

The failure of the German prostitution law - prostitution from the point of view of psychotraumatology

INGEBORG KRAUS

In 1999, Sweden was the first country in the world to implement the Nordic Model. The legalization/regulation model has become synonymous with the «German Model». It was established in Germany in 2002.

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 do experiments any more. With the legalization/Regulation Modell, Germany became the brothel of Europe and made our country to an Eldorado for traffickers, Pimps and brothel keeper. If you choose the German model, you will increase violence against women in prostitution but also across the society. You will normalize prostitution, make prostitution increase and make your country to a magnet and a breeding ground for sexbuyers. We have a law against trafficking, but it gets useless with a law that legalizes prostitution. Listen to our experience!

Politicians from the left wing, together with the pro-prostitution lobby, started at that time together a campaign where they said, Prostitution is a job as any other. Sex work is work. The politicians thought that it wasn't prostitution itself, that was the problem, but the discrimination of the women. They wanted to strengthen the women as best as possible.

10.1. The German state is part of the sexual exploitation of the most vulnerable women in Europe

When Sandra Norak (2019), a survivor of trafficking, escaped prostitution, she said, that in the end, the German state didn't say anything else as her Loverboy-trafficker said to her: Sex work is work. So she trusted him, because the state said to her the same thing, it's not dangerous. She wasn't warned about it. The German government is using the same language as the traffickers and pimps. The State became part of the exploitation system and the false statements about prostitution. They direct the women into a trap.

Far from protecting the women, «the German model» has become «hell on earth» for them. The sexual exploitation has become industrialized overnight.

We witness the creation of mega-brothels with the capacity to accommodate around 1000 buyers of sex at once, and even more. Prostitution has risen up to 30% since 2002 (Sporer, 2014). It has nothing to do with sexual liberation, it is just the money that counts. The profit of this business is enormous: we are talking about 15 billion Euros of direct transactions every year.

We have «flat-rate» brothels. For 70 Euros they offer a beer, a sausage and unlimited women. Even after the reform of the law since 2017 where flat-rate brothels are forbidden, you get for 69,-€ 2 women and all drinks for free.

Germany is at the moment hopping from one small reform to the other without questioning their law in itself. You cannot regulate prostitution because prostitution is in itself a system of violence. And in a legalized environment, the profiteers will find a way to continue their business based on sexual exploitation.

The working conditions and the level of hygiene have become disastrous. In Berlin «Boxes to do certain things» that are considered as a solution to street prostitution in Berlin. (Picture 1)

We observe a reduction in the rate of pay for women: they get 30 Euros for sexual intercourse, while they must pay up to 170 Euros for a room and 20,- Euro taxes per day. So they have to serve 6 men before starting earning money. These women are subjected to the rules of a free market of capitalism at its roughest: their bodies are exploited to the maximum.

Out of 400,000 estimated prostituted women, less than 100 registered as independent business (Scholler, 2019). And only 33.000, so less than 10 % have registered since 2017 (Nier, 2019). The vast majority remains illegal, which means that they have no access to a social system that would allow them to see a doctor. **So: the main goal, that wanted to bring the women out of the darkness, has totally failed.**

With a law normalizing prostitution, the behaviour of the sex buyers became perverted overnight, whose message to men is that there is «a right» to buy sexual acts and there is no need to feel guilty about that any more. The clients therefore see themselves entitled to demand more and more «services» for the lowest price.

Seven year ago a friend of mine has found in several brothels 26 sexual services: Tongue anal, Anal Fist Fucking, acceptance in the mouth, everything without rubber, play with shit and sperm, sex with 2 women or double penetration (2 men in one woman), licking the balls, fist fuck, fist fuck totally, fucking without rubber, blowing without rubber, blowing without condom and with swallowing the sperm, ejaculating in the face, group sex, ejaculating on the body, women shits on the man, man shits on woman, with admission of the sperm in the mouth, with finishing of the sex practice until the ejaculation, woman pisses on man, man pisses on woman, Oral intercourse (blowing, licking), kissing with the tongue, swallow the sperm, one woman between 2 men, without taboo, everything is allowed, Tit-fucking, lick the anus.

And I found a list of 32 sexual services that one woman has to offer in a legal brothel in my home town 2019. The German law made it possible, that today, completely legally, you can buy a woman and piss in her face, get «sexual services» like anal, fisting, deep throat, licking balls, licking your anus, kissing, 2 men...

