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Special Rapporteur on violence against women and girls

United Nation

Stuttgart, 2. Februar 2024

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

Dear Special Rapporteur Ms Reem Alsalem,

SISTERS - for the exit from prostitution! eV. is a non-profit, politically and religiously independent, organization that works purely on a voluntary basis.

We founded our association in 2015 because the prostitution market in Germany has expanded massively since the introduction of the liberal law in 2002 and our government has not taken measures to put a stop to this legal slave market in Germany.

Sabine Constabel, a social worker with over 30 years of experience in the prostitution milieu, is a founding member and chairwoman of the board. She workes in the health department and was the initiator and professional coordinator of a low-threshold contact point for prostituted women in Stuttgart. The members of our association come from all social and professional backgrounds. Around 20% are survivors of prostitution. We support women, who want to exit prostitution and are committed to a socio-political exit from prostitution. [[1]](#footnote-1)

Our answers to your report refer to women of legal age in prostitution. Girls cannot be prostituted. Commercial sex with minors is child trafficking for the purpose of sexual exploitation.

Yours sincerely,

Solveig Senft - p.p. Sabine Constabel

**1.**

In Germany, a distinction is made by law between **"voluntary" prostitution** (Prostitution Act) [[2]](#footnote-2)and **forced prostitution** (criminal law paragraph)[[3]](#footnote-3) and the data for this is recorded separately. Although the police and investigating authorities also assume that 85-95% of women are not voluntarily involved in prostitution[[4]](#footnote-4) and the indications formulated in the penal code apply to the majority of prostituted women, the Prostitution Act generalizes and defines women in prostitution **as self-employed service providers.**

**The "dark field" in the "bright field" of legalized prostitution**

* There is no statistical data on how many women/people are involved in prostitution in Germany. Estimates range from 200,000 to 400,000.[[5]](#footnote-5)

The Prostitutes Protection Act 2017[[6]](#footnote-6) intended to remedy this situation by making it mandatory for prostitutes to register and seek advice.

However, at the end of 2021, only around 24,900 prostitutes were registered with the authorities in Germany. [[7]](#footnote-7) This means that 80% - 90% of **prostituted women** in Germany are working illegally. They work in all areas of prostitution and are highly affected by violence and exploitation. Due to the general legalization of prostitution, there is no police pressure to investigate.

* A large number of **brothels** are tolerated by the authorities even though they do not meet the legal requirements of the Prostitution Protection Act. [[8]](#footnote-8)
* In the shadow of legalization, illegal forms of prostitution also thrive under current law: sexual exploitation of minors, human trafficking and associated crime (drug trafficking, money laundering, etc.) The Prostitution Act has made it more difficult for the police to uncover victims of human trafficking and forced prostitution in the trade, as they are only allowed to enter brothels if there is concrete suspicion.

Pimps and human traffickers use the legal infrastructure to supply women to brothels. Brothels, for their part, are dependent on their supply.[[9]](#footnote-9)

In 2013, a study funded by the European Commission was published showing that the legalization of prostitution promotes human trafficking and modern slavery. [[10]](#footnote-10)

**2.**

The majority of women affected by prostitution in Germany

* are very young - and the trend is rising.
* Foreign women - mainly from poor regions and marginalized groups in Eastern Europe.
* They have little formal education, rarely any vocational training,
* speak little or no German.
* They are not resident in Germany and usually have no health insurance.
* They do not find their way from their home country to German prostitution establishments on their own, but are brought here by organized pimp gangs, family members or friends, so-called "loverboys".

Sabine Constabel: "Today, around one in three prostitutes is under 21 years old. That's over 100,000 very young women in Germany alone! Almost all of them come from the poorest regions of Eastern Europe, from Bulgaria, Romania and Hungary. Many know nothing about sexuality. For some, the client is their first man. These young women know nothing about the risk of infection, nothing about how to protect themselves from it and from perverted, dangerous practices.

It is easy for the pimps to gain the trust of these inexperienced, far too young and often emotionally orphaned girls. They grab them from children's homes, take them from the poorest villages, promise them love - and then throw them onto the prostitution market. The sex buyers demand younger and younger women because they can make the most profit from the most helpless for the least amount of money."[[11]](#footnote-11)

**3.**

* **Pimps** control "their" women - on the streets, in model apartments, in brothels. They live parasitically off the women's earnings and organize their activities using violence or emotional pressure. As "managers", they are in contact with operators.
* **Operators** do not officially act as employers, but as "landlords". Nevertheless, they have a limited legal right to issue instructions. This means that they determine the working hours, the women's clothing, their "offers", prices, etc.

The women are advertised on the brothels' websites and on relevant online sites (e.g. kaufmich.com).

