



TO:
Standing Committee on Justice and Human Rights
House of Commons
CANADA

Decriminalizing the Purchase of Sexual Services: Lessons from Germany

Brief to the Standing Committee on Justice and Human Rights
Review of The Protection of Communities and Exploited Persons Act

About the Author:

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¹ <https://www.trauma-and-prostitution.eu/>

TRAUMA AND PROSTITUTION

SCIENTISTS FOR A WORLD WITHOUT PROSTITUTION



Dear Sir, Madam,

3 models of handling prostitution are being worldwide discussed: the prohibition, the legalization/regulation or the abolition of prostitution, which is known as the Nordic Model. In 1999, Sweden was the first country in the world to implement the Nordic Model. The legalization model has become synonymous with the "German Model". It was established in Germany in 2002. The New Zealand Model is a tightening of the German Modell, by decriminalizing everything.

So we have 2 total opposite models that have been installed nearly at the same time in Europe. 20 years have passed and we can see the results. We know the outcome of each model, no country needs to experiment any more. If you choose the German model, you will destroy an entire generation of men and then you will need at least another generation to fix it. So States should not do experiments, it costs human lives.

Will violence against women in prostitution become higher if sex buyers are criminalized?

In 2010 the Swedish government carried out an evaluation headed by leading attorney Anna Skarhed.² It concluded that there is no evidence to indicate an increase in violence against women in prostitution. Prostitution itself is a violent milieu, being a person in prostitution is fundamentally dangerous.

Speaking from experience Simon Häggström explains how the law protects women in prostitution, as it puts pressure on the buyers to "be on their best behavior" (to pay women adequately, to not push for sex acts which the women refuse etc.). Because the women can call the police without running the risk of being charged with a crime themselves. This creates a big risk for the sex buyer and sex buying is a shame-filled crime in Sweden today. If a sex buyer is publicly outed, he has got much to lose.

In Germany on the other hand sex buyers have become more extreme and are asking for ever riskier practices as a consequence of liberalized prostitution law.³

Violence against prostituted women has consequently increased.

Quote by a German sex buyer: *"Then I really wanted her cute ass and put in my first finger. She said: 'Do you want to ass-fuck?' But of course, I do. So, I put some lube on that asshole and my willy and slowly pushed into her. Even though she yelped and whimpered, she stayed put as I jerked ever harder into her. Her whining and moaning kept getting louder, but because her blowjob had been so poor, I just kept going till I came. She was pretty finished by then, too... visibly worn out she cleaned herself off at the sink..."*

From: Freudenhaus Hase, a brothel that received an "ethical" seal from the German Brothel Owners Association.

² Swedish Ministry of Justice. Evaluation of the prohibition of the purchase of sexual services, 02.07.2010.

<https://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>

³ Radio Interview with dominatrix Ellen Templin, 08.03.2010: <http://abolition2014.blogspot.de/2014/05/interview-miteiner-domina.html>

The reviews sex buyers write on online forums show precisely why and how prostitution constitutes a violation of human dignity.⁴ They view it as their “right as men” to degrade women and use them in any way possible. Menu-like lists of sex buyer demands circulate online.⁵ Abroad these create a visceral reaction and are viewed as descriptions of torture. Here, too, the German government evades responsibility by criminalizing some services under the Prostitutes’ Protection Act (advertising for pregnant women, gang-bangs and flatrate offers), but considers others acceptable: including anal sex, fisting, French kissing, scrotum licking, deep throat, orgies, urinating on women or “playing with stool”, ...

Of course, these risky sexual practices have led to an increase in sexually transmitted infections. A scientific study from 2008 carried out under Dr. Anna Wolff studies the developments in the area of health and well-being with a focus on STIs⁶. The study’s subject were 110 prostitutes in Lübeck. 26% had an STI that required medical treatment. 42% had an acute infection or had had one in the recent past.

Inside the brothels, women are “locked-in”. The brothel owner controls daily life, which means he decides who may come in and who may not. If one wishes to approach the women, one first has to be “in good standing” with the brothel owner. Any contact with the outside world is heavily restricted. Not just anyone may speak to the women. The women are not free.

