

Submission to UN Women by KOFRA and Initiative Stop Sexkauf, Munich, Germany.

[KOFRA](#) is a registered women's advocacy and support centre in Munichⁱ. Stop Sexkauf is a feminist initiative organised by current and former social workers, doctors and activists.

1) Provide examples of the hidden forms of prostitution, and explain to what extent they are recognized and dealt with as such?

Germany [speaks of hidden prostitution](#) where women (young men, trans identified individuals) have not legally [registered as prostitutes](#).ⁱⁱ Germany recognises that actual [numbers far exceed the number of registered "prostitutes"](#).ⁱⁱⁱ These figures do not reflect prostitution for gains other than money like accommodation, or irregular prostitution as supplementary means of income. Most hidden prostitution takes place in apartments rented by pimps and/or traffickers. A significant estimated number of women affected are those who count as "illegal aliens". Germany's understanding of prostitution as "sex work" impedes their recognition as victims.

2) Describe the profile of women and girls affected by prostitution in your country, and provide disaggregated data, where possible.

The vast majority of women in prostitution are from marginalised and disenfranchised communities and backgrounds, non-nationals, often from excluded communities in their home countries.

[Government data](#) differs from data gathered by frontline support workers and by law enforcement, all figures show that the vast majority of women in prostitution are not German nationals with rising numbers for women from Ukraine (despite state efforts to prevent trafficking for this specific group of vulnerable women).^{iv} [Police estimates](#) show that collected numbers represent a fraction of true numbers.^v

Due to the women's experiences with police and other state authorities in their home countries, German authorities find it difficult to establish trust, which further delivers these women into organised crime.^{vi}

Germany also has a specific [market for pregnant women](#) in prostitution.^{vii}

Women in prostitution show a higher range of [STI](#), as do the buyers.^{viii} The only comprehensive German study into the health of women in prostitution also shows a high drug and substance use prevalence.^{ix}

Other typical aspects are poverty, pimping, often in a family context, impoverishment and resulting decay, and social isolation^x, an experience often designed by pimps moving the women around the country to prevent their forming any ties to either their peers or social workers.^{xi} A large number supports children at home.

3) Describe the profile of those who solicit women in prostitution and whether such relations are regulated, and provide supporting data, where possible.

Melissa Farley provides the most extensive study into [those soliticing women](#) in prostitution in Germany. These men are aware of coercion and pimp violence and of the psychological damage caused by prostitution. Their view of the women is racist.^{xii} [A harm-reduction \(denial\) informed study](#) published in the Deutsches Ärzteblatt (a medical journal) [revealed](#) a high number of buyers (1 in 4 men at least once in their lives), they refuse condoms and carry STI into their partnerships or marriages.^{xiii} German [research](#) into buyers places more focus on the well-being of the [buyers](#) and their aims than on any other aspect of the sex trade.

The 2017 German "[Prostitute Protection Act](#)" includes the mandatory use of condoms, failure to comply penalises the buyer ([§32 ProstSchG](#)). There is no record of enforcement.

German brothels and several websites run punter forums for buyers. The violence beggars description. A collection both in German and English can be found on "[Die Unsichtbaren Männer](#)" by Elly Arrow.

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

Repeated undesired penetration, unhealthy conditions, no fixed abode and frequent moving between cities lastingly [damages the women's health](#). In recent years, [gynaecologists](#) have drawn attention to these aspects.^{xiv}

Direct physical, sexual and psychological violence has been investigated in a large number of studies worldwide^{xv}. Our response here focusses on economic and administrative violence.

1. Economic violence means pimps being legally permitted to demand 50% of a prostituted women's earnings, and the very high daily rent demanded for rooms in brothels or in (sublet) prostitution apartments, as well as in the many "fees" these venues enact for commodities like a second towel or for (alleged) infringement of brothel regulations.
2. Administrative violence: Many German cities have quarters where prostitution is illegal. The punishment for the infringement of such a regulation targets the prostituted alone. Prior fines or an illegal status in Germany makes women hide from police. This empowers buyers, traffickers and pimps. Lack of public actors' insight means a high risk of re-traumatisation /continued traumatisation.

5) Who is responsible for the perpetration of violence against women and girls in prostitution?

The primary group is the **buyers**. Besides well-known forms of **pimp violence**, pimping and trafficking are often effected through the "loverboy method", where women are made to believe in a common future. This constitutes psychological violence, often not recognised by **courts**. The German legal framework of "voluntary sexwork" results in a failure to understand violence as systematic. Government guidelines limit action to "counselling" of the prostituted. [The 2007 evaluation](#) of the 2001 Prostitution Act did not investigate violence.

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

The objectification of women in prostitution, especially as evidenced by developments in Germany since 2001 reveal a [shocking level of violence](#) and underline women being turned into a means for their buyers' sexual gratification. Regarding human beings as means breaches each and every definition of human dignity.^{xvi}

Buyers are almost exclusively male, the persons in prostitution [98+% women](#).^{xvii} The women's backgrounds reveal the exploitation of several types of inequality (class, ethnicity, educational background, access to resources). Freedom, and equality in dignity and rights are fundamental to the Universal Declaration of Human Rights, the German Constitution demands equality in Article 3 and requires the state to take active measures to ensure the equality between men and women. This is violated where state laws promote an infrastructure for men for guaranteed sexual access to women for a fee.^{xviii}

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

Survivor accounts highlight buyers demanding pornographic practices.^{xix} [Research](#) reveals strong links between [pornography and torture](#).^{xx} Buyers obtaining these kind of practices seriously impacts the women's physical and psychological health.

Regulations are circumvented by prostitution camouflaged as "creating porn" – buyers are invited to participate as "actors" and to contribute a set fee, the prostituted are "hired" as "actresses"^{xxi}. This effectively overturns any protections intended by the Prostitutes Protection Act.

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

In relations dominated by inequalities “consent” is a term that masks coercion. The exit difficulties faced by survivors underline “consent” as pro sex industry framing.^{xxii}

Germany endorses the sex business as a highly profitable business and in practice defines “consent” as given, operating from a very narrow definition of force in case law. This explains the low number of successful prosecutions.

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

The German 2017 legislative framework has shown some effectiveness in identifying victims of trafficking, if municipalities take sufficient time and provide culturally sensitive translators. This is limited to the small group of women seeking registration.

Practices deemed offensive by the 2017 Prostitution Protection Act like brothels offering “gang bangs” or “flat rate” arrangements have found their way onto “private” advertisements by individual women.

Legal provisions regarding prostitution venues come with exemptions for smaller venues.

Additional administrative and legal practices deny protection:

- Lack of knowledge on trauma impedes assessment of witness statements.
- Non targeting of buyers and state support for prostitution venues creates a massive market, as a result any violence created by these markets affects a very high number of women.
- The EU “Dublin Agreement” means the deportation of “illegal aliens” like refugees and asylum seekers, including likely trafficking victims, to the EU country they first reached.
- The understanding of prostitution leads to [court decisions](#) framing sexual assault, trafficking, forced prostitution and confinement as aspects around a “[work accident](#)”.
- The low numbers in prosecutions for trafficking evidence the difficulty of combating violence in such an environment.^{xxiii}

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?

Measures are informed by a conceptual framework of “voluntary prostitution”. Hence, data on violence is viewed as a separate issue.

The federal office of statistics annually releases data under the new Prostitutes Protection Act, these only concern figures of registration, age and origin.

It is left to grass roots organisations to cross-reference data by the police and by public health authorities. A full public report on the Prostitutes Protection Act will be made available in 2025. It will analyse procedure, not violence or the effects of prostitution on the prostituted, the prostitution areas, the buyers’ families and partners, or the criminal activities and circumventions of the act.

11) What measures are in place to assist and support women and girls who wish to leave prostitution?

