



# Human Trafficking, Prostitution Legislation, and Data

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Exploring the interaction between sex work regulation and human trafficking along the Franco-German border

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PAPER REPORT

# Abstract

This report is the compilation of exploratory research work conducted within a project led by Giancarlo Spagnolo (SITE and EIEF), together with Maria Perrotta Berlin (SITE-SSE) and Ina Ganguli (UMass Amherst). Whilst investigating the effects of asymmetric punishment in the regulation of prostitution, the interaction of markedly different legislations for this along the Franco-German border was of interest. In this report, we present gathered information and data regarding human trafficking and sex work in Germany. We begin by broadly outlining both topics and continue with presenting points that should be considered in future research. The results from a limited survey, where sex workers and counselors were interviewed, are also presented.

Keywords: human trafficking, prostitution, sex work, legislation, data

JEL Codes: F22, I18, K19

**Note:** Throughout this report, sex work and prostitution, and derivatives thereof, are used interchangeably to refer to synonymous activities. It is not intended to be interpreted as a particular stance in the debate regarding the legitimacy of the phenomenon. The main authors of this report, <sup>1</sup>Edvard von Sydow and <sup>2</sup>Olga Yegorova, worked under the supervision of Giancarlo Spagnolo, Maria Perrotta Berlin and Ina Ganguli. The report was financed by the Jan Wallanders and Tom Hedelius foundation and the Tore Browaldh foundation.

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# 1 Introduction

In this report, we present data regarding human trafficking and the forced prostitution with which it is often connected, as well as data regarding voluntary and consensual sex work. Though we present these topics alongside one another because of the many possible ways in which they may be connected, we do not make any correlating assumptions.

There are differing claims regarding the existence of a correlation between sexual exploitation and prostitution policies. Working under the assumption that a correlation does exist, it is still unclear what it would look like (Sonnabend and Stadtmann, 2018). While some argue that legalising sex work leads to an increased social acceptance of the phenomenon and thereby also increased demand for voluntary sex work. It also makes it easier and cheaper for criminals to traffick people and find customers that, unwittingly or not, pay for sex from victims of human trafficking for sexual exploitation (Sonnabend and Stadtmann, 2018; Cho et al., 2013; Jakobsson and Kotsadam, 2013).

On the other hand, restricting or criminalising sex work may make it less likely for such victims, as well as buyers of sexual services of any kind, to collaborate with police forces to report illicit activities related to human trafficking (Bisschop et al., 2017; Cunningham and Shah, 2014). Thus, when sex work is criminalised, any that remains will move into the dark, and hence become much more difficult to control (Scoular, 2010).

Sonnabend and Stadtmann (2018) found that different empirical studies have given rather contradictory results. For instance, whilst Cho et al. (2013) found a positive correlation between legal prostitution and trafficking flows comparing existing data from over 150 countries, they also acknowledged that this needed to be considered with caution due to the lack of consistent data on human trafficking across countries.

On the other side of the spectrum, a report by the New Zealand Government (2008) and a study on human trafficking in Europe (Hernandez and Rudolph, 2015) suggest that no links between the sex industry and human trafficking can be made. Instead, Hernandez and Rudolph would argue that human trafficking in Europe stems mostly within already existing migratory and refugee corridors and is more likely to happen where host countries have weaker institutions, higher general crime rates and more liberal border controls. Host countries' rates of asylum seekers, however, do not seem to play a role in the extent of human trafficking.

Sonnabend and Stadtmann (2018) also endeavoured to calculate the effects of the Nordic model on sex work. They found that the prohibition of sex work is likely to create more loopholes and worse conditions for voluntary prostitution, and thus conditions that facilitate sexual exploitation and human trafficking. As can be deduced from this brief introduction, any pre-existing view on the interplay between sex work and human trafficking can be easily reinforced as virtually every standpoint can find some support in research. Throughout this report, we attempt to present the information we have gathered bearing these disparate previous findings in mind.

This report consists of six sections. This brief introduction is followed by a section that elaborates on the connections that can be made between human trafficking and prostitution legislation. Section 3 presents current issues regarding human trafficking internationally, as well as a compilation of the available data for Germany. Section 4 focuses on Germany and the legislative and regulatory environment under which lawful sex work is carried out there. Thereafter, we present some findings from a limited field survey of actors within the prostitution scene along the Franco-German border. We round this report off with a conclusion, briefly summarising and discussing our findings.

## **2 Regulatory Efforts**

Regardless of how sex work and human trafficking may be related, the likelihood of discovering trafficking victims can be affected by the policies in place surrounding prostitution. Opponents of laws restricting prostitution often argue that when sex trade is outlawed, even if only for one party (as in the case of the Nordic model) the activity does not cease to exist, but is simply moved into the black market. Getting a full grasp of the extent of human trafficking within the already restricted environment of prostitution will be considerably more difficult than if it had been within a legalised setting that allowed for regulatory oversight. However, as will be discussed in this report, getting the regulatory oversight right is a challenge and there are considerable legitimate criticisms of this liberal stance too.

<p style="text-align: center;"><b>Regulationist</b> Prostitution legal and regulated</p>	<p>By regulating prostitution, countries can theoretically be in greater control over who operates within the sector. No effort is made to affect the demand for purchasing sex, but the focus is rather on improving the supply side and thereby reducing negative externalities associated with prostitution.</p>
<p style="text-align: center;"><b>Abolitionist</b><sup>1</sup> Prostitution legal and unregulated but most associated activities (solicitation, brothels) illegal</p>	<p>In theory, abolitionist policies limit the negative externalities by prohibiting activities closely associated with prostitution. The market is not actively pushed underground. However, the statutory bans on many aspects of prostitution (such as public solicitation) that would ensure some kind of public transparency create a market that is difficult to observe and evaluate.</p>
<p style="text-align: center;"><b>Neo-Abolitionist</b> 'the Nordic model'; purchasing sex is illegal, but selling it is legal</p>	<p>By prohibiting the act of paying for sex, legal demand ceases to exist. The actual demand is unlikely to be removed completely. For prostitution to continue, it will be taking place underground, making it difficult to observe and evaluate.</p>
<p style="text-align: center;"><b>Prohibitionist</b> Prostitution illegal, not necessarily illegal to buy sex</p>	<p>Prohibitionist policies ban all acts associated with the supply of prostitution and sometimes also the demand. Any remaining market will be completely in the shadow economy.</p>

Table 1: Varieties of Legislation

## 2.1 Varieties of Legislation

Across Europe, we find different kinds of prostitution legislation. Countries have chosen to combat the negative elements often associated with sex trade in ways that differ greatly in mechanisms and outcomes. These can be grouped into four overarching groups, all working in somewhat different ways, presented in Table 1 above.

Historically, prostitution has been a highly sensitive issue. Traditional moral and religious values all over Europe have condemned extramarital sex of any kind. Laws have ranged from outlawing prostitution to barely touching the topic. This becomes apparent when looking at the four overarching types of legislation that we will cover in this section. Abolitionist and prohibitionist policies present the two dominant legal traditions.

The four groups do not only differ from one another, but there is great variation between countries of each respective group, perhaps with the exception of countries that have neo-abolitionist

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<sup>1</sup>(Hubbard et al., 2008)

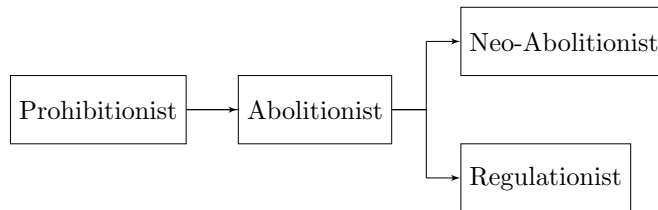


Figure 1: Typical Historical Development of Legislation

policies. For instance, while brothels are legal in Germany and the Netherlands, Latvia has chosen to regulate prostitution from an abolitionist standpoint by making sex work a licensed profession but largely does nothing more (Cabinet of Ministers (Latvia), 2008). In Turkey, prostitution was legalised already in 1923. In recent years, however, Turkey has been a lot more restrictive in issuing new licenses (Sussman, 2012).

The prohibitionist group differ less in terms of legislation and more when it comes to enforcement. The enforcement of these policies tends to be weak, with measures needed to ensure that no prostitution is carried out behind closed doors largely lacking. We find the greatest in-group variation amongst the abolitionist countries. This approach is also the one that is least easily defined. In a sense, it therefore becomes a catch-all term for countries that fall outside of the scope of the other three groups.

