inhuman and trivialising of violence. In addition, sex buyers' forums are an instrument of power with which men can seek out particularly fetishised and vulnerable women and pressure or even force off the market those who show boundaries and do not comply with demands. Nevertheless, some of these websites remain legal, openly accessible and owned by German companies who make a profit from them. Some countries, such as Sweden and Israel, have made it illegal to operate such sites, as the subculture they promote is particularly conducive to hatred and thus violence against women.

RECOMMENDATIONS

The Federal Government should commission an investigation of the sex buyers' forums regarding

- criminal content and
- effects on the men and women concerned

and develop a legal solution to ban sex buyers' forums.



Article 35 Physical Violence - General

Art. 35 requires that intentional conduct by which physical violence is inflicted on another person be punishable. Prostitution has significant harmful physical effects on the women concerned, which must be understood as violence in its entirety even if they are carried out by the women themselves under pressure of the circumstances.⁶¹

To wash away the disgust, to feel clean or even as a contraceptive measure, rinses are performed after penetration. This is also done with dangerous substances that are not suitable for the tissue in question or the associated and protective flora. In the vaginal area, this often leads to bacterial vaginosis (non-physiological vaginal flora with pathogenic germs), which provides an almost beneficial entry point for pathogens such as chlamydia, gonococci, HPV viruses, trichomonads, etc.

Oral rinses, which weaken the mucous membranes of the mouth and throat with their own protective mechanisms and secretion production, can have a similar effect.

In order to enable anal penetration and to be able to control bowel movements, laxative measures are carried out regularly, both in the form of enemas and through oral laxatives. This results in the danger of permanent damage to the intestinal flora and deficits in the immune system.

However, the complex endocrine control system of the menstrual cycle reacts with particular clarity in prostituted women. Irritation or complete uncoupling with absence of the period (amenorrhoea) and the consequences of hormonal undersupply, uncoordinated intermittent or continuous bleeding or very painful periods can be the result.

What else does the body have to endure, what is found significantly more often in prostituted women than in the comparable population?

Head and neck: headaches and migraines, haematomas, injured eardrums, inflammation of the teeth, knocked-out teeth.

Skin: haematomas, eczema (due to lack of hygiene on the part of the clients, but also as a psychosomatic expression of stress or disgust).

Gastrointestinal system: alternating diarrhoea and constipation, frequent vomiting, miserable nutritional states, eating disorders.

In general: a lot of pain all over the body, sleep disorders, use of antibiotics, sleeping pills and painkillers, alcohol, nicotine, drugs, in order to survive the daily life of violence and pain. Such physical effects of prostitution, which affect the vast majority of the women, constitute an overall system of physical violence that must be resisted.

⁶¹ Alder, Dr. Stephan: PROSTITUTION MACHT KRANK! Zur gegenwärtigen Lage in Deutschland. Brandenburgischen Ärzteblatt 9-20, S. 24-29
https://laekb.de/files/17309AF38E5/BAEB_2020_09.pdf

Article 35 Physical Violence – Femicides in Prostitution-

Women in prostitution have the highest victimisation rate for homicide of any group of women ever studied.⁶² Epidemiological studies based on data from the United States suggest that active women are almost 18 times more likely to become victims of homicide than women of similar age and race who are not involved in prostitution.⁶³ Other, less conservative estimates suggest that women in prostitution are 60 to 120 times more likely to be killed than other women.⁶⁴

Not all homicides in prostitution are related to gender; prostitution often takes place in a highly criminal environment. Research shows that the vast majority of women are killed by buyers.⁶⁵ Motives may also include disputes over adequate pay, hate crime⁶⁶ and robbery.⁶⁷ Prostitution is associated with factors that contribute to an increased risk of violent crime, including lack of housing, proximity to high-crime areas, engaging in high-risk behaviours, substance abuse, mental illness and a history of victimisation.⁶⁸ From this perspective, women in prostitution are more at risk of victimisation than other women because of the nature of their practice.

Their high degree of mobility and the lesser likelihood of informing their family and friends of their whereabouts when they go or are taken elsewhere further increases the vulnerability of these women. Women in prostitution are often part of a population known as 'missing persons', i.e. missing persons who are never reported missing.⁶⁹ As previous research has shown, this has a direct impact on the detection of such murders, as their disappearance is less likely to be noticed immediately and reported to the police.⁷⁰ Perhaps they are easier targets for serial murders because of the lack of attention paid to their disappearance.⁷¹ Conservative estimates in the United States suggest that serial killers are responsible for one-third of all murders of women in prostitution, with almost all serial offenders being sex buyers.⁷²

Given the marginalisation of prostituted women in society, some men may find it easier to relativise violence against them.⁷³ Furthermore, the lack of social status of a prostituted woman in the eyes of a

⁶² Brewer, D. D. et al, 'Extent, trends, and perpetrators of prostitution-related homicide in the United States', *Journal of Forensic Sciences*, 51(5), (2006) pp. 1101-1108.

⁶³ Potterat, J. J. et al, "Mortality in a long-term open cohort of prostitute women", *American Journal of Epidemiology*, 159(8), (2004) pp. 778-785.

⁶⁴ Salfati, C. G., James, A. R. and Ferguson, L., 'Prostitute homicides; a descriptive study', *Journal of Interpersonal Violence*, 23(4), (2008) pp. 505-543.

⁶⁵ Brewer, D. D. et al, 'Extent, trends, and perpetrators of prostitution-related homicide in the United States', *Journal of Forensic Sciences*, 51(5), (2006) pp. 1101-1108; Potterat, J. J. et al., "Mortality in a long-term open cohort of prostitute women", *American Journal of Epidemiology*, 159(8), (2004) pp.778-785.

⁶⁶ Salfati, C. G., James, A. R. and Ferguson, L., 'Prostitute homicides: a descriptive study', *Journal of Interpersonal Violence*, 23(4), (2008) pp. 505-543.

⁶⁷ Beauregard, E. and Martineau, M., 'A descriptive study of sexual homicide in Canada: Implications for police investigation', *International journal of offender therapy and comparative criminology*, 57(12), (2013) pp. 1454-1476.

⁶⁸ Quinet, K., 'Prostitutes as victims of serial homicide: trends and case characteristics, 1970-2009', *Homicide Studies*, 15(1), (2011) pp. 74-100.

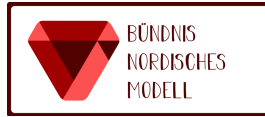
⁶⁹ Quinet, K., 'The Missing Missing: Toward a quantification of serial murder victimization in the United States', *Homicide Studies*, 11, (2007) pp. 319-339.

⁷⁰ Beauregard, E. and Martineau, M., 'A descriptive study of sexual homicide in Canada: Implications for police investigation', *International journal of offender therapy and comparative criminology*, 57(12), (2013) pp. 1454-1476.

⁷¹ Salfati, C. G., James, A. R. and Ferguson, L., 'Prostitute homicides: a descriptive study', *Journal of Interpersonal Violence*, 23(4), (2008) pp. 505-543.

⁷² Brewer, D. D. et al, 'Extent, trends, and perpetrators of prostitution-related homicide in the United States', *Journal of Forensic Sciences*, 51(5), (2006) pp. 1101-1108.

⁷³ Salfati, C. G., James, A. R. and Ferguson, L., 'Prostitute homicides: a descriptive study', *Journal of Interpersonal Violence*, 23(4), (2008) pp. 505-543.



perpetrator may lead him to downplay her killing and dehumanise her. ⁷⁴

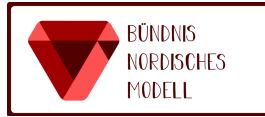
Data on the killing of prostituted people is not systematically collected at international level. Therefore, only data from a handful of countries are reported here. However, even with these data, the phenomenon is likely to be grossly underreported, as such homicides are particularly prone to being unreported or misreported.

RECOMMENDATIONS

The Federal Government should recognise the physical effects of prostitution on women as violence with the consequence that the system of prostitution should be stopped.

The extent of killings of women in prostitution should be countered by the Federal Government through a substantial change in prostitution policy. Prostitution is to be prevented, not deregulated.

⁷⁴ Quinet, K., 'Prostitutes as victims of serial homicide: trends and case characteristics, 1970-2009', *Homicide Studies*, 15 (1), (2011) pp. 74-100.



Article 36 Sexual Violence, Including Rape

Subitem 1 on Article 36 (1) Psychological Consequences of Prostitution

In the draft for the Prostitution Protection Act of 2016, the legislator already emphasises that prostitution is also "an area in which fundamental rights such as sexual self-determination, personal freedom, health and the personal rights of those involved are in fact endangered in a special way".⁷⁵ From a psychotraumatological point of view, we now know that in addition to the physical damage, working in prostitution usually causes enormous psychological stress and often permanent damage.

Since from a psychotraumatological point of view, it is hardly possible to hand over one's own body for sexual use in exchange for payment to other people, mostly strangers, without this having clear negative consequences for the psyche and body. This medical assessment is shared by leading German trauma therapists and Dr. Ingeborg Kraus' "Trauma and Prostitution"⁷⁶ network of more than 200 trauma therapists, as well as by the German Society for Trauma and Dissociation (DGTD) and the German-speaking Society for Psychotraumatology (DeGPT).

The penetration of the body by a person whom one has not chosen oneself because one feels like having sex with them inevitably triggers natural phenomena such as disgust, shame, fear and aversion. These reactions lead to stress in the brain and must be switched off to be able to continue achieving the goal of getting money through it, which is located on the cognitive level.⁷⁷

This shutting down happens quite automatically as an emergency mechanism in our brain during excessive stress and is called dissociation. It then leads to numbness and indifference, a kind of trance state in which the pain of unwanted penetration is perceived less intensely. This is why those affected can then also have a seemingly emotionless perception of the penetration experience, a redefinition of the actions into "sex work" or "service".⁷⁸

As long as the stress level is high and dissociation is necessary again and again, it is hardly possible to perceive the actual extent of the psycho-physical stress. For example, it can take more than a year before the dissociative shutting down of sensory perceptions stops and the affected person even begins to smell or taste again. Dissociation can indeed be understood as a mechanism of self-protection and explains why prostituted persons can often speak publicly about their practice in prostitution in an astonishingly objective and unemotional way. In addition to dissociation, there are other psychological mechanisms such as perpetrator introjects,⁷⁹ perpetrator-mimicking self, identification with the

⁷⁵ Draft of a law on the regulation of the prostitution trade and on the protection of persons engaged in prostitution. In: Bundestag-Drucksache. No. 18/8556, 25 May 2016.

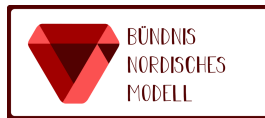
⁷⁶ <https://www.trauma-and-prostitution.eu>

⁷⁷ Huber, Michaela (2015): Trauma and prostitution from a trauma-therapeutic perspective, <https://www.michaela-huber.com/files/vortraege2014/trauma-und-prostitution-aus-traumatherapeutischer-sicht.pdf>

⁷⁸ Farley, Melissa (1998): Violence against women and post-traumatic stress syndrome. *Women & Health*, 27 (3): 37-49.

Damant, Dominique et al (2003): Trajectoires d'entrée en prostitution: violence, toxicomanie et criminalité. *Le Journal International de Victimologie* (3).

⁷⁹ Perpetrator projects are "complex models that victims internalise against their will through the brutal boundary violations by the perpetrator". They are adopted views of the perpetrator such as: it is your own fault, you are not worth anything, etc. "The topic of perpetrator projects is a subject that has been dealt with little or not at all so far, although it has essential therapeutic, social work as well as social implications". (Werner Stangl, Vienna Linz Freiburg 2021, <https://lexikon.stangl.eu/10883/taeterintrojekte> (2021-07-05) Introjection is understood as the automatic adoption of values and norms in childhood that someone has internalised as part of their socialisation. In women with severe trauma-associated disorders, a so-called inner perpetrator part or perpetrator-imitating self part which is also called inner critic, develops over time. These are perpetrator and persecutor parts in one's own self. (Peichl, Jochen: The so-called perpetrator project or the enemy within). The adoption of the perpetrator's values and norms happens automatically; just as with dissociation, it is a survival strategy.



aggressor⁸⁰ and the perpetrator-victim reversal,⁸¹ due to which those affected sometimes only realise years after leaving prostitution how much they have been psychologically and physically damaged by it.

Unfortunately, it is also a fact that most prostituted persons have learned to dissociate before they enter prostitution, i.e. to "shut down", because they have already suffered massive violence in one form or another.⁸² Several empirical studies of prostitutes from the English-speaking world found that they were extremely affected by sexual abuse in childhood.⁸³ In Germany, too, various studies come to the conclusion that the group of prostituted persons was exposed to a higher level of violence in their childhood compared to the average population. In her study on the prevalence of traumatic experiences among prostituted women, Zumbeck found that 65% of the respondents reported physical abuse with consequences of injury by caregivers and half of the women reported sexual abuse in childhood.⁸⁴

If these affected persons later prostitute themselves, this is medically not based on genuine freedom of action. This is because a "lack of self-care with a tendency to engage in sexual contact knowing that it may put oneself in danger" and "repeatedly getting into situations where one's boundaries are violated" are diagnostic features of Complex Post-Traumatic Stress Disorder (WHO ICD-11: 6B41).⁸⁵ Empirical studies have found that the risk of experiencing sexual (and also physical) violence in adult life increases significantly for women if they have already experienced sexual abuse in childhood.⁸⁶

Because many people in prostitution have already experienced a lack of protection in childhood and adolescence, including massive boundary violations, many prostituted persons repeat, reenact and reinforce existing traumas from their past in prostitution.⁸⁷ On the one hand, this happens through sexual

⁸⁰ Identification with the aggressor is a similar process. The aggressor is the perpetrator or attacker. It is also a defence mechanism for coping with fear. Here, a person identifies with the person who is physically and/or psychologically abusing, patronising or oppressing them. Without their conscious knowledge and often against their conscious will, the person internalises personality traits, values, ways of thinking and behaviour of the perpetrator and adopts them into their own psyche, their own self. Especially traumatic experiences (in childhood and later) and the resulting powerlessness, dependence and helplessness, as well as a feeling of being at the mercy of the perpetrator, lead to such a reaction. It is an emergency reaction that protects against collapse in the face of violent affects that cannot be integrated, such as anger and fear. Since such an identification with the aggressor, which can be the father in childhood and later the pimp or brothel operator, usually remains for life, there is a great danger that the traumatic experiences will be passed on to the next generation. Thus, a "chain of intra-family violence" can develop. The same adult from whom the child expects protection is at the same time the abuser and perpetrator. This creates a paradoxical perpetrator-victim bond and an unconscious hatred of the non-protective other, an inner lack of self-empathy and self-care. The result is the repression and contempt of one's own needs. A form of self-hatred develops, which can be the cause of overwhelming feelings of anger and hatred and subsequent self-harm. One's own needs are denied and split off. This leads to many women in prostitution being reckless with their own bodies and making the goal of the perpetrators, e.g. to serve as many clients as possible in a short time, their own. Everything serves to deny the unbearable reality. Identification with the aggressor is very common in prostitution. Such a psychological phenomenon is also called Stockholm syndrome. The victims of a hostage situation have sympathised with the kidnappers and cooperated with them, i.e. adopted their goals.

⁸¹ The perpetrator-victim reversal is an attribution of guilt according to the motto that it is the woman's own fault if violence is done to her, after all she is a prostitute. It is therefore an attribution of guilt by the perpetrators, the clients, pimps and society. A stigmatisation in a double sense. The woman is to blame, no matter what she does or has done. This mechanism often leads prostituted women to believe that they are not entitled to any help because they themselves are to blame for their misery. It is a self-fuelling vicious circle that can only be stopped by leaving prostitution.

⁸² Farley/Barkan (1998), Bagley (1991), Silbert/Pines (1981), Diana (1985).

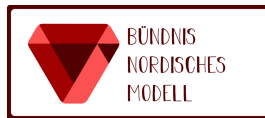
⁸³ BMFSFJ (2004): Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland, <https://www.bmfsfj.de/blob/84328/0c83aab6e685eeddc01712109bcb02b0/langfassung-studie-frauen-teil-eins-data.pdf>

⁸⁴ Zumbeck, Sibylle: "Die Prävalenz traumatischer Erfahrungen, Posttraumatische Belastungsstörungen und Dissoziation bei Prostituierten", Hamburg, 2001. "Studie: Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland" by the Federal Ministry for Family Affairs, Senior Citizens, Women & Youth, Schröttle and Müller, 2004.

⁸⁵ Pelcovitz, David et al. (1997): Development of a criteria set and a structured interview for Disorders of Extreme Stress (SIDES). *Journal of Traumatic Stress* 10: 3-16.

⁸⁶ Besser, Lutz (2010): Stellungnahme zum Prostituiertenschutzgesetz;

⁸⁷ Wöller, Wolfgang (2005): Trauma repetition and revictimisation.



intercourse in prostitution itself: because "the 'yes' that women give in prostitution is a yes to money, not to sex. Thus there is no sexual consent. This makes prostitution a power dynamic".⁸⁸

Secondly, prostitution itself is an exceptionally dangerous activity. The fact is that most prostituted persons are repeatedly subjected to psychological and physical violence, rape and humiliation by pimps or sex buyers.⁸⁹ According to a study by Melissa Farley, 60-75% of prostituted persons alone are raped in the work context.⁹⁰ The fact that everyday life in prostitution is traumatic for most women is also confirmed by empirical findings according to which 68 % of women in prostitution have post-traumatic stress disorder due to their work in prostitution, comparable to the stress experienced by war veterans or torture victims. Accordingly, a large proportion of the women in prostitution suffered from the main post-traumatic symptoms of chronic physiological hyperarousal, involuntary flashbacks, avoidance behaviour as well as sleep disturbances, concentration difficulties, hypervigilance and jumpiness. These trauma sequelae often persist in the medium or long term and represent an enormous impairment of the quality of life and often also of the level of functioning. In⁹¹ most cases, long-term psychotherapy is needed to deal with the consequences of trauma and finally to integrate them. As with any trauma, it can be adequately processed with a lot of time, energy and, last but not least, financial effort. However, the traces of violence never completely disappear. A reduced resilience and vulnerability to further stressors often remain for life. Accordingly, prostitution often re-traumatizes already vulnerable individuals, which has a highly damaging effect on the mental and physical health of those affected and counteracts the overcoming of trauma caused at an early age. Several findings on the poor psychological and health condition of many prostituted persons with alarmingly high proportions of depression, suicidal ideation, anxiety and panic attacks also strengthen this thesis.⁹²

And finally, almost all prostituted persons consume addictive substances in order to be able to endure the psychological and physical stress, as the study by Dr. Heike Zurhold from the University Hospital Hamburg-Eppendorf also impressively proves: "*If all consumed substances are included, hardly any sex worker is abstinent. (...) Migrant women, on the other hand, are forced by pimps to work long hours and have a large number of clients, regardless of their field of work; in order for the women to withstand this pressure, their pimps give them drugs as needed, for example, against pain - or amphetamines to stay awake.*"⁹³

But also from a sexual-medical point of view, the practice of prostitution is to be assessed as risky and persistently damaging. Most prostituted persons have a disturbed relationship to their own body and sexuality and can hardly live a self-determined sexuality also with a partner. These problems often persist for a long time after exiting.⁹⁴ Relationship skills of women in prostitution and of exited women with male partners are also often persistently severely affected due to negative experiences with sex buyers.

⁸⁸ Quote from Huschke Mau: <https://www.facebook.com/ZDFwiso/photos/a.10150146041413859/10159155019633859/> from 2.6.2021.

⁸⁹ Gugel, Rahel (2010): Das Spannungsverhältnis zwischen ProstG und Art. 3 II GG, dissertation University of Bremen.

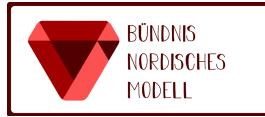
⁹⁰ Farley, Melissa (2004): Bad for the Body, Bad for the Heart. Violence against women 10(10): 1087-1125.

⁹¹ Alder, Stephan: <https://bvvp.de/2020/09/07/prostitution-macht-krank/> Retrieved 23.6.2021

⁹² <https://sexindustry-kills.de/doku.php?id=prostitutionmurders:de>

⁹³ Zurhold, Heike (2003): Substanzkonsum im Leben von Sexarbeiterinnen. Rausch 2(1).

⁹⁴ Farley, Melissa (2003): Prostitution and the Invisibility of Harm. Women & Therapy 26(3/4): 247-280.



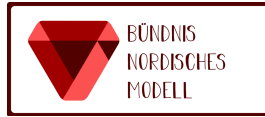
RECOMMENDATIONS

The federal government should seek advice from trauma psychologists and therapists during hearings on the issue of prostitution.

The Federal Government should work to ensure that sex buyers are made aware that they are operating in a context of violence, that they are at least very much endangering women's mental health and/or re-creating experiences of violence from childhood.

The Federal Government should end this psychological violence against women by immediately banning the purchase of sex, thereby reducing demand.

The Federal Government should no longer make prostitution a profession by law, but a violation of women's rights to be abolished.



Subitem 2 on Article 36 (1) Physical Consequences of Prostitution

No area of the body is spared discomfort, pain, agony or long-term consequences - even death. Violence is inherent in the activity of prostitution, as the daily and frequent "allowing" of vaginal, anal or oral penetration of one's own body for sexual purposes is the "basis of work", the *conditio sine qua non*. It is important to realise that this is not about self-determined sexuality which includes pleasure and desire and, consequently, the body's natural defence reflexes must be suppressed.

Direct physical effects of the sexual practices demanded by clients

During oral sex, the penis is thrust deep, hard and fast into the woman's throat. In the process, she must suppress the natural gag reflex- with one sex byer after another. At the same time, she has to deal with inflammation or injury to the larynx, infection with viruses, bacteria and fungi (if a condom is not used) and permanent mechanical overstretching of the jaw joint.

Infection with HPV can lead to throat cancer. If vomiting is frequent, gastritis and eating disorders are the result. Overuse of the temporomandibular joint leads to temporomandibular joint arthrosis.

Vaginal penetration often results in painful overstretching of the vagina and pelvic floor, commensurate with the size and force of the object used for penetration (penis, hand, fist, bottle).

Very painful tears (fissures) can appear on the vulva, which can also affect the very sensitive urethra (urethral entrance) area.

The risk of infection from sexually transmitted infections (STI) such as trichomoniasis, gonorrhoea, chlamydia, herpes, HPV, syphilis and hepatitis is significantly increased.⁹⁵ Although not yet shown in studies, this is also assumed to be the case for HIV. The difficulty for studies here lies in the high migration rate of those affected and thus in more difficult data recording.

An infection of the cervix can rise into the abdominal cavity and lead to purulent inflammation of the fallopian tubes, which often also requires surgery and can lead to infertility.

Infection of the cervix with HPV can lead to cervical cancer and death if undetected.

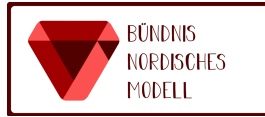
The anatomical proximity to the urethra and bladder creates chronic bladder infections, which in turn can involve the kidneys and affect them chronically.

The pelvic floor, both vaginal and anal, is often damaged in two ways: firstly, through frequent mechanical overstretching and secondly through psychologically negative neurological-vegetative impulses.⁹⁶ Urinary or faecal incontinence can occur even in very young prostituted women, symptoms otherwise common after several birth or postmenopause.

Anal intercourse can cause permanent damage to the anal sphincter (sphincter ani), through constant overstretching and through direct tearing and injury. To endure the painfulness of this penetration, addictive substances such as painkillers, drugs or psychotropic drugs are often consumed. Incidentally, an untreated HPV infection can also lead to anal carcinoma. The more "harmless" HPV infection in the anal area that is often seen is condyloma (genital warts).