Women in brothels do not experience a life of self-determination. They are, as Detective Superintendent Manfred Paulus (who worked over 30 years in the section of human trafficking for the purpose of sexual exploitation) describes⁷, *“from the very start prisoners of a mostly criminal subculture that rules the red-light districts. In the hierarchy of this milieu, they are at the very bottom. They have no rights, no protections, they are helpless.”*

The women have a completely asymmetrical relation to the men: *“Today the prostitution market consists of c. 90% women from poorer EU-countries in the East. Circa 30% are under 21-years-old. The majority does not speak German, some are even illiterate. They do not practice safer sex, they cannot assert their boundaries, cannot negotiate. They are in a situation of complete inferiority. They do not have the power to make demands. For 30 euros they do anything the sex buyers want. They are completely overwhelmed, completely traumatized.”*⁸

An additional big challenge is the fact that women are often being trafficked by their own families or so-called “friends”. Her earnings go back home to the family or “friends”, who are her pimps. An attempt at exiting prostitution consequently creates a lot of inner turmoil. It does not mean escaping the clutches of an unknown perpetrator, but the dissolution of bonds with someone who is intimately familiar.⁹

Violence is also expressed in the high daily rent in brothels (women are having to pay up to 180€ daily), which means that women are seeing 6 buyers before they earn a single euro.

The working conditions are disastrous. Women are completely dependent on the establishment: Many work, eat and sleep in brothels. They live in a lawless parallel world with no access to the outside. Women are being sold in Germany according to the laws of most brutal capitalism: Profit maximization and low cost, etc.

The work shifts in of themselves pose a health risk: Prostituted women are having to be “available” to customers around the clock and consequently often sleep for just five hours a night.

⁴ Die Unsichtbaren Männer: <https://dieunsichtbarenmaenner.wordpress.com>; www.freiersblick.de

⁵ Laufhaus Erosark in Karlsruhe: <https://www.erospark-karlsruhe.de>

⁶ Anna Wolff, Untersuchung zum Infektionsstatus von Prostituierten in Lübeck. Heidelberg, 2007. <http://www.zhb.uniluebeck.de/ebooks/ediss468.pdf>

⁷ Manfred Paulus: Menschenhandel, 2014, Klemm + Oelschläger Verlag, S. 107.

⁸ Sabine Constabel, Sozialarbeiterin, die über 20 Jahre mit prostituierten Frauen in Stuttgart arbeitet, Fernseh-Interview am 17.03.2013 in SWR1 Leute. <https://www.youtube.com/watch?v=BpCPKDRcFg0>

⁹ Dr. Ingeborg Kraus: Vortrag in Washington: „Survivor Strategies to Deal with Traumatic Stress: Dissociation and Trauma Bonding“: <https://www.trauma-and-prostitution.eu/2019/06/07/coalition-to-end-sexual-exploitation-global-summit-june12-15-2019-washington-d-c/>

Many women live in Germany like nomads. **They have no stable housing and are transported from brothel to brothel so that sex buyers can be offered “variety”**. Often they don't even know what city they are in.

Gynaecologists who work with women in prostitution are reporting that pregnant women are in high demand among sex buyers¹⁰. This means that late abortions are very common or that many women are giving up children for adoption shortly after birth. The physical and emotional stress caused by women having to offer sex conveyor-belt-style isn't just risky for the pregnant woman, but also for the development of the fetus inside her body.

Reports like that of gynaecologist Liane Bissinger describing the bodily harms of prostitution are a harrowing read.¹¹ She reports destroyed intestinal floras, illnesses regarding teeth/mouth/jaws, skin eczemas, whole body pain and frequent hip joint pain (from having to endure the heavy weight of sex buyers and their violent thrusts for hours on end), irreversible damage to the pelvic floor leading to urinal and stool incontinence.

Considering the dramatic developments in prostitution in Germany and the increase in violence against women in the industry since the introduction of the Prostitution Act in 2002, one does wonder why the argument that a Sex Purchase Ban may increase violence is still considered viable. **The German state refuses to see the violence done to women in prostitution. Prostitution is a system of violence**

Also: In Germany, the liberalization of prostitution has had extremely negative effects on society too. Because: Prostitution doesn't just have devastating effects on women in the sex industry, but also on women who are the partners of buyers, whom we in Germany call “Schattenfrauen” (“Shadow women”).¹² These are women who are cheated on by their partners who use prostitution and they remain in the shadows of the prostitution system.