The reasons for the differences in legislation on this matter is that countries, for varying reasons, have chosen to prioritise different goals. This is obvious when looking at the mechanisms of each type in Table 1. What they all have in common, however, is that without diligent enforcement of the laws, *illegal*<sup>2</sup> prostitution is likely to persist.

## 2.2 Project and Intentions

As part of a research project at the Stockholm Institute of Transition Economics (SITE) in which researchers Giancarlo Spagnolo (SITE), Maria Perrotta Berlin (SITE) and Ina Ganguli (UMass Amherst) are looking into the effects of asymmetric punishment in legislation, the neo-abolitionist ‘Nordic model’ for prostitution is of interest.

Though the focus is placed on Scandinavia, France came into the picture as similar legislation was adopted there in April 2016. As a result of the change in France, which presumably made it

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<sup>2</sup>Illegal here is meant for each specific country setting.

harder for people to purchase sexual services, it became interesting to see how potential consumers may take advantage of the open border to Germany, where prostitution is legal. Before the law changed, the exchange of sex for money had been legal, with some restrictions on solicitation. Running a brothel, pimping or paying for sex with a minor had, however, never been allowed. With the change towards asymmetric punishment, selling sex for money remained legal whereas purchasing it was now considered a crime.

This put the two most recently developed types of prostitution legislation, regulationist in Germany and neo-abolitionist in France, next to one another along the Franco-German border. The effects of the cross-border dynamics are what we, as research assistants to the team at SITE, tried to map. We assumed that the regulationist approach of Germany would enable us to more easily investigate the effects of the change in legislation in France across the border.

For this reason, we investigated how customers and working conditions, among other things, changed in areas of Germany neighbouring France. As our research progressed, this underlying assumption would prove to be less straightforward than we had thought originally. Though we cannot give a conclusive answer to how the change in regulation came to affect the market for sex in Germany, we gained insights and gathered information that we have compiled in this report.

### **3 The State of Human Trafficking**

... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

— DEFINITION OF 'TRAFFICKING IN PERSONS', ARTICLE 3, PARAGRAPH (A) OF THE UN PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

The international community has long been struggling with the prevalence of human trafficking. Initially under the heading of slavery, human trafficking has, through multiple conventions over the past 150 years, been explicitly restricted and outlawed by most countries. Though what we regard



today as human trafficking and modern slavery might not resemble stereotypical ideas from the past, at its core, it is still very much the same. We consider a situation as human trafficking when a person is involuntarily under the control of another and forced to commit acts against his or her own will.

As the definition above is read, we see that human trafficking can encompass many different criminal acts. However, there are three basic elements that are needed to legally define a situation as an instance of human trafficking: an act, a means, and a purpose of exploitation. Because of its often hidden nature, the full extent of human trafficking is difficult to map. Nonetheless, many countries across the world acknowledge the seriousness of the issue and are making efforts to combat it. Policymakers are further aware that the fight against human trafficking is wholly dependent on international cooperation given that perpetrators often exploit vulnerable people by removing them from their countries of origin.

Once again, when discussing sexual exploitation in trafficking, it is inevitable that regulations regarding prostitution will have to be discussed. Though sexual exploitation in trafficking does not necessarily entail prostitution, it is a straightforward way for traffickers to monetise an already illicit activity. However, this does not mean that trafficking for sexual purposes will be the underlying cause for all sex work, or even related to it in general, especially in jurisdictions where it is permitted. The relationship between prostitution and human trafficking is complex and multifaceted and is deserving of thoughtful analysis.

### **3.1 A Lack of Reliable Information**

There is uncertainty surrounding the prevalence of human trafficking. Due to its illicit nature, it is hard to grasp really how widespread it is. It is only possible, as with any other black market good or criminal activity, to observe the number of detected instances of trafficking. Currently, 173 of 193 UN member states have ratified the Palermo protocol on trafficking in persons (UN Treaties Collection, 2019). In 160 of those, human trafficking has been explicitly criminalised, and the numbers we have to rely on come from those countries (Chatzis, 2018). In the period 2012-2014, the United Nations Office on Drugs and Crime (2016), UNODC, reported a total of 63,251 victims worldwide. Compared to estimates ranging in the tens of millions from the ILO (2012) among others, the number of detected victims is minuscule (US State Department, 2017).

There is also an under-reporting of different kinds of trafficking. Especially organ removal is yet to be sufficiently mapped (Chatzis, 2018). Using any currently existing data involves an inherent bias stemming from this under-reporting that should be kept in mind. There are, however, some obvious tendencies shown in the data available to us, that help us in understanding human trafficking at large.

A clear majority of reported victims are women, though the share of men has increased over time and is substantial. Data from 2014 published by the UNODC (2016) puts men at 21 percent of victims. Men are particularly under-represented among victims of sexual exploitation; women make up 97 percent of those exploited for sexual purposes (Chatzis, 2018). Men are considerably more likely to be exploited as forced labour. Namely, 85 percent of detected male victims were exploited for labour. Overall, the victims of forced labour are in 63 percent of all cases male (Chatzis, 2018).

### **3.2 Reasons for Persistence**

Regardless of many efforts to combat this problem, human trafficking persists. According to Chatzis (2018), the reasons for this lie not only in the complex nature of the crime, but also (i) in the widespread use of the internet in facilitating it, (ii) in an international trend to deregulate labour markets, and (iii) in increased flows of migration. Especially in Europe, labour markets have seen a push from politicians asking for more flexibility after the most recent recession. Conflicts around the world, particularly in the Middle East, saw the nationalities of trafficking victims mirror those of increased outward migration (Chatzis, 2018).

The sheer number of refugees over the most recent years, and the strain this has put on countries, agencies and organisations, has also added to a likely increase in the undetected cases of trafficking. European countries have not been capable of effectively screening for likely victims of trafficking (Chatzis, 2018). One could even claim that the incapability in understanding the mechanisms of trafficking has caused some European countries to induce it, albeit inadvertently. For instance, the Italian government's agreement with Libyan authorities to stem the flow of migrants across the Mediterranean has been reported to create slave-like conditions for predominantly African migrants in Libya (Kirchgaessner and Tondo, 2018). This was also reflected in our study, which will be further discussed below, counselors working in Germany that we interviewed had personally met Nigerian women, whose experience as victims of sex trafficking began in Libya.

### 3.3 Public Official Figures

Available data allow us to make some general statements concerning the types of trafficking around the world. A majority of detected trafficking victims globally have been victims of sexual exploitation. However, the most prevalent kind of trafficking changes with geography. In Africa, victims are more commonly detected in circumstances defined as forced labour, rather than as sexual exploitation. However, this information comes with the caveat that it could instead be a reflection of what kind of trafficking rapporteurs in different parts of the world are able to detect.

When looking at Europe, the most recent figures from 2016 reported by the UNODC show that the share of detected trafficking victims that had suffered sexual exploitation is substantial, reportedly more than two thirds of victims were trafficked for sex (UNODC, 2018b). Similar numbers were reported for Western and Southern Europe, a region largely made up of the countries that were part of the Western Bloc, in the preceding report from the UNODC (2016). Throughout Western and Southern Europe, twelve (thirteen) countries reported the 12,226 (12,775) victims detected there come from all over the world in 2016 (2014), with citizenships in 124 (137) different countries.

There are, however, some clear trends that can be gleaned from the numbers. For Western and Southern Europe, victims more frequently come from outside the country they are detected in or nearby countries. A third of victims had their origin in Central and South Eastern Europe, an area largely corresponding to countries of the former Eastern Bloc that have now become part of the European Union (UNODC, 2018b). This share was the same in 2014 (UNODC, 2016). The remainder is largely made up of victims from Africa and East Asia.

### 3.4 German Data

The Federal Criminal Police Office (*Bundeskriminalamt*), BKA, is the government agency that compiles data for all sorts of criminal activities across the country. The BKA annually publishes a report on the state of human trafficking in Germany, currently under the name of '*Bundeslagebild Menschenhandel*'. Again, when viewing these figures, we need to keep in mind that the numbers presented here only concern the detected instances of human trafficking.