In 2020, I was speaking to German parliamentarians and I them this list. I asked them if they really see there «sexual services» and not sexual violence? **You became yourself victim of your own law that covers up violence against women. And you are responsible for the development of sexual practices that are totally incompatible with human dignity.**

In Germany, a normative effect has taken place with this law: It is not uncommon for German men to celebrate stag nights in

brothels or for soccer clubs to visit them after a game. This law has established and consolidated a culture called «brothel culture». Violence against women became a structural violence, it means that society and the institutions are not questioning it anymore. It is accepted.

30 years ago, it was estimated that 1.2 Million men buy sex every day, so approximately 1 out of 3 or 4 men. By normalizing prostitution and guaranteeing a total decriminalization of the sex-buyers, this law has contributed to an explosion of the demand. Today we have to ask ourself, how many men are there left in Germany who are not sex buyers?

Prostitution doesn't just have devastating effects on women in the industry, but also on women who are the partners of the sexbuyers. They call themselves «Shadow women» (Kraus, 2020), because they voice stays in the shadow of the system of prostitution. 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.

Prostitution also destroys the ability to love and therefore our fundamental value system. Trust, mutual respect and real intimacy become impossible. The system of prostitution pollutes human relationships **and the gaze of the sexbuyers is transferred to all women.**

Studies show that prostitution does not decrease violence against women in society, but – quite the opposite – encourages it.

In the U.S. prostitution law is a state-level matter and in the last 40 years, only one of the 51 American states has chosen to completely legalize prostitution and sex buying: Nevada. It's no coincidence that Nevada has some of the highest rates of violence against women in the U.S.: the most victims of domestic violence, the third-highest rate of rape and sexual assault and the fourth-highest in femicide, nearly half of all women in Nevada have been raped, experienced physical violence and/or have been stalked (Kraus, 2022)

The hidden message of legalized sex purchase is that men have a right for sex and that women have to be available for that. These are rape messages that encourage men to become sexbuyers and to disrespect the feelings of the women.

Many studies on sexbuyers have proved, that they know about the situation of the women. But a law that guaranties them impunity disconnects them from their capacity of empathy. And this is also listed in the recommendation paper of the OSCE against trafficking in women (OSCE, 2021): That sexbuyers cannot/or don't want to identify victims of human trafficking. Since 2017, in Germany, we have a law that punishes sexbuyers who have consciously used a trafficked person. We have exactly zero condemnations. So it's a useless law.

10.2. Prostitution is paid rape

I also have sexbuyers in therapie and I motivate them to think about what they have split of that would have made them realize that what they did to the women was violence. Here a couple of answers:

- I booked a woman for 12 hours for New Year evening, and after we had sex, she didn't talk to me anymore. She was no longer responsive.
- A other woman wanted to have sex in total darkness.
- Most of the women went into the bath room after sex and stayed there very long. When they came out, I had to go.
- One woman said, that it is better for men to go to prostituted women instead of raping women. When she said that, she nearly cried because she realized, that she gets raped.
- A other sex buyer was a regular customer of a woman and learned from her that she was sexually abused by her father in her childhood. I said: well, I think she would have needed something else than sex, why did you continue to see her? He said: because I paid for it.
- A sex buyer said: I saw her trembling, the way she told me that she doesn't want to do it, that she's just doing it for the money. Me: and? What did you do then? Sex buyer: I had sex with her. Me: Why? She didn't want it. Sexbuyer: Yes, but I paid for it.

And this is exactly what prostitution is: you pay for unwanted sex. The exchange of money seemed to justify the rape for those

men. But for the women it remains a rape, which remains unpunished. A legislation where the buying of sex is allowed makes perpetrators invisible and victims are no longer perceived as victims.

The makeup of women in prostitution has changed. Today around 95 % of prostituted women come from the poorest regions of Europe (Helmut, 2017). Those women have special vulnerabilities: They are often alone, they have left their families behind them, don't speak the language, don't knowing their rights, have no profession, they are young, poor, have perhaps debts, have perhaps an illegal status and are afraid of the police, they are pre-traumatized, etc.

In the Palermo Protocol from 2011, which is the guideline for all European countries to adopt for the fight against human trafficking, the definition of human trafficking includes: «Scam, Fraud, abuse of power or exploitation of special vulnerabilities.» You don't need physical violence to commit human trafficking or forced prostitution. The abuse of power can take place when the person feels compelled to accept the exploitation (Norak, 2019).

In a context where prostitution is seen as a job as any other, those special vulnerabilities are not taken into account, but are even qualification characteristics to enter into prostitution. With this law we are not only shutting down our eyes towards the criminal offences that are listed in the Palermo Protocol, we are even seeing prostitution as a solution for those special vulnerabilities. Women told me, that they were often told, that they can be happy to work here in Germany. Prostitution is seen as an option against poverty.