⁹⁵ Anna Wolf: Untersuchung zum Infektionsstatus von Prostituierten in Lübeck, Inauguraldissertation 2007

⁹⁶ Physical and sexual abuse in patients with overactive bladder: is there an association? Ursula M. Peschers Int Urogynecol J (2007) 18:449-453 DOI 10.1007/s00192-006-0173-z



Sexual practices with a prostituted pregnant woman (currently legal under existing law but under revision), have a high risk of premature birth in addition to the almost incalculable psychological consequences for mother and child, which may necessitate intensive care for the premature baby with all the associated health problems which will not be described in detail here. This risk is due to premature opening of the cervix as a result of mechanical stress, bacterial infection or rupture of the membranes. The harmful effects of alcohol, drugs and addictive substances on the foetus is also only mentioned here.⁹⁷

Summary

According to the results of several studies the average age of entry into prostitution is 14.

In the study by Schröttle/Müller,⁹⁸ 43% of the women interviewed had more than 17 clients per week, 18% had more than 35 clients. In the area observed here (Hamburg for example), the women themselves sometimes reported up to 20 clients in one day.

In the same study by Schröttle/Müller, more than two thirds (67%) of those affected named more than ten physical complaints.

A clear prevalence of sexually transmitted infections (STIs) was found in a study by the University of Lübeck.⁹⁹

Finally, it remains to be noted that prostitution is definitely a form of violence against women, which can be seen from the fact that the psychosomatic symptoms of those affected correspond to other forms of gender-based violence.¹⁰⁰

There are many parameters for the long-term survival of affected women, including how much strength, will to survive and resilience the individual musters.

However, the use of violence with its devastating effects on the body and soul of the women concerned is intrinsic to the system of prostitution. Society is called upon here to stop overlooking the suffering of these women. The state is obliged not to participate in violence against women.

RECOMMENDATION

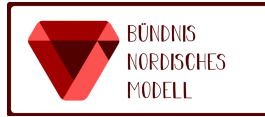
The duty of care according to Art. 5 of this Convention requires Germany to take countermeasures. Germany has to recognise that after 20 years of counterproductive prostitution policies, a fundamental change of system has to take place, based on the successful prostitution policies of other countries such as Sweden, Norway, Iceland, Canada, France, Ireland and Israel. Germany should actively approach these countries and prepare a legislative package.

⁹⁷ Wolfgang Heide - German Bundestag https://www.bundestag.de/blob/18-13-76e_wo

⁹⁸ BMFSFJ (2004): Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland. <https://www.bmfsfj.de/blob/84328/0c83aab6e685eeddc01712109bcb02b0/langfassung-studie-frauen-teil-eins-data.pdf> quoted from M. Schon: Sold Out, Tredition, 2021

⁹⁹ Anna Wolf: Untersuchung zum Infektionsstatus von Prostituierten in Lübeck, Inauguraldissertation 2007

¹⁰⁰ Robert Koch Institute: Gesundheitliche Lage der Frauen in Deutschland, Chapter 8: Gesundheitliche Auswirkungen von Gewalt gegen Frauen, 2021, https://www.rki.de/DE/Content/Gesundheitsmonitoring/Gesundheitsberichterstattung/GBEDownloadsB/frauenbericht/08_Gewalt_gegen_Frauen.pdf?



Subitem 3 on Article 36 (2) Result of Free Will.....

Prostituted women have to play a role for self-protection. The sex buyer expects the prostituted woman to express pleasure. The female orgasm is part of male power: "...the male pleasure of giving pleasure".

¹⁰¹

Huschke Mau, a doctoral student, humanities scholar (M.A.), author, founder of the Ella network, and formerly engaged in prostitution says the following about "the free will" in the context of prostitution:

"There are sex buyers who clearly saw my disgust but didn't mind ("stop turning away when I want to kiss you", "I feel you can't see dick anymore"), then there were those who were turned on by it, and then there were those who felt my disgust destroyed the image they were paying for and didn't come back. It's about control, it's about control over women. Some get mad when the acting is bad, others are happy when the mask of self-control slips and they hit extra hard."

The Federal Government already admitted in its report on the effects of the Prostitution Act in 2007 that it "is a social reality that many prostitutes find themselves in a social and psychological situation in which it is questionable whether they can really decide freely and autonomously for or against this activity". ¹⁰²

Extensive research shows that it is largely personal hardships such as poverty, loss of family, homelessness, drug use and a history of physical and sexual abuse that put young women in a vulnerable position and lead them to enter prostitution. Therefore, from an ethical point of view, freedom of choice cannot be assumed. Moreover, when women enter prostitution, they are often very young and often still minors.

Nevertheless, legislators, sex buyers and society consider women and girls to choose to be in prostitution whereas, in reality, factors like poverty, homelessness, drug addiction or pre-traumatisation constitute important factors for entering prostitution. It is not outwardly apparent if a woman has suffered social isolation, neglect, trauma, distress, is a single parent or has uncertain residence status, or might have been a minor when she entered prostitution. ¹⁰³

As Sandra Norak describes in her report ¹⁰⁴ the fact that it is generally difficult to leave prostitution is unfortunately not taken into consideration. This is particularly the case when the woman lacked maturity, found herself in a relation of dependency and entered prostitution at a young age.

Moreover, many young women are not yet able to assess what really happens in prostitution and what this means for their physical and mental health. This is especially true if they do not receive support from their parents.

About 90% of the affected women in Germany come from Eastern European countries such as Romania, Bulgaria or Hungary, including those coming from disadvantaged minorities in their countries of origin. ¹⁰⁵ Many come to Germany hoping to escape poverty. Often, organised criminal groups profit from the women. However, family members also send women to Germany for prostitution. On a psychological level, women may be emotionally dependent on family members profiting financially from

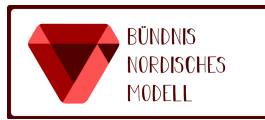
¹⁰¹ Manuela Schon, sociologist, author, sold out page 328, Bourdieu

¹⁰² BMFSFJ: Report on the Impact of the Prostitution Act, 2007.

¹⁰³ Schulze, Erika: Sexual exploitation and prostitution and the impact on gender equality. Study for the FEMM Committee of the European Parliament, Brussels 2014.

¹⁰⁴ Norak, Sandra and Kraus, Ingeborg: "Never Again! Surviving Liberalized Prostitution in Germany" *Dignity: A Journal on Sexual Exploitation and Violence*: Vol. 3:3, 2018.

¹⁰⁵ European Parliament resolution, 2014



prostitution or on so-called¹⁰⁶ loverboys or even on human traffickers/pimps, who often threaten and/or carry out physical, sexual or psychological violence.

The majority of NGOs working with prostituted people judge that there is a very high level of violence directed at people in prostitution. Women will often enter into or continue in prostitution because of fear of physical, psychological and sexual violence against themselves or people close to them. The perpetrator of this violence are the people who profit from prostitution. Even those who (continue to) prostitute themselves out of fear of violence do not really do so voluntarily.¹⁰⁷ Even according to criminal police investigators, 90% of women do not engage in prostitution voluntarily.¹⁰⁸ In one study the Dutch police came to the conclusion that after the deregulation of prostitution in 2000, 50% to 90% of women in prostitution work involuntarily and that organised crime retained control over the legal part of the sex industry.¹⁰⁹

It is also a fact that most women have learned to dissociate, i.e. "shut down", before entering prostitution, because they have already previously experienced some form of violence.¹¹⁰ Studies show that in Germany at least half of all women¹¹¹ who have experienced sexual violence in early childhood¹¹² have learned to allow the violation of their physical boundaries through dissociation. They have thus avoided fully realizing the extent of the aversive effects triggered in the process. Accordingly, they have learned early on to "give up the body" in the process, i.e. to 'switch off' their sensations during unwanted sexual contact and they therefore initially may find it 'easier' to cope with unwanted sexual intercourse.¹¹³ Dissociation is an emergency mechanism of the human psyche under high stress. Actions in the context of dissociation can accordingly never be described as voluntary.

When women with the experience described above enter prostitution, it can therefore not be considered as a genuinely voluntary act from a medical point of view. This is because a "lack of self-care with a tendency to engage in sexual contact knowing that it may put oneself in danger" and "repeatedly getting into situations where one's boundaries are violated" are diagnostic features of Complex Post-Traumatic Stress Disorder.¹¹⁴ Empirical studies have found that the risk of experiencing sexual (and also physical) violence in adult life increases significantly for women who have already experienced sexual abuse in childhood.¹¹⁵

Many women in prostitution have experienced a lack of protection in childhood/adolescence and violations of their physical integrity. Many of them repeat, reenact and reinforce existing traumas from the past.¹¹⁶ This happens through sexual intercourse in prostitution itself: because "the 'yes' that women give in prostitution is a yes to money, not to sex. Thus there is no sexual consensus. This makes

¹⁰⁶ Paulus, M.: Tatort Deutschland. Menschenhandel, 2014; Tagesspiegel of 15.03.2014: "Prostitution ban: Sweden as a model for Germany?" by Livia Gerster.

¹⁰⁷ See above, Article 36 Sexual Violence, Including Rape, Subitem 1 on Article 36 (1) Psychological Consequences of Prostitution

¹⁰⁸ Sporer, Helmut: Speech for the Seminar "Reality of Prostitution" of the European Women's Lobby on 1 Oct 2013 in Brussels.

¹⁰⁹ KLPD (Korps Landelijke Politiediensten) - Dienst Nationale Recherche (July 2008). Schone schijn, de signalering van mensenhandel in de vergunde prostitutiesector. Driebergen.

¹¹⁰ Farley, Melissa (1998): Violence against women and post-traumatic stress syndrome. *Women & Health*, 27 (3): 37-49.

¹¹¹ Damant, Dominique et al (2003): Trajectoires d'entrée en prostitution: violence, toxicomanie et criminalité. *Le Journal International de Victimologie* (3).

¹¹² The female form is chosen because the majority of prostitutes are female and also includes men or trans persons who work in prostitution.

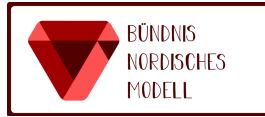
¹¹³ Zumbeck, Sibylle: "Die Prävalenz traumatischer Erfahrungen, Posttraumatische Belastungsstörungen und Dissoziation bei Prostituierten", Hamburg, 2001. "Studie: Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland" by the Federal Ministry for Family Affairs, Senior Citizens, Women & Youth, Schröttle and Müller, 2004.

¹¹⁴ Schreiber, Anna: Körper sucht Seele. Eine Psychotherapeutin blickt zurück auf ihre Zeit als Prostituierte, 2019.

¹¹⁵ Pelcovitz, David et al. (1997): Development of a criteria set and a structured interview for Disorders of Extreme Stress (SIDES). *Journal of Traumatic Stress* 10: 3-16.

¹¹⁶ (WHO ICD-11: 6B41)

¹¹⁷ Besser, Lutz (2010): Stellungnahme zum Prostituiertenschutzgesetz; Wöller, Wolfgang (2005): Trauma repetition and revictimisation.



prostitution a violent relationship".¹¹⁷ In addition to dissociation, there are other psychological mechanisms that may play a role, such as the internalisation of degrading comments made by sex buyer or pimps (e.g. "You are only good for being a whore") and the perpetrator-victim reversal (e.g. "It is my own fault if I am mistreated because I started prostitution"). Those affected by such psychological mechanisms may remain in prostitution involuntarily. In some cases, only years after having left prostitution, women realise how much it has damaged them mentally and physically.¹¹⁸

Sandra Norak, a survivor of prostitution and now law student, has this to say about voluntariness in the context of prostitution:

"If you go a little deeper, you see that life circumstances have forced people into prostitution. It's like someone jumping off a burning building - of course you could say that the person chose to jump voluntarily. But you could also say that this person had no choice. I don't want to deny that there are people who are in prostitution for whom it might be okay, but this does not apply to the great majority, and is only a small fraction. For the great majority, prostitution means being trapped. Trapped in a life full of violence and full of lies. For these people, prostitution means an enormous amount of unspeakable suffering that can never be made up for."

RECOMMENDATIONS

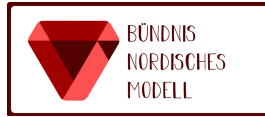
The Federal Government should critically question the 'freedom of choice' it currently takes for granted and examine prostitution in the context of poverty, discrimination, inequality and violence. This should be examined by groups of experts, including prostitution survivors, philosophers, ethicists, psychologists and social workers.

The Federal Government should put this to the Ethics Commission to examine. It should look at whether men buying access to women's bodies should continue to be exempt from punishment in Germany in the 21st century. The Ethics Commission should consider whether the German legislature should continue to regulate prostitution after 20 years of the Prostitution Act or whether it should now discourage demand with the aim of eliminating prostitution to the extent possible.

The Federal Government should fulfil its duty of care according to Art. 5 of this Convention and take countermeasures against this gender-based form of violence. In doing so, the Federal Government has to recognise that after 20 years of counterproductive prostitution policies, a fundamental systemic change has to take place. Such a change has to be based on the successful prostitution policies of other countries such as Sweden, Norway, Iceland, Canada, France, Ireland, Northern Ireland and Israel. To this end, the Federal Government should actively approach these countries, learn from these countries' experiences and prepare a corresponding legislative package.

¹¹⁷ Quote from Huschke Mau: <https://www.facebook.com/ZDFwiso/photos/a.10150146041413859/10159155019633859/> from 2.6.2021.

¹¹⁸ "You end up in a whorehouse" <https://youtu.be/rHwSWGpJmoY>



Chapter VI Investigations, Prosecution, Procedural Law, Protective Measures

Article 49 General Obligations

According to Article 49, investigations and judicial proceedings shall be conducted without unjustified delay and effective prosecution shall be ensured.

Due to the legislation of 2002, Germany has become a destination country for human traffickers worldwide.¹¹⁹ Germany is referred to as the "brothel of Europe"¹²⁰. Effective, adequate, and deterrent prosecution has been promised for 20 years but does not take place to any significant extent. The demand is increasing, the cases that need to be investigated are increasing. In the areas of sex slavery, human trafficking, and pimping, prosecution is particularly difficult because of the vulnerability of the victims' witnesses.

If there are any proceedings at all, they often fail because the perpetrators take the victim witnesses abroad beforehand. Or perpetrators intimidate women so that they do not make statements to the prosecution authorities. Many women do not want to endanger their families.

Furthermore, law enforcement agencies and the courts are not sufficiently trained for the phenomenon of dissociation. Dissociation is a common automatic protective mechanism of the body during sexual violence. Law enforcement agencies learn and work according to the victim's psychology of testimony. Contradictory statements, sudden gaps in memory, or attention deficit disorders are not signs of untruthfulness in victim-witnesses from this area of violence but a consequence of their dissociation.¹²¹ Therefore, judicial and criminal authorities must be given other options by law.

Prostitution will not go underground if the johns are criminalised.¹²²

Example France: Brothels were banned in 1946, since then prostitution has always taken place on the streets, in forests, or indoors (massage parlours, bars, hotels, etc.). Since the introduction of the 2016 law to strengthen the fight against the prostitution system and to support prostitutes, this is still the case. The police can easily target johns: Between 2016 and 2018, the police successfully identified 5000 johns in France.

In Sweden, according to the grassroots organisation Talita, the Nordic model has led to police services and NGOs working hand in hand. The police usually refer victims to the organisations that support them.

Criminal investigators and officers, e.g. Simon Häggström, have many years of experience in successfully detecting trafficking in the prostitution environment in the Nordic Model. The Department for Combating Prostitution and Trafficking in Human Beings has employed social workers to provide direct assistance to victims in exiting prostitution, and some social workers are also dedicated to counselling clients.¹²³

The Nordic model is the only model in which the police are strengthened in their protective function: In the legalisation model, the police are forced to turn a blind eye to the violence in prostitution. In the

¹¹⁹ <https://www.zdf.de/dokumentation/zdfinfo-doku/die-schwarze-axt-nigerias-mafia-in-deutschland-100.html>

¹²⁰ <https://www.spiegel.de/spiegel/print/index-2013-22.html>

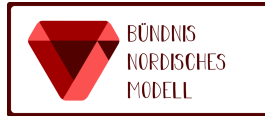
¹²¹ Sandra Norak, Loss of Self in Dissociation in Prostitution <https://vimeo.com/354292081>; Recovery of Self in Connection to Horses: A Survivor's Journey <https://digitalcommons.uri.edu/dignity/vol4/iss4/6/>

¹²² Mansson, Sven-Axel: The History and rationale of swedish prostitution policies. Dignity, Vol. 2, Issue 4, September 2017; <http://digitalcommons.uri.edu/dignity/vol2/iss4/>

Rasmussen Ingeborg, Steinar Strøm, Sidsel Sverdrup und Vibeke Wøien Hansen: Evaluering av forbudet mot kjøp av seksuelle tjenester. 17. Juli 2014. Erstellt im Auftrag des norwegischen Justiz- und Innenministerium,

https://www.regjeringen.no/contentassets/0823f01fb3d646328f20465a2afa9477/evaluering_sexkjoeplsloven_2014.pdf. (Die Übersetzung des Evaluationsberichtes erfolgte durch den Sprachdienst des Deutschen Bundestages

¹²³ <https://www.youtube.com/watch?v=fQI9nUNvMj0> from minute 16



prohibition model, the police are a tool of oppression that criminalises the victims. In the Nordic model, the balance of power is reversed to the advantage of women: they can report johns to the police and cooperate with them without risking anything.

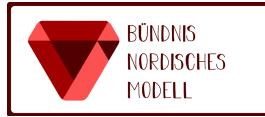
Dealing with victim witnesses and assessing their statements poses a special problem. In the case of victims of violence, the actors must theoretically and practically detach themselves from the psychology of testimony and take into account the completely different way traumatised people deal with their traumas.¹²⁴

The German Code of Criminal Procedure allows milieu lawyers to drag out proceedings to such an extent that often only a perpetrator-friendly deal is practicable for the courts. Victims wait for a long time and are not allowed to start the urgently needed therapy because, according to the prevailing view, this severely jeopardises the credibility of their testimony. Even girls are therefore advised against therapy by legal experts.

RECOMMENDATION

In the Code of Criminal Procedure, the Federal legislator should adequately take into account the special situation of victim-witnesses in the field of prostitution and, in particular, ensure that necessary therapies of victim-witnesses do not constitute an obstacle to criminal prosecution.

124 Norak, Sandra (2019): Speech at the 3rd World Congress against Sexual Exploitation of Women and Girls, Mainz. Sandra Norak, Loss of Self in Dissociation in Prostitution <https://vimeo.com/354292081>; Recovery of Self in Connection to Horses: A Survivor's Journey <https://digitalcommons.uri.edu/dignity/vol4/iss4/6/>



Concluding Remarks

The *Alliance Nordic Model* has shown above that the importance of the Istanbul Convention for the lives of prostituted women in Germany has not yet been recognised. It has made concrete proposals on how to change this. It has also shown the connections between violence against prostituted women and prostitution policy in Germany. The extensive legalisation as a "profession" has increased violence qualitatively and quantitatively. A change in prostitution policy seems inevitable to the *Alliance Nordic Model*. Such changes need a political decision-making process that must be backed by facts. In conclusion, the *Alliance Nordic Model* gives the following recommendations for this process of political decision-making.

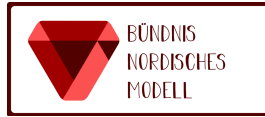
RECOMMENDATIONS

In recognition of its obligations under the Istanbul Convention, the Federal Government should have a quantitative and qualitative survey conducted on violence against prostituted women in Germany.

The Federal Government should include the experiences of Nordic Model countries in its opinion-forming process.

The Federal Government should commission the Ethics Council pursuant to § 2 para. 3 Alt. 3 of the Ethics Council Act with a statement on:

- the ethical justifiability of the prostitution of women by men against the background of the resulting violence and the future effects on gender relations, and
- the ethical justifiability with regard to the future effects for people in other countries
- and the conclusions to be drawn for policy.



Quotes from German Sex Buyer Forums (2007-2020)

„She lies there and endures everything like she’s a corpse. [...] If she just does it for the money and can’t even give the client the illusion that she likes it, it’d be cheaper to shag a mattress or a rubber doll. Those who like shagging corpses will be happy going there.” – German sex buyer (Source: Ladies Forum. 16.12.2018. Accessed 26.06.2021)

“Fucked her till I came and then just kept going till her lack of enthusiasm had turned into disgust. [...] She had a few bruises, too. Maybe the last punter wasn’t all that nice to her.” – German sex buyer (Source: Sachsen Forum. 10.10.2014. Accessed 11.01.2019)

“Clear injection marks visible on her arms, typical drug whore: Putting it in her hole condom-free wasn’t a problem, didn’t see a rubber and didn’t request one. Spraying my cum in her pussy was allowed.” – German sex buyer (Source: AO Huren Forum. 24.09.2014. Accessed 17.08.2018)

“Even when they offer anal intercourse, I’ve never seen excitement in their faces. [...] But in this milieu the women speak of pain even during normal intercourse – the ladies simply want things to be over with fast. Those who don’t believe it, can read it on all the forums.” - German sex-buyer (Source: Ladies Forum. 27.06.2015. Accessed 19.08.2018)

“Her service is alright, pussy has seen tighter times, but still fairly useable. Her asshole was tighter, where she let me spray my cum submissively.” – German sex-buyer (Source: Tabulos Forum. 2009. Accessed 2017)

„I think the term rip-off-cunt isn’t over the top: A whore that rips off us punters deserves no other label. [...] Guys – this is about our money.” – German sex-buyer (Source: Ladies Forum. 09.05.2007. Accessed 23.08.2018)

“[In this Eros Center brothel] all they have are fat nigger-cunts, thais... well, if that’s your thing. It ain’t mine and also the prices they ask for – they really think they’re worth that much... really awful.” -German sex-buyer (Source: Lusthaus Forum, 28.08.2015. Accessed 25.07.2018)

“Is a whore just fuck-meat or does one have to show respect? To me a whore is simply a piece that’s there to satisfy me. I paid for it and that’s me having done my part.” – German sex-buyer (Source: AO Huren Forum. 01.03.2013. Accessed 17.08.2018)

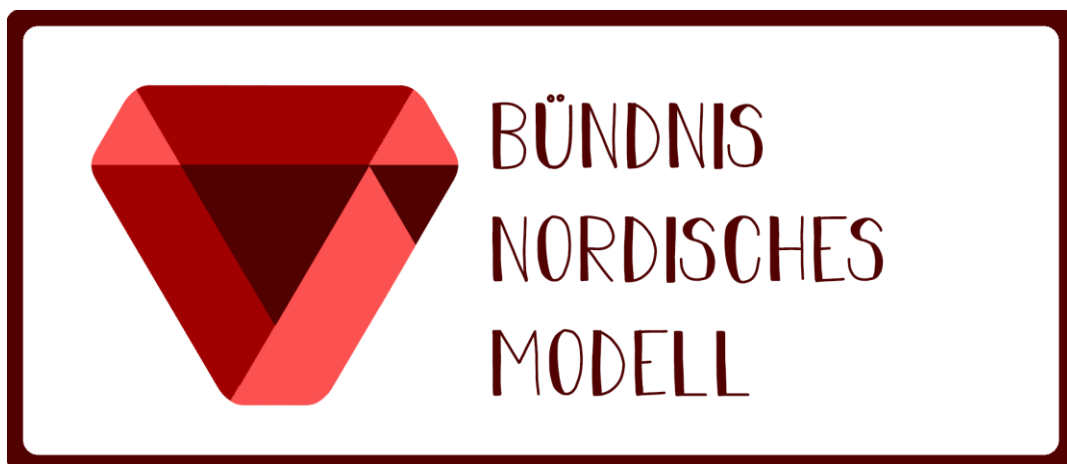
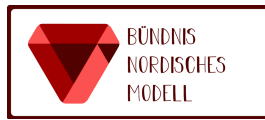
„What lady would admit that she is being forced to spread her legs for us? They are scared that their bloke will punch them in the face. Containing forced prostitution is basically impossible.” – German sex-buyer (Source: AO Huren Forum. 08.04.2016. Accessed 15.06.2019)

“Behind 95% of hookers there’s a guy – men in the background who tell the women what to say and what they’re allowed to do and what they’re not allowed to do and this just keeps getting worse in Germany with the Romanian and Bulgarian mafia. Sad, but true, welcome to the 21st century.” – German sex-buyer (Source: AO Huren Forum. 08.07.2014. Accessed 23.08.2018)

„No one seriously believes that most are leaving their real information for contact tracing. No one can be sure if the punter before him kept his mask on, kept his distance (1,5 m during fucking?), avoided French kissing and used condoms. [...] No one is standing by the bedside checking on what I’m doing with the woman.” – German sex-buyer (Source: Lusthaus Forum. 2020. Accessed Oktober, 2020.)