These reports, from 1999 until now, are available online at the BKA's website. The most recent

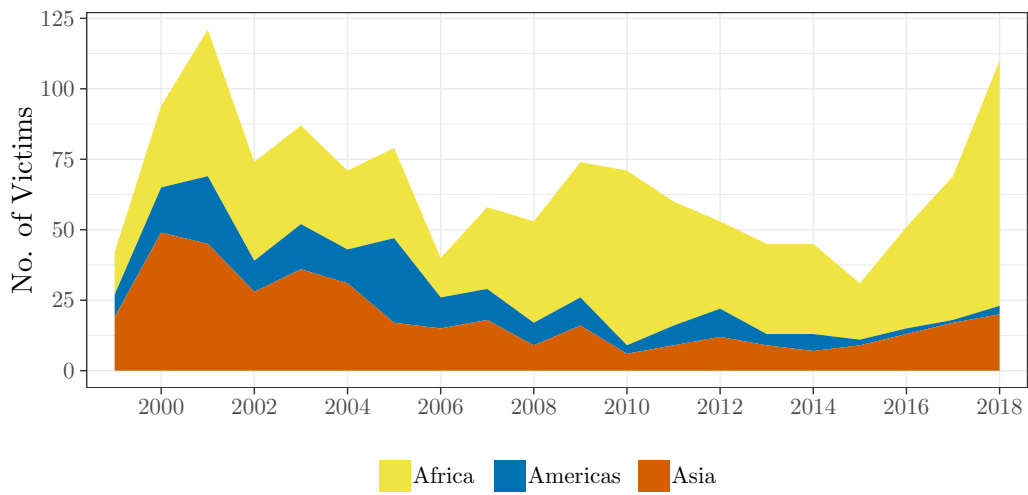


Figure 2: Non-European Victims by Continent (1999-2018)

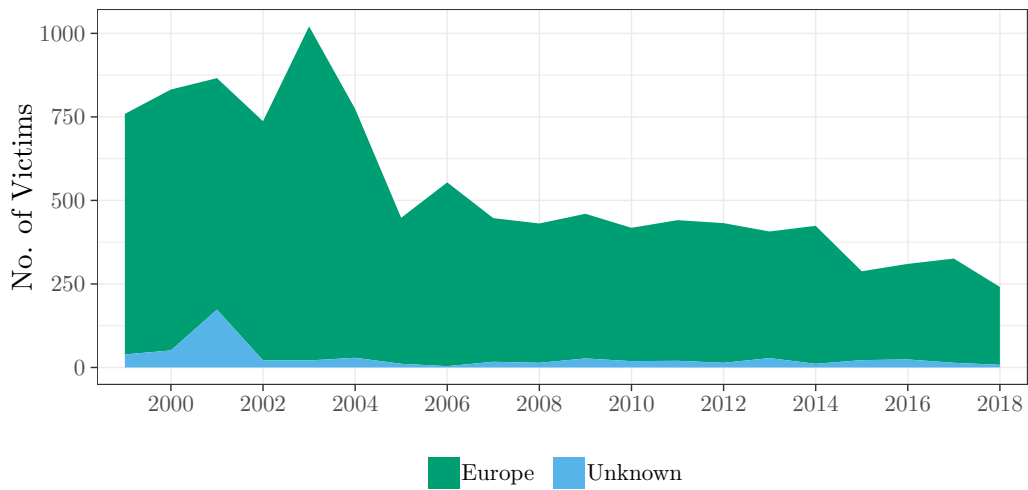


Figure 3: Victims of European and Unknown Backgrounds (1999-2018), incl. Germans from 2003

report for 2018 was made public in September 2019. Though the structure of the report differs slightly from year to year, there are some tables that are available throughout the period. For this report, we have primarily used the disclosure of nationalities of victims of human trafficking for sexual exploitation. As could perhaps be expected, the vast majority of reported victims over the past 20 years come from Europe. Over time, we see a decreasing trend in the number of victims of human trafficking. However, due to the relatively low levels of human trafficking from non-European countries, this trend is really only noticeable for victims of European origin.

Ideally, we would want to disaggregate the data and look at individual countries instead of continents. However, the BKA does not publicly disclose the figures for all countries. What it does, though, is feature numbers for a selection of countries of origin each year. Though not explicitly stated, it is likely to be the most frequent origin countries for each year. In Table 2 below, we show which countries appear and when. An important change in the report is the inclusion of German victims from 2003 (BKA, 2003).

Country	Year(s) represented	Number of Years	Average Number of Victims
Germany	2003-2018	16	129
Russia	1999-2007	9	117.7
Romania	2001-2018	18	108.3
Bulgaria	2001-2018	18	97.1
Lithuania	1999-2005	7	84.9
Ukraine	1999-2005	7	76.5
Belarus	1999-2002	4	67
Poland	1999-2014; 2016	16	50.8
Hungary	2007-2018	12	40
Czech Republic	1999-2000; 2005-2007; 2009-2014	11	38.7
Latvia	1999-2003	5	38.2
Nigeria	1999-2018	20	21
Slovakia	2005-2006; 2008-2009	4	20
Thailand	1999-2006	8	15.9
Turkey	2007-2013; 2015	8	13.6
Bosnia-Herzegovina	2007-2008	3	10
Guinea	2018	1	7
Albania	2014-2015	2	5
Serbia	2015	1	5
Cameroon	2015	1	3
Gambia	2017-2018	2	4
Ghana	2016; 2018	2	4

Table 2: Specified Origin Countries of Victims of Trafficking for Sexual Exploitation

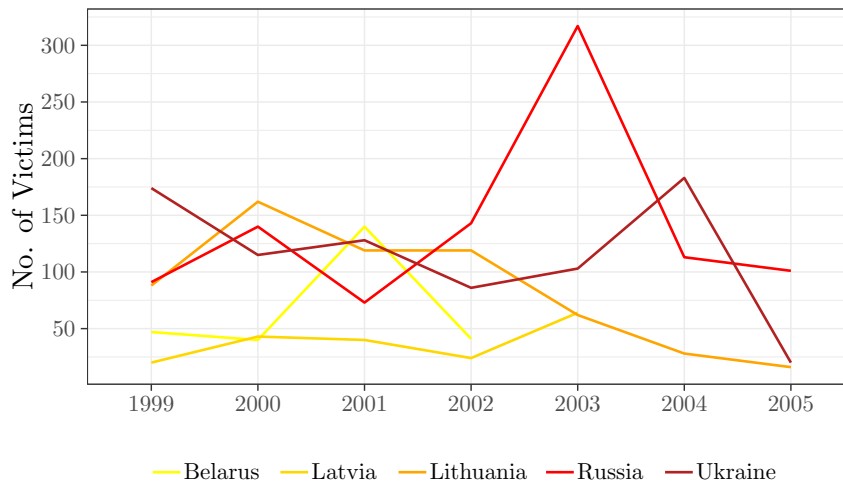


Figure 4: Victims from Specified FSU Countries (1999-2005)

Throughout the period and not subject to any major change, is that most victims of human trafficking are citizens of Central and Eastern European countries. However, over the course of 18 years, there are some changes regarding which countries are more and less prominent.

At the turn of the millennium, countries of the former Soviet Union (FSU) constituted a majority of all non-German human trafficking victims. This can be said despite having explicit data for only five of those countries, Russia, Ukraine, Belarus, Lithuania and Latvia, in the period 1999-2002. For 2003-2007, it is possible to observe a shift where the share and number of these countries decrease in conjunction with them being less and less mentioned in BKA's reporting.

Bulgaria and Romania<sup>3</sup> first appear in the 2001 report and the number of victims rises sharply until 2003. Since then, there have been fluctuations in the number of reported victims from these two countries, but they have overall been somewhat stable at a considerably higher level than before. Since 2008, they have made up more than 55 percent of the European non-German victims, and the majority of all non-German nationalities for all but three years.

<sup>3</sup>Note: These countries first joined the EU in 2007, however, accession was approved by the European Council already in 2004, while negotiations started in 1995.