This tragic “collateral damage” of prostitution has never been part of the debate and still is not. Every day c. 1,2 million men visit a prostitute. If we assume that it's not always the same men who are sex buying and that a large number are married or in a relationship the number of women who are cheated on and who suffers significant psychological harm upon finding out has to be in the tens of millions.¹³

“...the deceit, the secrecy, the betrayal and the view of women as mere sex objects, the dehumanization is the real problem. Trust, mutual respect and real intimacy becomes impossible and so prostitution has a destructive effect on the very foundation of a couple's relationship. It destroys a person's value system and their ability to love.” (Quote from a shadow woman)¹⁴

Street workers who work with prostituted women often report that the women they meet have lost touch with themselves. They react fearful or apathetic. It seems obvious that the last thing they need is sex. But sex buyers see this and “don't give a damn”. They laugh about it and enjoy themselves.

How is that possible to not see the other person's distress, to just focus on one's own desires?

¹⁰ Dr. Wolfgang Heide: Stellungnahme zur öffentlichen Anhörung zur „Regulierung des Prostitutionsgewerbes“ im Ausschuss für Familie, Senioren, Frauen und Gesundheit im Deutschen Bundestag am 06. Juni 2016:

<https://www.traumaand-prostitution.eu/2016/06/05/stellungnahme-von-wolfgang-heide-facharzt-fuer-gynaekologie-und-geburtshilfe/>

¹¹ Liane Bissinger: Körperliche Schäden der Prostitution - Bericht einer Frauenärztin aus der offenen Arbeit. Auf Abolition 2014, November 2019. <http://abolition2014.blogspot.com/2019/11/korperliche-schaden-der-prostitution.html>

¹² <https://www.trauma-and-prostitution.eu/2018/04/09/schattenfrauen/>

¹³ <https://www.trauma-and-prostitution.eu/2017/09/29/ex-freier-fordert-sexkaufverbot-jetzt/>

¹⁴ <https://www.trauma-and-prostitution.eu/2018/04/09/schattenfrauen/>

It's clearly possible, because legal sex-buying communicates to men that they have a right to sex and to using women. The woman is locked into a socially constructed image, an image of the "unsatiable sex beast". Other needs she may have are invisible. She is dehumanized, she is only that: A body with no soul. This allows the sex buyer any form of unscrupulousness, his compassion is blocked, and indifference takes its place.¹⁵

Studies on sex buyers in London by researcher Melissa Farley prove this¹⁶:

- 50% of the 103 sex buyers interviewed knew that a prostituted woman had been under the control of a pimp.
- One man said: "It's like, he's her owner."
- 35% believe that between 50% and 90% of prostitutes were abused in childhood.
- 55% believe that the majority of women entered prostitution by deceit or through human trafficking.
- What are sex buyers saying the prostitute is thinking while she's with them? She feels: Empty, disgusted, dirty, physically and emotionally in pain, fearful, she tries to switch off, tries to block out her thoughts, ...
- What is prostitution? **Quote from one buyer: "You pay for the convenience, it's a bit like using a public toilet."**

The legalization and normalization of prostitution signals to women that they must be sexually available to men. It signals to men that they need sex, they need a frequent pressure release, in order to remain stable and not become sexually violent. That is the hidden message which the system of prostitution communicates: These are endorsements of rape myths.

It is wrong to believe that men cannot control their sexuality. Men have to learn a new way of dealing with sexual frustration. The introduction of the Sex Purchase Ban is essential, precisely because we believe in men. Regulating one's emotions and learning to handle frustration responsibly are important achievements of civilization.

Is it possible to separate forced prostitution from "voluntary" prostitution?

Testimony from the German police:

Even though so-called "voluntary prostitution" is legal in Germany, police testify that forced prostitution is far more common.¹⁷ *"Competent criminal investigators estimate that 96 to 98% of women in German prostitution are under the control of third parties"*, says Detective Superintendent Manfred Paulus. Helmut Sporer, head of the 1st Commissariat of the Criminal Investigations Department Augsburg, says that 90% of women are not voluntarily in prostitution, 80% are migrants coming from Eastern European states that recently joined the EU.¹⁸ *"Germany has long since become a hub for human trafficking and forced prostitution."*¹⁹

We have to assume that more than 90% of people in prostitution (most of them women and girls) are victims of forced prostitution and human trafficking!

¹⁵ <https://www.trauma-and-prostitution.eu/2017/12/06/darf-die-vagina-arbeitswerkzeug-sein/#more-1008>

¹⁶ Melissa Farley, Men who buy Sex, London, 2009.

