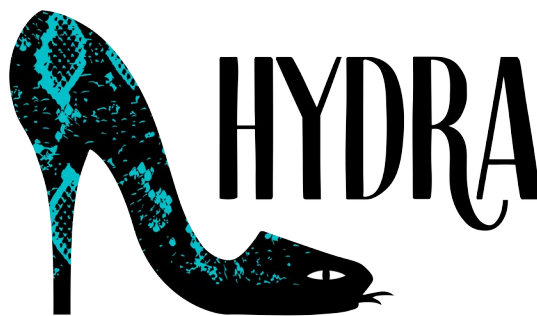


**Subject: Input for Report on prostitution and violence against women and girls**

**By: Hydra e.V. Treffpunkt und Beratungsstelle für Prostituierte.**

**To: Special Rapporteur on violence against women and girls**

**Date: 31st January 2024**



Hydra is an association and counselling centre by sex workers, social workers and feminist allies in Berlin with over 40 years experience. This reports mostly focuses on the situation in Berlin, Germany. Hydra acknowledges the diverse and complex realities and living situations of sex workers and people exploited in sex work. Our counselling services orientates on the specific needs of each individual, encouraging its self-determination:

- Orientation counselling for people reflecting if they want to start doing sex work
- Out-reach in brothels and online
- Social and peer counselling for all those doing sex work and wanting to continue sex work, incl. health protection, anti-violence counselling and empowerment workshops.
- Counselling for victims of exploitation and trafficking in human beings
- Counselling for all those who want to leave sex work and orient towards new income sources.

## **6. Linkages between prostitution and the violation of the human rights of women and girls:**

1) Hydra understands violation of human rights of sex workers, incl. violence against sex workers and exploitation of sex workers and people in the sex business, as a symptom of patriarchy, alongside other forms of gender-based violence.

2) Respectively, Hydra understands exploitation and trafficking in human beings as symptoms of capitalism, classism, restrictive immigration legislation, migration-hostile labour law, alongside exploitation in and trafficking into other segments of labour.<sup>1</sup>

Example: Berlin has a short supply of flats; free flats are speculation objects of investors. Racism on the housing market accelerates homelessness, which affects the most vulnerable sex worker.

**On language:** Hydra acknowledges sex work as work. Therefore Hydra uses mostly the term sex work(ers). Hydra strongly disagrees with the paradigm that sex work/ prostitution itself already states a form of violence against women. The anti-prostitution framing of the call raises Hydras concern whether the Special Rapporteur is interested in unbiased answers to her questions.

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1 <https://www.transcript-verlag.de/media/pdf/4e/c4/19/oa9783839466001GMwp0wU0xpMRU.pdf>

## **1. Examples of hidden forms of prostitution, and to what extent they are recognized and dealt with as such?**

Hidden forms of sex work increased since the introduction of the Prostitutes Protection Act in 2017. At the beginning of the pandemic in 2020, the German government temporarily forbade sex work for both, sex workers and clients. Both introductions accelerated the shift to more hidden forms of sex work. Sex work is a business which is often conducted by precarious and vulnerable populations. The protection rules during the COVID pandemics increased the level of destitution. Pressure to earn money for daily survival and archiving responsibilities of being care givers, while lacking job alternatives, a part of sex workers needed to keep working, some people started with sex work. Hydra intervened in Berlin, the Berlin senate therefore abolished the penalisation of sex workers, which at least relieved them from penalty fees. Still violence against sex workers increased while the penalisation of clients was enforced.

## **2. Profile of women and girls affected by prostitution in Germany:**

Data on sex work in Germany is not very reliable. Beside the official number of registered sex workers, no valid estimation of non-registered sex workers exists so far. Dissaggregated data is not comprehensively available. Through the lack of a total population it is not trustworthy to indicate ratios. Data will not change structures which lead to neither violence against and exploitation of sex workers, nor pimping and trafficking into prostitution. Every case of violence experienced is one case too much.

## **4. Forms of violence prostituted women and girls are subjected to (physical, psychological, sexual, economic, administrative, or other):**

Adult and minor sex workers face all mentioned forms of violence.

The street-based cis-female and trans-female sex workers in Kurfürstentempel have been confronted by increasing levels of physical and psychological violence by neighbours and by-passers. They report daily insults, threats with knives, beatings. Young men throw glass bottles out of cars. Neighbours spill buckets of water – or smelling liquid – over them. The sex workers – many of them working in precariousness and some in exploitative conditions – report these as the most important violence to fight right now. Sex workers repeatedly called to the police seeking for protection and justice were answered with victim blaming and ignorance. The peer-organisation trans\*sexworks conducted three neighbourhood events end of 2023. There different trans\*sex workers reported their experienced violences. Only very few neighbours showed up.

## **5. Responsibility for the perpetration of violence against women and girls in prostitution:**

Perpetrations against sex workers and persons trafficked into prostitution are the result of complex power structures like patriarchy and capitalism. Who is responsible to keep those power structures potent? Stigmatisation of sex workers reduces the obstacles of all parties who execute violence against sex workers. Parties include not just clients and pimps/ traffickers/ lover boys, but also: fellow sex workers, family members and partners, civil society (see Q4), civil servants, staff at authorities and police.

## **7. Links between pornography and/or other forms of sexual exploitation and prostitution**

Acting in pornography is a part of sex work. Sexual exploitation is neither inherent to pornography nor to sex work. Sexual exploitation is inherent to a capitalist system where sexual exploitation takes place in many different branches, including domestic services, care takers for elderly people, or the film business (#metoo) among other.

## **8. The issue of consent - Possibility to meaningful consent for prostituted women and girls:**

Consent is part of the Prostitution Act from 2002. §3(1) states that „Instructions that prescribe the IF, the HOW or WHAT KIND of sexual services are to be provided are not permitted.“ This constitutes an „only yes means yes“ consent condition obliged to clients and managers. The prostitution law from 2002 formally protects the sexual self determination of all sex workers. The challenge is that many sex workers and clients are still not informed about this legal protection of sex workers. Additionally, some sex workers do not feel empowered enough to prevail it against clients or managers. This indicates that the effectiveness of good laws depend on sufficient dissemination of knowledge and skills to those who should be protected by this law.

Reproducing and enforcing a discourse on the inability of sex workers to give consent worsens perceived lack of empowerment to deny consent, and fails to contribute to the dissemination of knowledge on sex workers rights. Therefore, anti-prostitution discourses contribute essentially to disinformation on the legal protection of sex workers in Germany and therefore the violence against sex workers.

## **9. Effectiveness of legislative frameworks and policies to preventing and responding to violence against women and girls in prostitution:**

Penalisation of clients during the pandemics was not meant to protect sex workers. Still, SWERFs in the international discourse sell it as the best protection available for sex workers. Our experience in Berlin in the pandemics was, that penalisation of clients increased violence against sex workers.

For reasons of violence see Question 6 Answer 2). Penalisation of clients promises a simple answer to a very complex problem, which is programmed to fail as diverse studies have already shown. True prevention and response to violence against sex workers reaches policy fields far beyond isolated laws on sex work, trafficking and violence against women. To be effective policy areas of migration, work, social security legislation have to be included. Socialisation processes teaching society discriminating behaviours and mind-sets are dehumanizing marginalized minorities. Socialisation processes have to embrace that every person equals in human dignity as it is stated in §1 of the German Basic Law (=constitution). Taken for itself sex work is not a violation of human dignity. That means that sex workers do not loose their human dignity through the job, but circumstances that pushed them into vulnerable positions. Analogous to violations of human dignity in any other occupations and areas of life derive from above mentioned discriminations and underlying power structures.

The prostitution act from 2002 made contracts between sex workers and clients valid as it lifted the invalidity causing “immorality aspect” from sex work. This empowered more sex workers to work

without pimps. The legal status provides sex workers access to the justice system. Stigmatisation and lack of identity protection in court cases discourage many sex workers to press charges.

**10. What measures are in place to collect and analyse data at the national level with a view to better understanding the impact that prostitution has on the rights of women and girls?**

This question is in itself already biased. It states prostitution as the reason of violations on the rights of women and girls. Therefore it would overlook and invisibilize the complex power structures resulting in the violations on the rights of women and girls. Request for sexual services is neither automatically violating the rights of women and girls, nor is it a power structure in itself. For a scientifically sound conception of data collection and analysis the power structures listed in the above and following questions have to be mirrored by the data. We criticise the questions of this call, as they reproduce anti-prostitution bias. Include sex workers in the development of future calls to avoid stigmatizing framings.

**11. Measures in place to assist and support women and girls who wish to leave prostitution:**

The coverage of counselling centres for sex workers increased in the last 6 years. Most of them, including Hydra, offer assistance and support of women and girls who want to leave sex work as well as victims of trafficking. Hydra has specialised staff and long established co-operation with civil society stakeholders – and for cases of trafficking with the police – to support persons to find alternative and sufficient sources of income, according their needs and urgency to leave sex work. We support them accessing social security fundings from the state, accomplishing qualification programmes, write CVs, among others.

**12. Obstacles faced by organizations and frontline service providers in their mission to support victims and survivors of prostitution:**

Lack of money, lack of staff, lack of trust into social workers as in other countries social workers hold sanctioning powers.

Psychological obstacles include toxic romantic normative expectations in partnerships and internalized toxic masculinity combined with internalized self stigmatisation as sex worker or victim.

The shift of marketing platforms from brothels and streets to the internet makes out-reach more difficult.

Sex workers, both voluntary and trafficked, without residency rights have no protection from deportation.

An important lesson Hydra learnt from decades of experience and the study on the DIVA project: Orientation counselling before starting sex work supports the process of sex workers shifting to other occupations and leave sex work.

#### **14. Sufficient inclusion of frontline organizations and survivors' organisations in policymaking at the national and international level:**

Sex workers rights organisations are not sufficiently included in policy making neither on national nor international level. Survivors of pimping and trafficking who keep doing sex work after their liberation from exploitative circumstances are active in sex workers rights organisations. They regularly keep their status discreetly, and prefer to speak out as sex workers rather than survivors.

#### **15. Recommendations to prevent and end violence associated with the prostitution for women and girls:**

Abstain from focussing on simplistic solutions on complex challenges, especially penalisation of clients.

Decriminalize sex work, run campaigns against stigmatisation of sex workers and all kinds of victims of violence. Establish access to labour rights and disseminate knowledge on the rights sex workers hold.

Abolish patriarchy, toxic masculinity, sexism and misogyny.

Abolish capitalism, classism, poverty, unequal distribution of access to resources. Introduce housing first.

Abolish all colonial heritage in global and domestic economics, racism, restrictive immigration policies and hostility against migrants in labour law.

Embrace harm reduction strategies.

Stand behind all sex workers who are neither happy hookers nor victims, but who arrange with the complex pressures created by power structures. Their decision to relieve their various lack of privileges by requesting sex work as jobs to earn income is valid and they have to be protected.

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