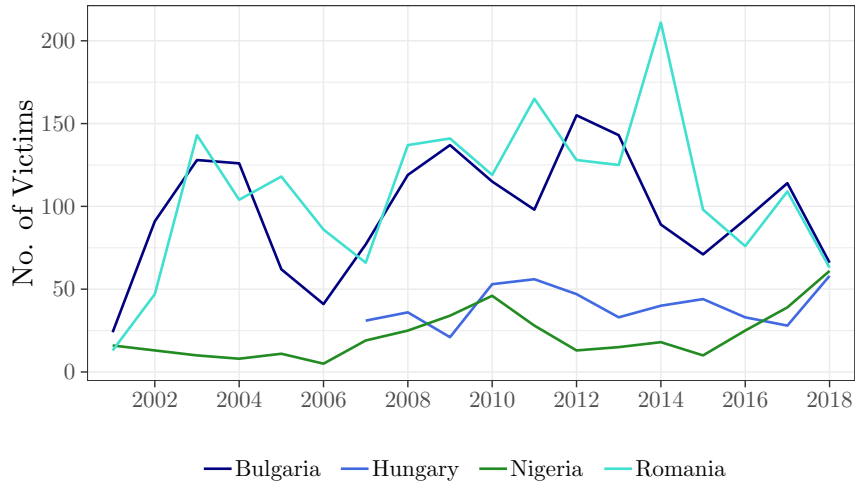


Figure 5: The Most Frequent Origin Countries 2018 (2001-2018)

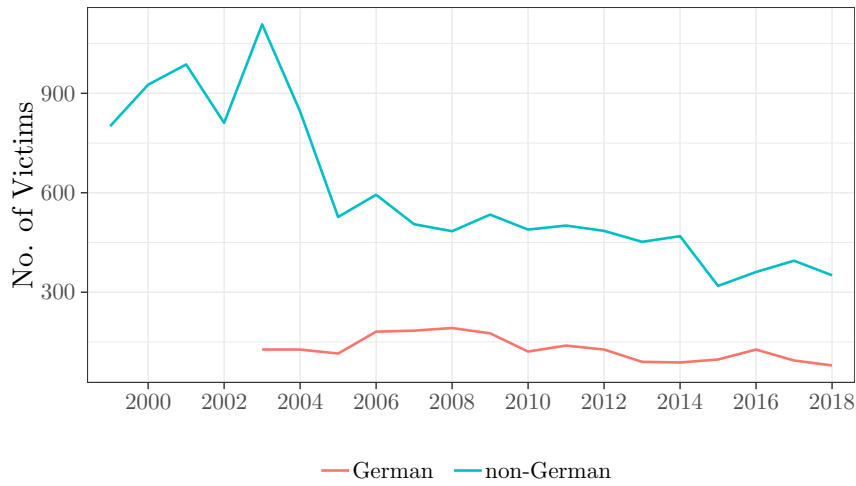


Figure 6: Total Number of Victims 1999-2018

## 4 Prostitution in Germany

In the past 30 years, prostitution laws in Germany have undergone numerous changes. Not only German law is likely to have affected the prevalence of prostitution within the country, though. The expansion of the EU, and domestic as well as EU-wide policies in relation to it, policies in neighbouring countries, and major geopolitical events might have all contributed to the current state of prostitution and human trafficking in Germany.

However, the greatest change is arguably the 2001 law, the *Prostitutionsgesetz* (ProstG), which institutionalised prostitution in Germany, taking the exchange of sex for money from a legal grey area into a legally recognised occupation. In principle, this regulationist approach could bring illegal and criminal acts often related to sex trade, such as human trafficking, to the surface, thereby creating a safer prostitution market for both sex workers and consumers through the possibility of regulatory oversight. However, with time, polarised opinions have been raised about this policy. Some have praised the ProstG as a milestone for sex workers' rights. Others have proclaimed that Germany has become an exploitative 'battery cage' (Conrad and Felden, 2018). There have been several previous investigations into the ways in which the ProstG has impacted the state of prostitution, as well as reports on human trafficking in Germany reaching different conclusions (e.g. Tavella, 2008; Czarnecki et al., 2014; Gunderson, 2012; Kavemann and Steffan, 2013).

With time, it became clear that legalisation without regulation may be fertile soil for uncontrolled growth of prostitution activities. For this reason, the German government enacted the *Prostituiertenschutzgesetz* (ProstSchG), or the 'Prostitute Protection Act', in July 2017. The act added a number of statutory requirements on sex workers, which we will cover shortly. Germany's approach to prostitution represents an interesting case in the European context, where prostitution has typically been very differently conceptualised and thus, legally dealt with.

### 4.1 The Evolution of German Law

The most significant shift for Germany is arguably the recently mentioned ProstG, which created the occupational status for sex work in Germany. It was enacted after extensive debate. Sex workers had voiced their misgivings with the then-current legislation, where prostitution was not illegal but without a legitimate position in society. Brothels and sex workers were perceived to be prevented



from achieving acceptable standards in their working conditions because of the regulations in place. From the early 1980s to the mid-90s, several debates on the topic were held in the Bundestag. A draft legislation was rejected in June 1998 by the governing centre-right CDU/FDP coalition. The following centre-left SPD/Greens government brought the proposals back to parliament, which then later passed them with support from all parties bar the CDU/CSU group on 20 December 2001. The law came into force on January 1, 2002 (Kavemann and Steffan, 2013).

With ProstG, sex work was set on an equal legal footing to any other kind of profession. Those practising it were now entitled to social insurance and were given the legal means to demand payment from customers (Kavemann and Steffan, 2013). However, there are geographical restrictions on prostitution, which vary between states. The 1974 *Einführungsgesetz zum Strafgesetzbuch*, EGStGB, contains one article (number 297), which is of particular relevance.

The EGStGB article gives states the right to restrict the areas and times in which prostitution is allowed through decrees. For municipalities (*Gemeinde*) with a population above 20,000 inhabitants, a part of the municipality can be set off-limits for prostitution, with the option to forbid it completely in municipalities with up to 50,000 inhabitants. This law has been used as a justification for instance in Baden-Württemberg and Saarland, where prostitution has been forbidden in municipalities with less than 35,000 inhabitants since 1979 and 1982 respectively. The law also allows for restrictions regarding which times of the day prostitution is permitted.

In October 2016, the Bundestag passed the ProstSchG, effective as of 1st July 2017. introducing new regulations on the trade of sex. To lawfully work as a prostitute, one would now have to register as such and thereafter carry a work ID. Registration requires valid ID documents, a health check-up and a yearly health examination to maintain the status. Furthermore, the registration needs to be renewed every two years. In order to protect sex workers' right to anonymity, one may be registered under a pseudonym if requested.

Additional provisions in ProstSchG include barring registrations if there is evidence of the registration being induced by third parties, or when in the last six weeks of pregnancy. When registering, the responsible agency is required to inform sex workers of their rights and responsibilities, including what the ProstSchG entails, such as consultation opportunities in relation to health and pregnancy, and how to get help in emergencies. Additionally, all prostitution-related businesses, such as brothels and *Laufhäuser* (establishments where sex workers rent rooms), need to register

and get permits as well.

Lastly, the ProstSchG also introduced a statutory condom requirement during intercourse. Not following this requirement could result in a fine of up to 50,000 Euros. Though the law as a whole was welcomed by most states, especially because of the statutory permission requirement (*Erlaubnispflicht*), many of the other requirements are related to significant implementation costs.

In connection to the introduction of ProstSchG, the German Federal Statistical Office, Destatis, was tasked with gathering statistics on several of the registration requirements now statutorily demanded (law ProstStatV, 2017) from state and local authorities. As of yet, there have been significant difficulties in gathering this data. At the time of writing this report, only ten of Germany's sixteen states have provided any data. The data provided is also incomplete, with several *Landkreise* and even some major cities unable to successfully roll out the new legislation (Destatis, 2019). Hopefully many of the current data issues will be mitigated in the future.

## 4.2 The Extent of Prostitution in Germany

Though a country with regulationist policies, Germany has little publicly available statistics concerning the state of prostitution in Germany. A central issue is and has long been the actual size of the sex trade market. One figure that is often referred to in many newspaper articles is that of 400,000 prostitutes. It has been circling around in the media for at least the past 15 years and we have not been able to identify the original source.

However, the estimates vary widely depending on the paper reporting the number, and there is generally no reference to how estimates were created or by whom. One extensive, though not exhaustive search by us found the total number of prostitutes in Germany over the past 20 years to reportedly range from a lower bound of 60,000 (Stephani, 2017) to an upper bound of 700,000 (Junge, 2001). The most recent official number of issued licenses (from 31st December 2017), however, are 1,350 across Germany (See Table 3 below)<sup>4</sup> and a total of 7,000 having reported to relevant authorities (Destatis, 2019).

Today, prostitution is commonplace across Germany. In German and international media, the country is often referred to as one of the prostitution hubs of Europe. One figure that is commonly referred to in the media is that of 1.2 million transactions a day (Junge, 2001). Though again, this

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<sup>4</sup>NB. The state numbers published by Destatis do not sum to their reported national total.