¹⁷ Paulus, M.: Tatort Deutschland. Menschenhandel, 2014; TAGESSPIEGEL vom 15.03.2014: „Prostitutions-Verbot: Schweden als Vorbild für Deutschland?“ von Livia Gerster.

¹⁸ Helmut Sporer: Speech for the Seminar „Reality of Prostitution“ of the European Women's Lobby on 1 Oct 2013 in Brussels: „90 % of these women have not freely chosen prostitution, they are subjected to various forms of pressure. About 80 % of the women these days come from abroad, they are migrant women, especially from the new EU member states in South East Europe.“

¹⁹ 5Manfred Paulus, in: Dokumentation „Bordell Deutschland – Milliardengeschäft Prostitution“, ZDFinfo, 2017.

Testimony from doctors and psychotraumatologists:

Forced prostitution and “voluntary” prostitution are inextricably linked. That is why it’s hard to separate the two and to treat them differently. The entry into prostitution is usually preceded by experiences of violence in childhood – in this context, it’s inappropriate to speak of “free choice”.²⁰ The “free choice” to enter prostitution requires certain conditions. Here, too, there are countless studies showing a connection between violent experiences in childhood and prostitution.²¹ Many women lacked protection in childhood and consequently didn’t learn self-protection. These women learned how to “switch off” early on.

Sexuality requires an interplay of mind and body. In order to be penetrated by strangers, it is necessary to switch off instinctual reactions which otherwise would inevitably occur²²: Fear, shame, alienation, disgust, contempt, smell, pain etc. The phenomenon of this switching-off is called “dissociation”. Additionally, alcohol and drugs help to endure the psychological pain. The use of the vagina as an unfeeling “work instrument” is only possible in a state of dissociation.

This is why the consequences of trauma are so widespread in prostitution: In the studies that the Trauma Center in Ulm/Germany has compiled, prostituted people are classified as a high-risk group for trauma disorders: *“Work with consequences: according to studies, between 47 and 87 percent of the interviewed women suffer from a post-traumatic stress disorder, report the scientists from the Trauma Center of the University in Ulm”*.²³

The frequency of developing PTSD in prostitution is more than twice as high as for victims of war (who have a prevalence of developing PTSD of 20%)²⁴. The trauma in prostitution is also more complex. Often the comparison with other activities is used (such as a cleaning job or as a saleswoman). However, prostitution cannot be compared with such activity, as the very most intimate area of a woman is abused here. More and more survivors report of the trauma. They say that *“the sex trade teaches you that you are not to even human.”*²⁵

Helmut Sporer, a policeman who worked over 25 year as the head of the anti-trafficking resort in Augsburg, says that we have a minimum of 100.000 people (mostly women) who are victim of human trafficking for the purpose of sexual exploitation, 500 to 1000 times more than recognized by the police.

The police goes into the brothels to make their usual control and asks the women if everything is all right. They say yes, and this was it, even if almost all of those women who said yes, are trafficked. The police became blind towards the mechanism of trafficking. They have a wrong picture of how a victim looks like, they think they have to look for metal chains, a woman running towards them and screaming. **In most of the cases, the victim is silenced and has mental chains that keeps her in the exploitation. Severe human rights crimes don’t take place loudly in the system of prostitution, but in silence.**

²⁰ 6Dr. Ingeborg Kraus, Prostitution und Freiwilligkeit, EMMA, 2013. <https://www.trauma-andprostitution.eu/2014/12/08/prostitution-und-freiwilligkeit/>

²¹ Die Studie von Zumbeck in Deutschland hat ergeben, dass 65 Prozent der Frauen in ihrer Kindheit körperlich und 50 Prozent sexuell misshandelt wurden.

²² 8Michaela Huber: Trauma und Prostitution aus traumatherapeutischer Sicht, 2014:

<http://www.michaelahuber.com/files/vortraege2014/trauma-und-prostitution-aus-traumatherapeutischer-sicht.pdf>

²³ **Sebastian Mayr**, Sex, Scham, Schmerz. 14.05.2021, Augsburger Allgemeine Zeitung.

²⁴ Flatten, Gast, Hoffmann, Liebermann, Reddemann, Siol, Wöller, Petzold: *Posttraumatische Belastungsstörung. Leitlinie und Quellentext*. 2. Auflage. 1004. Seite 4. Epidemiologie. Schattauer.