In every bigger town we have counselling centers for prostitutes. But they just help women to remain in prostitution. They even offer entry advice into prostitution or brothel tours. So they are also part of the system that downplays the harm.

They have not developed necessary qualifications to help women to exit prostitution. This became very clear during the Corona period, when many women wanted to exit. The counselling centres were completely overwhelmed. Many did not even have the possibility to offer them a shelter.

Some official counselling centers even offered sexwork as an option to the Ukrainian refugees. Statement by a state financed counseling center:

It is very common for people to do sex work in a time of need and financial insecurity. Fleeing war is one of those. Sex work is a way to make money anonymously, with no work permit, without educational certificates and without speaking much German/English. (Transsexuals works, 2022, april 2)

So a law that legalizes prostitution is a push factor for trafficking in women. It brings women into prostitution (Norak, S.F. blog).

This law didn't help to prevent trafficking at all: This graphic shows the identified victims from 2011 to 2019 (Bundeslagebild 2011-2020). Less and less every year. (Picture 2) The same with the completed legal proceedings. 2009 we had 543 proceedings, in 2020 only 310. This does not indicate a decrease in actual cases but showcases how liberalized policy cause a lack of ability to investigate this crime. The police feels helpless and complains that they have just little power to intervene. They say that this law is trafficker-friendly and leaves the women unprotected.

Perhaps you still think that you can open clean brothels in order to protect the women the best. Well, the brothel owner Jürgen Rudloff complained for clean prostitution with his concept of «wellness oases for men». For him, the usual side effects of the milieu - trafficking, forced prostitution, exploitation - should play no role. The reality was different. He was convicted for severe human trafficking, forced prostitution and fraud, and sentenced to five years in prison in 2019 and a €1.3 Million fine. According to the court, women in Rudloff's Eros palaces were forced, exploited and beaten and notorious organized criminal gangs like «The Hells Angels» and «United Tribunes» ruled the roost. According to the victims, humiliations and violence were part of daily life and were freely tolerated by the brothel operators.

It is illusionary to believe that a «legal sector» keeps human trafficking at bay. The biggest underground sector is found within legal brothels!

We have a minimum of 100.000 women in Germany who are victim of human trafficking, 1000 times more than recognized by the police. Lawmakers are tolerating a situation where most victims are never identified and the crimes committed against them are never prosecuted. (Helmut, 2021, Nordic)

We have to assume that 90% of the women in prostitution are victims of human trafficking and forced prostitution in Germany!

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. And this is so important to understand for all people working in this field. Severe human rights crimes don't take place loudly in the system of prostitution, but in silence.

Many women have established a traumatical bond to their perpetrators: some of them are send 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. We need to understand the close connection between Prostitution and Trafficking and Trauma as a pre-condition to enter into prostitution.

With a law that makes prostitution legal, human trafficking is happening in the middle of society, in legal environment and nobody sees it.

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

10.3. The risk of developing post-traumatic stress disorder is much higher in prostitution than it is in war

Forced prostitution and «voluntary» prostitution are inextricably linked. The entry into prostitution is usually preceded by experiences of violence in childhood – in this context, it's inappropriate to speak of «free choice». Here, too, there are countless studies showing a connection between violent experiences in childhood and prostitution. Many women lacked protection in

childhood and consequently didn't learn self-protection. They are already separated from their feelings before they go into prostitution and have not developed a strong self-esteem.

We must know that this kind of violence is classified as Trauma type II in a interpersonal close environment: it has the heaviest consequences. When you are victim of repeated sexual violence you develop mental responses: You get a feeling of worthlessness and being disconnected to the world, trust in people and relationships is deeply shaken, own limits are not known, a deep feeling of hopelessness, you have difficulties in the regulation of the emotions and dissociative symptoms, you are often disconnected from yourself.

The Revictimization is high: It is 16 times more likely for a woman to suffer physical and sexual intimate partner violence if that woman was physically and sexually abused as a child.

Those women haven't learnt to protect themselves in an environment of violence where they couldn't escape. They enter adult live with those special traumatical responses of their abuse.

Those vulnerabilities are misused by the sexindustry. This are girls who have been dropped down a first time as children in a harmful close environment and are dropped down a second time as adults in the violent system of prostitution.

When entering prostitution, many say that it was completely «normal» for them because they thought not being worthy of something better. Prostitution in this case is a continuation of the violence in the biography of these women. The pimps and brothel operators use the pre-traumatization for their own purposes.

And this is how it often looks like on the victim's side: (Picture 3) Trauma-related responses are in the foreground. The will of these women has been broken, they are in a psychological position where they can not defend themselves and perpetrators can do whatever they want with them. And this is also the reason why, women stay in prostitution. They are to weak to get out on their own. They need help and also psychological help to understand what has been done to them and to process it.

From the perspective of health, prostitution can not be seen as an option in no way. Buying sex is an act of violence against women and should not be allowed. So we do not speak about having a right to prostitute oneself, this is not the point, our mis-

sion is health care by doing enlightenment and therapy. Because prostitution is serious psychological and physical harm. Why?

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 occur: fear, shame, alienation, disgust, contempt, smell, pain etc. The phenomenon of this switching-off is called «dissociation». The use of the vagina as an unfeeling «work instrument» is only possible in a state of dissociation. This required dissociation either takes place after the first sexbuyer and settles deeper and deeper with each sexbuyer, or it has already taken place before the start of prostitution.

This is what a social worker in Italy told me. When the women are new on the street, they cry, they say that they want to leave. After a couple of days, they are like stunned, some of them even laugh. It's the oxytocin that is produced to overcome the pain. One woman explained it to me like this: First you have to disconnect yourself from your body. Then from your mind. I asked her how can you disconnect from your mind? She said: «You have to tell yourself that this is work», otherwise you can not do it. You have to lie to yourself.

Often it is argued that people in prostitution should organize themselves and fight for their rights, but this is difficult or even impossible, because they perish in prostitution-not after years, but immediately. This is how the survivor Sandra Norak describes it:

For me, the inhibition threshold to get intimate with the first punter was very high. Feelings like disgust and nausea, shame, grief, and fear made it nearly impossible for me to do it. I soon began screaming and crying. When the act was over, something inside of me got destroyed. I wanted to scream, but I could not do it anymore. I wanted to cry, but I could not do it anymore. My feelings were numbed and killed. The ability to defend and resist gets more and more lost the more punters you have because due to unwanted penetration not only does dissociation rule your body, but your personality gets more and more broken. The act of penetration means a permanent humiliation and degradation as an object of sexual use. You are deprived of human dignity and stop noticing yourself as a human with feelings. This is one of the reasons why many victims of human trafficking remain in prostitution. Their personality, their will, their identity are broken. (Norak, 2018)

If you experience a trauma, your body reacts in a way to protect you the best. It activates a physical reaction so that you can fight or run away. If you can't escape the situation, if you can't flee the situation, you get away with your mind, it's as if an electrical cable is being cut off, you dissociate.

Your Awareness and the memory is affected: Like being in trance... The body feeling is affected: numbness, like standing by side, like looking the scene from far away. The perception of the environment is affected: like looking through a tunnel, or every thing is foggy. The identity is affected: playing a role, confused about the own identity, ...

If it were just the phenomenon of dissociation, the damages from prostitution would be limited to that level, but there are also traumatic memories. The traumatic memory doesn't function under the same principals as the cortex. It's a kind of black box to which we don't have conscious access and we don't even know that it exists. This memory collects traumatic experiences in a disorderly way, without a sense of space and time. It isn't semantic; it doesn't have language. It can be brought on at any moment by «trigger» events that revive the trauma what was not felt at the moment: a smell, a color, a sound, images, words, phrases, a nightmare, etc. At that moment, it triggers an intense anxiety, as if the person was reliving the trauma at that very instant. It's a «flashback.» A flashback is not only a fear reaction, but can also the sentences or feelings like shame or disgust, that were related to the situation can be aroused: «you are nothing, you should be dead, you are not worth anything better...» (Ex. During prostitution women usually don't feel shame. The shame comes up later. I know one woman who went back and back to prostitution because she couldn't have the feeling of shame, when she exited prostitution). So recovering is also something very painful, because it includes feeling the traumatic experiences once again.

These reactions are known as PTSD: post-traumatic stress disorder. And very often, it doesn't work with an on-off function, the alarm system can be constantly over activated. People go sometimes through live with constant fear, they are under constant distress.

I asked a woman who went «voluntarily» into prostitution through a lover-boy-trafficker, how it was the first day. This is what she said:

I remember the first day very well. I was shocked: first, because we had to work totally naked, and at the same time, I was so afraid of the men. I didn't want to admit that it was my first day and so I swallowed my fear away. I smiled. The first time with the first men, it felt as if it wasn't me. It wasn't me, I was totally away from myself. In a different dimension. I didn't feel anything. I also wasn't ashamed. I wasn't there. This wasn't me. In the brothel I was totally derealized. The feeling of shame appeared later in total different situations. I became scary and the feeling of shame never let go of me. The feeling of shame got a new face today: I am deeply disappointed of myself.

This woman is now 7 years out of prostitution and she is afraid of all men. She is scared of going out, she is scared to be sexually harassed by men, to be gazed by men, to be touched by men. She is now afraid of everything she experienced daily in prostitution.

This is why prostitution leaves long-term consequences. Numerous studies have shown that the risk of developing post-traumatic stress disorder is much higher in prostitution than it is in war. Those who continue to deny the harm of prostitution are comparable to climate change deniers.

The recovery is additionally difficult because most of the women have no access to medical and therapeutical care and even if they get professional help, recovery will depend on many factors: security, helping people, can they build a new life, can they get education, how long were they in the sex industry, the age of entrance and the age of exit, do they exit with physical illnesses, etc. The women in Germany are crushed down in the sex industry and then send back traumatized in their home country.

I had a psychotherapeutical EMDR-session with a woman who was trafficked. She came with a picture she wanted to overcome. She got beaten up by her trafficker-pimp. I asked her why exactly this picture? She said, because they were his friends from outside the milieu with him, they saw this and didn't help me. And this makes it more difficult for the victim to integrate the trauma, when their trauma is not recognized.

The German state, but also we as a German society, we have become a society that looks away to fundamental human rights violations. We have become co-perpetrators with this law. Introducing the Nordic Modell with the punishment of the Sexbuyers

will also help victims to recover, because the perpetrators are named by society and the burden does not remain on the victims.

10.4. Bibliography

Bundeskriminalamt. Bundeslagebild 2011-2020 – Menschenhandel und Ausbeutung

Helmut Sporer, a policeman who worked over 25 year as the head of the anti-trafficking resort in Augsburg. Statement on the Consultation of the Committee on Gender Equality and Women of the State Parliament of North Rhine-Westphalia on the 14th of January, 2021. <https://nordicmodelnow.files.wordpress.com/2021/03/helmut-sporer-statement-in-english-1.6.21.pdf>

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».

Interview with Helmut Sporer, 10.07.2014, Augsburgener Allgemeine. <https://www.augsburger-allgemeine.de/bayern/Immer-mehr-Prostituierte-aus-Osteuropa-kommen-nach-Augsburg-id30512282.html>

Kraus, I. (2020). Shadow Women: Wives Betrayed by Sex Buyers. *Dignity: A Journal of Analysis of Exploitation and Violence*, 4(4), Article 3. <https://doi.org/10.23860/dignity.2019.04.04.03>

Kraus, I. (2021). *Therapie und Arbeit mit Sexkäufern*. 11.11.2021. <https://www.trauma-and-prostitution.eu/2022/02/13/therapie-und-arbeit-mit-sexkaeufern>

Manfred Paulus, in: Documentation «Bordell Deutschland – Milliarden-geschäft Prostitution», ZDFinfo, 2017.

Norak, Sandra and Kraus, Ingeborg (2018). Never Again! Surviving Liberalized Prostitution in Germany. *Dignity: A Journal of Analysis of Exploitation and Violence*, 3(3), Article 5 <https://doi.org/10.23860/dignity.2018.03.03.05>

OSCE - Office of the Special Representative and Coordinator for Combating Trafficking in Human Being (2021). *Discouraging the demand that fosters trafficking for the purpose of sexual exploitation*.

Norak, S. y Kraus, I. (23 de febrero de 2019) Menschhandel in und nach Deutschland. Welche Rolle spielt die Nachfrage. *Conference*

- against trafficking at the Konrad Adenauer Stiftung in Berlin.* <https://www.kas.de/de/veranstaltungen/detail/-/content/menschenhandel-in-und-nach-deutschland-fokus-nachfrage>
- Norak, S. (19 de noviembre de 2019) Aufklärung über Menschenhandel und (Zwangs-)Prostitution. *International conference against trafficking.* <https://mylifeinprostitution.wordpress.com>
- Statista (26 de noviembre de 2019). *Prostitution in Deutschland.* <https://de.statista.com/infografik/20104/in-deutschland-gemeldete-prostituierte/>
- Stuttgarter Z. (13 de febrero de 2019) *Tätowierungen erinnern an die Peiniger.* <https://www.stuttgarter-nachrichten.de/inhalt.paradise-prozess-am-stuttgarter-landgericht-taetowierungen-erinnern-an-die-peiniger.7d843368-6e1f-465e-b6d9-378900ec5ab8.html>
- TAZ: Gesetze ohne Wirkung. 18.02.2019. <https://taz.de/Nur-wenige-Prostituierte-sozialversichert!/5573866>
- Transseworks.com, 2022, April 2