More quotes: dieunsichtbarenmaenner.wordpress.com/menu/

Further quotations (German and English): www.dieunsichtbarenmaenner.wordpress.com



www.buendnis-nordischesmodell.de

www.xn--bndnis-nordischesmodell-cpc.de



BÜNDNIS
NORDISCHES
MODELL

Alternative report

to the Council of Europe Convention
on combating trafficking in human beings

ALLIANCE NORDIC MODEL

January 2023



PFOTEN WEG!
Macht Kinder stark!



AUGSBURGER/INNEN
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List Alliance Partners // Stand 31.01.2023

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This alternative report on the implementation of the *Council of Europe Convention on Action against Trafficking in Human Beings* was submitted by the Steering Committee of the *Alliance Nordic Model* in an English language version to GRETA, the Council of Europe's monitoring body, on **31 January 2023**.

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Table of contents

Presentation of the Alliance Nordic Model	2
Chapter II - Prevention, co-operation and other measures	3
Article 5 - Prevention of trafficking in human beings.....	3
A: Germany - destination country for human trafficking	4
B: Places of prostitution as places of trafficking	6
C: Prostitution in Germany and the definition of human trafficking	8
D: Poor prosecution - low risk for traffickers	9
E: Increasing the danger to minors - violation of Art. 5 (5)	12
F: Human trafficking 2.0 - new ways of sexual exploitation also in Germany.....	15
Article 6 - Measures to counter demand by more lenient means	16
A: The media.....	16
B: Social work	17
C: Population and politics	17
Chapter III - Measures to protect and promote the rights of victims, guaranteeing gender equality	19
Article 10 - Identification as a victim	19
Chapter IV - Substantive criminal law	21
Article 19 - Criminalisation of the use of services of a victim	21
A: Punishment for johns according to § 232a (6) StGB (Criminal Code) is ineffective....	21
B: Clients use violence and promote human trafficking	23
C: Clients accept human trafficking with approval.....	23
Chapter V - Investigations, prosecution and procedural law	25
Article 28 - Protection of victims, witnesses and collaborators with the judicial authorities	25
A: Criminal proceedings as a challenge for victims.....	25
B: Re-victimisation in criminal proceedings.....	26
Chapter VI - International co-operation and co-operation with civil society	27
Article 32 - General principles and measures of international co-operation	27

Presentation of the Alliance Nordic Model

The *Nordic Model Alliance* is an alliance of over 45 associations, networks and initiatives engaged in civil society throughout Germany, numerous active individuals as well as survivors of prostitution. The *Alliance Nordic Model* sees this diversity as its strength, with which it wants to achieve a fundamental change in social awareness and political action in prostitution policy. Religious and party-political interests play no role in the Alliance. The Alliance competently supports politics and society with its entire expertise for counselling and education. The *Alliance Nordic Model* is in full solidarity with women in prostitution¹, what it rejects is the system of prostitution.

The aim of the broad-based *Alliance Nordic Model* is to introduce and implement the **Nordic Model or Equality Model** in Germany. The *Alliance Nordic Model* declares that the German policy of legalising and regulating the prostitution market has failed. The legislation does not provide effective protection for prostituted women and does not contribute to a more effective fight against trafficking for sexual exploitation. The prostitution market has expanded since legalisation and continues to be shaped by criminal structures and organisations. Exploitation and trafficking in human beings thus take place in an ostensibly legal market that yields large financial profits for perpetrators and other profiteers. Prostitution promotes everyday physical, psychological and deadly violence against women. The recommendations in our report are partly prefaced with "urgent and immediate". These are aimed at measures that can be implemented in the short term. However, a holistic approach is needed for a sustainable fight against human trafficking as well as a comprehensive help and support system for trafficked persons. In the long term, therefore, the pillars of the equality model are to be implemented, aiming at a progressive prostitution policy in terms of universal human rights:

1. Decriminalisation of prostituted people
2. Criminalisation and effective prosecution of all profiteers: johns, pimps/lover boys, brothel operators and traffickers.
3. Exit assistance (nationwide and comprehensive), protection and support.
4. Education and public relations work through anti-sexist education and prevention with the aim of social rethinking.

Prostitution is primarily gender-based violence against women, which is why our focus is here. The measures to be taken should of course also protect and support other people in prostitution. The acceptance and legalisation of a patriarchal system characterised by violence, such as that of prostitution, has a negative impact on gender equality in general and constitutes a violation of human rights. The trivialisation of prostitution and any sexual exploitation as "sex work" is unacceptable to the Alliance partners and harms above all the prostituted women whose plight is thus masked.

Our statement focuses on trafficking in human beings for the purpose of sexual exploitation. However, as outlined at the beginning, this area cannot be separated from the "legal prostitution market" assumed by German legislation. Prostitution and trafficking for sexual exploitation overlap. The boundaries are fluid. And the majority of women who find themselves in prostitution are not self-determined, but exploited. The Alliance partners of the *Alliance Nordic Model* have extensive knowledge and practical experience in working with prostituted women and trafficked persons.

¹ To emphasise this fact and to reflect the real gender proportionality in the context of prostitution, in the following we will refer to "women" as those who are affected by violence in prostitution, although we are aware that men and trans people are also among those affected.

Chapter II - Prevention, co-operation and other measures

Article 5 - Prevention of trafficking in human beings

The Federal Criminal Police Office (BKA) assumes that there is a very large number of unreported cases in the area of global human trafficking to Germany.² Contrary to the obligation under Article 5, the measures taken against human trafficking in Germany are insufficient and have proven to be impracticable. Since the Prostitution Act came into force in 2002, Germany has promoted human trafficking in that the legalisation of the prostitution market has created optimal conditions for sexual exploitation and increased the demand for prostitution. In 2002, the legislature attempted to legally regulate prostitution in order to improve the situation of prostitutes with the Act on the Regulation of Legal Relationships of Prostitutes (Prostitution Act - Prostitutionsgesetz, ProstG)³, which comprises only three paragraphs. To this end, it decided in 2002 on the following view of prostitution: *prostitution is an autonomous decision to engage in a risky activity.*⁴

In 2007, the federal government admitted that the goals of the Prostitution Act had not been achieved.⁵ As a result, the *Act on the Regulation of the Prostitution Trade and the Protection of Persons Engaged in Prostitution* - Prostitution Protection Act (Prostituiertenschutzgesetz - ProstSchG)⁶ was introduced in 2017 to regulate the prostitution market, for example by requiring prostitutes to register or prostitution establishments to obtain permits⁷. The current evaluation of the Prostitution Protection Act runs until 2025. The current evaluation of the Prostitution *Protection Act* runs until 2025. With regard to combating human trafficking for the purpose of sexual exploitation, the *Prostitution Protection Act* has a counterproductive effect.⁸

In this context, the 2013 study by the *University of Heidelberg* must be mentioned, which concludes that liberal prostitution legislation leads to more human trafficking. According to the press release: *"It is often assumed that legal sex for sale could reduce human trafficking, as more prostitutes living legally in a country would then be available. However, our study points to the opposite."* Axel Dreher explains: *"The data show that more cases of human trafficking are recorded in countries where prostitution is not prohibited by law."* The researchers see a possible reason in the fact that less strict prostitution laws lead to an expansion of prostitution, which also increases the number of forced prostitutes working in that country.⁹

Germany is obliged under international law to reduce the demand for sexual exploitation including exploitation of the prostitution of others, according to the OSCE (*Organisation for Security and Co-operation in Europe*).¹⁰ The OSCE concluded that all countries, including Germany, have an obligation under Article 9 (5) of the Palermo Protocol to address demand and that they are generally not meeting that obligation.

² [BKA - Lagebilder - Bundeslagebild Menschenhandel und Ausbeutung 2021](#) - page 26

³ <https://www.gesetze-im-internet.de/prostg/BJNR398310001.html>

⁴ <https://www.bmfsfj.de/resource/blob/84046/f0c60f25ee8cd96f2560be3b070d7b05/bericht-bureq-auswirkungen-prostitutionsgesetz-data.pdf> - page 6

⁵ [bericht-der-br- zum-prostg-broschuere-deutsch-data.pdf \(bmfsfj.de\)](#) page 80

⁶ <https://www.gesetze-im-internet.de/prostschg/BJNR237210016.html>

⁷ In Germany there are many different premises for prostitution (brothels, brothel flats, running houses, caravans etc.). The Prostitution Protection Act (ProstSchG) uses the generic term "prostitution premises".

⁸ <https://www.emma.de/artikel/der-ermittler-337507>

⁹ https://www.uni-heidelberg.de/presse/news2013/pm20130527_prostitution.html

¹⁰ Additional Protocol to the Palermo Protocol; EU Directive against Trafficking in Human Beings

<https://www.un.org/depts/german/uebereinkommen/ar55025anlage2-oebgbl.pdf>

<https://www.youtube.com/watch?v=r5VIDqzuy6E>

<https://www.xn--bndnis-nordischesmodell-cpc.de/b%C3%BCndnistagung-2022>

Germany also fails to meet the requirements of Art. 5. The 2017 reform of the penal provisions against human trafficking has failed to achieve its goals.¹¹ Germany has even chosen a path that has had the opposite effect. We describe this in the following five sections (A - F).

A: Germany - destination country for human trafficking

The annual turnover of the prostitution industry in Germany is estimated at 14.5 billion euros per year.¹² The vast majority of prostituted women in Germany (80-95%) are migrants, often from discriminated population groups within the European Union.

"The accession of ten Eastern European countries to the EU in 2004 and especially Romania and Bulgaria in 2007 caused hundreds of thousands of young women from these countries to flow uncontrollably into prostitution in Germany, which fundamentally changed the conditions in the milieu. Decisive factors were on the one hand the economic poverty in the home countries, the new right to freedom of movement including freedom of establishment and a huge amount, a veritable reservoir of girls and young women from Southeast Europe, with whom the brothels in Germany could be filled," explains Helmut Sporer, retired senior criminal councillor.¹³

Prostituted women usually come from a life situation that is characterised by a lack of alternatives, poverty or other hardships. Traffickers deliberately exploit this situation and bring women into prostitution under the guise of legality in order to exploit them there. It is always the most vulnerable and discriminated against in society who are found in prostitution.¹⁴ Young people from the poorest regions of other countries quickly become victims of sexual exploitation when traffickers promise them a "job" in Germany. A commissioner of the National Agency against Trafficking in Human Beings Braşov, in Romania, complains that it is easy for traffickers and pimps in Germany:

"Germany is in a special situation because prostitution is legalised in Germany. Many of these girls, although they are victims of trafficking, seem to be engaged in a normal legal activity."¹⁵

Anna Nicolova looks after three shelters in Bulgaria, which also house many women with their children who were exploited in Germany. She blames the German authorities. She says they do not try hard enough to uncover human trafficking.

"I think the German authorities would have to make more of an effort to identify cases of exploitation. They need to be able to distinguish between those who are really working voluntarily and those who are victims of trafficking. They also need to make sure that those who are working voluntarily are not being exploited. I think that is what is not working well in Germany."¹⁶

Investigation files from a trial in Dresden confirm the criticism:

A victim was summoned for police questioning. Fearing the perpetrator who accompanied the victim to the police, the victim stated that she was acting voluntarily. Later, the victim managed to escape and

¹¹ Recently, the inadequacy of the tightening of the penal provisions on trafficking in human beings was determined by the Criminological Research Institute of Lower Saxony in an evaluation. Cf. <https://kfn.de/blog/2021/11/neuer-forschungsbericht-veroeffentlicht-evaluierung-der-strafvorschriften-zur-bekaempfung-des-menschenhandels-%C2%A7%C2%A7-232-bis-233a-stgb/>

¹² Ver.di trade union estimate: <https://www.spiegel.de/video/mit-prostitution-werden-in-deutschland-14-5-milliarden-euro-umgesetzt-video-1286781.html>

¹³ Sporer, Helmut: Der neue Deutsche Weg, Für eine Neuordnung der Prostitutionsgesetzgebung, Hanns-Seidel-Stiftung, in Aktuelle Analyse 93

¹⁴ <http://www.cap-international.org/campaigns/parliamentarians/>

¹⁵ "Forced Prostitution in Europe", 2020, minute 21:00, <https://youtube.com/watch?v=Rc1c0CU7ETY&si=EnSlkalECMiOmarE>

¹⁶ Report by Mitteldeutscher Rundfunk 2021 "Forced into prostitution: How women are brutally exploited in Germany." <https://www.youtube.com/watch?v=tPHSPJWlrg&t=761s> minute 13:00

then made another statement to the police in Bulgaria. She had been forced, even when she was sick and injured. This is also confirmed by the public prosecutor's office in Jambol, Bulgaria¹⁷ - a region from which particularly many victims are brought to Germany for sexual exploitation.

In the meantime, there are also stable organised crime OC structures of Nigerian perpetrator groups in Germany.¹⁸ Carsten Moritz, an employee of the Federal Criminal Police Office, said in 2021: *"Honestly, until a few years ago I had never heard of them. Five or six years ago, the first indications came from southern Germany that members of these brotherhoods were also active in Germany. ... We are currently trying to analyse... We don't know much yet. We are still at the beginning."*¹⁹ The statistical analysis of the Federal Situation Reports shows that the number of Nigerian suspects has risen continuously in Germany from 2015 to 2019, especially in human trafficking for sexual exploitation. In Nigeria, the traffickers' networks ensure that a forced prostitute in Bochum or Duisburg actually goes to work by threatening her relatives. The traffickers do not have to fear prosecution for this. Europe's prosecutors are far away.²⁰ After paying off their debts, the victims often become perpetrators themselves. They take on the profitable role of "madames", ordering themselves women from Nigeria to Germany. Some see few other prospects and no way out of the narrow community that often offers them the only social contacts in Europe.²¹

Sandra Schmidt, Professor of Security Agency Operations Management and Leadership Science, comments on a large-scale raid in the context of investigations against human traffickers and smugglers from Vietnam in January 2021: *"Smuggling is organised crime. It is difficult to get to the actual masterminds. It is very difficult to shed light on the structures....It is inhumane and catastrophic, there is no other way to describe it. Young women who hope for a better life are simply enslaved and become faceless slaves in Germany."*²²

Recommendations

- The federal legislator should look at the practical problems realistically and place prostitution and trafficking in human beings in a direct context by law.
- The federal legislator should immediately and urgently fulfil its state duty of care and replace the term "sexual service" in the *Prostitution Protection Act* with "prostitution", irrespective of the evaluation of the *Prostitution Protection Act*. Sexual service, sex work, sex worker, client, guest, etc. are misleading terms that conceal the violence caused by prostitution and the serious consequences for those affected.
- The federal legislator should consult the following experts in the deliberations on the revision of the relevant laws: Survivors of prostitution and trafficking for sexual exploitation; organisations calling for a rethink of prostitution policy²³
- The federal government should set up an observatory on organised crime in the prostitution

¹⁷ Report by Mitteldeutscher Rundfunk 2021 *"Forced into prostitution: How women are brutally exploited in Germany."* <https://www.youtube.com/watch?v=tPHSPJjwlrq&t=761s> minute 19:20

¹⁸ Enya Körffer, detective superintendent at the BKA, Meckenheim, Kriminalistik 2021, 373-377.

¹⁹ "Human Trafficking in the Middle of Europe" https://youtube.com/watch?v=LhgCULUw_b0&si=EnSikalECMiOmarE

¹⁹ minute 13:00 <https://www.zdf.de/dokumentation/zdfinfo-doku/die-schwarze-axt-nigerias-mafia-in-deutschland-100.html>

²⁰ "Nigerian Mafia" minute 10:20 <https://youtube.com/watch?v=re8c2WB-txl&si=EnSikalECMiOmarE>

²¹ <https://www.amnesty.de/informieren/amnesty-journal/nigeria-mafia-madames-und-maedchen#:~:text=80%20percent%20of%20Nigerian%20women,the%20procedures%20last%20most%20years.>

²² "Bild accompanies major raid against unscrupulous human traffickers" minute 5:00

<https://youtube.com/watch?v=cQWBD078o1A&si=EnSikalECMiOmarE> <https://www.hwr-berlin.de/hwr-berlin/ueber-uns/personen-von-a-bis-z/2112-sandra-schmidt/>

²³ our Alliance partners as well as Ge-STAC, Network Ella, DIAKA: <https://www.ge-stac.com/>; <https://netzwerk-ella.de/>; <https://www.diaka.org/>

environment, in which suspected cases are systematically recorded; holistic rethinking of prostitution policy, instead of pinprick policy

B: Places of prostitution as places of trafficking

Prostitution establishments in Germany are to a large extent involved in human trafficking and sexual exploitation or accept them recklessly or even deliberately, taking into account their own profit increase.

Prostitution sites conceal human trafficking

Human trafficking for sexual exploitation and prostitution are closely related: In 2020, according to the BKA (Federal Criminal Police Office), 291 out of a total of 465 investigations into human trafficking involved sexual exploitation, and every fifth person affected by sexual exploitation was regularly registered under the *Prostitution Protection Act*. Human trafficking and exploitation thus take place within the framework of legal prostitution. The places of exploitation are officially licensed prostitution sites such as brothels or appointment flats.²⁴ Legalising places of prostitution does not prevent trafficking in human beings and does not contribute to more effective investigations into trafficking in human beings. On the contrary, controls by law enforcement agencies are made more difficult by the basic legality of the establishments.

Even if few cases of human trafficking for the purpose of sexual exploitation reach conviction, it can be seen almost daily from judgements, media and police reports in Germany that trafficked persons are sexually exploited in officially approved brothels in Germany and are even registered under the Prostitute Protection Act (ProstSchG).²⁵

Human trafficking is a control crime. Helmut Sporer, retired senior criminal counselor, describes the triangular relationship between brothel operator, pimp and prostitute as a background mechanism and states:

*"In simple brothel checks by the authorities, these background mechanisms are not perceptible."*²⁶

Prostitution sites promote human trafficking

We are particularly critical of how the operators of prostitution establishments design and advertise their "offer" in order to constantly generate demand and make and increase profits:

- Frequently changing "offer" of women
- young women (the more and younger the more profit);
- different types advertised along racist attributions ("exotic", "Eastern European", "Latina" ...),
- different skin types ("light", "black", "brown"),
- different body characteristics (bust size, hair, ...),
- different sexual practices etc.

²⁴ cf. BKA 2021: Bundeslagebild Menschenhandel und Ausbeutung 2020
https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/Menschenhandel/menschenhandel_node.html

²⁵ <https://www.muensterschezeitung.de/polizeinachrichten/muenster/pol-ms-bordellbetriebe-im-visier-schutz-fur-in-der-prostitution-tatige-menschen-und-verfolgung-von-straftaten-2533317?&ngq>
<https://www.lka.polizei-nds.de/a/presse/pressemeldungen/europaweite-kontrollen-im-kampf-gegen-menschenhandel-114064.html> For current judgements on this see: LG Kleve, judgement of 29 April 2019 - 110 Kls-413 Js 111/18-3/19; Duisburg Regional Court, judgement of 27 January 2020 - 32 Kls 8/18).

²⁶ Kriminaloberrat (retired) Helmut Sporer in "Der neue Deutsche Weg" 2022, page 33 <https://www.hss.de/publikationen/der-neue-deutsche-weg-pub2284/>

Our Alliance partner *KARO e.V.*, a counselling centre against human trafficking for sexual exploitation, reports that most of the women change cities every week. *"So that there are always "fresh goods" and the clients always have a new choice,"* explains a staff member.²⁷

Of particular note is the "Paradise Trial", which led to convictions of an operator and his employee for aiding and abetting human trafficking in one of the "flagship large brothels" in Germany. *"A clean brothel of this size is hardly imaginable,"* emphasised the presiding judge.²⁸

The red-light milieu in Germany is also closely interwoven with organised crime (OC). When the financial pressure increases, the scene offers illegal ways and means. The danger is very high that criminal networks are resorted to, for example rocker clubs and clans. Almost daily, incidents, investigations, court cases, raids, etc. are reported in Germany's media. Alarming often, "legal positions" attract attention, such as security or the managerial position of a brothel. In 2017, employees of Berlin security companies placed refugees from shelters into prostitution. *"There were also minors among them,"* the former volunteer helper told ZDF (public television).²⁹

Prostitution sites: Sexual exploitation without state care

Prostitution establishments are legally classified as service enterprises. An expert report by Renzikowski³⁰ commissioned by the Federal Government in 2007 stated:

"Exploitation occurs when the prostitutes have to hand over a high proportion of their earnings to the brothel operator because the costs and operational risk are passed on to them."

The profit motive of brothel operators is problematic, since the supposedly free market does not function according to the principles of justice and there are no approximately equal tariff partners facing each other, the report continues.

The women are not employed on a social security basis, as was still assumed in the 2007 report. *"The room costs 140 € rent per day. Every woman has to pay for at least 6 days a week, otherwise someone else gets the room."*³¹ Whether the women are exploited by brothel operators cannot be judged from the outside. The income of the prostitutes remains behind closed doors and is not transparent. Operators of prostitution establishments refer to the self-determination of the prostitutes. Control mechanisms do not exist or do not function. The woman "works" in a system that superficially pretends autonomy, but actually determines the women and puts them in a variety of dependencies.

State welfare is missing. Private autonomy is missing. Exit assistance is missing.

Women are at the mercy of sexual exploitation in the prostitution system. In many States Parties brothels are prohibited. According to other States Parties, prostitution is violence and violates human dignity. At this point it becomes clear that the German laws are based on a serious systemic error.

