

Report for the Special Rapporteur on violence against women and girls to the Human Rights Council on prostitution and violence against women and girls

Author: Kerstin Neuhaus – German social worker, Co-author of the study “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’”.ⁱ My report refers to the results of this study.

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

The majority of those offering sexual acts are women, while almost 100 percent of the demand side is made up of men. In addition, there is a strong power imbalance between the provider and the demander, as people in prostitution worldwide largely come from marginalized groups of people and from precarious social and economic circumstances.

A study commissioned by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) in 2004 shows that women in prostitution are affected to an above-average extent by psychological stress and illness. These include despondency/depression, anxiety/panic attacks and the feeling that they are hurting themselves or no longer want to live.ⁱⁱ Social workers who work with women in prostitution also report that they often suffer from trauma and mental illness.

Many of the clients interviewed made it clear that they are aware of this psychological damage. The interviewees described prostitution as an incisive experience that becomes ingrained in the psyche and changes the ability to enter into a sexual relationship outside of prostitution. Women are "broken" by prostitution, sad, numb and depressed.

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

The demographic data of the respondents shows that buyers come from all social and educational backgrounds. Members of all major world religions were also represented among the respondents. The respondents were on average 45 years old, ranging in age from 18 to 89. All groups were also represented in terms of income and level of education. At 56 percent, more than half of all respondents were married or in a relationship. Accordingly, buyers cannot be assigned to a specific social group or class or classified according to their relationship status.

In terms of their behavior, many of the respondents were similar in that they downplayed prostitution, suppressed their own responsibility for the harm suffered by women in prostitution and made statements that indicated a lack of empathy. According to the interviewees, they did not feel responsible for the fact that women were in brothels. They admitted that they may have had sex with women who were not in prostitution voluntarily, but did not know this for sure because they had not asked.

A large proportion of the men interviewed were aware of the economic dependency in which women in prostitution often find themselves and their lack of alternatives to earn money in other ways. The buyers interviewed were aware that the women only agree to

have sex with them because they are dependent on the money that the buyers pays for the sexual act. However, this knowledge did not stop them from demanding the sexual acts they were paying for. The interviewees stated that they believed that the majority of prostitution was due to coercion or financial need.

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

Question 5: Who is responsible for the perpetration of violence against women and girls in prostitution.

Question 4 and 5 are answered together here:

Many buyers observe human trafficking and pimping in the course of their use of prostitution. For example, 55% of the men surveyed stated that they had observed a woman being trafficked or procured by her pimp. The buyers also estimated that 60 percent of women in German prostitution are victims of human trafficking. However, only one percent of the men surveyed had ever reported suspicions of human trafficking to an authority, although this does not represent a legal risk for the buyer.

The clients interviewed described the relationship between pimps and prostituted women as characterized by intimidation, violence, abuse and dependency. The buyers described extreme violence perpetrated by pimps. They had seen prostituted women being insulted, pushed, shoved, pulled, dragged and beaten up by pimps. Some buyers knew of threats of violence by the pimps against the women's families. One interviewee had seen women in prostitution with blue eyes and knocked out teeth, another had observed a pimp beating a woman until she gave him more money.

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

Experts from the criminal investigation department assume that 90% of women in prostitution in Germany are under duress.ⁱⁱⁱ The majority of victims of human trafficking for the purpose of sexual exploitation come from Eastern and South-Eastern Europe. The main countries of origin are Romania, Bulgaria, Ukraine and Hungary. People from these countries who are in prostitution in Germany come from poverty, a lack of prospects and a precarious life situation. They lack the necessary resources to come to Germany on their own and have neither the financial means nor the necessary travel documents, travel experience, sufficient language skills or a contact point in Germany.^{iv} The trafficking of these women takes place in three stages: First, recruitment takes place in the aforementioned recruiting countries, followed by smuggling to Germany, where exploitation finally takes place.^v In the course of the trafficking, the victim becomes dependent on the perpetrator by having her cell phone and papers stolen and by pretending to be in debt. Once in Germany, the victim is completely dependent on the perpetrator and is intimidated by threats of violence, even against her own family. This dependency makes it almost impossible for the women to free themselves from their situation and testify against the perpetrators in court.^{vi}

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

I recommend the adoption of the so called Nordic Model. In addition to social education and comprehensive exit programmes for people in prostitution, it consists of the complete decriminalization of prostituted persons and the simultaneous criminalization of all profiteers, including the demand, i.e. the buyers. The Nordic Model defines prostitution as violence against women and aims to reduce the size of the prostitution market in the long term. It recognizes that prostitution is a gender-specific phenomenon and stands in the way of gender equality. The "exit assistance" pillar ensures that women in prostitution receive support in exiting prostitution if they so wish.

The buyers were asked whether various penalties would prevent them from engaging in prostitution. 89% of respondents stated that having their name entered in a register of sex offenders would deter them from buying sex. All the measures asked about in connection with making the purchase public would also ensure that more than 80 percent of respondents would no longer engage in prostitution. A prison sentence would deter 85 percent of the men surveyed from buying.

These responses indicate that a change in German prostitution legislation towards a general criminalization of prostitution could significantly reduce the demand for prostitution within a very short period of time.

ⁱ M. Farley et al (2022). 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.

ⁱⁱ Monika Schröttle, & Ursula Müller (2004): II. Teilpopulationenerhebung bei Prostituierten – Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland. Interdisziplinäres Zentrum für Frauen- und Geschlechterforschung der Universität Bielefeld. In: Bundesministerium für Familie, Senioren, Frauen und Jugend, Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland – Eine repräsentative Untersuchung zu Gewalt gegen Frauen in Deutschland. Bundesministerium für Familie, Senioren, Frauen und Jugend, o. O., S. 1-93, S. 63-65.

ⁱⁱⁱ Manfred Paulus, (2020). Menschenhandel und Sexsklaverei – Organisierte Kriminalität im Rotlichtmilieu (3. Auflage). Promedia Druck- und Verlagsgesellschaft, Wien, P. 122.

^{iv} Ibid P. 43.

^v Ibid P. 107.

^{vi} Ibid P. 108 and following pages