**4.**

* For the women affected, prostitution means great existential insecurity, a high risk of violence and negative health, psychological and social consequences. In no other "trade" are verbal humiliation, bodily harm, sexually transmitted diseases, abortions, theft of earnings, rape, fear and even fear of death among the "occupational risks".
* Studies show that the rate of violence and the resulting physical harm and psychological stress experienced by prostituted women is significantly higher than that of women in other occupational fields. Both, the consequences of the violence experienced in prostitution and the imprint of violence and sexual abuse in childhood and adolescence, as well as irreversible damage and traumatization as a result of the violence. [[12]](#footnote-12)
* An international study on the effects of prostitution on women found that two thirds of the women examined showed symptoms of PTSD (post-traumatic stress disorder) comparable to those of war veterans, torture victims and concentration camp survivors.[[13]](#footnote-13)

**5.** Responsible for violence against women in prostitution are

* **Sex buyers**. With their demand, they not only create the market for sexual exploitation and the incentive for human trafficking, but also cause direct, serious and sometimes irreversible physical and psychological damage to the women concerned.

The fact that prostitution is legal also changes the clients. They see buying sexual acts as their right – after all, they have paid for it.

* **Human traffickers/pimps** and **operators** are primarily interested in the profit they make from marketing women. As a result of the extensive legalization of brothels and pimping, the trade has exploded in Germany. They defend their sinecures by any means necessary.
* The **state**, which does not protect women from getting into prostitution, which protects the infrastructure for the trade in women by law, and which makes itself the economic profiteer of the prostitution industry with the tax revenues.

**6.**

Prostitution is a form of gender-specific violence. It is incompatible with the rights enshrined in the Basic Law of the Federal Republic of Germany: Inviolability of dignity, right to physical integrity and freedom of the person and equal rights of women and men (Art. 1,2,3,)[[14]](#footnote-14)

However, it is not only the human rights of prostituted women that are violated, but those of all girls and women: when women are regarded as potential commodities for sexual exploitation.

By legalizing prostitution, the German state is violating its duty of care towards women.

**7.**

Many sex buyers want to recreate the brutal sexual acts they have seen in pornography when they go to a prostitute. In this way, increasingly extreme sexual practices find their way from pornography into prostitution. And vice versa.

**8.**

Voluntary prostitution is a contradiction in terms. Purchased consent based on an imbalance of power is not consent, but paid abuse, rape. And the women concerned also perceive it as such.

Nevertheless, there are "sex workers" who are comparatively more self-determined, working as a sideline in the escort, BDSM or similar sector. They are often operators themselves.

Although this group of people comprises barely 10% of those working in prostitution, and also the "more privileged" part, German legislation takes their situation as the point of reference for its regulations and thus ignores the situation of the 90% of mainly poor, foreign, vulnerable prostituted women, whose situation is completely different. In this group, exploitation and coercion are not the exception but the rule.

**9.**

So far, Germany has not taken any effective measures to prevent violence against prostituted women and girls.

On the contrary: the demand for prostitution has increased since liberalization – every fourth man in Germany has paid for sexual acts.[[15]](#footnote-15) The risks of violence and exploitation of prostituted women have not been curbed, but "legalized", the sex industry and clients have been strengthened at the expense of women. The existence of legal prostitution suggests to men that the sexual use of women is not ethically and morally reprehensible.

However, Germany adheres to its regulations according to which prostitution is seen as a "sexual service", prostituted women are treated as "self-employed", brothel operators and pimps as "entrepreneurs" and clients as "customers" - even though it has demonstrably worsened the situation of prostituted women.

The legalization of prostitution also prevents effective measures to combat **human trafficking**. Trials against violent pimps and human traffickers are rare and not very successful. According to estimates by the Criminological Institute of Lower Saxony (KfN), 90% of human trafficking offenses remain unsolved.[[16]](#footnote-16) This encourages traffickers and discourages potential witnesses who are endangered by a lack of convictions.

### Since 2016, **clients** in Germany can be prosecuted if they **willfully** use the services of a prostitute who is under coersion . The regulation was tightened again in 2021 clients, who **carelessly** use the services of a forced prostitute.[[17]](#footnote-17)

Unfortunately, however, it is not implemented in practice.

**10.**

Few. A study conducted by the BMFSFJ in 2004 confirmed the significantly higher rate of violence and its physical and psychological consequences among prost. women.[[18]](#footnote-18) The 2007 evaluation of the Prostitution Act documented that the intention of legalizing prostitution to improve the legal and social status of prostitutes and suppress crime was not achieved.[[19]](#footnote-19) Nevertheless, no consequences were drawn from this.

The provisions of the Prostitutes Protection Act of 2017 are half-hearted and are insufficiently enforced in practice.[[20]](#footnote-20)

The Prostitution Protection Act is to be evaluated by 25 - but it is already foreseeable that it will fail.

**11.**

There are counseling centers for prostituted women/people in Germany. However, with a few exceptions, the publicly funded advice centers run by the state or by church organizations do not focus on exit assistance, but rather on supporting women in prostitution, e.g. in bureaucratic matters, tax advice, debt advice, obtaining documents and papers, but sometimes also referrals to other brothels.

**12.**

The social and political tolerance of buying sexual exploitation and the resulting lack of legislative, political and social measures to curb prostitution and thus violence against women is the biggest obstacle to supporting prostituted women.

**13.**

The current German legislation fails when it comes to preventing and responding to violence against women in prostitution.

Criminal law measures against human trafficking fail, when it comes to protecting victims and bringing perpetrators to justice, while sexual exploitation remains legal.

**14.**

Sabine Constabel was heard as an expert in various Parliament committees.[[21]](#footnote-21) Our second chairwoman, Leni Breymaier, MDB of the SPD, organized a cross-party parliamentary group for a change of course in parliament. But in general, the expertise of frontline and survivors' organisations is not sufficiently included in political decision-making at national and international level and is even blocked.

**15.**

We are committed to the Nordic or Equality Model because it offers a change of perspective: holding perpetrators accountable and avoiding victims.

Criminalizing the purchase of sexual acts is the best way to combat demand and human trafficking in line with international and EU obligations. In the countries that implement this legislation, it has proven to be effective. Equality between women and men cannot be achieved in a culture of sexual commodification of women, where the latter can be bought and sold for profit. The Nordic/equality model champions the core of equality and justice.

1. <https://sisters-ev.de/> <https://rotlichtaus.de/> [↑](#footnote-ref-1)
2. <https://www.gesetze-im-internet.de/prostg/BJNR398310001.html> [↑](#footnote-ref-2)
3. STGB 232/232a <https://www.buzer.de/232a_StGB.htm> [↑](#footnote-ref-3)
4. <https://www.emma.de/artikel/hamburger-kommissar-95-prozent-sind-opfer-263727> [↑](#footnote-ref-4)
5. Redlight-Infografik-Erotikmarkt-in-Deutschland-5.pdf [↑](#footnote-ref-5)
6. https://www.gesetze-im-internet.de/prostschg/BJNR237210016.html [↑](#footnote-ref-6)
7. Redlight-Infografik-Erotikmarkt-in-Deutschland-5.pdf [↑](#footnote-ref-7)
8. <https://www.domino1.stuttgart.de/web/ksd/KSDRedSystem.nsf/ae7aefac3711e63fc1257c67004d7347/00ebac68004218e2c125830400268fc4?OpenDocument> [↑](#footnote-ref-8)
9. as the trial against the operator of the Paradise brothel for human trafficking dramatically demonstrated: <https://landgericht-stuttgart.justiz-bw.de/pb/,Lde/Startseite/Aktuelles/Urteil+im+_Paradise-Prozess_/?LISTPAGE=1195716> [↑](#footnote-ref-9)
10. Cho, Dreher, Neumayer / London School of Economics "Does Legalized Prostitution Increase Human Trafficking?" <https://eprints.lse.ac.uk/45198/1/Neumayer_Legalized_Prostitution_Increase_2012.pdf> [↑](#footnote-ref-10)
11. Zitat Sabine Constabel in ihrer Stellungnahme zum Entwurf eines Gesetzes zur Verhütung und Bekämpfung des Menschenhandels und zum Schutz seiner Opfer im Ausschuss für Recht und Verbraucherschutz des Deutschen Bundestages am 8. Juni 2016 <https://www.bundestag.de/resource/blob/425392/75d1a8acc84c77e85d0252a6d15bb35b/constabel-data.pdf> [↑](#footnote-ref-11)
12. BMFSFJ: Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland 2004.

    <https://www.bmfsfj.de/blob/84328/0c83aab6e685eeddc01712109bcb02b0/langfassung-studie-frauen-teil-eins-data.pdf> [↑](#footnote-ref-12)
13. <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf> [↑](#footnote-ref-13)
14. See also the legal analysis by: Mack, E., Rommelfanger, U., 2023. *Sexkauf. Eine rechtliche und rechtsethische Untersuchung der Prostitution*.

    Gugel, Rahel: Das Spannungsverhältnis zwischen Prostitutionsgesetz und Art. 2.II GG, Eine rechtspolitische Untersuchung, 2011 [↑](#footnote-ref-14)
15. <https://de.statista.com/infografik/28711/anteil-der-maenner-die-bereits-fuer-sex-bezahlt-haben/> [↑](#footnote-ref-15)
16. Sporer, Helmut: <https://www.diaka.org/der-neue-deutsche-weg> [↑](#footnote-ref-16)
17. STGB 232/232a <https://www.buzer.de/232a_StGB.htm> [↑](#footnote-ref-17)
18. See footnote 12 [↑](#footnote-ref-18)
19. <https://www.bundestag.de/resource/blob/407090/2c019d78d6c97dca881a6026da5267ba/wd-7-141-07-pdf-data.pdf> [↑](#footnote-ref-19)
20. <https://www.destatis.de/DE/Presse/Pressemitteilungen/2022/07/PD22_277_228.html>) [↑](#footnote-ref-20)
21. <https://www.bundestag.de/resource/blob/943078/2cfc508324ca105f05edcf5b08b7ab06/Stellungnahme-Sabine-Constabel-data.pdf> et.al [↑](#footnote-ref-21)