²⁷ "Sex for money - forced prostitution on the German-Czech border" minute 2:20
<https://youtube.com/watch?v=fVV9nwxW4z8&si=EnSikalECMiOmarE>

²⁸ Stuttgart Regional Court, judgment of 26.02.2019 - 7 KLS 200 Js 115430/13; https://landgericht-stuttgart.justiz-bw.de/pb/.Lde/Startseite/Aktuelles/Urteil+im+Paradise-Prozess_/?LISTPAGE=1195716 STPAGE=1195716

²⁹ <https://www.zdf.de/politik/frontal/fluechtlinge-zur-prostitution-gezwungen-100.html>

³⁰ Requirement 91 <https://www.bmfsfj.de/resource/blob/84534/764b646c1afece104ab1796ad7e7cc60/prostitutionsgesetz-gutachten-1-data.pdf>

According to the OSCE, exploitation occurs whenever a client pays a trafficked person:
https://www.osce.org/files/f/documents/7/f/489388_2.pdf

³¹ Docu February 2021 "Out of prostitution - Nadine wants to get out" minute 13:40
<https://youtube.com/watch?v=Z3JLUip2t0g&si=EnSikalECMiOmarE>

A woman who has been in prostitution herself describes the path Germany took in 2002 as a mistake - unworthy of human beings and exploitative. She says: "...because that makes it totally easy for the operators, the customers and everyone that earns money with it. I also don't think that if sex buying is criminalised, it will disappear underground, because this underground already exists today." ³²

One punter says, "If this were a crime, I wouldn't go either." ³³

Recommendations

Federal, state and local governments should:

- Draw up transitional concepts on how to start abolishing prostitution establishments already today and adopt necessary legal changes (e.g. do not designate any new areas under Art. 297 EC Criminal Code for sex purchase, do not authorise any new prostitution establishments).
- Allow municipalities and communities to prohibit prostitution establishments in the entire city or community area, regardless of the number of inhabitants.
- Dismantle prostitution sites and so-called brothel streets
- Immediately and urgently prohibit the advertising of places of prostitution.

C: Prostitution in Germany and the definition of human trafficking

According to the observations of our Alliance partners in Germany, the circumstances under which prostitution takes place generally correspond to the definition of trafficking in human beings in the sense of Article 4 a) of the Convention, as:

1. an **economic predicament** exists, for example due to homelessness or poverty;³⁴
2. a **personal predicament exists**, people fear deportation for lack of a right of residence³⁵ ; do not know the legal protection mechanisms and possibilities; are often under the influence of psychological and physical violence and are therefore unable to defend themselves against their exploitation;
3. there is helplessness due to the stay in a foreign country, lack of language or writing skills, lack of orientation (name of the city or municipality), lack of familiarity with the social infrastructure. Our Alliance partners state that between 80% and 98% of the prostituted women come from abroad. The women usually have no knowledge of German and left school early. Many are illiterate;

³² Docu February 2021 "Out of prostitution - Nadine wants to get out" minute 43:30

<https://youtube.com/watch?v=Z3JLUip2f0g&si=EnSikaECMiOmarE>

³³ "S*x for 10 Euros - Borderless Prostitution and its Consequences" minute 47:20

<https://youtube.com/watch?v=6iCxKzAHbyA&si=EnSikaECMiOmarE>

³⁴ Since the eastward expansion of the EU, women from Romania, Hungary and Bulgaria in particular have found themselves in prostitution in Germany. The economically poor conditions are therefore a push factor for many of them. Perpetrators take advantage of the economic pressure of families and especially women and recruit them abroad for jobs in Germany. Sometimes with deliberate deception, such as the promise of a job in the catering industry or as a model, or the women are "mediated" directly into prostitution - not infrequently by their own family members or close social environment.

³⁵ The situation of Nigerian women is particularly precarious because few of them have any prospect of refugee status and for many, release from the clutches of traffickers means being deported to Italy under the Dublin Regulation or back to Nigeria where the women cannot be protected. (SOLWODI Annual Report 2020, page 12f.)

<https://www.SOLWODI.de/seite/353266/jahresberichte.html>

A typical detailed example of the investigative effort in human trafficking from Nigeria and the psychological violence by means of the "juju" oath (voodoo oath): LG Duisburg, judgement of 27 January 2020 - 32 KLs 8/18).

4. it is difficult to prove that the characteristics (1.-3.) have been exploited because the perpetrators deliberately keep themselves in the background; in the case of very young women, it is often not possible to establish their age with certainty³⁶, because papers are forged;
5. recruiting, transporting, passing on, harbouring or taking in the women by perpetrators is the rule; the journey to Germany cannot be made alone; when the prostitution facilities in Germany were closed during the Corona pandemic, many women were homeless; contrary to the *Prostitution Protection Act*, they had just not rented their own living space, but only another room to spend the night in the brothel.
6. exploitation is present, as the pricing in prostitution is kept completely non-transparent and it is therefore obvious that perpetrators gain economic benefits with complete disregard for personal and economic concerns and without consideration of the consequences for the trafficked persons; in the Corona pandemic, many victims of trafficking were taken from Eastern Europe back to their home countries where controls are weaker.³⁷

Very many factors ultimately prevent a conviction of traffickers on the long and arduous path of prosecution. An enormous amount of effort is required to prove all the necessary elements of the offence. Therefore, a conviction of the perpetrators without victim testimony is almost never possible in Germany.

Recommendations

- Countries should ensure that criminal and judicial authorities immediately investigate any act that falls under the definition of trafficking or sexual exploitation if there is evidence that a woman in prostitution has been induced to do so by a third party. This should apply even if the woman says she is acting voluntarily or self-determined.

D: Poor prosecution - low risk for traffickers

Due to the legal regulation of prostitution, the investigative approaches have shifted from classical criminal law to labour law, social law or tax law.³⁸ The conviction rates are vanishingly low, so that traffickers in Germany do not run the risk of actually being prosecuted. Due to the legal regulation of prostitution, police investigations in Germany's red-light districts have become more difficult since 2002 than before. Human trafficking is a control crime. Prof. Yvette Völschow has coordinated a research project on human trafficking and interprets the low figures in the federal situation report on human trafficking as follows: *"If the capacities in terms of personnel are either not there or not so strongly deployed in the area, then you don't find so many cases."*³⁹

Since very few prostitutes are registered under the *Prostitutes Protection Act*, the regulatory and police authorities do not have the overview that the legislators had hoped for in order to combat human trafficking.⁴⁰

³⁶ <https://primsa.eu/wp-content/uploads/2015/08/Technologie-zur-Feststellung-von-Minderj%C3%A4hrigkeit-bei-weiblichen-Personen.pdf>

³⁷ <https://youtube.com/watch?v=Rc1c0CU7ETY&si=EnSlkaECMiOmarE> minute 10:00

³⁸ Federal Ministry 2007, margin note 95 :

<https://www.bmfsfj.de/resource/blob/84534/764b646c1afece104ab1796ad7e7cc60/prostitutionsgesetz-gutachten-1-data.pdf>

³⁹ <https://www.uni-vechta.de/soziale-arbeit/standard-titel-2/mitglieder-soziale-arbeit/voelschow> Reportage by Mitteldeutscher Rundfunk 2021 *"Forced into prostitution: How women are brutally exploited in Germany."*

<https://www.youtube.com/watch?v=tPHSPlJwlrq&t=761s> minute 18:30

⁴⁰ https://www.destatis.de/DE/Presse/Pressemitteilungen/2022/07/PD22_277_228.html
<https://dserver.bundestag.de/btd/18/090/1809080.pdf>

In addition, prosecution for human trafficking is generally a challenge. The procedures often require cross-border cooperation and are lengthy. Cooperation must take into account that corruption is sometimes very widespread in the countries of origin or that persons may be seriously threatened. An informant in Frankfurt says to an investigative journalist for a television documentary:

*"There are people in the government, people who should be fighting these things, who are afraid. Police officers are afraid of them. This is not a game. This is fucking serious."*⁴¹

It is therefore not expedient for German policy-makers to continue to block urgently needed legislative reforms in the direction of the Nordic Model by pointing to a lack of cooperation in the countries of origin.

⁴²

It has become known that a particularly large number of victims are brought to Dresden for sexual exploitation from the region of Jambol in Bulgaria. The public prosecutor's office in Jambol confirms that the official figures are "quite low" and assumes "a much higher number of unreported cases".⁴³

The investigations are very elaborate. This is confirmed by the *police of North Rhine-Westphalia*: "Telephone monitoring is initiated, thousands of conversations in Pidgin English or the Bini language are evaluated. The interpreter costs soon amount to over 300,000 euros."⁴⁴

Those affected are not recognisable and fear police and regulatory authorities. It is often not possible for aid organisations to establish a relationship of trust with them. Our aid organisations and specialised counselling centres confirm that many women are moved from city to city and are not in one place for long.

In Germany, there are criminal defence lawyers specialised in human trafficking. A suspect can easily avoid conviction, for example, due to lack of knowledge about a victim's minority. A current example of a trial against human traffickers, which has been going on for about two years at the Dresden Regional Court, shows that defence lawyers are aware of the special difficulties in presenting evidence and are skilled in trial tactics.⁴⁵ In November 2022, one of the two defence lawyers suddenly and unannounced resigned. The second defence lawyer requested that the trial be terminated and rescheduled. His client could not be adequately defended by him alone. The chamber should therefore, if it did not terminate the trial, repeat witness examinations from the first year. This would mean that injured parties from Bulgaria would have to be brought in again for questioning.⁴⁶ The lawyer of another accused confirms that she continues to procure women. Everything is reported and legal. According to the Dresden Regional Court, her economic activities have not been restricted.⁴⁷

The President of the *State Criminal Police Office of Baden-Württemberg*, Andreas Stenger, who knows the red-light scene and has himself investigated sexual exploitation for years, says that milieu-specific criminality cannot be curbed by legalising the trade and that the johns also need to be looked at much more closely:

⁴¹ September 2022: <https://www.zdf.de/dokumentation/zdfinfo-doku/billigware-sex-ausgebeutet-fuer-30-euro-100.html>

⁴² Human Trafficking and Prostitution, New Mafia Organisations in Europe, minute 11
<https://www.youtube.com/watch?v=re8c2WB-txI>

⁴³ Report by Mitteldeutscher Rundfunk 2021 "Forced into prostitution: How women are brutally exploited in Germany."
<https://www.youtube.com/watch?v=tPHSPJWlrg&t=761s> minute 16:00

⁴⁴ <https://polizei.nrw/artikel/junge-frauen-durch-juju-zauber-gefuehlig-gemacht>

⁴⁵ <https://www.saechsische.de/kriminalitaet/die-cause-frank-hannig-5784354.html>

⁴⁶ <https://www.saechsische.de/kriminalitaet/die-cause-frank-hannig-5784354.html>

⁴⁷ Report by Mitteldeutscher Rundfunk 2021 "Forced into prostitution: How women are brutally exploited in Germany."
<https://www.youtube.com/watch?v=tPHSPJWlrg&t=761s> minute 21:20

*"We basically need the statements to get to the people behind the scenes who make the really big money from the misery and misery of these women and of course that has not become easier for us with the prostitution law."*⁴⁸

Stefan Willkomm, Dusseldorf Public Prosecutor's Office - Special Department of Organised Crime - specialises in the loverboy method. In recent years, he has been able to uncover several cases of human trafficking with trafficked persons without reference to foreign countries. He does not believe that the loverboy situation in Dusseldorf is worse than in other cities and says: *"It is also noticeable in other public prosecutors offices that where certain colleagues are involved, more proceedings are carried out."*⁴⁹

Ultimately, the above-mentioned shortcomings and problems have been confirmed by the results of the evaluation of the penal provisions against human trafficking. According to the evaluation of the *Criminological Research Institute of Lower Saxony (KFN)* the reformed criminal provisions that came into force in 2017 are ineffective.⁵⁰ For example, 83% of the investigative proceedings examined were dropped. Only 11-14% of the perpetrators were convicted. Therefore, in June 2022, the justice ministers of the Laender had to hold out the prospect of another "holistic" reform of the entire regulatory area.⁵¹ The past 20 years have shown that it is not possible to effectively regulate the interests of the prostitution industry and the fight against human trafficking for sexual exploitation in a balanced way side by side. Germany turns a blind eye to its share of responsibility and does not give enough priority to combating human trafficking, especially because of the high number of unreported cases. There is a lack of data collection and a lack of staff and resources at the law enforcement agencies.

In 2023, the networks of human trafficking in Germany are still not confronted with a suitable instrument for prevention and prosecution. Measured against the extent of the problem, the activities of the Federal Government are absolutely insufficient. There is an acute need for action, as human trafficking and sexual exploitation is not only a serious crime, but also a grave violation of human rights that must not be tolerated a day longer.

Recommendations

The federal government and the federal states should work towards

- investigative structures in the fight against human trafficking and sexual exploitation are strengthened nationwide and special departments "Human Trafficking, Prostitution and Pimping" are established at the public prosecutors' offices. Budgets must be increased massively and sustainably in order to be able to prepare for the current and future challenges in terms of personnel and finances;
- Criminal and judicial officers should be better trained immediately and urgently, for example on the structures of organised crime in the context of prostitution and the Nigerian mafia.
- The justice ministries at the federal and state levels pursue legislation modelled on the Nordic Model (Equality Model) in the fundamental reorientation of penal provisions.

⁴⁸ "Forced Prostitution in Europe", 28:00, <https://youtube.com/watch?v=Rc1c0CU7ETY&si=EnSikalECMiOmarE>

⁴⁹ "Loverboys: Between Love and Human Trafficking" February 2018 minute 6:30
<https://youtube.com/watch?v=gAmAh10byTM&si=EnSikalECMiOmarE>

⁵⁰ Recently, the inadequacy of the tightening of the penal provisions on trafficking in human beings was determined by the Criminological Research Institute of Lower Saxony in an evaluation. Cf. <https://kfn.de/blog/2021/11/neuer-forschungsbericht-veroeffentlicht-evaluierung-der-strafvorschriften-zur-bekaempfung-des-menschenhandels-%C2%A7%C2%A7-232-bis-233a-stgb/>

⁵¹ https://www.justiz.bayern.de/media/pdf/top_ii.13_-_bek%C3%A4mpfung_von_menschenhandel.pdf Point 2

E: Increasing the danger to minors - violation of Art. 5 (5)

According to Art. 5 (5) of the Convention, Germany shall take special measures to reduce the risk of child victimisation, in particular by creating a protective environment for children. According to the definition in Art. 4 d), the term "child" means a person who is under 18 years of age. Young people are particularly vulnerable to trafficking for sexual exploitation. According to the Bundeskriminalamt (BKA), the number of underage victims of commercial sexual exploitation increases every year.⁵² We know that for many victims of human trafficking in Germany, sexual exploitation began in childhood.

Ana Maria Cordun, from the Timisoara Regional Administrative Centre, describes: *"Generally, they are extremely young women, almost girls - just 18 years old."* Certain characteristics would lead to their being exploited by traffickers. They have no family or no support from their family. Often they come from shelters. They are looking for emotional attention. The low standard of living is not the main factor, but the lack of family. Therefore, they have low self-esteem and low self-respect.⁵³

This is also true for young women and girls in Germany.⁵⁴ In addition, they have grown up in a society where consent to sexual acts can be bought. In our Alliance there are experts on the prevention of child sexual abuse and psychotherapists. They assess the handling of prostitution in Germany as a completely wrong approach if one wants to prevent child sexual abuse or enable healing for those affected.⁵⁵

Sexual child abuse for money often begins in Germany's children's rooms⁵⁶. The BKA reports: *"In the case of a good third of underage victims (95; 35.8 %), the initial contact was made via the internet, especially via relevant platforms, chats, online games and social media. A large number of victims (49; 18.5 %) agreed to be contacted."*

"You can just fake your date of birth," said a young woman who had registered on a Sugarbabe site when she was 17.⁵⁷ Before that, she had been raped during a school exchange. Today she says: *"I raped myself for years after that."*

In the meantime, this is referred to as "pocket money prostitution", so-called *TGT (pocket money meetings)*.⁵⁸ Dr. Thomas-Gabriel Rüdiger, head of the Institute for Cybercriminology at the Brandenburg Police University, has been urgently warning against cybergrooming and pocket money prostitution in Germany for years. *"I'll just give you money" or "I'll offer you pocket money" or "I get you a new mobile phone"* are common offers, according to Dr. Rüdiger. In online games, perpetrators would demand masturbation videos in return.⁵⁹

To make contact, there are numerous internet platforms where one can specifically search for minors with "TGT". The "cloak of invisibility" of the German prostitution laws therefore hides not only traffickers

⁵²Page 11

<https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Menschenhandel/menschenhandel/Bundeslagebild2021.html?nn=27956>

⁵³ minute 29:20 SWR Docu: Illegal prostitution the dangerous business with sex

<https://www.youtube.com/watch?v=43phPZzoydE&t=1778s> Minute 41:10

⁵⁴ Documentary from 2021 "Via Chats into Prostitution" <https://youtube.com/watch?v=k0XVrcimqL8&si=EnSlkalECMiOmarE>

⁵⁵ https://michaela-huber.com/wp-content/uploads/2021/02/nzz-dissoziative-identitaetsstoerung_test.pdf <https://www.pfotenweg.de/motivation/ziele>

⁵⁶ a current example from an ongoing process in Bavaria <https://www.traunsteiner-tagblatt.de/region/nachrichten-aus-bayern/artikel-zwangsprostitution-und-missbrauch-opfer-will-reden-aid.764520.html> -(Aktenzeichen: 1 KLS 8 Js 14058/21) the judge insisted on the victims testimonial

⁵⁷ Docu: "I prostituted myself at 17" <https://youtube.com/watch?v=BRRWnqqm89s&si=EnSlkalECMiOmarE> minute 13:00

⁵⁸ More examples from Germany:

Docu "Sex instead of school" from 2021 <https://youtube.com/watch?v=KMPxdnaG7cl&si=EnSlkalECMiOmarE>

⁵⁹ Victim of cybergrooming at 14; minute 9:00; <https://hpolbb.de/dr-iur-thomas-gabriel-r%C3%BCdiger-ma> <https://youtube.com/watch?v=G8YFjw92bOq&si=EnSlkalECMiOmarE>

and pimps, but also abusers. The deterrent effect of the criminal offences that are supposed to protect minors from sexual abuse in prostitution today has noticeably diminished. It is to be assumed that the increase in illegal image material on the internet also strongly promotes the curiosity of the perpetrators towards young victims. Since it is generally allowed in Germany to "buy" consent to sexual acts, it is also very likely that minors in Germany are abused every day in exchange for money. Because *"you can make a mistake"* or *"you didn't think about it carefully"*. This is shown by the following conversation with a man who had advertised in a German online TGT format *"the younger, the better"* and who, when asked by the journalist by phone, said: *"...that was not referring to minors. That was only 17, 18 or 16 I thought was good. It was just curiosity, that's all it was. If a 13-year-old had come, I don't think anything would have happened. Maybe she would have been naked with me and I would have jerked off - I don't know."*⁶⁰ The pocket money allows such perpetrators in Germany to delude themselves that they are also doing something good.⁶¹ The consent of a minor has no significance in terms of criminal law, but in sentencing, the outward voluntariness could be taken into account in mitigation of the punishment, in addition to the special framework conditions in the run-up to the offence.

Prostitution laws have led to a strong normalisation of commercialised sexual acts. This image is also transferred to perpetrators of child sexual abuse for money. Former victims, put under pressure and in trigger situations, often automatically fall into old, unconscious and repressed behavioural patterns of total helplessness and also of so-called "propositioning". Offering is an automatic reaction mechanism known as the *"Fight, Flight, Freeze"*⁶², Fiddle, Fawn mechanism". "Fiddle and Fawn", can be translated as a "playing around and playing along". This then seems like an affirmative attitude, e.g. also to sexual intercourse, but in reality it is a reaction of helplessness, which has often been trained into the human being as a victim over many years.

It is difficult for the police to intervene because of the current laws. This is also described by specialised counselling centres. *"What is the police supposed to do, if the girl says during a police check: "No, I'm just standing here waiting for someone"?"*⁶³

The *Federal Criminal Police Office* states for the year 2021 that every third identified victim of human trafficking for sexual exploitation was under 21 years old.⁶⁴ Franziska Kramer, the officer responsible at the BKA for combating human trafficking and the exploitation of minors in "forced prostitution" reports that young women from all social classes become victims. Mostly, the traffickers, pimps and loverboys organise the linking on the portals. *"There are platforms where minors offer themselves to earn so-called pocket money. The exploitation of minors in particular has increased enormously. It has become much easier for the perpetrators. Before, they had to stand in front of the school or approach someone in the discotheque. Spend the whole evening with someone. Today they can write to 10, 20 girls at the same time via Instagram."*⁶⁵

The fact that the women in prostitution are so young also has to do with the demand of the clients, which is increasingly directed towards young women, making the "recruitment" and "selling" of very young women particularly lucrative for pimps and traffickers. Many of the women were under the age of majority when they entered prostitution. Our Alliance partner *Windrose e.V.* has been doing educational work

⁶⁰ <https://youtube.com/watch?v=ILD3kNrSetU&si=EnSikalECMiOmarE> minute 22:20

⁶¹ More shocking quotes from john forums, researched by our Alliance partner Elly Arrow: <https://dieunsichtbarenmaenner.wordpress.com/tag/minderjaehrig/> <https://programm.ard.de/TV/Untertitel/Nach-Uhrzeit/Alle-Sender/?sendung=281084000083447>

⁶² "Fight and Flight", i.e. fight and flight; "Freeze" in the sense of shock/helplessness

⁶³ Loverboys: Between Love and Human Trafficking" February 2018 minute 20:30 <https://youtube.com/watch?v=gAmAh10byTM&si=EnSikalECMiOmarE>

⁶⁴ https://www.bka.de/DE/Presse/Listenseite_Pressemitteilungen/2022/Presse2022/221007_BLMenschenhandel.html#:~:text=Victims%20of%20sexual%20exploitation%20were%20with,increased%20in%20the%20reporting%20year%20strongly%20

⁶⁵ from minute 22:00 <https://www.zdf.de/funk/ultraviolet-stories-12250/funk-missbrauch-im-netz--und-keiner-hilft-102.html>

since 2017 with the pedagogically elaborated programme "Liebe ohne Zwang"⁶⁶ about the loverboy method at educational institutions in Germany. Since then, *Windrose* has not yet been to a school where no victim of the loverboy method has come forward.⁶⁷ A survey by the school administration office at schools in the vicinity of Dortmund's red light district showed that at least one case was known at each school.⁶⁸ The former detective superintendent, Bärbel Kannemann, did educational work at German schools nationwide for years and says: *"I have given lectures at very different schools, from Schleswig-Holstein to Constance. So far, I've only had one school where there were no victims."* She goes on to explain that parents did not know the problem and be very surprised to hear that there are loverboys everywhere, especially in the countryside where there is little going on. *"That's where the kids are a lot on the internet. And that's where the loverboys are."*⁶⁹ She complained that her free educational work was often rejected by German schools. It was often the teachers who said: *"No, not another one of those. We have enough. We don't need to start with that too. We don't have anything like that at our school"* and then the topic is often pushed aside.⁷⁰ Our Alliance partner "Netzwerk gegen Menschenhandel" (Network against Human Trafficking) also does educational work to make people aware that German girls and boys are also affected and become victims regardless of their social background.⁷¹

Prosecutor Stefan Willkomm explains: *"The victims are severely traumatised in different ways and to different depths, some of them need medical help. The acts have massive impacts on the victims' lives."*⁷²

A victim, herself the daughter of a woman in prostitution, was first paid for sexual abuse when she was 14 years old in Frankfurt's Bahnhofsviertel. She was a drug addict and homeless. *"At some point I got involved with a Lebanese extended family. The members wrote with the men - quite professionally. It was about escort. At first I got my money. Then I didn't want it any more and was beaten. I did 28 men a day. I was like a machine for them."*⁷³

The German laws trivialise the system of prostitution, undoubtedly increasing the risk of children becoming victims. This therefore constitutes a violation of Art. 5 (5).