<b>Number of Licenses</b>	<b>State</b>	<b>Population</b>
314	Baden-Württemberg	11.1 m
578	Bavaria	13.1 m
—	Berlin	3.6 m
—	Brandenburg	2.5 m
—	Bremen	0.7 m
—	Hamburg	1.8 m
—	Hesse	6.3 m
27	Lower Saxony	8.0 m
—	Mecklenburg-Vorpommern	1.6 m
177	North Rhine-Westphalia	18.0 m
—	Rhineland-Palatinate	4.1 m
—	Saarland	1.0 m
—	Saxony	4.1 m
43	Saxony-Anhalt	2.2 m
116	Schleswig-Holstein	2.9 m
61	Thuringia	2.1 m
<i>1,350</i>	<i>Germany</i>	<i>83.0 m</i>

Table 3: Number of Issued Licences by State

is only an estimate with unclear foundations. Three surveys conducted between 2012 and 2015, one by bi-weekly women’s magazine Brigitte and two by the German edition of Playboy, had German men responding to if and how often they buy sex. There were considerable differences in their results, indicating that between 10 and 88 percent of German men had bought sex at some point (Crocoll, 2013; FOCUS Online, 2012; 2015).

By moving away from sex workers having the option to register as such on their social insurance and instead making it mandatory to register to get a permit, the German government hopes to tackle the difficulties it has had in understanding the full extent of the prostitution market. In 2013, the Federal Employment Agency reported that the number of women registered as sex workers on their social insurance was 44 (Meyer and Nagel, 2013). Beyond doubt, this figure did not correspond to reality.

In a study included in the 2007 governmental evaluation of ProstG, 305 sex workers completed written interviews to explore some of the reasons why the number of registered sex workers was so low. Only 1 percent of respondents had a formal employment contract as sex workers, while some had other professions outside of prostitution. A clear majority (roughly 70 percent) said they were freelancing. Responses from brothel operators also indicated that sex workers were given the

option to be registered as “employees of an artists’ agency or as a prostitute” (BMFSFJ, 2007). This demonstrates the failure to turn sex work into a profession like any other, which might be related to common stigma associated with this profession, and likely spurred on the introduction of the ProstSchG measures.

### 4.3 Changes Outside of Germany

Year	Change
2004	EU Enlargement
2007	EU Enlargement
2011	Free Movement EU10
2014	Free Movement BG and RO
2014	Ukraine Crisis
2015	Migration Crisis
2016	French Reform
2011/2016/2017	EU Directives on Trafficking
2017	Ukraine (and Georgia) visa free travel to Schengen

Table 4: Changes abroad likely to have impacted the German market for sex

Apart from domestic reforms in regulation, the German market for sex is likely to have been affected by multiple outside factors since the enactment of the 2001 ProstG. Together with our initial point of interest, the French reform in 2016, we have listed some of the most prominent events in Table 4 above.

#### EU Enlargement

On 1 May 2004, the European Union gained ten new member states: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. Roughly two and half years later, in 2007, Bulgaria and Romania also joined. In this period, the European Union saw the number of member states rise from 15 to 27 and its total population increase by roughly a quarter (Eurostat, 2018). All these countries were, and still are, below the EU-28 GDP per capita average, together with only four ‘old’ members (Eurostat, 2017).

Since their accession, there has been a considerable movement of labour across Europe from these countries (European Commission, 2011). However, there were certain provisions in place for both accession groups, restricting the free movement of labour from those countries to Germany

at first. Full freedom was not granted until seven years after joining (Andor, 2014; European Commission, 2018).

## **Ukraine**

Following the annexation of Crimea by the Russian Federation and the subsequent war in Donbas, around 1.6 million people have been displaced according to the UN (2018). The majority of those are registered as internally displaced within Ukraine, but around 1 million people have sought asylum in neighbouring countries. In the period from 2011 to 2015, a report commissioned by the International Organisation for Migration (IOM) and written by the market research institute GfK estimated that the share of the population vulnerable to human trafficking rose from 14 to 21 percent, a 50 percent increase (GfK, 2015). In 2017, that share had not changed (GfK, 2017).

At the same time, the number of registered trafficked persons has followed a bit of a U-curve. The OSCE (2016) reported that the number was 380 in 2006, and in 2015 it was 111 and during the first ten months of 2016 only 96. The UNODC (2018a), however, presents slightly different numbers from the Ukrainian Ministry of Social Policy, totalling 83 in 2015. From 2014 to 2017 they report the number of victims rising from only 27 to 198. According to the UNODC, a majority of victims were trafficked for labour exploitation, but the share of those exploited for sexual purposes increased from a few percent initially to around a quarter in 2017. The discrepancy in the numbers reported by the UNODC and the OSCE is an issue, though.

Additionally, the change in visa rules for Ukrainian (and Georgian) citizens in 2017 eased access to the Schengen area. If in possession of a biometric passport, Ukrainian citizens could now go to Schengen countries without a visa (European Commission, 2019). In a small survey, conducted in December 2017<sup>5</sup>, we found through interviews with sex workers and counselors in Germany that there has been a perceived increase in sex workers from Ukraine recently. Again, we need to acknowledge that the origin countries of sex workers do not necessarily indicate activities surrounding human trafficking. There are, however, reasons to assume that with an increased migratory flow from Ukraine, human trafficking activities may possibly take advantage of the same corridor.

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<sup>5</sup>See section 5 for more information.

## **Migration Crisis**

As mentioned in the case of the war in eastern Ukraine, displaced people and refugees are exposed to an increased risk of being trafficked (IOM, 2015). In armed conflict, fighting groups not uncommonly abduct and recruit men, women and children to be forcibly used as combatants, sexual and domestic slaves, forced labour or coerced into marriages (UNODC, 2016). Chatzis (2018) also stressed conflict as one of the main reasons for the persistence of trafficking.

Though the number of reported cases of trafficking from especially Syria initially went up following the outbreak of the Syrian Civil War, absolute levels remained relatively low (UNODC, 2016). As noted by Chatzis (2018) though, it is not safe to say that this is an accurate reflection of reality as the crisis created circumstances where screening for trafficking was, and in part still remains, neglected.

## **France**

On the 6th of April 2016, France implemented the ‘Nordic model’, designed to discourage buyers of prostitution and ease pressures on prostitutes. Those caught buying sex could face up to 3500 Euros in fines for repeat offences and fines of up to 1500 Euros for first-time offences (McPartland, 2016). Before the law changed, France would have been categorised as a country with abolitionist legislation. It had in place restrictions on pimping, brothels, and solicitation, while the passive solicitation of customers had been banned in 2003 (Chrisafis, 2012). However, with regard to the fundamental act of paying and being paid for sex, there was no statutory ban (RFI, 2015).

## **EU Directive**

The 2011 EU Directive ‘on preventing and combating trafficking in human beings and protecting its victims’ (Directive 2011/36/EU) was agreed by the Council to homogenise the varying national regulations of this cross-country problem. It replaced a 2002 Council Framework Decision. For Germany, it included new penal provisions, which would ease the implementation against traffickers and trafficking (CBSS, 2016).

In the directive, member states were requested to transpose it by April 6th 2013. By that date, Germany was the sole member state not to have transposed the directive into law (European

Parliament, 2016). Not until roughly three years later in July 2016 did the Bundestag pass a bill proposed by the federal government to turn it into law. Even after the decision, implementation would wait until 1st July 2017.

Though Germany today has the legislative tools to combat trafficking, critics lament the lenient application of laws. Only 26 percent of the traffickers convicted receive prison sentences, leaving potential traffickers less than deterred (US State Department, 2017).

## 5 Data Gathering Mission

As any publicly available data on prostitution in Germany has been fraught with issues, the research team at SITE decided to get in touch with those most familiar with the subject: sex workers, brothel owners, as well as people working closely with sex workers and potential victims of human trafficking, this last group henceforth referred to as counselors. These counselors worked in the public sector and for non-profit organisations as either health care professionals or social workers. By reaching out to all three groups, we intended to get closer to finding out the answers to the questions at the core of this effort: What were the effects on sex work and human trafficking in the German regulationist environment caused by a change from abolitionist to neo-abolitionist legislation in France? More specifically, would sex buyers become more likely to go from France to Germany than they had been before to circumvent the risk of sanctions?

### 5.1 Method

To uncover the dynamics of the prostitution market in Germany, we deployed a mixed-method approach to create a holistic picture of the sex work market at the German border (Plowright, 2011), combining quantitative and qualitative methods. Specifically, we held semi-structured interviews with counselors working with sex workers and victims of human trafficking for the purpose of sexual exploitation active in the region along the border. This allowed the interviewees to share relevant information. Through our interactions, we could also gain vital knowledge of how to improve our plan for approaching and surveying sex workers.