²⁵ **Lynn Walsh**: The Sex trade teaches you that you are not even human. May 2021. The Morning Star. <https://morningstaronline.co.uk/article/f/sex-trade-teaches-you-youre-not-even-human>

The brothels are open, they can run away, but they don't, because many of them have established a traumatic bond to their perpetrators: some of them are sent by their own families, or a person that promises a better future, by a Loverboy or they have experienced violence in their childhood and think that they deserve mistreatment.

If we don't understand the Trauma connected to prostitution, we won't be able to recognize trafficking for the purpose of sexual exploitation. And this is exactly what is happening in Germany. With a law that makes prostitution legal, human trafficking is happening in the middle of society, in a legal environment.

In a climate where prostitution can be practiced as a job as any other, the institutions (Justice, police, counselling offices, the society), have developed so good as no qualifications to understand the psychological mechanism of trafficking and forced prostitution and what prostitution does to a woman.

A law that allows the purchase of sex makes perpetrators invisible and victims are no longer perceived as victims. As long as sex-buying remains legal, this form of sexual violence against women goes unpunished.

89% of women in prostitution express the desire to exit the industry.²⁶ Many women continue because they see and/or have no other options. **Prostitution as it occurs today in Germany is overwhelmingly forced prostitution and prostitution born from poverty where the main profiteers are third parties.**

Evaluation of the Nordic Model:

- Because of the Sex Purchase Ban in Sweden and Norway, both countries have a significantly smaller prostitution market than other European countries of similar population size. In Sweden, street prostitution has halved over the course of 10 years following the introduction of the Sex Purchase Ban, as evaluated by the government in 2010. There is no evidence that more Swedish men are going abroad to purchase sex, nor that there has been an increase in "hidden" prostitution. Welfare institutions and police emphasize that it is impossible for prostitution to continue completely hidden since it requires advertising to reach buyers.²⁷
- The Sex Purchase Ban enables the Swedish police to combat organized crime, human trafficking and pimping effectively.²⁸ Several studies have shown that human trafficking and pimping is decreasing.²⁹ Per-Anders Sunesson, the then Swedish Ambassador for Combatting Human Trafficking, points to Interpol reports that clearly show that the Swedish market for prostitution is nearly dead because of the focus on the sex buyer and the change in public mentality.³⁰

²⁶ 9Melissa Farley: Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder. <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>

²⁷ Wissenschaftliche Evaluierung des schwedischen Gesetzes gegen den Kauf sexueller Dienste für die Jahre 1999-2008 [Scientific evaluation of the Swedish Law To Prohibit the Purchase of Sexual Services during the Years 1999-2008]. (English summary on pages 29-44), 2010.

²⁸ Gunilla Ekberg: 'Briefing on Swedish law and policies on prostitution and trafficking in human beings', B.S.W., JD, 2012.

²⁹ Deutscher Bundestag: Auswirkungen des „Nordischen Modells“ – Studienergebnisse zur Prostitutionspolitik in Schweden und Norwegen [German parliament: Impacts of the „Nordic Model“ – Results of studies on the prostitution policy in Sweden and Norway] – Wissenschaftliche Dienste — 2020.

³⁰ Per-Anders Sunesson: Rede auf dem 3. Weltkongress gegen die Sexuelle Ausbeutung von Frauen und Mädchen in Mainz [Speech given on the 3rd World Congress Against Sexual Exploitation of Women and Girls in Mainz]. 2.- 5. April 2019. <https://solwodiweltkongress.blogspot.com>