Funding for advocacy centres has increased. A misunderstanding of prostitution and lack of awareness of sustained trauma hampers success, as does the aim of an immediate integration into training and the workforce. State published data recognises the low numbers of successful exits, but limits the issue to stigma.

At least one publicly funded advocacy centres promotes niche areas such as “sexual assistance”, meaning prostitution in the context of buyers with disabilities, including cognitive impairment (where legal

guardians act as intermediaries). These centres facilitate “[training courses](#)” paid for by the women leading to “certificates” of no legal significance, and they place [advertising](#) for those who completed such courses on their websites. This means women are made to pay for such “certificates”, and they remain in prostitution.

There is only a small number of centres working from a framework of recognising prostitution as violence.^{xxiv}

The city of [Wiesbaden](#) began a project for the support of women in prostitution in January 2023.

12) What are the obstacles faced by organizations and frontline service providers in their mission to support victims and survivors of prostitution?

For obstacles to the protection of women in prostitution we refer to the submission by [DIAKA](#) for this UN report.

Obstacles faced by frontline service providers and organisations:

There is a confrontational divide between service providers operating from a view of prostitution as a freely-chosen job and those viewing prostitution as a form of violence. Those critical of prostitution are publicly defamed and regarded as “emotional” and “moralistic”, additionally with allegations of xenophobia (because of the awareness of trafficking) and in the context of “identity politics” (due to awareness of the physical aspects of prostitution). These attacks are time- and energy consuming.

Survivor initiatives are excluded from participation. Lack of understanding of survivors’ needs impedes access to funding. There is only rarely a framework for developing joint policies between frontline service providers and other stakeholders like law enforcement, health authorities, women’s shelters or rape crisis centres.

13) What are some of the lessons learned about what works and what does not when it comes to stemming any negative human rights consequences from the prostitution of women and girls?

What does not work: Failure to address demand esp. when combined with creating and normalising demand. The resulting exploding market results in a corresponding explosion of all of the problems connected to prostitution.

What does not work: Penalisation of the buyer without proper implementation, public awareness campaigns, proper and meaningful exit support.

What works: Full implementation of the Nordic Model integrated into legislation about equality and against violence against women.

14) Are frontline organizations and survivors' organisations sufficiently included in policymaking at the national and international level?

No. Please cf. answers to questions 10, 11 and 12 for details.

15) What recommendations do you have to prevent and end violence associated with the prostitution for women and girls?

- Full implementation of the Nordic Model integrated into legislation about equality and violence against women
- Exit support including addressing debts to the state (fines, taxes) and safety for the women’s children
- Training of authorities and advocates
- Banning of all kinds of prostitution advertising
- The inclusion of exited women and of frontline and survivors’ organisations in policy making and implementation

- Encouraging and facilitating cooperation between health services and authorities, women's shelters and counselling groups, educational institutions
- Recognising women in prostitution as victims, especially those without a legal status in Germany
- Targeting and penalising demand

ⁱ Kofra – Kommunikationszentrum für Frauen e.V. Baaderstr. 30, 80469 München, www.kofra.de

ⁱⁱ Statistisches Bundesamt, Prostitutionsgewerbe, 2020 (; 2023-01-25; 11:30)

ⁱⁱⁱ Terre des Femmes, Interview with Dr. E. Bartels, Head of Police Duisburg, 4 Oct 2023.

^{iv} Statistisches Bundesamt, Pressemitteilung Nr. 368 vom 15. Sep 2023

^v BKA (Bundeskriminalamt) Menschenhandel und Ausbeutung. Bundeslagebild 2022, S.9 (

^{vi} Helmut Sporer, Der neue Deutsche Weg. Für eine Neuordnung der Prostitutionsgesetzgebung. Hanns-Seidel-Stiftung, München, p.40.

^{vii} Statement by Dr. W. Heide (gynaecologist), public hearing, Bundestag 6 June 2016.