One crucial constraint when interacting with sex workers in the field was time. As we could not offer any financial incentives, we developed a questionnaire (see Appendix) that would be

able to capture the information we were searching for, without taking up too much of their time. Questions ranged from asking the sex workers about the extent to which they felt safe, liked or disliked their working conditions, to what the perceived national backgrounds of their clients were. The questionnaire aimed particularly at asking about possible changes in the nationalities they served, their profits, and prices they could charge over the preceding two years.

Most questions did not mention the law change in France or the possible difference in the number of French customers, although it was asked at the end of the survey in case this had not been mentioned by the interviewees. With the help of our counselor contacts, we created a questionnaire that could be answered quickly, within 5-10 minutes from when we first approached them. It enabled us to gather mostly quantitative data with some minor scope for open answers, allowing some data of a qualitative nature as well.

When working with a sensitive subject such as sex work, it is crucial to respect the personal integrity of everyone involved. This meant that we had to ensure the sex workers' anonymity, not record the conversations and even limit the sharing of raw data between researchers. One counselor emphasised that many sex workers typically hide their occupation from their wider social circle, often even close family, due to the stigma and fear of social exclusion.

There is also a tendency for many sex workers to be reluctant about reporting the sometimes precarious conditions they live or work under, due to the stigma they face. Our efforts tried to mitigate this issue, committing ourselves to not share information that could identify them afterwards even within the research team. Of course, this did not apply to the experts we interviewed. These latter interviews were recorded and transcribed to ensure the completeness of the information provided.

## 5.2 Data

Geographically, we endeavoured to interview sex workers and brothel owners as close to the French border as possible. Specifically, this meant that the interviews we carried with these actors were in the cities of Saarbrücken, Saarlouis, Offenburg, Trier, and Freiburg and the village Rilchingen-Hanweiler outside of Saarbrücken. In order to get a more general understanding of sex work and human trafficking across Germany, as well as more border-specific insights, we primarily interviewed counselors exposed to the German-French border dynamics, based in Kehl, Strassbourg, Heilbronn,



Freiburg, and Trier, but also some farther away in Berlin and Dortmund.

When approaching sex workers in the field, we learned quickly the truth of what counselors had already warned us of. Out of 44 sex workers, only 17 accepted to be interviewed when approached. The survey was conducted in October and November 2017, generally late at night and either in a street setting or in a brothel. More than half of the sex workers (around 60%) had at that point been working in the sector for more than 1.5 years and almost a quarter for more than 8 years. Three quarters of the sample was judged to have a good of comprehension of the questions, whereas language proved to be a considerable problem with the remainder of our interviewees.

<b>Number of sex workers</b>	<b>Nationality</b>
7	Romanian
2	Bulgarian
2	Czech
2	Hungarian
1	Russian
1	Undisclosed
<i>17</i>	<i>Total</i>

Table 5: Nationalities of surveyed sex workers

Nine semi-structured interviews with counselors working directly with either sex workers and/or victims of human trafficking working along the Franco-German border were conducted. These interviews took place in person or over the phone. In both cases, they were recorded and later transcribed. These experts were working, as previously mentioned, either in publicly run health institutions that directed their services specifically towards the needs of sex workers or at NGOs aiming to support sex workers or victims of human trafficking in various concerns.

In contrast to the mostly quantitative data obtained from the interviews with sex workers, the interviews with counselors were of a qualitative nature and allowed a more nuanced understanding of the complexities surrounding sex work and sexual exploitation across the German-French border.

### 5.3 Limitations and Difficulties

Initially, our plan had been to reach out to sex workers through health organisations that counsel them on a regular basis. However, we faced major obstacles to that. These organisations work for a long time to establish trust between them and this vulnerable and often stigmatised part of society. For this reason, they were very hesitant to arrange any contact between us and the sex

workers they counsel. Research and health experts have repeatedly shown how hard it is to detect whether or not a sex worker is the victim of human trafficking. It often takes social workers a long time of counseling until a sex worker decides to open up about the reasons that led them to pursue sex work.

For this reason, the options of gathering data were few, and sex workers had to be approached during their working time in brothels or street prostitution areas. This, in turn, caused several difficulties.

First, it highlighted the lack of resources at our disposal. Approaching subjects in the field is one of the most costly methods, particularly when dealing with a hidden population such as this. Whatever information we would be able to gather would not necessarily provide a representative sample of answers.

Second, whether in the context of a brothel or on the street, sex workers usually have a limited time in which they actually earn money. In most cases, street prostitution is not only limited to certain streets, but also to certain times of the day. For instance, in Saarbrücken, it is only allowed between 10 pm and 6 am. As for brothels, sex workers generally have to pay high rents for a limited number of hours there. Considering that we could not offer financial compensation for the interviews, many women felt disturbed by the request, even if it took only 10 minutes, as it could mean the loss of a potential client.

Third, most women working as sex workers often hide their occupation from friends and family members. When working, they generally use other names, thereby enacting the role of their sex worker persona. This makes it harder from a research perspective to ask questions that might touch upon their more private experiences outside their role as a sex worker. For instance, the probability of finding a robust indicator of their real-life satisfaction or health may be rather low.

Fourth, when visiting brothels, there was another complication that emerged for the researcher-in-field. Most people who go to brothels want to be guaranteed privacy. This, however, can be disturbed if it becomes clear that an observer who is not part of the milieu is in the brothel. For this reason, most attempts to talk to prostitutes within brothels failed.

Lastly, a major limitation in the data gathering process was the language barrier between us and many sex workers. The lacking language skills were an important indicator to understand that these women were less likely to have spent a long time in Germany. However, it also made

it difficult to ensure that they understood the questions posed in the survey. In some cases, sex workers with better German skills translated on behalf of their colleagues, which in turn may have caused some inaccuracies.

## 5.4 Findings

### **On sex work conditions and the impact of changes of prostitution law in France**

By surveying sex workers, we could not find any evidence for our working hypothesis. The change of the French prostitution law did not seem to increase the number of French people coming to Germany to buy sex. From the interviews with sex workers that we carried out, all but one assessed the number to be the same, while the last one, based in Offenburg, stated that there had been an increase in tourism from France. Neither had there been any noticeable difference in the number of customers from any of the countries listed in our questionnaire: the US, the UK, France, Italy, Spain and Russia.

A possible reason for this seemingly minimal change in the influx of French customers was suggested by a health expert working both in France and in Germany with sex workers. According to her, there had been very few cases of prosecution of prostitution customers despite in France the law (Kehl/Straßburg BE0009). This can be disputed though, as the Coalition Against Prostitution (2017) reported that 937 sex buyers were arrested in the first year following the implementation of the law, rising to 4000 by early 2019 according to the Fondation Scelles (2019). Where most of these arrests have happened is not disclosed though. If there are geographical differences across France, it could mean that there are regions in France, possibly bordering Germany, where it may still be safe enough for sex buyers not feeling the need to go elsewhere. Should that be the case, then it could be a reason why no increase in the German sex work market can be detected.

Asked about more general changes taking place since 2016, sex workers and health experts reported that the economic conditions for prostitutes had worsened considerably. Five out of the 17 sex workers, based in different cities, reported that prices for their services had dropped. According to them, this was related to two recent developments within the market. Firstly, more and more women from Eastern European countries such as Bulgaria and Romania were working as sex workers. Considering the comparatively low salaries in these countries, these sex workers

tend to be more willing to compete by lowering their prices. Secondly, according to sex workers, customers claim to have less money and thus bargain more.

From the questions posed on our questionnaire, we are unable to clearly identify whether the prices had been falling since 2016 or if it is a continuation of a more long-term trend. Although several women indicated that the decline in prices was recent, those who did had only worked for less than five years.

When responding to questions regarding health and overall life satisfaction, half of the interviewed sex workers claimed that they felt completely safe while working, against almost a quarter that did not. Looking more closely at the ten sex workers that said they had been working in milieu for at least five years, just three of them claimed to feel safe. Therefore, it seems that sex workers who have worked longer in the milieu feel less confident about their safety.

Overall, the sex workers who worked predominantly in the context of street prostitution reported feeling less safe, and also a lower overall life satisfaction, than those in brothels. When asked about their personal health, no sex worker reported to be unwell, but six of them refused to answer this question.