- When Sweden introduced the Sex Purchase Ban in 1999 ca. 30% of the population was opposed to the practice of sex buying. As a consequence of the law, a clear transformation of public consciousness took place, as today ca. 70% of Swedes reject sex buying.³¹
- **The law had a normative effect in Sweden leading to a change in public perception: young girls do not dream of becoming “Pretty Woman” and boys don’t boast about having gone to the brothel.** In Germany, a normative effect has also taken place – just in the exact opposite direction: It is not uncommon for German men to celebrate stag nights in brothels or for soccer clubs to visit them after a game.
- Since Sweden passed the Nordic Model in 1999, one woman in prostitution has been murdered (by her ex-husband). **In Germany between 2002 and 2021 more than 100 women in prostitution were killed by pimps or sex buyers, with another 60+ murder attempts registered.**³² The dark figure regarding the real number of cases is high.
- The Swedish government can demonstrate that prostitution has not increased since the introduction of the Sex Purchase Ban.³³ Countries, however, that have chosen to take the path of legalization, like Germany, are lamenting an extreme increase in the size of the prostitution market. There are no exact numbers, but police experts are speaking of a c. 30% increase since the introduction of Germany’s 2002 law.³⁴
- Police estimate that the level of violence against people in prostitution in Sweden is very low. In Germany on the other hand, there is little to no educational training of police, which leads many women to express feeling let down by authorities. Many victims in Germany do not dare report to police, because there is no trust and/or they’ve already made the experience that reporting a pimp or trafficker ends in the case being dismissed for lack of evidence. The decrease in completed investigations showcases this: In 2000, 151 persons were sentenced for the crime of pimping, in 2011 it was only 32³⁵.
- Because of the Nordic Model people in prostitution are fully decriminalized and experience more safety and protection from violence. In Germany, on the other hand, people in prostitution remain criminalized by a multitude of regulations: through no-tolerance zones and schedules, mandatory licensing schemes, taxation, etc.
- 3 years after the introduction of the Sex Purchase Ban in France the first evaluation shows positive results: 2654 sex buyers have been punished, out of these 271 have participated in education programs³⁶.
- The yearly Federal Report on human trafficking and exploitation of the German Bureau for Criminal Investigations shows how difficult it has become for German police to effectively counteract human trafficking and pimping. **Pimping is legal in Germany, only “exploitative pimping” is criminalized. To prove the presence of the latter before a court is nearly impossible. When it comes to cases of human trafficking and pimping, many victims do not report in the first place, due to fear of reprisals from organized crime networks.** In 2011 German authorities registered 636 cases

³¹ Kuosmanen: Tioårmelagen (SWE), 2008, S. 362.

³² Sex Industry Kills: <https://www.sexindustry-kills.de/doku.php?id=prostitutionmurders:de>

³³ Swedish Ministry of Justice. Evaluation of the prohibition of the purchase of sexual services, 02.07.2010.

<https://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>

³⁴ Interview with Helmut Sporer, 10.07.2014, Augsburg Allgemeine. <https://www.augsburger-allgemeine.de/bayern/Immer-mehr-Prostituierte-aus-Osteuropa-kommen-nach-Augsburgid30512282.html>

³⁵ Der Spiegel. Wie der deutsche Staat Prostitution fördert [How the German state encourages prostitution]. 27.03.2013. <https://www.spiegel.de/spiegel/print/d96238909.html>

³⁶ Fondation Scelles: Rapport d’évaluation de la mise en oeuvre de la loi 2016-444

http://fondationscelles.org/pdf/evaluation_locale_Dossier_presse_rapport_Evaluation3.pdf?fbclid=IwAR3ulCfvoj_5a5g2WK_oFYEkA4GGgP9w4fXvPM_-6nys7UNBuPr8K3UCV10g

of human trafficking for the purpose of sexual exploitation, nearly a third less than 10 years earlier³⁷. The number of cases registered within the 2018 Federal Report is even lower (430 victims)³⁸. This does not indicate a decrease in actual cases but showcases how liberalized policy and the resulting societal attitude cause a lack of interest in and ability to investigate this crime.

Will a Sex Purchase Ban cause that the prostitution industry goes underground?

- Swedish police officers, such as Simon Häggström, who for 10 years has been active with Stockholm's "prostitution" unit, find this argument surprising. *"Outside Sweden, everybody is an expert about what happens when this law is enforced", says Häggström. "I don't really know where that argument comes from, to be honest. Of course, we've seen a shift in prostitution arenas. In the 1990s, most prostitution was out in the open, in the streets. But then the Internet revolution came and now we have apartments and hotel rooms, and that's where prostitution goes on. But just because it isn't in the public eye, it doesn't mean that it has gone underground. We have our methods to find it and if the buyer can find these women in apartments or hotel rooms, so can the police. All I need is a cellphone. Basically, this argument is just a myth, but it has become very widespread. Don't believe the myths, just talk to us, the people that actually work with the law, because we know. [...] finding prostitution is definitely not a problem for us at all. [...] I am so sick and tired of hearing this argument because it has nothing to do with the reality."*³⁹
- **When Norway introduced its Nordic Model style law in 2009 the market was nearly dead. When a slight increase was registered in time, the market remained as visible to police as before.** Many "good" customers had disappeared, but this had not led to an increase in bad customers.⁴⁰
- **There is a common argument that the Sex Purchase Ban leads prostitution to go underground.** The fact is that only 33.000 out of an estimated 400.000 prostitutes in Germany are officially registered.⁴¹ At the start of 2019, only 76 out of those had used this avenue to register for social security.⁴² **This means that even with our new "Prostitutes' Protection Act" the majority of the trade in Germany is currently underground.** Often enough no authority is aware that these women are even in the country. They are completely at the mercy of their exploiters.⁴³
- **Counselling services that work with prostituted women report again and again that the new law does not help women.** The counselling center "Luise" in Karlsruhe states that it does not observe women making free self-determined choices to be in prostitution: "The women do not do this job out of their own free will, they are often trapped in that situation", says Anita Beneta talking to ka-news.de. The biggest problem is migration, as most women come from Eastern Europe, from Bulgaria, Hungary or

³⁷ Der Spiegel 22/2013: Prostitution in Deutschland. Artikel von Cordula Meyer, Conny Neumann, Fidelius Schmid, Petra Truckendanner und Steffen Winter, 27.05.2013.

³⁸ Bundeskriminalamt. Bundeslagebild 2018 – Menschenhandel und Ausbeutung.

³⁹ Interview with Simon Häggström: <https://nordicmodelnow.org/2018/07/20/how-the-swedish-sex-purchase-law-moved-the-shame-of-prostitution-from-the-women-to-the-punters/>

⁴⁰ „Evaluation des Verbots, sexuelle Dienste zu kaufen.“ [Evaluation of the Sex Purchase Ban in Norway]. Teilübersetzung des norwegischen Evaluationsbericht von 2014, im Auftrag des norwegischen Justiz- und Innenministeriums erstellt, 17. Juli 2014. Übersetzung erfolgte durch den Sprachdienst des Deutschen Bundestages. Seite 5 und 6.

⁴¹ Statista: Prostitution in Deutschland. 26.11.2019. <https://de.statista.com/infografik/20104/in-deutschland-gemeldete-prostituierte/>

⁴² Die TAZ: Gesetze ohne Wirkung. 18.02.2019. <https://taz.de/Nur-wenige-Prostituierte-sozialversichert/!5573866/>

⁴³ Brief von 16 Bundestagsabgeordnete vom 15.05.2019 an alle MinisterpräsidentInnen um die Bordelle geschlossen zu halten [Letter from 16 parliamentarians to keep brothels closed]: <https://sisters-ev.de/wp-content/uploads/2020/05/Brief-der-16-ParlamentarierInnen.pdf>

Romania. “Every Monday is street-prostitution-night” and they go by bus to offer support to women in street prostitution. To find women they drive through various places in Karlsruhe – among others to the train station in Durlach.⁴⁴ They feel that the law has not improved women’s situation.

- Former chief inspector Manfred Paulus states: **“The police barely have a chance to prove exploitative sex-buying, pimping or prostitution under the current legal regime. The regulated prostitution market offers perfect conditions for force and coercion of every kind and no protection at all.”**⁴⁵
- The comparative study “Does Legalized Prostitution Increase Human Trafficking?” investigated the sex trade in 150 countries with three independent researchers from Berlin, Heidelberg and London, concluding that a liberalized prostitution law, such as the one introduced by Germany in 2002, leads to an increase in human trafficking⁴⁶. The number of prostitutes in Germany is 60 times higher than Sweden, even though the Swedish population is just 10 times smaller.

The argument that the introduction of the Nordic Model would push prostituted women into illegality where they’d be exposed to greater danger is an unfounded claim that gains much attention, meanwhile the clear and visible consequences for women under liberalized prostitution law are ignored.

To say that a Sex Purchase Ban leads to prostitution going underground is to ignore the fact that the majority of prostituted women in Germany have ended up in situations without protections from exploitation precisely because of the legalized regime: they are not registered with authorities, do not have insurance, do not speak the local language, do not know their rights and are dependent on pimps and traffickers.⁴⁷

High Councilor for Criminal Matters Helmut Sporer, who was responsible for combating organized crime in Augsburg for many years, estimates that the number of sex trafficking victims in Germany is in the six figures. If one takes a look at the 2019 Human Trafficking Report of the German Bureau for Criminal Investigations⁴⁸, one finds a total of 427 confirmed cases and 287 court proceedings. *“Only a fraction of victims are ever identified”*, says Sporer. ***“Lawmakers are tolerating a situation where most victims are never identified and the crimes committed against them are never prosecuted.”***

In an elaborate position paper to the parliament of the state of North-Rhine Westphalia⁴⁹, Sporer says, that it is illusionary to believe that a “legal sector” keeps human trafficking at bay. The biggest underground sector, according to Sporer, is found within legal brothels! *„In many brothels, especially large so-called “mega businesses”, but also in the street prostitution sector, one finds predominantly young foreign women, who are highly likely in situations of exploitation. The expert authorities who are familiar with the situation on the ground, are usually aware that these women are controlled and exploited by third parties. However, proving this requires extensive investigation of concrete causes of suspicion, usually bolstered by a prostitute’s statement. This rarely ever occurs due to the aforementioned reasons (e.g.,*

⁴⁴ Teufelskreis Sexarbeit: Das neue Gesetz hilft den Prostituierten in Karlsruhe nicht [Stuck in sex work: The new law does not help prostitutes in Karlsruhe]. In: ka.news am 28.10.2019. <https://www.ka-news.de/region/karlsruhe/sex-in-karlsruhe/Teufelskreis-Sexarbeit-Das-neue-Gesetz-hilft-denProstituierten-in-Karlsruhenicht;art6066,2449313?fbclid=IwAR0wgAwyFYFbaxC2PW5BMz3vjwPIGre8C50tz8MhCH66YXliRS-Tzf5iMyg>

⁴⁵ Paulus, Manfred, Erster Kriminalkommissar a.d., Vortrag Weltkongress in Mainz, 2019, <https://www.solwodi.de/seite/396262/weltkongress-reden.html>

⁴⁶ Cho, Seo-Young; Dreher, Axel; Neumayer, Eric (2013): Does Legalized Prostitution Increase Human Trafficking? In: World Development 41 (1), 67-82. https://ec.europa.eu/antitrafficking/sites/antitrafficking/files/does_legalized_prostitution_increase_human_trafficking_1.pdf

⁴⁷ Dr. Ingeborg Kraus: Prostitution, 2016, Raum & Zeit, S. 3.

⁴⁸ BKA Menschenhandel Bericht 2019. <https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Menschenhandel/menschenhandelBundeslagebild2019.html?jsessionid=29DD45936B82607BF4AA2E939E201478.live2302?nn=27956>.

⁴⁹ <https://nordicmodelnow.files.wordpress.com/2021/03/helmut-sporer-statement-in-english-1.6.21.pdf>

violence, threats, intimidations). This is why authorities are often forced to wait instead of act despite obvious cause for concern.

A brothel's public facade rarely reveals the real conditions happening behind closed doors – which is where you find the real 'underground'."

The sentencing of the owners of the "Paradise" mega-brothel chain confirms this: In 2019 they were sentenced to five years in prison for aiding serious human trafficking and pimping in 18 cases. *"What women reported about life in the Paradise brothel does not at all fit into its public image of being a wellness-oasis. They report having felt stuck in a never-ending hell. According to victims, humiliations and violence were part of daily life and were freely tolerated by the brothel operators."*⁵⁰

Sporer says, that one has to assume that similar criminal networks are at work behind many a seemingly clean brothel façade in Germany.

Conclusion:

Germany's liberal prostitution policy has contributed to an explosion of the demand and an increase in violence against women in prostitution. It amounts to a collective degradation of women across society. It cements inequality between men and women and equates to a capitulation in the face of male violence against women. It operates as a catalyst for forced prostitution, pimping and human trafficking and has made Germany into the brothel of Europe.

German politicians bear a historic responsibility in the evolution of a sex industry that claims thousands of victims of sexual exploitation every day. This causes the German state to violate its own constitution and entirely ignores International and European recommendations that would effectively combat human trafficking and violence against women.

Prostitution destroys people. Prostitution is serious violence. To call prostitution "work" is to cover up the violence. It is an attitude that contributes to women slipping into a life of violence that they can hardly escape. Prostitution can and should neither be framed as work nor as an opportunity.

With best regards,

Dr. Ingeborg Kraus



⁵⁰ <https://www.stuttgarter-nachrichten.de/inhalt.paradise-prozess-am-stuttgarter-landgericht-taetowierungen-erinnern-an-die-peiniger.7d843368-6e1f-465e-b6d9-378900ec5ab8.html>