^{viii} Claudia Santos-Hövenner Hella von Unger, Culturally sensitive HIV/STI prevention with migrant sex workers. Robert-Koch-Institut (2012) p.2); Anna Wolff: Untersuchung zum Infektionsstatus von Prostituierten in Lübeck. Inauguraldissertation zur Erlangung der Doktorwürde an der Universität zu Lübeck, Heidelberg Döring, N., Walter, R. et al, Men who pay for sex: prevalence and sexual health. Results from the German Health and Sexuality Survey (GeSiD) (Dtsch Arztebl Int 2022; 119: 201-7; DOI: 10.3238/arztebl.m2022.0107;)

^{ix} M.Schröttle and U.Müller, Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland. Bundesministerium für Familie, Senioren, Frauen und Jugend (2004). Teilpopulation 2: Prostituierte, p.13 and p.65

^x Ibid. p.5 and 50ff.

^{xi} Ibid. p.50ff

^{xii} M. Farley et al., Men who pay for sex in Germany and what they teach us about the failure of legal prostitution: a 6-country report on the sex trade from the perspective of the socially invisible 'freiers'. Berlin, 2022, pp.4,26,28,33 and 42.

^{xiii} Döring, N., Walter, R. et al, cf. above

^{xiv} Liane Bissinger (gynaecologist), The physical harms in prostitution cf. Link supplied in the text and cf. Bayerischer Landtag, Ausschuss für Arbeit und Soziales, Jugend und Familien, Anhörung (public hearing) 12 May 2022), pdf. p.11ff and p.62 ff. and: [BMFSFJ: Leitfaden zur gesundheitlichen Beratung nach §10 Prostituiertenschutzgesetz](#) ; 2023-01-28; 08:33)

^{xv} Cf. Prostitution Research and Education (<https://prostitutionresearch.com>); M.Schröttle and U.Müller (cited above), cf. Data provided in parliamentary submission (e.g. M.Honeyball (Rapporteur) [REPORT on sexual exploitation and prostitution and its impact on gender equality, 2014](#); M.Noichl (Rapporteur) [REPORT on the regulation of prostitution in the EU](#): its cross-border implications and impact on gender equality and women's rights, 2023, and countless others. Comprehensive survivor account: Huschke Mau, Entmenschlicht. Warum wir Prostitution abschaffen müssen. (München 2022), esp. p.188 ff

^{xvi} Cf. Elke Mack, Ulrich Rommelfänger, Sexkauf. Eine rechtliche und rechtsethische Untersuchung der Prostitution. (engl: Buying sex - A legal and legal-ethical analysis of prostitution) Baden-Baden, 2023.

^{xvii} Justification of the Prostitutes Protection Act submitted to the German parliament by the then government, 25 May 2016

^{xviii} For a discussion of equality cf. Rahel Gugel, Das Spannungsverhältnis zwischen Prostitutionsgesetz und Art. 3 II Grundgesetz. Eine rechtspolitische Untersuchung. Berlin 2011. State promotion of prostitution infrastructure: cf. public money awarded to brothels during the corona crisis to support them during the lockdown of businesses 2020 and 2021.

^{xix} Huschke Mau, Entmenschlicht (cf.above) p.188 ff.

^{xx} Cf work by L.McDonald, J. Sarson and M.Farley, E.Berkvist et al. [Pornography Production](#) Harm in Sweden: Filmed Prostitution is Inseparable from Non-Filmed Prostitution

^{xxi} Any cursory internet search containing the relevant key terms will lead the viewer to such sites

^{xxii} Farley, M. & Kleine, I. (2021) Harm and Its Denial: Sex Buyers, Pimps, and the Politics of Prostitution, with Particular Attention to German Legal Prostitution. Chapter 16. Spinning and Weaving: Radical Feminism for the 21st Century, ed. by Elizabeth Miller, Tidal Time Publishing.

^{xxiii} Cf. The Trafficking in Person Reports by the US government for the last decade, official federal police statistics for the last decades (cf. also footnote 6)

^{xxiv} For a list we refer to the submission by DIAKA.