Recommendations

- The federal government should immediately and urgently initiate and permanently finance comprehensive awareness campaigns at all levels, federal, state and local. Children, parents and educators should be made aware of the loverboy scam and the harmful consequences of prostitution.
- Federal states and municipalities must immediately and directly oblige their schools on a

⁶⁶ <https://liebe-ohne-zwang.de/de/>

⁶⁷ Loverboys: Between Love and Human Trafficking" February 2018 minute 38:30
<https://youtube.com/watch?v=gAmAh10byTM&si=EnSikalECMiOmarE>

⁶⁸ "Loverboys: Between Love and Human Trafficking", February 2018, minute 14:00;
<https://youtube.com/watch?v=gAmAh10byTM&si=EnSikalECMiOmarE>

⁶⁹ "Loverboys: Between Love and Human Trafficking", February 2018, minute 14:30;
<https://youtube.com/watch?v=gAmAh10byTM&si=EnSikalECMiOmarE>

⁷⁰ Loverboys: Between Love and Human Trafficking" February 2018 minute 32:00
<https://youtube.com/watch?v=gAmAh10byTM&si=EnSikalECMiOmarE>

⁷¹ Loverboy Mesh - Expose <https://youtube.com/watch?v=E20HS68y3Zs&si=EnSikalECMiOmarE> minute 0:10 <https://liebe-ohne-zwang.de/de/>

⁷² Loverboys: Between Love and Human Trafficking" February 2018 minute 19:00
<https://youtube.com/watch?v=gAmAh10byTM&si=EnSikalECMiOmarE>

⁷³ "What is it like to be a forced prostitute?" minute 10:00 <https://youtube.com/watch?v=Pk0stUjNdXc&si=EnSikalECMiOmarE>

permanent basis to integrate education about the new methods of loverboys into lessons at regular intervals and to offer it to guardians.

- Legislation should criminalise soliciting for prostitution by means of feigned love from the beginning of the deceptive act
- The legislator should punish johns in general and provide for higher penalties if the victim is under 21.
- Law enforcement authorities must be put in a better position to actively investigate. In the case of cybergrooming, the intention of the perpetrator must be punished. The penalty must be significantly higher if a quid pro quo is offered in exchange for sexual activity. Perpetrators are to be punished even if they state that they were mistaken about the age.
- Internet sites where minors can easily overcome access barriers must be closed immediately and urgently.
- The federal, state and local governments should choose clear language⁷⁴ that does not trivialise the existence of criminal acts. Terms such as "*young people in prostitution or child prostitution*" should no longer be used with immediate effect, as this is sexual abuse.

F: Human trafficking 2.0 - new ways of sexual exploitation also in Germany

In Germany, too, human traffickers, pimps and loverboys are using new digital ways and means of communication and payment that urgently require a turnaround in Germany's prostitution policy.

1. More and more, the initiation to buy sex is shifting into the digital space. Numerous **internet platforms** with limitless choices have emerged across Germany.⁷⁵ This means that the opportunities for traffickers and pimps in Germany in 2023 are moving in new, unimagined dimensions.
2. Ulrich Derks, investigator of the *Bochum police*, says: "*The money is collected once a week.*" Bochum and the Ruhr region are considered a "hotspot" for organised crime from Africa. "*The money then goes directly towards Nigeria.*" Of course, it is also invested in the journey of the next girls, so that "new merchandise" arrives here in Germany immediately. The perpetrators would use the so-called **hawala system**. This means that the money is transferred abroad within minutes via contact persons in Germany. Everything is very well organised to allow illegal money flow, he said. "*But the difficulty is, if it happens in the hawala area or in underground banking, you as a state or as an institution have no chance at all,*" Derks, the police expert on human trafficking for the purpose of sexual exploitation, explains further.⁷⁶
3. A focal prosecution office has been set up in Bucharest. Chief prosecutor Camelia Stoina says: "*The victims are also getting younger and younger. If they are brought to Germany - there they are **exploited and even filmed**. If the perpetrators are caught, they should actually also be charged with human trafficking and pornography with minors.*"⁷⁷ It is impossible for parents to ensure the protection of their children. Parents are not IT experts or surveillance helicopters.
4. A victim of the loverboy method, who comes from the poorest region in Romania, describes: "*I met him on a **social network**. He was staying in Munich at the time. Then he came here from Germany.*" Once in Germany, he threatened to push her out of the 10th floor if she did not prostitute herself.⁷⁸

⁷⁴ <https://www.terminologie.ecpat.de/leitfaden-fuer-angemessene-sprache/begriffs-check/>

⁷⁵ In order not to promote them, none are mentioned here.

⁷⁶ Minute 27:00 <https://www.zdf.de/dokumentation/zdfinfo-doku/billigware-sex-ausgebeutet-fuer-30-euro-100.html>

⁷⁷ Minute 32:30 SWR Docu: Illegal prostitution the dangerous business with sex
<https://www.youtube.com/watch?v=43phPZzoydE&t=1778s>

⁷⁸ Minute 29:50 SWR Docu: Illegal prostitution the dangerous business with sex
<https://www.youtube.com/watch?v=43phPZzoydE&t=1778s>

5. **Modern face apps** allow perpetrators to deceive about their appearance in live video (for example gender and age).

There is an urgent need to acknowledge that pimps/loverboys in Germany today use social media channels such as Instagram to establish contact with their victims. Sexual exploitation takes place in ordinary social networks. Perpetrators are thus difficult to recognise as such, especially for young people. The *Criminological Research Institute of Lower Saxony (KFN)* warns, for example: "*There, the perpetrators see the photos of the victims right away and pick almost purposefully as if in a catalogue.*" ⁷⁹

Recommendations

- see Chapter II Article 5 E
- The Confederation should implement the OSCE's recommendation requiring website operators to set up chatbots.⁸⁰
- The Confederation should urgently and immediately examine whether, and if so what, strategies need to be taken to prevent persons seen engaging in sexual acts in the digital space from being victims of trafficking for sexual exploitation, pimps and loverboys.
- The criminal investigation departments of the states are to set up specialised departments to specifically search Internet sites for dialogues that indicate human trafficking for sexual exploitation and child sexual abuse for money.

Article 6 - Measures to counter demand by more lenient means

In the following we report on demand response through milder means.⁸¹ According to the OSCE, Germany has not taken any measures, or the measures it has taken are not effective.⁸² In the view of the *Alliance Nordic Model*, there are no functioning mitigating means in Germany aimed at reducing demand. In the following we present the areas A Media, B Social Work and C Population and Politics. All areas are based on the same serious systemic error: the effect of the legal definition of prostitution as an autonomous sexual service.

A: The media

It can be observed that various actors from the prostitution milieu, such as brothel operators, use the media and public stages to play down prostitution as a normal everyday occurrence and to present themselves as normal business people. In the past, too much emphasis was placed on "balanced" debates. Profiteers of prostitution of others were able to spread their "business idea" in front of a wide audience. This was also the case with the brothel operator of the "Paradise" in Stuttgart, who was later

⁷⁹ www.welt.de/vermischtes/video226584857/Loverboy-Falle-Instagram-LKA-Niedersachsen-warnt-vor-Masche-in-sozialen-Netzwerken.html

⁸⁰ OSCE 2021, page 66: https://www.osce.org/files/f/documents/7/f/489388_2.pdf

⁸¹ "Mitigating means" refers to the means of punishing johns. The OSCE assesses the means of a general punishment of johns as an indispensable but last resort.

⁸² <https://www.xn--bndnis-nordischesmodell-cpc.de/b%C3%BCndnistagung-2022>

convicted of aiding and abetting human trafficking.⁸³ Critical and sensitive media coverage is absolutely necessary so that the press does not involuntarily turn into an advertising platform for prostitution. Furthermore, there is a need for better sensitisation in reporting on human trafficking and sexual exploitation. Far too often, people talk about "sex work" or "service providers" in this context. Such a choice of words does not do justice to the actual crime and human rights violation at hand.

B: Social work

In socio-educational practice in Germany, there are different perspectives on prostitution. The sphere of action 'prostitution' is characterised by socially conflicting political perspectives and there are vehement disputes about the respective sovereignty of interpretation. Social work with its counselling services and support systems operates in the midst of this diversity of conflicting interpretations of "sin", "violence", "freedom", "profession" and "market". Social work faces a highly complex situation. It faces the challenge of being aware of the diversity of interpretations in its commitment to prostitutes in order to be able to offer appropriate individual and structural help.⁸⁴ An extreme example: In 2021, a publicly funded counselling centre in Karlsruhe concluded an agreement with brothel operators, among others, with the perspective of developing and implementing a "seal of approval" for brothels. After strong protests, the idea was not pursued.⁸⁵ Solidarity with prostituted women and an orientation towards their needs should always be the basic motive of social work in the field of prostitution.

In 2002, the legislator decided on the following view of prostitution: *prostitution is an autonomous decision to engage in a risky activity*.⁸⁶ The legislator's view of prostitution ignores the fact that it has been proven that not exiting prostitution in Germany is not an autonomous decision.⁸⁷ There is no legal entitlement to state-funded exit assistance.⁸⁸ Entering prostitution has a completely different character of self-determination than exiting. The probability of not being able to exit autonomously after entering prostitution is very high.⁸⁹ In addition, exploitation and human trafficking are a permanent threat. Countries that already implement the Nordic Model, unlike Germany, do not accept this gender-specific threat to women. They follow their constitutional mandate to establish equality, their state duty of care, and define *prostitution as violence*.

C: Population and politics

"...one of the worst things was that all those dirty pigs were allowed to touch me..." says a trafficked person⁹⁰ -

- while in Germany prejudice, misunderstanding, misdirection and unprovable assumptions are at the

⁸³ <https://landgericht-stuttgart.justiz-bw.de/pb/Lde/Startseite/Aktuelles/Urteil+im+Paradise-Prozess/?LISTPAGE=1195716#:~:text=Verhandlungstag%20verurteilte%20das%20Landgericht%20den,Gesamtfreiheitsstrafe%20von%20fünf%20Jahren%20bzw.>

⁸⁴ Barz, Monika (2020): Soziale Fachkräfte im Engagement für Prostituierte - Deutungsmuster, politische Ziele, Entwicklungen. In: Werkstatt PARITÄT gemeinnützige GmbH (ed.): Beratung, Unterstützung und Perspektiven für Frauen in der Armutsprostitution. Experiences from five years of project work in bella and bella, Stuttgart pp. 6-12. https://www.werkstatt-paritaet-bw.de/wp-content/uploads/2021/02/20212_Brosch_Bellaplus_final_1.0.pdf

⁸⁵ <https://www.welt.de/vermischtes/article234893694/Nach-Protesten-Diakonie-Karlsruhe-stoppt-Qualitaetssiegel-fuer-Prostitutionsbetriebe.html>

⁸⁶ <https://www.bmfsfj.de/resource/blob/84046/f0c60f25ee8cd96f2560be3b070d7b05/bericht-bureg-auswirkungen-prostitutionsgesetz-data.pdf> - page 6

⁸⁷ <https://huschemau.de/2017/06/15/warum-ist-der-ausstieg-aus-der-prostitution-so-schwer/>
<https://www.trauma-and-prostitution.eu/2018/12/28/nie-wieder-prostitution/#:~:text=One%20thing%20is%20sure%3A%20Der.Misere%2C%20but%20one%20more%20H%C3%BCrde.>
<https://sisters-ev.de/#handeln>

⁸⁸ However, there are organisations that receive government funding, although they also offer entry-level support, for example: <https://www.madonna-ev.de/index.php/wir-ueber-uns/was-wir-wollen.html>

⁸⁹ In "normal working life" it is already difficult to go new ways. On the obstacles to leaving in Germany: <https://rm.coe.int/2021-07-09-alliance-nordic-model-shadow-report/1680a33a24>

⁹⁰ Docu Forced Prostitution in Europe, minute 14:20 <https://youtube.com/watch?v=Rc1c0CU7ETY&si=EnSikaIECMiOmarE>

forefront of political and social discourse. The majority of the civilian population and politicians in Germany have hardly any awareness of the causation of demand for human trafficking for sexual exploitation.⁹¹ The realisation that every john directly causes additional significant harm to a victim of human trafficking and sexual exploitation, which is tantamount to rape, remains completely in the background of the debate in Germany.⁹²

The *Alliance Nordic Model* includes numerous individuals and organisations that have years of experience with the lack of education about the importance of demand. Germany's legislation offers society a wide range of arguments and justifications to suppress the daily suffering of persons impacted by trafficking and sexual exploitation:

"Everything is controlled"; "There are criminal laws against human trafficking"; "Why? Let the trafficked go to the police"; "I'm sure they do it voluntarily"; "It's fundamentally a sexual service in Germany"; "Trafficked persons can be recognised and distinguished from sex workers"; "There is no human trafficking in a proper brothel, and certainly not if you pay a lot of money"; "It's safe in German brothels and victims of human trafficking can press the emergency button at any time"; "There is no human trafficking in escort services", ...

According to § 15 of the Prostitute Protection Act (ProstSchG), authorities check the "reliability of persons" and according to § 16 (2) No. 2 b), operational concepts of prostitution establishments should constitute measures to "ensure" that "no persons who are trafficked into prostitution" are working there. While even the BKA points out that "self-determination" is very difficult to recognise (see below Art. 19 A), such laws nurture illusions about a superficial legality of the prostitution taking place in the prostitution establishments.

After an overall review of all the milder measures taken by Germany, the *Nordic Model Alliance* finds that Germany is unable to reflect the actual conditions in prostitution and partially even conceal them with the procedures laid down in the *Prostitution Protection Act*, such as registration procedures or the examination of brothel operation concepts.

Recommendations

We recommend that the federal government, the federal states and municipalities

- fulfil their state duty of care by preventing prostitution in general and not to consider money for a sexual act as consent.
- the Federal Government should urgently and immediately develop a national strategy to combat trafficking in human beings for sexual exploitation that follows the recommendations of the OSCE and respects Germany's obligations under Art. 9 of the Palermo Protocol.
- adopt a legal right to exit assistance,
- adopt the Nordic Model countries' definition of prostitution as gender-based violence.
- urgently promote, initiate and implement projects and prevention measures for broad education on human trafficking for sexual exploitation (e.g. the one on the loverboy method).

⁹¹ There are politicians who advocate for a turnaround. <https://www.xn--bndnis-nordischesmodell-cpc.de/Unterst%C3%BCtzerInnen> They report that at the moment the turnaround is not progressing because everyone is waiting for the evaluation of the Prostitution Protection Act in mid-2025.

⁹² According to the OSCE, exploitation occurs whenever a client pays a trafficked victim. The greatest violence experienced by prostitutes, and consequently victims of trafficking, is perpetrated by clients. https://www.osce.org/files/f/documents/7/f/489388_2.pdf

- urgently raise awareness in civil society, through campaigns and education, that the demand for prostitution is causal to trafficking for sexual exploitation.
- arrange for independent research to be conducted on the impact of a legally regulated, non-punishable sex purchase on awareness in society and the fight against trafficking for sexual exploitation, compared to the development of awareness in countries with a sex purchase ban.

Chapter III - Measures to protect and promote the rights of victims, guaranteeing gender equality

Article 10 - Identification as a victim

Specialist counselling centres on prostitution and on human trafficking for the purpose of sexual exploitation offer valuable assistance and support. Their years of experience are indispensable in supporting women who want to leave prostitution or who have become victims of human trafficking. Specialist counselling centres, such as our Alliance partner KARO e.V., have adapted to today's ways of sexually exploiting women and the shift of contact to the digital space: One staff member explains how they go about seeking out women: *"I search the internet for addresses. I write them down on a list and then we can go."*⁹³ Often, however, they notice: *"The ad texts are grammatically perfect and then you go there and the woman doesn't speak a word of German. So someone has done it for the person,"* she continues.

The number of cases of human trafficking recorded annually by the Federal Criminal Police Office has been declining for years,⁹⁴ but according to the analysis of Helmut Sporer, former senior criminal counsellor, the official case figures do not reflect reality at all:

"If one takes a mathematical average of 300,000 prostitutes and assumes that only half of them do not work voluntarily and are therefore mostly victims, this results in a figure of 150,000 victims in prostitution. In relation to the 406 registered victims from the Situation Report 2020, this means that arithmetically just about 0.3 per cent of the victims are recognised and registered."⁹⁵ The state is not sufficiently fulfilling its responsibility. It does not provide effective instruments against human traffickers. This means that the current system does not work.⁹⁶

Identifying victims and getting them to testify is always a very difficult task because victims of human trafficking and sexual exploitation on the one hand see themselves as being at high risk from perpetrators and on the other hand often do not see themselves as being affected (lack of knowledge of language and the law, learned helplessness, lack of trust in judicial authorities, etc.). In Germany, trafficked persons and victims of sexual exploitation are also prevented from recognising themselves as victims:

1. Because they basically have to move in a society where buying sex is exempt from punishment and where terms like "sex work", "clients", "sexual service", etc. prevail or where even, for

⁹³ Sex for money - Forced prostitution on the German-Czech border minute 1:30
<https://youtube.com/watch?v=fVV9nwxW4z8&si=EnSikalECMiOmarE> April 2019

⁹⁴ Kriminaloberrat a.D. Helmut Sporer in "Der neue Deutsche Weg" 2022, page 42
<https://www.hss.de/publikationen/der-neue-deutsche-weg-pub2284/>

⁹⁵ Kriminaloberrat (retired) Helmut Sporer in "Der neue Deutsche Weg" 2022, page 43
<https://www.hss.de/publikationen/der-neue-deutsche-weg-pub2284/>

⁹⁶ Sporer, Helmut, Augsburg Senior Criminal Councillor (ret.), responsible for "organised crime", in
<https://www.emma.de/artikel/der-ermittler-337507>

example, safety is advertised,⁹⁷ although it is known to the experts that it is the sex buyer who commits additional violence against women in prostitution.⁹⁸

2. The boundaries between legal and illegal only exist in theory in legal texts. Our alliance partners assess the above terms in the context of prostitution as very misleading in practice.
3. Because trafficked persons for the purpose of sexual exploitation cannot identify themselves as victims or even know that they are victims under German criminal law.
4. Because trafficked persons for the purpose of sexual exploitation are under enormous pressure from their pimps and are usually blackmailed.
5. Because those affected perceive prostitutes in their environment who are purely outwardly no different from them and do the same as they do themselves.
6. Because determining whether the offence of trafficking in human beings for sexual exploitation or forced prostitution has been committed requires years of litigation and painstaking detail work by lawyers, criminal investigators and expert witnesses. How is a trafficked person supposed to trust that justice will be served?
7. Because pimps/loverboys in particular use the legal situation in Germany as an argument to exploit very young victims for years: *"He said it was all quite normal. That is the key word: normality. Prostitution is normal and a job like any other."*⁹⁹
8. Profiteers of the sex industry claim that the number of victims of human trafficking and forced prostitution is declining or stable, although the Federal Criminal Police Office, for example, points to the high number of unreported cases every year.¹⁰⁰

*"I thought prostitution was legal in Germany and therefore it couldn't be a bad thing," Marietta Hageney (SOLWODI Baden-Württemberg counselling centre) quotes a trafficked person as saying and then continues: "...reality turned out to be different. She was brutally raped several times and was told what she had to do now."*¹⁰¹

Recommendations

The federal, state and local governments should

- Adequately and sustainably promote specialised counselling centres for prostitutes and specialised counselling centres for human trafficking for the purpose of sexual exploitation.
- Consult and promote domestic organisations of survivors of prostitution so that their valuable expertise and experience can be fully utilised in identifying victims in Germany. Meaningful alternative solutions to the current registration under the Prostitution Protection Act must be developed.¹⁰²
- Develop concepts that make it easier for the high number of undetected victims of human trafficking and sexual exploitation in Germany to recognise themselves as trafficked persons.
- develop concrete factual evidence of coercion, violence, abuse of power, exploitation of weakness or inequality;

⁹⁷ "Welcome to xxxstreet in xxx, forced prostitution, human trafficking, child prostitution- No, thank you! More fun with SAFETY" <https://taz.de/Tag-gegen-Menschenhandel-am-30-Juli/15524028/>

⁹⁸ https://www.osce.org/files/f/documents/7/f/489388_2.pdf, page 19

⁹⁹ Thus an article by our Bündnispartner EMMA in an interview with Sandra Norak, former prostitute; <https://www.emma.de/artikel/die-wuerde-des-menschen-ist-antastbar-336695>

¹⁰⁰ https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/Menschenhandel/menschenhandel_node.html

¹⁰¹ "Forced Prostitution in Europe", minute 17:50, <https://youtube.com/watch?v=Rc1c0CU7ETY&si=EnSikalECMiOmarE>

¹⁰² <https://www.ge-stac.com/> <https://netzwerk-ella.de/>

- Investigate situations and circumstances where exploitation and coercion for sexual acts could be present despite the absence of the above indications (e.g. in the psyche: dissociation, programming, learned helplessness, etc.).
- Train and sensitise police and judicial authorities, counselling centres so that terms such as "sex work", "clients", "sexual service" are avoided in the environment of potential trafficked persons - i.e. dealing with prostitutes in general.
- Advertising for prostitution and places of prostitution must be banned immediately and urgently.

Chapter IV - Substantive criminal law

Article 19 - Criminalisation of the use of services of a victim

Germany's attempt to regulate prostitution can serve as a negative example worldwide. Worldwide, German prostitution policy is fuelling sex tourism to Germany. Texts like this are used to advertise trips to Germany abroad.

"Prostitution is legal in Germany, and in fact, workers of brothels in Germany are provided with health insurance, and they pay taxes and receive social benefits such as a pension." ¹⁰³

"5 Things you must do in Germany: ...2. Prostitution is legal in Frankfurt and in all of Germany, in fact. So, in the Red Light District, you'll find many sex shops, strip clubs, and brothels. I actually saw many men in suits taking a break from what looked like their jobs to go into brothels...."

The German model does not protect prostitutes from violence, but increases the number of women who become victims of violence.¹⁰⁴ 2021 OSCE has developed a strategic concept¹⁰⁵ with all the components of the so-called "Nordic Model". The OSCE recognises:

1. **Concepts** that do not include punishment for johns will never stop the driving factor towards human trafficking. The driving factor is profit through the money of the Johns.
2. **Punishment of clients** that presupposes the knowledge of the client is ineffective.
3. **General punishment of johns** is effective and sensible.
4. **For victims of human trafficking**, it is irrelevant whether a john recklessly or unknowingly took advantage of their plight.
5. **The greatest violence** experienced by prostitutes, and consequently victims of trafficking, is perpetrated by clients.
6. **Any act with a victim** of human trafficking is itself exploitation.

The general punishment of johns is to be implemented alongside the milder means.¹⁰⁶ However, it should be the last resort when sex buying is attempted. In the following three sections we describe the effects of German laws on the behaviour of johns.

A: Punishment for johns according to § 232a (6) StGB (Criminal Code) is ineffective

Germany has become a main destination country for sex tourists. The legalisation of prostitution has changed the self-image of the johns. They see themselves as "customers", entitled by the prostitution laws, who "only" use a "sexual service". In the eyes of the johns, the police are responsible for clearing up human trafficking - not them.

¹⁰³ No one learns that in fact the fewest prostitutes have health and social insurance; <https://taz.de/Nur-wenige-Prostituierte-sozialversichert/5573866/>; The doctors and therapists in our Alliance describe the state of health of most prostituting women as catastrophic and confirm the lack of health insurance.