## **5.5 Counselor Inputs**

### **Migratory flows from Eastern Europe**

Many of the counselors we interviewed seemed to agree that the total number of active sex workers did not necessarily differ since the implementation of the ProstG in 2002. However, those who had been working in the field for many years said they had noticed the proportion of foreign-born prostitutes rising significantly with the implementation of the 2001 law. All but two of the seven counselors we interviewed estimated that the share of non-German sex workers was above 50 percent. Those of the other view still believed it to be above a quarter. An earlier policy report by the Institute for East and Southeast European Studies from August 2015 confirmed this belief (Petrungaro and Selezneva, 2015). The fact that most of our counselors found prostitutes to be majority non-German corresponds with earlier findings that showed this share for female sex workers rising from 52% in 1999, to 63% in 2008 (TAMPEP, 2008).

What they did all agree on, however, was that Eastern Europe was the most common back-

ground of foreign sex workers, which is also the case in the data we gathered. More specifically, women from Bulgaria and Romania form a majority within the group of sex workers in Germany who recently took up this profession. Women from Asian countries, such as Thailand, as well as from Latin America were observed to be the second-largest group of people working as sex workers by counselors. Though, they were far fewer than their Eastern European colleagues. For example, in Strasbourg the most frequent nationality among sex workers was Bulgarian (Straßburg/Kehl, BE0004). Around Saarbrücken, we got to talk predominantly to Romanian and Bulgarian sex workers.

Our survey of sex workers indicated that the high share of Bulgarian and Romanian sex workers was to be found especially in street prostitution contexts. In brothels, we found a more diverse ethnic composition (Saarbrücken, BE0003). Some counselors, for instance one in Kehl, claimed that this shift towards more and more women from Bulgaria and Romania is strongly correlated with the incorporation of Eastern European countries in the EU. For sex workers, this meant that they were particularly vulnerable in the transition phase that new member states had to go through after becoming an EU member but before being allowed unrestricted freedom of movement, as they were not eligible for the protections in the 2002 German law (Kehl/Straßburg, BE0009).

According to a counselor working with sex workers in Trier, the socio-economic background of sex workers from Romania and Bulgaria varies. Some of the women are students in their home countries and thus highly qualified in the labour market. They often work in rather high-priced brothels. At the same time, there are also women who are living under very poor conditions (Trier, BE0008).

A further finding from our interviews was in contrast to a common belief that sex workers migrate to Germany. Counselors reported that it is very common for sex workers to have a permanent base in their origin country and only travel to Germany, as well as Austria and Switzerland, in order to earn a living and support their families for shorter periods (Trier, BE0008). There are some women, however, who do not have the know-how to organise their own trips, and thus, stay at one place for longer and end up settling down in Germany (Trier, BE0008). Often, the families and close acquaintances back home know little about the occupation of the women.

From the interviews, we got to understand more about the mobility of sex workers. Sex workers that come to Germany commonly also travel throughout the country to pursue work. This makes

them different from domestic sex workers, who are usually based in one place and do not travel around far away to pursue work. According to a social worker in Dortmund (BE0006), the police refers to the high mobility of foreign prostitutes within German borders as ‘prostitution tourism.’

Our survey showed a certain (albeit weak) relationship between sex workers’ country of origin and the number of years they had been working in Germany. Of the 17 respondents, those who stated to have worked in Germany for less than 3 years were exclusively Romanian and Bulgarian nationals. The over-representation of Romanian nationals also strengthens the view that it is among the most dominant origin countries in the current German prostitution market. For Bulgaria, our survey did not have a similar over-representation.

In Saarbrücken, counselors reported that with the change of the visa-rules for Ukraine, more and more Ukrainian women started working as sex workers in and surrounding Saarbrücken. However, according to one counselor, none of them showed indications of being victims of human trafficking (BE0003). In the trafficking data from the BKA, there was an uptick in the number of Ukrainian victims in 2016, 22 compared to 2 for 2015. However, for the most recent report, Ukraine did not feature and we are therefore unable to say what the situation is like now.

### **Origin Countries of Victims**

Of the information that we could gather from our interviews, there were some things that stood out to us. Repeatedly, Eastern Europe and West Africa were mentioned as the primary origins of trafficking victims. Particularly one country was mentioned repeatedly: Nigeria.

One of our counselors in Saarbrücken noted that women from Nigeria were more likely to be victims of human trafficking. To get from Nigeria to Germany is generally rather difficult and they are therefore more exposed to be exploited by traffickers (Saarbrücken, BE0003). In Freiburg we met with another counselor who also emphasised the plight of Nigerian women, going so far as to say that since the refugee crisis, human trafficking patterns have changed and Nigerian sex workers in Germany are mostly always victims of human trafficking (Freiburg, BE0007). A counselor working in Kehl and Strassbourg also noted how the refugee crisis has been used to bring vulnerable women from Nigeria to Germany. Summarising, it seems to be the case that the poorer the country, the more likely it is that the woman you encounter in this milieu is a victim of human trafficking (Kehl/Straßburg BE0009).

In Dortmund, one counselor noted that West African (and Nigerian) women have often been trafficked elsewhere too (Dortmund, BE0006). A fellow counselor working in Kehl and Strassbourg gave a similar account. Probably throughout the refugee crisis, women from non-EU states have been particularly over-represented. This does not mean that there are not any EU-citizens who are victims of human trafficking, but right now, the biggest stream of human trafficking victims are Nigerian women, who usually apply for asylum in Germany. They have come from Nigeria, often through Libya, then to Italy, and further on to other EU states. Once they reach Germany, some seem to attempt to save themselves from further exploitation, but sometimes they remain under the control of their traffickers (Kehl/Straßburg BE0009).

In Heilbronn, one expert was keen to also discuss the German victims of trafficking, who according to BKA statistics made up around a quarter of all victims. These usually fall prey to a partner who uses the ‘lover boy method’ making a woman, or usually young girl, fall in love with him and later forcing her into prostitution (Heilbronn, BE0002).

### **Changing characteristics of human trafficking in Germany over time**

In Saarbrücken, one counselor also noted how the nature of human trafficking has changed over the past 10–15 years, with traffickers becoming more and more subtle. Where they before were much more violent towards their victims, they seem to have adopted strategies in order to hide the signs of violence and trafficking better and instead apply more psychological violence. According to this person, it is also increasingly common for a family member or partner to be involved in the trafficking. Overall, the lines drawn between prostitution and human trafficking appear to become increasingly blurry and hard to detect. It makes it more difficult for victims to identify themselves as such, and in turn complicates legal processes as it is sometimes hard to prove whether a person working as prostitute did it voluntarily or under coercion (Saarbrücken, BE0003).

As for the trend in human trafficking, there appear to be differing opinions. In Heilbronn, one counselor reported the number of cases rising. However, it is difficult to say if this is a reflection of an actual increase or of heightened awareness among the general public with the influx of West Africans (Heilbronn, BE0002). In Trier, however, the situation was perceived to have improved slightly, with one counselor (BE0008) noting that stricter laws seem to lower the number of cases of human trafficking.

## 6 Conclusion

Though interlinked, it is important that prostitution and human trafficking for sexual exploitation are not associated by default. There are many sex workers that have practised their profession free from any undue influence by a third party. However, there is undoubtedly an abundance of evidence showing that this is not always the case. For the past few decades, however, policymakers have been attempting novel legislative approaches to create a clear delineation between these two phenomena.

The initiative behind this report was the interest in legislation introducing asymmetric punishment. As has been described above, the Nordic model's approach in which only the party purchasing sex is committing an offence, applies a similar sort of mechanism to the market for prostitution. Though this topic has been covered before, it still represents an area of rather novel research. Generating broad-brush findings applicable to all settings is unlikely, but findings that are relevant and robust for a specific time and place might be obtainable with the right methodology.

The introduction of new regulations regarding prostitution in France was therefore of great interest, as the proximity to other countries, especially Germany, where sex work has been a legal profession since 2002, could mitigate the issues on finding good data. The outset of our research efforts was a belief, now in hindsight perhaps rather naïve, that data would be more readily available in the German regulationist institutional setting.

As was later discovered, data availability was an issue there too. Recent legislative efforts, namely the 2017 ProstSchG, might amend the most pressing concerns. However, it is more than likely that outright criminal activities are being perpetuated within the scope of a regulated market for sex. Finding methods that accurately track the effects of this law is an area of crucial research. In futures studies on this topic, remaining aware of unrelated events and changes that might possibly affect this policy is important. For larger countries, differences within a country also need to be considered. In the case of Germany, the federal structure allows *Bundesländer* to adopt slightly different policies.

We were not able to identify robust indicators that suggest a changing inflow of customers from France to Germany after the 2016 neo-abolitionist law in France. Assuming that the law has not been implemented and enforced sufficiently, this may also raise a question that affects the scope of



this report. For instance, one may ask whether the ‘Nordic model’ of prostitution policy is easily implemented in different countries disregarding the cultural, institutional and social characteristics that originally brought it about and if it is reasonable to expect similar outcomes in each setting. Investigating which characteristics are important would improve any future changes of this kind elsewhere.