¹⁰⁴ <https://rm.coe.int/2021-07-09-alliance-nordic-model-shadow-report/1680a33a24>

¹⁰⁵ https://www.osce.org/files/f/documents/7/f/489388_2.pdf

¹⁰⁶ on the milder remedies, see above, Article 6

Punishment of johns for sexual acts against victims of trafficking for sexual exploitation or forced prostitution is theoretically possible in Germany under the conditions of § 232a (6) of the *Criminal Code* (StGB). The *Criminological Research Institute of Lower Saxony* (KFN) evaluated the criminal provision in its version of October 2016 and found that "*the risk for a john to be prosecuted for an offence under § 232(6) a) sentence 1 StGB is close to zero.*"¹⁰⁷ The OSCE comes to the same conclusion. In Germany, there was a single investigation under § 232a of the Criminal Code (forced prostitution) between 2017 and 2019, but over 330 victims were identified in the same period.¹⁰⁸ "*The knowing use statute is not an effective tool to reduce demand*", says Valiant Richey, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.¹⁰⁹

The KFN evaluation was completed in September 2021. Shortly thereafter - in October 2021 - the requirements for punishing clients in subsection 6 were slightly tightened. The law now reflects a gross negligence standard. Theoretically clients could also be punished who carelessly overlook the fact that a victim is being trafficked. Richey comments on this recent change as follows: "*Strict liability statutes or statutes addressing sex buying, which we have seen being adopted in a number of countries more recently, are much more likely to be successful in tackling demand.*"¹¹⁰

Two johns, supported by the *Federal Association of Sexual Services (Bundesverband sexuelle Dienstleistungen e.V., BesD)*, filed a constitutional complaint against this tightening with the Federal Constitutional Court on 2 June 2022.¹¹¹ This is another sad low point in the negative effects of the legalisation of sex buying in Germany. Ruthless pursuit of one's own interests by demanding that the fight against human trafficking for the purpose of sexual exploitation stand back for:

- the interest in being able to legally consume sexual acts for money without hesitation
- the interest in clients who are willing to pay and do not have to fear prosecution
- the interest in revenues of the prostitution industry, such as payments for rooms in prostitution establishments

So far, the tightening on "reckless" oversight has not been shown to have any effect.

Even the BKA writes on the recognisability of victims of human trafficking for sexual exploitation by criminal investigators: "*Whether the existence of human trafficking is recognised depends essentially on the knowledge and sensitivity of the responsible officers for the offence area of human trafficking as well as on the target of the police measures. It requires a high degree of sensitivity to recognise whether a young woman or man is working as a prostitute on her own or under coercion ...*"¹¹²

Trafficking of people from Ukraine has increased massively since the war began. Online searches for sex and depictions of abuse have increased by up to 600 per cent, according to the OSCE. Most of the perpetrators aren't punished.

In January 2023, the Secretary General of the Organisation for Security and Co-operation in Europe (OSCE), Helga Maria Schmid, reported that global online searches for sexual services and depictions of abuse of Ukrainian women and children had increased by up to 600 per cent. Even trafficking in pregnant women has increased since the war began on 24 February last year, she said. Victims are

¹⁰⁷ https://kfn.de/wp-content/uploads/Forschungsberichte/Bericht_Evaluierung_Strafvorschriften_Bekaempfung_Menschenhandel.pdf
Page 105

¹⁰⁸ <https://www.xn--bndnis-nordischesmodell-cpc.de/b%C3%BCndnistagung-2022>

Seite 37

¹⁰⁹ <https://youtu.be/r5VIDqzuy6E>

¹¹⁰ <https://youtu.be/r5VIDqzuy6E>

¹¹¹ <https://bsd-ev.info> <https://www.bringt-das-in-ordnung.de/>

¹¹² see under "Victims and crime events":
https://www.bka.de/DE/ IhreSicherheit/RichtigesVerhalten/VerdachtDesMenschenhandels/verdachtDesMenschenhandels_node.html

lured on the internet with false promises, abused in private accommodation in receiving countries or intercepted directly at the border by undercover traffickers.¹¹³

Our Alliance has been warning about the danger of human trafficking for sexual exploitation in the context of the war in Ukraine since the beginning of 2022.

Our Alliance partner *Elly Arrow* has been observing and archiving comments in German john forums for many years with her project "*The Invisible Men*"¹¹⁴. Especially on refugees from Ukraine, Arrow's work has made a selection available for everyone to see.¹¹⁵ The magazine *EMMA*, also an Alliance partner, has also researched and reported:

*"And on porn portals like Pornhub or xHamster, people are increasingly searching for videos under the keyword 'war rapes Ukraine'. And in the associated social media accounts, johns hope for 'fresh meat from Ukraine' and 'that the prices in the brothel will finally fall'. One man writes in the john forum: 'I'm thinking of all the young Ukrainian girls who will soon be showing up here, it's going to be a party!' Another posts a photo of Ukrainian women in football shirts and writes: 'Finally a welcome wave of refugees.'"*¹¹⁶ This is also not the first time we have observed these abysses in connection with refugee women.¹¹⁷

B: Clients use violence and promote human trafficking

As already mentioned, Germany promotes demand through its liberal legislation. This is also indirectly evident to the BKA, which says: "*The main causes of human trafficking are the lack of perspective, poverty and helplessness of the victims as well as the demand for prostitutes...*".¹¹⁸

This Convention also aims to protect, support and rehabilitate trafficked persons. Unlike other forms of trafficking, victims of trafficking for sexual exploitation suffer additional gender-based violence at the hands of third parties. Victims of human trafficking and sexual exploitation experience sexual violence through every single client. Therefore, they are also protected by the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* - the so-called "*Istanbul Convention*". In this regard, our Alliance submitted a shadow report to GREVIO in July 2021, which makes clear that German legislation on prostitution promotes violence against women.¹¹⁹

C: Clients accept human trafficking with approval

Traffickers in Germany knowingly accept the abuse of victims of human trafficking. This is also shown by a new study by Melissa Farley, for which clients were also interviewed in Germany.

*"She was forced. I could see it in her behaviour: she had no will. She was there like a sex machine. I had sex with her anyway because I paid for it."*¹²⁰

Many clients expect to have victims of human trafficking and forced prostitution in front of them. This has also been shown in recent television reports:

¹¹³ <https://www.tagesschau.de/ausland/europa/osze-menschenhandel-101.html>

¹¹⁴ <https://dieunsichtbarenmaenner.wordpress.com>

¹¹⁵ <https://www.instagram.com/stories/highlights/17936876524999631/>

¹¹⁶ <https://www.emma.de/artikel/ukraine-die-zuhaelter-warten-schon-339317>

¹¹⁷ Syria, Afghanistan, Africa, etc. <https://dieunsichtbarenmaenner.wordpress.com/tag/gefluechtete/>

¹¹⁸ https://www.bka.de/DE/UnsereAufgaben/Deliktsbereiche/Menschenhandel/menschenhandel_node.html

¹¹⁹ <https://rm.coe.int/2021-07-09-alliance-nordic-model-shadow-report/1680a33a24>

¹²⁰ <https://prostitutionresearch.com/> There also numerous other quotes from German suitors.

"So you are aware that the women don't do it voluntarily?" was the journalist's question, to which the john replied, "I am aware, yes." Or two other punters said, "Sometimes somehow kind of forced." "Yes, sometimes you feel sorry". Another reflected: "Maybe I live in the illusion that some do it voluntarily, it's certainly an illusion...I haven't thought about it."¹²¹

Our Alliance partner *Elly Arrow* has been observing and archiving comments in German john forums for many years with her project "*The Invisible Men*". This very extensive data archive also supports the fact that clients in Germany regularly experience coercion¹²², pimps,¹²³ violence¹²⁴ or exploitation and accept it.¹²⁵

"What lady would admit to being forced to spread her legs for us? They're afraid their man will punch them in the mouth again. Taming forced prostitution is almost impossible to implement." - German john.¹²⁶

Uli Derks, a police officer, successfully led undercover investigations (including telephone surveillance) against a network of Nigerian human traffickers in a brothel in Bochum in 2019, and sees one solution above all to stop human trafficking completely: "*The men would have to rethink their sexual behaviour. The girls are not here voluntarily and are under strong economic pressure, they are also disgusted and would rather lead a normal life in their home country. You should have that in mind when you pay 30€ here*".¹²⁷

Prof. Dr. Julia Wege founded a specialised counselling centre for women in prostitution in Mannheim and ran it for many years. She reports on street prostitution: "*Because the prices are so low - on the street prostitution in Germany we usually start at 5 or 10 euros - it is of course affordable for many*."¹²⁸ A woman in street prostitution in Germany confirms that the women have to do it out of desperation: "*The men take advantage of it and it's a mess - real filthy pigs - they know the girls are highly addicted to drugs. It's a boundary, humiliating, degrading*."

Suitors confirm this themselves: "*If I were the woman, this would not be a prize for me at all. I think I would lose my whole dignity*."¹²⁹

"*I don't think about it because the alcohol level is just accordingly high. I am aware that many don't do it voluntarily*."¹³⁰

Analysing the statements of johns provides additional insight into the extent of sexual exploitation in Germany and that johns take an active role in promoting it.

¹²¹ minute 11:50 <https://youtube.com/watch?v=KaB6vdYiHJ8&si=EnSlkaIECMiOmarE>

¹²² <https://dieunsichtbarenmaenner.wordpress.com/tag/zwang/>

¹²³ <https://dieunsichtbarenmaenner.wordpress.com/tag/zuhaelter/>

<https://dieunsichtbarenmaenner.wordpress.com/tag/zuhaelterin/>

¹²⁴ <https://dieunsichtbarenmaenner.wordpress.com/tag/gewalt/>

¹²⁵ <https://dieunsichtbarenmaenner.wordpress.com/tag/ausbeutung/>

¹²⁶ <https://dieunsichtbarenmaenner.wordpress.com/> (Source: AO Whores Forum. 08 Apr, 2016. Retrieved 15 Jun, 2019)

¹²⁷ "Human Trafficking in the Middle of Germany https://youtube.com/watch?v=LhgCULUw_b0&si=EnSlkaIECMiOmarE

¹²⁸ <https://www.nwu.de/hochschule/personen/juliawege>; "S*x for 10 Euro" Boundless prostitution and its consequences; <https://youtube.com/watch?v=6lCxKzAHbyA&si=EnSlkaIECMiOmarE> minute 9:40

¹²⁹ "S*x for 10 Euros" Boundless prostitution and its consequences; <https://youtube.com/watch?v=6lCxKzAHbyA&si=EnSlkaIECMiOmarE> minute 1:01

¹³⁰ "S*x for 10 Euros" Boundless prostitution and its consequences; <https://youtube.com/watch?v=6lCxKzAHbyA&si=EnSlkaIECMiOmarE> minute 0:45

Recommendations

The federal government should

- receive immediate, direct and ongoing reports on the effect of § 232a (6) of the Criminal Code;
- Examine the effect of all other relevant legislation with regard to combating the demand that leads to trafficking in human beings.
- commission an investigation into johns' forums for punishable content and effects on the women and men concerned and develop a legal solution to stop johns' forums;
- Promote and prioritise measures and initiatives to prevent trafficking in human beings for the purpose of sexual exploitation;
- prepare a legislative package for the general criminalisation of johns, pimps and brothel operators and the other measures of the Nordic Model or Equality Model (decriminalisation of prostituted women in prostitution¹³¹ and exit, protection and support and education and prevention), as presumably § 232 a (6) StGB (Criminal Code) will have no effect even in its current form;
- examine whether a turnaround in prostitution policy can be successful with the previous leading counsellors, especially if they continue to profit from the prostitution of others, financially or otherwise.
- create a truly anonymous means of contacting police authorities in cases of suspected human trafficking for the purpose of sexual exploitation from the previously non-anonymous one¹³².

Chapter V - Investigations, prosecution and procedural law

Article 28 - Protection of victims, witnesses and collaborators with the judicial authorities

According to specialised counselling centres against human trafficking, prosecution is particularly difficult in the areas of sexual exploitation, human trafficking and pimping, because of the vulnerability of the victim witnesses.

A: Criminal proceedings as a challenge for victims

Even in Germany, only a few victims have the courage to testify in court. They fear violence against themselves or family members, stigmatisation, re-traumatisation, publication of photos and film material by the perpetrators on the internet, repeated interrogations, long trials. Perpetrators have victims taken abroad and thus hinder police investigations. Victims who develop a sense of victimhood in the German prostitution system¹³³ are prevented from contacting the police and public order offices by additional means of pressure.

Traffickers and pimps also have leverage due to German laws (lack of registration according to § 3 Prostitute Protection Act (ProstSchG), tax evasion, lack of residence permit, prostitution in restricted areas- § 184f StGB (Criminal Code)). At the end of 2021, 23,743 prostitutes were registered with authorities.¹³⁴ This means that almost 90% of an estimated 200,000 prostitutes work in the so-called

¹³¹ Prostitution primarily affects women. However, the measures to be taken must also protect and support other prostituted persons.

¹³² not yet anonymous: https://www.bundespolizei.de/Web/DE/Service/Kontakt/02Hinweis-geben/hinweis-geben_node.html

¹³³ see previously Art. 10

¹³⁴ <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Prostituiertenschutz/inhalt.html>

dark field. Decriminalising prostitutes would take away an additional means of pressure from the perpetrators.

Of the convicted traffickers, the majority received suspended sentences. They did not have to go to prison.¹³⁵ The motivation of the victims to expose themselves to the risks and suffering of a criminal trial is therefore low.

B: Re-victimisation in criminal proceedings

According to the BKA, the risk of acquittal due to lack of evidence is quite high if the witnesses do not testify personally in court about what they have experienced: *"Currently, it is still almost indispensable that victims of human trafficking also testify personally in court. As it is difficult to hold hearings without the testimony of trafficked persons, it may have serious consequences for the trial if (victim) witnesses do not appear at the trial or refuse to testify in court for other reasons:*

- *Often, the court refuses to open the main trial due to a lack of suspicion, as important prosecution witnesses are no longer available.*
- *The defence lawyer can also object to the reading of the previous statement according to the Code of Criminal Procedure.*
- *Contradictions, for example with earlier statements to the police, can no longer be clarified.*
- *The court cannot form an impression of the credibility of the witness.*¹³⁶

Police and judiciary report that sufficient victim statements are almost never available, but sufficient circumstantial evidence cannot be considered sufficient by the courts. In criminal proceedings, the presence of the perpetrators has an additional intimidating effect on the victims. Consideration is at the discretion of the judge.

In a specific court case that is still ongoing, the judge had rejected the request of the victim's lawyer for video interrogation. On the day of the interrogation, the seating arrangements in the courtroom were negotiated for a long time in vain: "The woman therefore had to sit in the courtroom together with her alleged tormentors for several hours."¹³⁷ According to the indictment, the woman, who is now 24 years old, was sexually abused several times by her mother's partner when she was a teenager and finally persuaded by her mother and partner to engage in prostitution when she was a young adult.

Their experiences of violence make it difficult to give a statement that qualifies as credible. Law enforcement agencies are not sufficiently trained to deal with victims of severe sexualised violence. Dissociation is a common automatic protective mechanism of the body during sexual violence. Law enforcement agencies learn and work according to the victim's psychology of testimony. Contradictory statements, sudden gaps in memory or attention deficits are not signs of untruthfulness in victim-witnesses from this area of violence, but a consequence of their dissociation.¹³⁸

The German Code of Criminal Procedure allows milieu lawyers to drag out proceedings to such an extent that often only a perpetrator-friendly deal is practicable for the courts. Victims wait for a long time and are not allowed to start the urgently needed therapy because, according to the prevailing view, this

¹³⁵ <https://de.usembassy.gov/de/laenderberichte-zu-menschenhandel-2020-bundesrepublik-deutschland/>
<https://de.statista.com/themen/5938/menschenhandel-in-deutschland/>

¹³⁶ https://www.bka.de/DE/ IhreSicherheit/RichtigesVerhalten/VerdachtDesMenschenhandels/verdachtDesMenschenhandels_no.de.html

¹³⁷ https://www.traunsteiner-tagblatt.de/region/nachrichten-aus-bayern_artikel-zwangsprostitution-und-missbrauch-opfer-will-reden-arid.764520.html Aktenzeichen: 1 KLS 8 Js 14058/21

¹³⁸ Norak, Sandra: Loss of Self in Dissociation in Prostitution https://vimeo.com/354292081Recovery_of_Self_in_Connection_to_Horses:_A_Survivor's_Journey <https://digitalcommons.uri.edu/dignity/vol4/iss4/6/>

severely jeopardises the credibility of their testimony. Even underage girls are advised against therapy by legal experts during a trial.

In many parts of Germany, the judiciary is working at the limit of its capacity. The shortcomings have been known to the government for a long time. Referring to the *"Pact for a State under the Rule of Law"* adopted at the beginning of 2019, the Federal Chairman of the *German Civil Servants' Association and Collective Bargaining Union* (dbb), Ulrich Silberbach, said at the end of 2022: *"The judiciary and the administration of justice are chronically overburdened"*.¹³⁹

Recommendations

The federal legislature should

- urgently and immediately decriminalise prostitutes;
- urgently and immediately repeal the punishability under § 184 f StGB (Criminal Code) for prostitutes and provide exclusively for the punishment of suitors in restricted areas;
- urgently and immediately change the burden of proof so that an accused pimp or trafficker has to provide counter-evidence to the alleged victim's claim of exploitation and abuse under existing criminal laws.
- Implement a new doctrine in victim interviewing that corresponds to the situation of traumatised witnesses, and regular training and further education for police and judicial officers.
- take appropriate account in the Code of Criminal Procedure of the special situation of victim-witnesses and in particular ensure that necessary therapies of victim-witnesses do not constitute an obstacle to criminal prosecution;
- consider higher penalties for human traffickers.

Chapter VI - International co-operation and co-operation with civil society

Article 32 - General principles and measures of international co-operation

Prostitution cannot be distinguished from forced prostitution and trafficking in human beings across the board.¹⁴⁰ Calls for a uniform, effective strategy are mounting:

An employee of the Romanian aid organisation *aras*¹⁴¹ reports on those affected who were sent back to their home countries after being exploited in countries like Germany:

*"It is also the responsibility of the EU to do something about this...victims are taken by a pimp to where there is demand and opportunity."*¹⁴²

Investigative journalist, Nichola Ibekwe, who is an expert on human trafficking for sexual exploitation in Nigeria, says ultimately combating these phenomena is about political will. He says: *"I think all the international politics and diplomacy is largely just lip service and hypocrisy."*¹⁴³

¹³⁹ on 7.12.2022 <https://www.dbb.de/artikel/der-rechtsstaat-darf-nicht-an-fehlendem-geld-scheitern.html>

¹⁴⁰ Kriminaloberrat a.D. Helmut Sporer in "Der neue Deutsche Weg" 2022, page 34
<https://www.hss.de/publikationen/der-neue-deutsche-weg-pub2284/>

¹⁴¹ <https://arasnet.ro/>

¹⁴² "Forced Prostitution in Europe", minute 12:05, <https://youtube.com/watch?v=Rc1c0CU7ETY&si=EnSlkaIECMiOmarE>

¹⁴³ minute 39:00 <https://www.zdf.de/dokumentation/zdfinfo-doku/billigware-sex-ausgebeutet-fuer-30-euro-100.html>

A focal prosecutor's office was set up in Bucharest. According to the prosecutors, prostitution would not function without international human trafficking.¹⁴⁴

In order to find a solution to the problems of trafficking for sexual exploitation, prostitution, discrimination against women, violence against women and gender equality, States Parties need guidance, direction and a goal. The causes of prostitution are the same across countries - also in Germany.¹⁴⁵

OSCE Secretary General Helga Maria Schmid stressed in December 2022: *"The last few years have been the worst on record in terms of human exploitation."* In the last five years, she said, commercial sexual exploitation alone has increased by 31%.¹⁴⁶ The OSCE Ministerial Council stresses the urgent need to show political will to combat, in particular, trafficking of women and children, who too often bear the brunt of crises.

More than 20 years ago, Sweden chose an innovative path. Other countries have followed suit because the elements of the Nordic Model offer the best approach yet to combating trafficking for sexual exploitation.

The legal treatment and definition of prostitution in the European Union, for example, continues to vary greatly. A study commissioned by the FEMM Committee of the European Parliament in 2021 examined the divergent regulatory approaches of the countries. It comes to the conclusion that only the Nordic model has a positive effect on gender equality in addition to preventing human trafficking.¹⁴⁷

According to Art. 1 (1) a of this Convention, equality between men and women must be ensured. Trafficked persons for sexual exploitation are almost exclusively women. In addition, they have to suffer gender-specific violence by clients.

The regulatory approach to prostitution policy in Germany has failed. The Brussels Call¹⁴⁸ and CAP International¹⁴⁹ also call for the introduction of the Nordic Model/Equality Model/ Abolitionist Model. The European Women's Lobby has created an Equality Model Index (EMI) to monitor progress towards adoption of the Equality Model across all EU27 States. Germany is in fourth last place on this list.¹⁵⁰ *"Now more than ever we need champions on this issue"* said Valiant Richey in the OSCE crisis conference on human trafficking in December 2022.¹⁵¹ GRETA and GREVIO members are champions who should now urgently show Germany the way to turn around.

Recommendations

The federal, state and local governments should

¹⁴⁴ minute 29:20 SWR Docu: Illegal prostitution the dangerous business with sex
<https://www.youtube.com/watch?v=43phPZzoydE&t=1778s>

¹⁴⁵ Federal Government Report 2007, page 10
<https://www.bmfsfj.de/resource/blob/84534/764b646c1afece104ab1796ad7e7cc60/prostitutionsgesetz-gutachten-1-data.pdf>

¹⁴⁶ Event to prevent the human trafficking crisis: <https://www.osce.org/cthb/533423>

¹⁴⁷ [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/695394/IPOL_STU\(2021\)695394_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/695394/IPOL_STU(2021)695394_EN.pdf)

¹⁴⁸ <https://brusselscall.eu/> over 200 women's rights organisations from more than 30 European countries.

¹⁴⁹ <http://www.cap-international.org/> 35 organisations in 27 countries

¹⁵⁰ https://www.womenlobby.org/IMG/pdf/herfutureisequal_2022_web_artwork_v1_2_very_final.pdf

¹⁵¹ <https://www.osce.org/cthb/533423>

- engage in constructive exchanges with NGOs¹⁵² and countries¹⁵³ that take an equality-based, abolitionist approach to combating human trafficking.
- gather their doubts, reservations and uncertainties in a subject-specific way and consult specifically with the respective experts and responsible persons from the countries with the Nordic Model.

¹⁵² <http://www.cap-international.org/convening/#map> and <https://brusselscall.eu/supporters>

¹⁵³ Nordic Model countries: 1 Sweden 1999, 2 Norway and 3 Iceland (2009), 4 Canada (2014), 5 Northern Ireland (2015), 6 France (2016), 7 Ireland (2017) and most recently 8 Israel (2018).
<https://www.swedenabroad.se/de/%C3%BCber-schweden/deutschland/schwedens-sexkaufverbot/#>



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85th Session of the Committee

from 8 to 26 May 2023

to the United Nations Convention on the

Elimination of all Forms of

of Discrimination Against Women

Shadow Report

on Prostitution, Sexual Exploitation & Human

Trafficking in Germany

April 2023



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die Frauen kaufen.*

List of alliance partners January 2023

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Aktionsgruppe Gleichstellung Bayern (AGGB)
Alarm! Gegen Sexkauf und Menschenhandel e.V. Gießen
Arbeitskreis Stop Sexkauf München
Arbeitskreis Stop Sexkauf Durlach
AUGSBURGER/INNEN GEGEN MENSCHENHANDEL e.V.
Beratungsstelle Frauennotruf München
Bündnis Nordrhein-Westfalen pro Nordisches Modell
FEMEN
EMMA
End Demand Switzerland
Femicide Observatorium Center Germany
Feministische Partei DIE FRAUEN
Feministisches Bündnis Heidelberg
Frauenrechte sind Menschenrechte, Paderborn
Frauenverband Courage
Frauenzentrale Zürich
Hadassah Initiative féminine gUG, Saarbrücken
Initiative Stop Sexkauf Österreich
Katholischer Deutscher Frauenbund e.V. Köln
KARO e.V. Plauen
Kofra e.V., München
Landesfrauenrat Baden-Württemberg
Leben in Freiheit e.V., Bonn
LINKE für eine Welt ohne Prostitution
MANNHEIM GEGEN SEXKAUF
Marburger Bürgerinitiative bi-gegen-bordell
NEUSTART e.V., Berlin
Netzwerk gegen Menschenhandel
NetzwerkBplus
Nord-Süd Forum e.V., München
ÖDP Frauen
Ostalb BÜNDNIS gegen Menschenhandel und (Zwangs-)Prostitution
Pforten weg e.V., Großharrie
Reutlinger Bündnis für das nordische Modell gegen Menschenhandel & (Zwangs-) Prostitution
#RotlichtAus Kampagne
Shespect e.V.
SISTERS Für den Ausstieg aus der Prostitution e.V., Stuttgart
SOLWODI Solidarität mit Frauen in Not, Boppard
SOLWODI Österreich
SPD Netzwerk pro Sexkaufverbot
TERRE DES FEMMES Menschenrechte für die Frau e.V., Berlin
TERRE DES FEMMES e.V. Österreich
Unabhängige Frauen Fürth e. V.
Verein Feministischer Diskurs Wien
Verein zur Hilfe und Unterstützung von Opfern sexuellen Missbrauchs & Gewalt "El Faro", e.V.
VulvaFem
Windrose e.V., Düsseldorf
Zéro Macho

The *Alliance Nordic Model* is an alliance of over 45 associations, networks and initiatives engaged in civil society throughout Germany, numerous active individuals as well as survivors of prostitution. Religious and party-political interests play no role in the alliance. The *Alliance Nordic Model* is in full solidarity with women in prostitution, what it rejects is the system of prostitution. To emphasise this fact and to reflect the real gender proportionality in the context of prostitution, in the following we will refer to "women" as those who are affected by violence in prostitution, although we are aware that men and trans people are also among those affected.

The recommendations in our report are partly introduced with "urgent and immediate". These are aimed at measures that can be implemented in the short term. However, for a sustainable fight against human trafficking as well as a comprehensive help and support system for trafficked persons, a holistic approach is needed. In the long term, therefore, the pillars of the equality model are to be implemented, which aim at a progressive prostitution policy in terms of universal human rights.

April 2023

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Table of contents

Introduction	2
Legislation	2
1. Prostitution as gender-based violence against women (11 LOIPR).....	2
A Prosecution of violence against women in prostitution (11b)	3
B Digital violence and discrimination, sex buying webpages, John forums (11g)	4
2. Prevent demand, Art. 6, GR 38, 12 LOIPR	4
A Germany - destination country for human trafficking.....	5
B Prostitution premises as places of trafficking	6
(1) Prostitution premises conceal human trafficking	6
(2) Prostitution premises promote human trafficking	6
(3) Prostitution premises: Sexual exploitation without state care.....	7
C Human trafficking 2.0 - New ways of sexual exploitation	8
D Trafficking for the sexual exploitation of minors and young adults.....	8
3. Ensure prosecution of trafficking in human beings, 12b)LOIPR	10
A Lack of victim statements, low convictions, suspended sentences	10
B Victims in criminal proceedings	11
4. Identification of victims and those at risk, 12c)/d)LOIPR	12
5. Victim and vulnerable health, 12d)LOIPR	13
A Physical.....	13
B Psychic.....	13
6. Evaluation of penal provisions on trafficking in human beings, 12f)LOIPR	14
A Prosecution: poor	14
B Punishment of knowing use: ineffective.....	16

Introduction

This report describes the impact of German legislation in the context of prostitution. We report on the violence experienced by people in prostitution, the impact on trafficking for sexual exploitation¹ and the health consequences for women in prostitution. Germany has 20 years of experience in trying to regulate prostitution.

One affected person describes the path Germany took in 2002 as a mistake - unworthy of human beings and exploitative. She says: "...because that makes it totally easy for the operators, the customers and everyone who earns money with it. I also don't believe that if buying sex is criminalised, it will disappear underground, because this underground already exists today." ²

Legislation

Since the Prostitution Act came into force in 2002, Germany has promoted human trafficking insofar as the legalisation of the prostitution market has created optimal conditions for sexual exploitation and, as a result, the demand for prostitution has increased. In 2007, the Federal Government admitted that the goals of the Prostitution Act had not been achieved.³ In 2017, the *Act on the Regulation of the Prostitution Trade and the Protection of Persons Engaged in Prostitution - Prostitution Protection Act* (Prostituiertenschutzgesetz, ProstSchG)⁴ was introduced, which was intended to regulate the prostitution market by, for example, requiring prostitutes to register or requiring prostitution premises to obtain⁵ licences. The evaluation of the penal provisions to combat human trafficking, which were reformed in 2016, has been completed. The reform has failed.⁶ The current evaluation of the *Prostitution Protection Act* runs until 2025. 23,743 prostitutes were registered with authorities at the end of 2021.⁷ Thus, almost 90% of an estimated 200,000 prostitutes are working in the so-called dark field. Often, prostitution premises do not have a permit.

1. Prostitution as gender-based violence against women (11 LoIPR)

Prostituted women experience much more violence compared to the general female population⁸ :

92% experience sexual harassment
87% physical,
82% psychological and
59% sexual violence

The very high psychological stress in this respondent group is illustrated by the finding that half of the respondents had frequent or occasional signs of depression, a quarter had suicidal thoughts, almost a third had anxiety attacks or panic attacks and about one in seven had self-harm intentions.

Overall, a high consumption of medication is visible. Thus, 67% of the women had taken painkillers, 38% sedatives, 37% sleeping pills, 34% antidepressants, 19% stimulants and 10% other psychotropic drugs in the last 5 years. Especially in the area of psychotropic drugs, this subpopulation proportionally consumed drugs two to three times more often, in some cases many times more often, than the

¹ Hereinafter referred to only as trafficking in human beings

² Docu February 2021 "Out of prostitution - Nadine wants to get out" Minute 43:30
<https://youtube.com/watch?v=Z3JLUip2t0g&si=EnSikalECMiOmarE>

³ [bericht-der-br- zum-prostg-broschuere-deutsch-data.pdf \(bmfsfj.de\)](#) p. 80

⁴ <https://www.gesetze-im-internet.de/prostschg/BJNR237210016.html>

⁵ In Germany there are many different premises for prostitution (brothels, brothel flats, running houses, caravans etc.). The ProstSchG uses the generic term "prostitution premises".

⁶ See paragraph 6

⁷ https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Prostituiertenschutz/_inhalt.html

⁸ BMFSFJ: Living situation, security and health of women in Germany; 2004
<https://www.bmfsfj.de/blob/84328/0c83aab6e685eeddc01712109bcb02b0/lanqfassung-studie-frauen-teil-eins-data.pdf>

respondents of the main survey. Drugs had been taken by 41% of the prostitutes interviewed in the last 5 years; this was stated by only 3% of the respondents of the main investigation.

Pimps provide drugs to women for pain relief, staying awake, and dealing with customers in nightclubs. Heroin and drugs are used to calm down and as painkillers, while cocaine and amphetamines help with endurance.⁹

Our alliance partners unanimously confirm that the majority of women have experienced violence.

Prostitution is a system in which violence is inherent:

- Prostitution is part of a long patriarchal tradition of making the female body available for the benefit of men.
- The vast majority of prostituted women have suffered violence, often of a sexual nature, before entering prostitution.
- The vast majority of women experience forms of male violence (physical, verbal, sexual, psychological).
- Repeating sexual acts several times a day, mostly on young women, without physical desire, is sexual violence. Men take advantage of women's financial and social need.
- Johns in Germany have been exploiting inequality of women, their experienced violence, financial and social hardship legally and illegally for 20 years.
- Prostitution exploits multiple forms of inequality: the domination of men over women, the rich over the poor, the North over the South, majority groups over minorities.
- Discriminated minorities and migrant groups are overrepresented in prostitution in Germany as everywhere else in the world.
- The prostitution system feeds and perpetuates human trafficking for the purpose of sexual exploitation.
- Prostitution is a social obstacle on the way to a free, respectful and egalitarian society.

A Prosecution of violence against women in prostitution (11b)

Germany does not ensure that violence against women in prostitution is effectively investigated, nor that perpetrators are properly punished. This is due to a flaw in the system, which basically assumes the voluntary nature of prostitutes when payment is arranged. Trafficked women report that they show no resistance when clients do not keep appointments and become violent: "I knew exactly that if I resisted, he would think it was cool and go on even more."

For various reasons, women in prostitution do not report sexual violence (lack of registration according to § 3 ProstSchG, tax evasion, lack of residence permit, prostitution in a restricted area - § 184f StGB). The decriminalisation of prostitutes and the criminalisation of clients would counteract this.

⁹ Dr Heike Zurhold <https://www.psychologie-aktuell.com/news/aktuelle-news-psychologie/news-lesen/prostitution-kokain-und-amphetamine-erleichtern-die-sexarbeit.html>

B Digital violence and discrimination, sex buying webpages, John forums (11g)

Webpages for arranging sexual acts against payment treat women's bodies like a commodity that can be assembled and offer a corresponding configurator for this purpose:

Skin colour	Nationality, ethnic origin
Hair colour	Cup size
Size	Butt size
Weight	Pubic hair

Every practice can be ordered -also "AO" (without condom).

John forums are internet sites where suitors exchange information about individual women and evaluate them. Often there are extremely discriminatory, violent, insulting or objectifying descriptions that are deeply misogynistic, racist, sexist, inhuman and trivialising of violence.¹⁰

RECOMMENDATIONS

The federal government should conduct an investigation of the free forums regarding

- criminal content and
- effects on the women and men concerned
- commission and develop a legal solution to stop such free forums.

2. Prevent demand, Art. 6, GR 38, 12 LoIPR

The Federal Criminal Police Office (BKA) assumes that there is a very large number of unreported cases in the area of global human trafficking to Germany.¹¹ With regard to combating human trafficking for the purpose of sexual exploitation, the *Prostitution Protection Act* has a counterproductive effect.¹²

Liberal prostitution legislation leads to more trafficking. *"It is often assumed that legal sex for sale could reduce human trafficking because there would then be more prostitutes legally living in a country. However, our study points to the opposite,"* explains Axel Dreher, University of Heidelberg. *"The data show that more cases of human trafficking are recorded in countries where prostitution is not prohibited by law."* The researchers see one possible reason in the fact that less strict prostitution laws lead to an expansion of prostitution, which also increases the number of forced prostitutes working in that country.¹³ Germany has even chosen a path that has the opposite effect. We describe this in the following five sections (A - D).

¹⁰ <https://dieunsichtbarenmaenner.wordpress.com/tag/sex-buyer/>

¹¹ <https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Menschenhandel/menschenhandelBundestlagebild2021.html> - page 26

¹² <https://www.emma.de/artikel/der-ermittler-337507>

¹³ https://www.uni-heidelberg.de/presse/news2013/pm20130527_prostitution.html

A Germany - destination country for human trafficking

The annual turnover of the prostitution industry in Germany is estimated at 14.5 billion euros per year.¹⁴ The vast majority of prostituted women in Germany (80-95%) are migrants, often from discriminated population groups within the European Union.

"The accession of ten Eastern European countries to the EU in 2004 and especially Romania and Bulgaria in 2007 caused hundreds of thousands of young women from these countries to flow uncontrollably into prostitution in Germany, which fundamentally changed the conditions in the milieu. Decisive factors were on the one hand the economic poverty in the home countries, the new right to freedom of movement including freedom of premises and a huge army, a veritable reservoir of girls and young women from Southeast Europe, with whom the brothels in Germany could be filled," explains Helmut Sporer, retired senior criminal councillor.¹⁵

It is always the most vulnerable and discriminated against in society who are found in prostitution.¹⁶ Young people from the poorest regions of other countries quickly become victims of sexual exploitation when traffickers promise them a "job" in Germany.

There are stable structures of organised crime of Nigerian perpetrator groups in Germany.¹⁷ The statistical analysis of the Federal Situation Reports shows that the number of Nigerian suspects has continuously increased in Germany from 2015 to 2019, especially in human trafficking for sexual exploitation. In Nigeria, the traffickers' networks ensure that a forced prostitute really goes into prostitution by threatening her relatives. The traffickers do not have to fear prosecution for this. Europe's prosecutors are far away.¹⁸

Sandra Schmidt, Professor of Security Agency Operations Management and Leadership Science, comments on a large-scale raid in the context of investigations against human traffickers and smugglers from Vietnam in January 2021: *"Smuggling is organised crime. It is difficult to get to the actual masterminds. It is very difficult to shed light on the structures. It is inhumane and catastrophic, there is no other way to describe it. Young women who hope for a better life are simply enslaved. They become identity-less slaves in Germany."*¹⁹

RECOMMENDATIONS

- The federal legislator should look at the practical problems realistically and place prostitution and trafficking in human beings in a direct context by law.

¹⁴ Ver.di trade union estimate: <https://www.spiegel.de/video/mit-prostitution-werden-in-deutschland-14-5-milliarden-euro-umgesetzt-video-1286781.html>

¹⁵ Sporer, Helmut: Der neue Deutsche Weg, Für eine Neuordnung der Prostitutionsgesetzgebung, Hanns-Seidel-Stiftung, in Aktuelle Analyse 93

¹⁶ <http://www.cap-international.org/campaigns/parliamentarians/>

¹⁷ Körffer, Enya, detective superintendent at the BKA, Meckenheim, Kriminalistik 2021, pp. 373-377

"Human Trafficking in the Middle of Europe" https://youtube.com/watch?v=LhqCULUw_b0&si=EnSikaIECMiOmarE

¹⁸ <https://www.amnesty.de/informieren/amnesty-journal/nigeria-mafia-madames-und-maedchen#:~:text=80%20percent%20of%20Nigerian%20women,the%20procedures%20last%20most%20years.>

¹⁹ "Bild accompanies major raid against unscrupulous human traffickers!"

<https://youtube.com/watch?v=cQWBD078o1A&si=EnSikaIECMiOmarE> <https://www.hwr-berlin.de/hwr-berlin/ueber-uns/personen-von-a-bis-z/2112-sandra-schmidt/> minute 5:00

- The federal legislator should immediately and urgently fulfil its state duty of care and replace the term "sexual service" in the *Prostitution Protection Act* with "prostitution", irrespective of the evaluation of the *Prostitution Protection Act*. Sexual service, sex work, sex worker, client, guest, etc. are misleading terms that conceal the violence in prostitution and the serious consequences for those affected.
- Federal legislators should involve the following experts: Survivors of prostitution and trafficking for sexual exploitation; organisations calling for a rethink of prostitution policy²⁰
- The federal government should set up an observatory on organised crime in the environment of prostitution, in which suspected cases are systematically recorded;
- The federal government should pursue a holistic change of direction in prostitution policy instead of pinprick policy.

B Prostitution premises as places of trafficking

Prostitution premises in Germany are to a large extent involved in human trafficking and sexual exploitation or accept them recklessly or even deliberately, taking into account their own profit increase.

(1) Prostitution premises conceal human trafficking

In 2020, according to the BKA (Federal Criminal Police Office), 291 out of a total of 465 trafficking investigations involved sexual exploitation, and every fifth trafficked person was regularly registered under the *Prostitution Protection Act*.²¹ Human trafficking and exploitation consequently take place within the framework of legal prostitution. These places of exploitation are licensed prostitution sites such as brothels or appointment flats.²² Legalising places of prostitution does not prevent trafficking in human beings and does not contribute to more effective investigations into trafficking in human beings. On the contrary, controls by law enforcement agencies are made more difficult by the basic legality of the premises.

(2) Prostitution premises promote human trafficking

We are particularly critical here of how operators of prostitution premises design and advertise their "offer" in order to constantly generate demand, make and increase profits:

- Frequently changing "offer" of women
- young women (the more and younger the more profit)
- different types advertised along racist attributions ("exotic", "Eastern European", "Latina" ...)
- different skin types ("light", "black", "brown")
- different body characteristics (bust size, hair, ...)
- different sexual practices etc.

The "Paradise Trial", which led to the convictions of an operator and his employee for aiding and abetting human trafficking in one of the "showcase brothels" in Germany, deserves special mention.

²⁰ our alliance partners as well as GESTAC, Network Ella, DIAKA (<https://www.ge-stac.com>, <https://netzwerk-ella.de>; <https://www.diaka.org>)

²¹ BKA Bundeslagebild 2020, page 5 and 11
https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Menschenhandel/menschenhandel_Bundeslagebild2020.pdf?__blob=publicationFile&v=4

²² cf. BKA 2021: Bundeslagebild Menschenhandel und Ausbeutung 2020.
https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/Menschenhandel/menschenhandel_node.html

According to the presiding judge, those responsible for a brothel are criminally liable if, with their approval, traffickers and pimps send women to the brothel to engage in prostitution. Moreover, he emphasised, "A clean brothel of this size is hardly imaginable."²³ Rudloff, as the brothel operator, admitted in court that he had not been able to get his rooms full with prostitutes working voluntarily, so he had to cooperate with rock gangs.²⁴ The red-light milieu is also closely interwoven with organised crime in Germany. When the financial pressure increases, the scene offers illegal ways and means. The danger is very high that criminal networks such as rocker clubs and clans will be resorted to.

(3) Prostitution premises: Sexual exploitation without state care

Prostitute women are not employed. Exorbitant room rents of 150€/day allow brothel operators to earn a lot of money. Brothel operators refer to the self-determination of the prostitutes. Reliable control mechanisms to prevent exploitation are not even conceivable in this concept, which is based on exploitation.

RECOMMENDATIONS

Federal, state and local governments should:

- Draw up transitional concepts for the abolition of prostitution premises and streets and adopt necessary legal amendments (e.g. do not designate any new areas for prostitution according to Art. 297 EC Criminal Code, do not approve any new prostitution premises).
- Allow municipalities and communities to prohibit prostitution premises in the entire city or community area, regardless of the number of inhabitants.
- Immediately and urgently prohibit advertising for prostitution premises
- Take care and intervene responsibly if there is evidence that a woman in prostitution is being influenced by a third party, even if the woman says she is acting voluntarily.

²³ Stuttgart Regional Court, judgment of 26.02.2019 - 7 KLs 200 Js 115430/13; https://landgericht-stuttgart.justiz-bw.de/pb/_Lde/Startseite/Aktuelles/Urteil+im+Paradise-Prozess_/?LISTPAGE=1195716 STPAGE=1195716

²⁴ [The "Paradise" as hell: A lawyer on the trial against the "brothel king" - FOCUS online](#)

C Human trafficking 2.0 - New ways of sexual exploitation

Traffickers use digital means of communication and payment. More and more, the initiation of prostitution is shifting into the digital space.²⁵ The State Criminal Police Office of Lower Saxony warns against social networks: "There, the perpetrators immediately see the photos of the victims and search almost specifically as in a catalogue."²⁶ The victims are getting younger and younger. Often they are filmed.²⁷ Modern face apps allow perpetrators to disguise their appearance in live video (for example, gender and age).

RECOMMENDATION

- The Confederation should urgently and immediately examine what strategies are to be taken to prevent persons seen engaging in sexual acts in the digital space from being victims of trafficking for sexual exploitation, pimps and loverboys.
- The criminal investigation departments of the Laender are to set up specialised departments that specifically search Internet sites for dialogues that indicate human trafficking for sexual exploitation and child sexual abuse for money.

D Trafficking for the sexual exploitation of minors and young adults

The number of minors affected by commercial sexual exploitation is increasing every year, according to the BKA.²⁸ For many victims of human trafficking, sexual exploitation begins in childhood.

Children grow up in a society where consent to sexual acts can be bought.²⁹ Dealing with prostitution in Germany is a completely wrong approach if you want to prevent child sexual abuse or enable healing for those affected.³⁰

According to the BKA, every third investigated victim of human trafficking for sexual exploitation was under 21 in 2021.³¹ Franziska Kramer, officer in charge at the BKA for combating human trafficking and exploitation of minors in "forced prostitution" reports that young women from all walks of life become victims. Mostly, the traffickers, pimps and loverboys would organise the linking on the portals. *"There are platforms where minors offer themselves to earn so-called pocket money. The exploitation of minors in particular has increased enormously. It has become much easier for the perpetrators. Before, they had to stand in front of the school or approach someone in the discotheque. Spend the whole evening with someone. Today they can write to 10, 20 girls at the same time via Instagram."*³²

²⁵ Minute 29:50 SWR Docu: Illegal prostitution the dangerous business with sex
<https://www.youtube.com/watch?v=43phPZzoydE&t=1778s>

²⁶ www.welt.de/vermishtes/video226584857/Loverboy-Falle-Instagram-LKA-Niedersachsen-warnt-vor-Masche-in-sozialen-Netzwerken.html

²⁷ Chief Public Prosecutor Camelia Stoina from Bucharest Minute 32:30 SWR Doku: Illegal prostitution the dangerous business of sex <https://www.youtube.com/watch?v=43phPZzoydE&t=1778s>

²⁸ Page 11

https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Menschenhandel/menschenhandel_Bundeslagebild2021.html?nn=27956

²⁹ Documentary from 2021 "Via Chats into Prostitution" <https://youtube.com/watch?v=k0XVrcimqL8&si=EnSikaIECMiOmarE>

³⁰ https://michaela-huber.com/wp-content/uploads/2021/02/nzz-dissoziative-identitaetsstoerung_test.pdf <https://www.pfoten-weg.de/motivation/ziele>

³¹ https://www.bka.de/DE/Presse/Listenseite_Pressemitteilungen/2022/Presse2022/221007_BLMenschenhandel.html#:~:text=Victims%20of%20sexual%20exploitation%20were%20with,increased%20in%20the%20reporting%20year%20strongly%20

³² from minute 22:00 <https://www.zdf.de/funk/ultraviolet-stories-12250/funk-missbrauch-im-netz--und-keiner-hilft-102.html>

The BKA reports: *"In the case of a good third of underage victims, the initial contact was made via the internet, especially via relevant platforms, chats, online games and social media."*³³

The "cloak of invisibility" of German prostitution laws therefore hides not only traffickers and pimps, but also abusers.³⁴

Many of the women were not yet of age when they entered prostitution. Committed people who educate schools about the Loverboy method report that they are confronted with victims at every school.³⁵

It is difficult for the police to intervene because of the laws in place. *"What should the police do if the girl says during a police check: "No, I'm just standing here waiting for someone?"*³⁶

German laws trivialise the prostitution system and endanger minors and young adults.

RECOMMENDATIONS

- The Federal Government should immediately and urgently initiate and permanently finance comprehensive education campaigns about the lover boy method at all levels, federal, state and local. Children, parents and educators should be made aware of the loverboy method and the harmful consequences of prostitution.
- Laender and municipalities must immediately and directly oblige their schools on a permanent basis to integrate education about the new methods of lover boys into lessons at regular intervals and to offer it to guardians.
- Legislation should criminalise soliciting for prostitution by means of pretended love from the beginning of the deceptive act.
- The legislator should punish johns in general and provide for higher penalties if the victim is under 21.
- Law enforcement authorities must be better enabled to actively investigate. In the case of cybergrooming, the intention of the perpetrator is already to be punished. The penalty must be significantly higher if payment is offered for a sexual act. Perpetrators are to be punished even if they state that they were mistaken about the age.
- Relevant internet sites where minors can easily overcome the access barriers must be closed immediately and urgently.
- The federal, state and local governments should choose clear language³⁷. Terms like *"young people in prostitution or child prostitution"* should no longer be used from now on.

³³ a current example from an ongoing process in Bavaria https://www.traunsteiner-tagblatt.de/region/nachrichten-aus-bayern_artikel,-zwangsprostitution-und-missbrauch-opfer-will-reden-_arid.764520.html
File number: 1 KLs 8 Js 14058/21 The judge insisted on the victim testimony

³⁴ More shocking quotes from john forums, researched by our alliance partner Elly Arrow:
<https://dieunsichtbarenmaenner.wordpress.com/tag/minderjaehrig/> <https://programm.ard.de/TV/Untertitel/Nach-Uhrzeit/Alle-Sender/?sendung=281084000083447>

³⁵ <https://liebe-ohne-zwang.de/de/> "Loverboys: Between Love and Human Trafficking" February 2018
<https://youtube.com/watch?v=gAmAh10byTM&si=EnSikalECMiOmarE>

³⁶ Specialist Counselling Centre in "Loverboys: Between Love and Human Trafficking" February 2018 minute 20:30
<https://youtube.com/watch?v=gAmAh10byTM&si=EnSikalECMiOmarE>

³⁷ <https://www.terminologie.ecpat.de/leitfaden-fuer-angemessene-sprache/begriffs-check/>

3. Ensure prosecution of trafficking in human beings, 12b)LOIPR

Germany has increased demand and therefore has a special obligation to ensure that cases of trafficking for sexual exploitation are prosecuted. The opposite is the case. The number of cases of human trafficking recorded annually by the Federal Criminal Police Office has been declining for years,³⁸ but according to the analysis by Helmut Sporer, retired senior criminal counselor, the official case figures do not reflect reality in any way:

"If one takes a mathematical average of 300,000 prostitutes and assumes that only half of them do not work voluntarily and are therefore mostly victims, this results in a figure of 150,000 victims in prostitution. In relation to the 406 registered victims from the Situation Report 2020, this means that arithmetically just about 0.3 per cent of the victims are recognised and registered."³⁹ The state is not sufficiently fulfilling its responsibility. It does not provide effective instruments against human traffickers. This means that the current system does not work.⁴⁰

Crimes are not reported. Investigations are very time-consuming. Judicial authorities are overburdened. Penalties are low.

A Lack of victim statements, low convictions, suspended sentences

Few of those affected make a statement. They fear violence against themselves or family members, stigmatisation, re-traumatisation, publication of photos and film material by the perpetrators on the internet, repeated interrogations, long trials. Perpetrators have victims taken abroad and thus hinder police investigations. Victims who develop any victim awareness at all in the German prostitution system⁴¹ are prevented from contacting the police and public order offices by additional means of pressure.⁴²

Of the convicted traffickers, the majority received suspended sentences.⁴³

According to the BKA, the risk of acquittal for lack of evidence is quite high if the witnesses do not testify personally in court about what they have experienced: *"Currently, it is still almost essential that victims of human trafficking also testify personally in court. Since negotiations are difficult without testimonies of trafficked persons, it may have serious consequences for the main trial if (victim) witnesses do not appear at the trial or refuse to testify in court for other reasons:*

- *Often, the court refuses to open the main trial due to a lack of suspicion, as important prosecution witnesses are no longer available.*
- *The defence lawyer can also object to the reading of the previous statement according to the Code of Criminal Procedure.*
- *Contradictions, for example with earlier statements to the police, can no longer be clarified.*
- *The court cannot form an impression about the credibility of the witness".⁴⁴*

³⁸ Kriminaloberrat (retired) Helmut Sporer in "Der neue Deutsche Weg" 2022, page 42
<https://www.hss.de/publikationen/der-neue-deutsche-weg-pub2284/>

³⁹ Kriminaloberrat (retired) Helmut Sporer in "Der neue Deutsche Weg" 2022, page 43
<https://www.hss.de/publikationen/der-neue-deutsche-weg-pub2284/>

⁴⁰ Sporer, Helmut, Augsburg senior criminal councillor (ret.), responsible for "organised crime", in
<https://www.emma.de/artikel/der-ermittler-337507>

⁴¹ see previously Art. 10

⁴² See paragraph 1A

⁴³ <https://de.usembassy.gov/de/laenderberichte-zu-menschenhandel-2020-bundesrepublik-deutschland/>
<https://de.statista.com/themen/5938/menschenhandel-in-deutschland/>

⁴⁴ https://www.bka.de/DE/ihreSicherheit/RichtigesVerhalten/VerdachtDesMenschenhandels/verdachtDesMenschenhandels_nod e.html

B Victims in criminal proceedings

Victim statements are often insufficient and circumstantial evidence is not always accepted in court. Perpetrators' presence intimidates victims and their experiences of violence make it harder to qualify their testimony as credible. Law enforcement is not adequately trained to handle severe sexual violence, and dissociation is a common protective response. Dissociation is a common automatic protective mechanism of the body during sexual violence. Contradictory statements, sudden gaps in memory or attention deficit disorders are not signs of untruthfulness in victim-witnesses of this kind of violence, but a consequence of their dissociation. ⁴⁵

The German Code of Criminal Procedure lets lawyers prolong proceedings, leading to offender-friendly deals. Victims face long waits and cannot start therapy due to credibility concerns. Even underage girls are advised against therapy during trial.

In many parts of Germany, the judiciary is working at its capacity limit. The shortcomings have been known to the government for a long time. Referring to the *"Pact for a State under the Rule of Law"* adopted at the beginning of 2019, the Federal Chairman Ulrich Silberbach of the *German Civil Servants' Association and Collective Bargaining Union (dbb)* said at the end of 2022: *"The judiciary and the administration of justice are chronically overburdened"*. ⁴⁶

RECOMMENDATIONS

The federal legislature should

- urgently and immediately decriminalise prostitutes;
- urgently and immediately repeal the punishability under § 184 f StGB for prostitutes and provide exclusively for the punishment of johns in restricted areas;
- urgently and immediately change the subjective burden of proof to objective proof, so that an accused pimp or trafficker has to provide counter-evidence for the existence of exploitation and abuse alleged by an alleged victim within the framework of existing criminal laws;
- Implement a new method of victim interviewing that corresponds to the situation of traumatised witnesses and regular training and further education for police and judicial officers;
- take appropriate account of the special situation of victim-witnesses in the Code of Criminal Procedure and, in particular, ensure that necessary therapies for victim-witnesses do not constitute an obstacle to criminal prosecution;
- Consider a higher sentence for human traffickers.

⁴⁵ Norak, Sandra: Loss of Self in Dissociation in Prostitution <https://vimeo.com/354292081>; [Recovery of Self in Connection to Horses: A Survivor's Journey](https://digitalcommons.uri.edu/dignity/vol4/iss4/6/) <https://digitalcommons.uri.edu/dignity/vol4/iss4/6/>

⁴⁶ on 7.12.2022 <https://www.dbb.de/artikel/der-rechtsstaat-darf-nicht-an-fehlendem-geld-scheitern.html>

4. Identification of victims and those at risk, 12c/d)LOIPR

In Germany, persons trafficked for the purpose of sexual exploitation are prevented from perceiving themselves as victims:

1. because they basically move in a society where buying sex is exempt from punishment and where terms like "sex work", "clients", "sexual service" etc. prevail or where even, for example, safety is advertised,⁴⁷ although it is known to the experts that it is sex buyers who commit additional violence against women in prostitution;⁴⁸
2. because the boundaries between legal and illegal only exist in theory in legal texts;
3. because persons trafficked for the purpose of sexual exploitation cannot identify themselves as victims or even know that they are victims under German criminal law;
4. because those affected perceive prostitutes in their environment who are purely outwardly no different from them and do the same as they do themselves;
5. because determining whether the offence of trafficking for sexual exploitation or forced prostitution has been committed requires years of litigation and painstaking detail work by lawyers, criminal investigators and expert witnesses. How is a trafficked person supposed to trust that justice will be done?
6. because pimps/loverboys in particular use the legal situation in Germany as an argument to exploit very young victims for years: *"He said that everything was normal. That is the key word: normality. Prostitution is normal and a job like any other."*⁴⁹
7. because profiteers of the sex industry claim that the number of victims of human trafficking and forced prostitution is declining or stable, although the Federal Criminal Police Office, for example, points out the high number of unreported cases every year.⁵⁰ *"I thought that prostitution is legal in Germany and therefore it can't be a bad thing,"* Marietta Hageney (SOLWODI Baden-Württemberg counselling centre) quotes a trafficked person and continues: *"...the reality was different. She was brutally raped several times and was told what she had to do now."*⁵¹

RECOMMENDATIONS

The federal, state and local governments should

- Provide sufficient and sustainable funding for specialised counselling centres on a long-term basis, rather than on a project basis.
- Consult and promote domestic organisations of prostitution survivors so that their expertise can be used to identify victims.
- develop sensible alternative solutions to the current registration under the Prostitutes Protection Act.⁵²
- Develop concepts that make it easier for the high number of undetected victims of human trafficking for sexual exploitation in Germany to recognise themselves as trafficked persons.
- develop concrete factual evidence of coercion, violence, abuse of power, exploitation of weakness or inequality;

⁴⁷ *"Welcome to xxxstreet in xxx, forced prostitution, human trafficking, child prostitution- No, thank you! More fun with SAFETY"*
<https://taz.de/Tag-gegen-Menschenhandel-am-30-Juli!/5524028/>

⁴⁸ https://www.osce.org/files/f/documents/7/f/489388_2.pdf , page 19

⁴⁹ Thus an article by our Bündnispartner EMMA in an interview with Sandra Norak, former prostitute;

<https://www.emma.de/artikel/die-wuerde-des-menschen-ist-antastbar-336695>

⁵⁰ https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/Menschenhandel/menschenhandel_node.html

⁵¹ "Forced Prostitution in Europe", minute 17:50, <https://youtube.com/watch?v=Rc1c0CU7ETY&si=EnSlkaIECMiOmarE>

⁵² <https://www.ge-stac.com/> and <https://netzwerk-ella.de/>

- Investigate situations and circumstances where, despite the absence of the above indications, exploitation and coercion to perform sexual acts could be present (e.g. in the psyche: dissociation, programming, learned helplessness, etc.).
- Train and sensitise police and judicial authorities, counselling centres so that terms such as "sex work", "clients", "sexual service" are avoided in the environment of potential trafficked persons - i.e. when dealing with prostitutes in general.
- Develop a strategically effective nationwide approach to human trafficking for sexual exploitation and implement the OSCE recommendations.

5. Victim and vulnerable health, 12d)LOIPR

More than 80% of prostituted women in Germany come from precarious backgrounds and do not have health or social insurance. Specialist counselling centres report on the poor health of many women for whom no official medical care is provided. Most of the prostituted women have suffered massive violence in their past and have learned to dissociate.⁵³

A Physical

STIs (gonococci, chlamydia, trichomonas, condyloma, syphilis, hepatitis, HIV) due to forced condom waiving by the clients.

Tears, overstretching, fissures in the vaginal and anal area; cystitis; pelvic floor insufficiencies with urinary/ faecal incontinence;

Inflammation of the internal organs, especially the fallopian tubes;

unwanted pregnancies;

destroyed intestinal flora, thus a weakened immune system (due to frequent enemas and laxatives for the purpose of bowel evacuation, vomiting induced by oral sex practices;

mental disorders, including eating disorders;

multiple and severe pains all over the body;

Sleep disorders due to the 24/7 rhythm; stress anxiety

heavy alcohol, drug and medication use.⁵⁴

B Psychic

Enormously high psychological stress, accompanied by disgust, shame, fear and aversion.⁵⁵ Survival strategies are: dissociation (an emergency mechanism that leads to numbness, indifference and absence of pain), perpetrator introjection or perpetrator identification (thought and behaviour patterns of the perpetrator are adopted). Almost all women in prostitution suffer from trauma sequelae⁵⁶: such as complex post-traumatic stress disorder (cPTSD), (the main symptoms are: chronic overexcitement, flashbacks, avoidance behaviour, apathy, emotional numbness and general loss of interest),

⁵³ Farley/Barkan, 1998 Prostitution, Violence and Posttraumatic Stress Disorder, Silbert MH, Pines AM (1981), Sexual child abuse as an antecedent to prostitution.

BMFSFJ (2004): Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland, <https://www.bmfsfj.de/blob/84328/0c83aab6e685eeddc01712109bcb02b0/langfassung-studie-frauen-teil-eins-data.pdf>

⁵⁴ Abolition 2014 - For a world without prostitution: Physical harm of prostitution - report of a gynaecologist from open work; Zurhold, Heike (2003): Substance use in the lives of sex workers. Intoxication 2(1)

⁵⁵ Huber, Michaela (2015): Trauma and prostitution from a trauma-therapeutic perspective, <https://www.michaela-huber.com/files/vortraege2014/trauma-und-prostitution-aus-traumatherapeutischer-sicht.pdf>

⁵⁶ Alder, Stephan: <https://bvvp.de/2020/09/07/prostitution-macht-krank/> Retrieved 23.6.2021

depression, anxiety and panic disorders,⁵⁷ somatisation, compulsions, addictions, suicidal ideation. Furthermore, sexual disorders and relationship disorders.⁵⁸

RECOMMENDATIONS

The federal government should seek advice from doctors, trauma psychologists and therapists at hearings on prostitution.

The federal government, states and municipalities should educate society about violence in prostitution, the effects on physical and mental health and about the reenactment of sexual violence experiences in prostitution.

6. Evaluation of penal provisions on trafficking in human beings, 12f)LOIPR

The reformed penal provisions that came into force in 2017 are ineffective according to the evaluation of the *Criminological Research Institute of Lower Saxony*.⁵⁹ For example, 83% of the investigative proceedings investigated were dropped. Only 11-14% of the offenders were convicted. Therefore, in June 2022, the justice ministers of the states held out the prospect of a further "holistic" reform of the entire regulatory area.⁶⁰ However, due to the evaluation of the Prostitution Protection Act, for which the Ministry of Family Affairs is responsible, there is a standstill until mid-2025. Urgent "holistic reforms" to combat trafficking in human beings for the purpose of sexual exploitation can thus not be launched by the Ministry of Justice.

A Prosecution: poor

Due to the legal regulation of prostitution, the investigative approaches have shifted from classical criminal law to labour law, social law or tax law.⁶¹ The conviction rates are low. Human traffickers do not take any risks in Germany. Police investigations in Germany's red-light districts have become more difficult since 2002. Human trafficking is a control crime. Prof. Yvette Völschow has coordinated a research project on human trafficking and interprets the low figures in the *federal situation report on human trafficking* as follows: "If the capacities of a personnel nature are either not there or not so strongly deployed in the area, then you don't find so many cases."⁶² Stefan Willkomm, public prosecutor's office Düsseldorf - special department of organised crime, reports the same: "It is also noticeable in other public prosecutor's offices that where certain colleagues are committed, more cases are carried out."⁶³

⁵⁷ <https://sexindustry-kills.de/doku.php?id=prostitutionmurders:de>

⁵⁸ Farley, Melissa (2003): Prostitution and the Invisibility of Harm. *Women & Therapy* 26(3/4): 247-280

⁵⁹ Recently, the inadequacy of the tightening of the penal provisions on trafficking in human beings was determined by the Criminological Research Institute of Lower Saxony in an evaluation. Cf. <https://kfn.de/blog/2021/11/neuer-forschungsbericht-veroeffentlicht-evaluierung-der-strafvorschriften-zur-bekaempfung-des-menschenhandels-%C2%A7%C2%A7-232-bis-233a-stgb/>

⁶⁰ https://www.justiz.bayern.de/media/pdf/top_ii.13_-_bek%C3%A4mpfung_von_menschenhandel.pdf Point 2

⁶¹ Federal Ministry 2007, margin note 95 :

<https://www.bmfsfj.de/resource/blob/84534/764b646c1afece104ab1796ad7e7cc60/prostitutionsgesetz-gutachten-1-data.pdf>

⁶² <https://www.uni-vechta.de/soziale-arbeit/standard-titel-2/mitglieder-soziale-arbeit/voelschow> Reportage by Mitteldeutscher Rundfunk 2021 "Forced into prostitution: How women are brutally exploited in Germany."
<https://www.youtube.com/watch?v=tPHSPJwlrq&t=761s> Minute 18:30

⁶³ "Loverboys: Between Love and Human Trafficking" February 2018 minute 6:30

<https://youtube.com/watch?v=gAmAh10byTM&si=EnSikaIECMiOmarE>

Since very few prostitutes are registered under the *Prostitutes Protection Act*, the regulatory and police authorities do not have the overview that the legislators had hoped for in order to combat human trafficking.⁶⁴

Law enforcement is a challenge. The procedures often require cross-border cooperation and are lengthy. The police of North Rhine-Westphalia report: *"Telephone surveillance is initiated, thousands of conversations in Pidgin English or the Bini language are evaluated. Interpreter costs soon amount to over 300,000 euros."*⁶⁵ When cooperating, it must be borne in mind that corruption is sometimes very widespread in the countries of origin or people could be seriously threatened. It is therefore not expedient for German politicians to continue to block urgently needed legal reforms in the direction of the Nordic Model by pointing to a lack of cooperation in the countries of origin.⁶⁶ It has become known that a particularly large number of victims are brought to Dresden for sexual exploitation from the region of Jambol in Bulgaria. The public prosecutor's office in Jambol confirms that the official figures are *"quite low"* and assumes *"a much higher number of unreported cases"*.⁶⁷

The President of the *State Criminal Police Office of Baden-Württemberg*, Andreas Stenger, who knows the red-light scene and has himself investigated sexual exploitation for years, says that milieu-specific criminality cannot be curbed by legalising the trade: *"Basically, we need the statements to get to the people behind the scenes who earn the really big money from the misery and misery of these women, and of course that has not become easier for us with the Prostitution Act."*⁶⁸

Those affected are not recognisable and fear police and regulatory authorities. It is often not possible for aid organisations to build up relationships of trust. The women are moved from town to town and are not in one place for long.

Criminal defence lawyers specialise in human trafficking. A suspect can easily avoid a conviction due to lack of knowledge about the victim's age. A current example of criminal proceedings against human traffickers, which have been conducted at the Regional Court of Dresden for approximately two years, shows that defence lawyers are familiar with the particular difficulties of presenting evidence and are skilled in trial tactics.⁶⁹ In November 2022, one of the two defence lawyers suddenly and unannounced resigned. The second defence lawyer requested that the proceedings be terminated and rescheduled. His client could not be adequately defended by him alone. The court should therefore, if it does not terminate the trial, repeat witness examinations from the first year. This would mean that injured parties from Bulgaria would have to be brought in again for questioning.⁷⁰ The lawyer of another accused confirms that she still procures women. Everything is reported and legal. According to the Dresden Regional Court, her economic activities have not been restricted.⁷¹

Ultimately, the aforementioned shortcomings have been confirmed in the evaluation of the penal provisions against human trafficking.

⁶⁴ https://www.destatis.de/DE/Presse/Pressemitteilungen/2022/07/PD22_277_228.html
<https://dserver.bundestag.de/btd/18/090/1809080.pdf>

⁶⁵ <https://polizei.nrw/artikel/junge-frauen-durch-juju-zauber-gefuegig-gemacht>

⁶⁶ Human Trafficking and Prostitution, New Mafia Organisations in Europe, Minute 11
<https://www.youtube.com/watch?v=re8c2WB-txI>

⁶⁷ Report by Mitteldeutscher Rundfunk 2021 *"Forced into prostitution: How women are brutally exploited in Germany."*
<https://www.youtube.com/watch?v=tPHSPJWlrg&t=761s> Minute 16:00

⁶⁸ "Forced prostitution in Europe", minute 28:00, <https://youtube.com/watch?v=Rc1c0CU7ETY&si=EnSikaIECMiOmarE>

⁶⁹ <https://www.saechsische.de/kriminalitaet/die-cause-frank-hannig-5784354.html>

⁷⁰ <https://www.saechsische.de/kriminalitaet/die-cause-frank-hannig-5784354.html>

⁷¹ Report by Mitteldeutscher Rundfunk 2021 *"Forced into prostitution: How women are brutally exploited in Germany."*
<https://www.youtube.com/watch?v=tPHSPJWlrg&t=761s> Minute 21:20

The past 20 years have shown that it is not possible to balance the interests of the prostitution industry and the fight against human trafficking for sexual exploitation. Germany turns a blind eye to its share of responsibility and does not give enough priority to combating human trafficking. There is a lack of data collection, staff and resources at law enforcement agencies.

In 2023, the networks of human trafficking in Germany are still not confronted with a suitable instrument for prevention and prosecution. Measured against the extent of the problem, the activities of the Federal Government are absolutely insufficient. There is an acute need for action, as human trafficking and sexual exploitation is not only a serious crime, but also a grave violation of human rights that must not be tolerated a day longer.

B Punishment of knowing use: ineffective

Punishing a john for sexual acts against victims of trafficking for sexual exploitation or forced prostitution is theoretically possible in Germany under the conditions of Section 232a (6) of the *Criminal Code* (StGB). The *Criminological Research Institute of Lower Saxony* (KFN) evaluated the criminal provision in its version of October 2016 and found that "*the risk for a john to be prosecuted for an offence under section 232 a) paragraph 6 sentence 1 StGB is close to zero.*"⁷² The OSCE comes to the same conclusion. "*In Germany, between 2017 and 2019, there was a single investigation under Section 232a of the Criminal Code (forced prostitution), but over 330 victims were identified in the same period.*"⁷³ "*The knowing use statute is not an effective tool to reduce demand,*" says Valiant Richey, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.⁷⁴

The evaluation of the *KFN* was completed in September 2021. Shortly afterwards - in October 2021 - the requirements for punishing johns were slightly tightened in para. 6. The law now also punishes recklessness. Theoretically, clients who carelessly overlook the fact that a victim is being trafficked can now also be punished. Against this tightening, two johns, supported by the *Bundesverband sexuelle Dienstleistungen e.V. (BesD)*, filed a constitutional complaint with the Federal Constitutional Court on 2 June 2022.⁷⁵ This is another sad low point of the negative effects of the legalisation of sex buying in Germany. The legalisation of prostitution has changed the self-image of the johns. They see themselves entitled by the prostitution laws as "customers" who "only" use a "sexual service".

So far, it has not been shown that the tightening up on "careless" overlooking has had any effect. Even the BKA writes on the recognisability of victims of human trafficking for the purpose of sexual exploitation by criminal investigators: "*Whether the existence of human trafficking is recognised depends essentially on the knowledge and sensitivity of the responsible officers for the offence of human trafficking as well as on the target of the police measures. It requires a high degree of sensitivity to recognise whether a young woman or man is working as a prostitute on her own or under duress ...*"⁷⁶

⁷²https://kfn.de/wp-content/uploads/Forschungsberichte/Bericht_Evaluierung_Strafvorschriften_Bekaempfung_Menschenhandel.pdf; page 105.

⁷³ <https://www.xn--bndnis-nordischesmodell-cpc.de/b%C3%BCndnistagung-2022>

Page 37

⁷⁴ <https://youtu.be/r5VIDqzuy6E>

⁷⁵ <https://bsd-ev.info> <https://www.bringt-das-in-ordnung.de/>

⁷⁶ see under "Victims and crime events":

https://www.bka.de/DE/IhreSicherheit/RichtigesVerhalten/VerdachtDesMenschenhandels/verdachtDesMenschenhandels_node.html

RECOMMENDATIONS

The federal government and the federal states should work towards

- special departments are set up at criminal justice agencies and budget plans are increased;
- the justice ministries at the federal and state levels pursue legislation modelled on the Nordic Model or the Equality Model in the fundamental reorientation of penal provisions.