We can, however, confidently argue for additional research on cross-country sex work, as well as on the working conditions and financial situations those operating within the milieu face. Though we were unable to establish robust evidence on the interplay between sex work and human trafficking, we were repeatedly told that general flows of migrant workers temporary working in Germany, mostly from Eastern Europe, affect conditions within the milieu. In this regard, sex work differs little from other business sectors that report similar concerns. This issue was particularly significant for street workers, especially since they already (and possibly because of this) reported to feel much less safe than those working in brothels.

On a practical level, our attempt to survey sex workers taught us just how difficult it is to gain the trust needed to obtain information from sex workers. Since prostitutes are only identifiable while they are working, remaining cautious of not being perceived as contributing to the experienced stigma sex workers face is imperative. For those not working in brothels and *Laufhäuser*, there are generally also rather strict restrictions in place for when and where they may operate. Regardless of setting though, there tends to be time pressures whilst at work, meaning many approached to answer questions will decline that request. Building a dataset of any significant size will, therefore, require significant time and resources.

Having spent a significant time working on this project, we have few clear-cut answers to give. Prostitution and human trafficking may be intertwined. However, how they correlate and the causal relations between them remains a perplexing matter. By talking to people working in and around the milieu and improving the availability of data, the general understanding can be greatly improved. For instance, through the interviews we conducted in late 2017 with counselors providing support to sex workers in Germany, the uptick in 2018 of detected Nigerian victims of human trafficking for sexual exploitation was in part foreseen. This highlights the need for better and more data, as well as research covering sex work and human trafficking, so that both topics can be addressed appropriately and more effectively in the future.

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## **Fragebogen für SexarbeiterIn**

Bevor wir mit dem Interview beginnen, gebe ich Ihnen einige Informationen, die Sie wissen sollten. Ich arbeite an einer wissenschaftlichen Studie des Stockholm Institute of Transition Economics (SITE), die von Professor Giancarlo Spagnolo geleitet wird und von der Wallander Foundation gestiftet wird. Im Zuge meiner Datenerhebung, führe ich Interviews mit SexarbeiterInnen in unterschiedlichen Städten Deutschlands durch, um zu untersuchen inwiefern sich Ihre Arbeitsumstände aber vor allem, inwiefern sich die Kunden mit der Zeit verändert haben. Dabei sind Sie die wichtigsten Akteure der Studie, deren Einsichten sehr geschätzt sind. Ihre Teilnahme ist vertraulich und Ihre persönlichen Daten werden unter keinen Umständen preisgegeben. Außer mir, wird keiner nähere Details zu Ihrer Person wissen, selbst nicht meine Kollegen. Es wird nur die Stadt notiert. Das Ziel dieses wissenschaftlichen Projektes ist zu einer Verbesserung der Situation von SexarbeiterInnen beizutragen. Die Ergebnisse der Studie werden in einem wissenschaftlichen Journal veröffentlicht. Während des Interview steht es Ihnen frei, ob Sie Fragen beantworten wollen und können das Interview jederzeit abbrechen. Ich habe kein Interesse daran Sie in irgendeiner Weise in Schwierigkeiten zu bringen und freue mich über alles, was Sie berichten können und wollen.

### **Gedächtnisstütze**

Können Sie sich an ein Ereignis in Ihrem Leben erinnern, das um April 2016 stattfand? Zum Beispiel, ein Geburtstag, Urlaub oder ähnliches? Ich werde dieses Ereignis dazu nutzen um einen zeitlichen Referenzpunkt zu haben. Sie müssen es mir nicht unbedingt sagen, wichtig ist nur, dass Sie an eines denken.

1. Seit wann arbeiten Sie hier/ als Sexarbeiterin
  - 1- 6 Monate
  - 7 Monate – 1 ½ Jahre
  - 1 ½ – 3 Jahre
  - 3 – 5 Jahre
  - 5 – 8 Jahre
  - Mehr als 8 Jahre
  
2. Aus welchem Land kommen Sie? (Wenn etwas schwierig: Was ist Ihre Muttersprache?)  
\_\_\_\_\_
  
3. Was ist der Prozentanteil von nicht-deutschen Kunden, bzw. Kunden, die aus einem anderen Land anreisen?
  - Keine
  - 1-25%
  - 26-50%
  - 51-75%
  - Über 75%

4. Haben Sie eine Veränderung in der Anzahl von Nicht-Deutschen aus spezifischen Ländern seit ihrem persönlichem Ereignis, also seit 1 ½ Jahren bemerkt? (In Reihenfolge der Intensität der Veränderung)

Land 1: ..... Steigerung  Verminderung

Land 2: ..... Steigerung  Verminderung

Land 3: ..... Steigerung  Verminderung

5. Haben Sie eine Veränderung der Anzahl von Kunden in einem der folgenden Länder wahrgenommen seit Ihrem persönlichem Ereignis (letztem Frühjahr)?

USA Ja  Nein

Großbritannien Ja  Nein

Frankreich Ja  Nein

Italien Ja  Nein

Spanien Ja  Nein

Russland Ja  Nein

6. Können Sie sich an irgendwelche anderen Veränderungen in Ihrem Arbeitsbereich seit ihrem persönlichem Ereignis/ letztem Frühjahr erinnern?

Ja:

Nein

7. Haben Sie von anderen Ihrer Kolleginnen gehört, dass sich etwas seit letztem Frühjahr (ihrem persönlichen Ereignis) verändert hat in Bezug auf Kunden und im allgemeinen?

## Sicherheit

Wie sicher fühlen Sie sich als SexarbeiterIn?

(zwischen 1-5, 1 heißt, dass es ein erhebliches Risiko in ihrem alltäglichen Umgang und 5 heißt dass Sie sich komplett sicher fühlen)

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was meinen Sie, wie hätten Sie vor zwei Jahren/ vor Ihrem persönlichen Ereignis geantwortet?

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Lebenszufriedenheit

Auf einer Skala von 1 bis 5, wie würden Sie Ihre allgemeine Zufriedenheit einstufen? 1 bedeutet, dass Sie sehr unzufrieden sind und 5, dass Sie sehr zufrieden sind.

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Gesundheit

Schätzen Sie Ihre Gesundheit ein, wobei 1 sehr ungesund und 5 sehr gesund ist.

1	2	3	4	5
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Ich werde Ihnen nun einige Aussagen vorlesen. Sie sagen mir nach jeder Aussage, ob sie wahr oder nicht ist.

Ich wurde im letzten Jahr mit einer sexuell übertragbaren Krankheit diagnostiziert

Wahr  Falsch

Ich habe einen Kunden im letzten Jahr bei der Polizei angezeigt.

Wahr  Falsch

Ich habe ungeschützten Sex mit einem Kunden im letzten Jahr gehabt.

Wahr  Falsch

Ich war Opfer physischer Gewalt im letzten Jahr

Wahr  Falsch



**Other**

Arbeiten Sie in anderen Teilen Deutschlands außer \_\_\_\_\_ (aktueller Standort)?

- Ja (Dann weiter fragen Fragen A-C)  
 No,

*Wenn ja, A. Wie viel Ihrer Arbeitszeit verbringen Sie hier?*

- 0-25%  
 26-50%  
 51-75%  
 Über 75%

- Wo sind Sie meistens lebhaft?

\_\_\_\_\_

C. Was sind die größten Unterschiede zwischen diesen Orten?

- Mehr Kunden hier  
 Weniger Kunden hier  
 Andere Herkünfte der Kunden \_\_\_\_\_  
 Sicherheit \_\_\_\_\_  
 Weitere: \_\_\_\_\_

**Haben Sie von der Veränderung des Prostituiertengesetzes in Frankreich im April 2016 gehört?**

Ja  (Nach Meinung fragen)                      Nein

Gibt es sonst noch etwas über Ihre Arbeitsverhältnisse, die Kunden oder andere Aspekte über sie wir nicht gesprochen haben, die Sie aber sagen möchten bevor wir weiterziehen?

Wenn Sie möchten, dass ich mich bei Ihnen melde, sobald die Ergebnisse fertig ausgewertet sind, und die Studie veröffentlicht, sagen Sie Bescheid und ich halte Sie auf dem Laufendem. Ich werde Ihre Kontaktinformationen niemandem preisgeben und an einem sicheren Ort bewahren.

Kontakt Infos: