

Institutional Strengthening and Support for HIV Prevention Activities

TAMPEP

European Network for HIV/STI Prevention and Health Promotion among Migrant Sex Workers

NATIONAL REPORT ON HIV AND SEX WORK

GERMANY

This report was drawn from information provided by the organisation
Amnesty for Women. Hamburg

This report is part of a series of reports produced by TAMPEP as part of the above project.
The series of reports include the following:

European Overview of HIV and Sex Work mapping
Bulgaria National Report on HIV and Sex Work
Czech Republic National Report on HIV and Sex Work
Germany National Report on HIV and Sex Work
Lithuania National Report on HIV and Sex Work
Poland National Report on HIV and Sex Work
Romania National Report on HIV and Sex Work
Ukraine National Report on HIV and Sex Work
Gap Analysis of Service Provision to Sex Workers in Europe
Skills/Training Audit and Good Practice Tools

February 2007

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This report is part of a series of reports produced by TAMPEP with the support of UNFPA (*United Nation Population Fund*). It does not necessarily represent the views of UNFPA .

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TAMPEP 7 is financed by the European Commission for Health and Consumer Protection / DG SANCO
DC - Public Health and Risk Assessment, C4 - Health Determinants

1 COUNTRY PROFILE

	2005 ¹
Population, total (millions)	82.5
Population growth (annual %)	-0.0
Life expectancy at birth, total (years)	79
GNI/Gross National Income per capita, 2005	US\$ 34,580.00 ²
Inflation, consumer prices (annual %)	0.4
Unemployment, total (% of total labour force)	11.7
Internet users (per 1,000 people)	550

Demography and Economy³

Germany has a moderate population density with 231 persons living per sq. km in 2004. Turks form the largest ethnic minority, while foreign residents make up nine percent of the population. In addition to these, there are also large numbers of refugees from Eastern Europe as well as immigrants from countries like Italy, Spain and Greece.

Most of the population lives in cities: 88% of the entire population is based in urban areas. The life span of people is high as in most other developed countries (life expectancy at birth in Germany is 79 years, fourth highest in the world), according to World Bank figures (1997-2003).

The UNDP 2004 report shows that 8.3% of Germany's population lives below the income poverty line (50% of median household income). Gross primary enrolment, which denotes the percentage of school-age population, is 103, with 104 for males and 103 for females. The adult literacy rate is the same as in other high-income countries - 99%. Germany is ranked 19th in 177 countries of the world in terms of human development index. Germany's labour force growth rate of 0.1% in the last six years is far short of the other high-income countries' growth rate of 0.7% during this time.

The GNI per capita was US\$25,250 in 2003. In terms of purchasing power parity, per capita GNI in 2003 was US\$27,460, placing it at a lower rank among the other OECD countries.

With the effects of adverse external conditions diminishing, the German economy is currently improving, ending a couple of years in stagnation on the back of its traditionally strong, competitive and innovative export-oriented manufacturing sector.

However, there is vast potential and the economy is far from operating at full strength due to the weakness of domestic demand. Poor labour market performance continues to depend on consumer sentiment, and business confidence remains volatile. Although monetary conditions should remain supportive for GDP growth in the Euro area, a persisting German inflation differential relative to the Euro area average would mean that real short-term interest rates risk dampening the recovery of demand in Germany to an extent, which may not be compensated by the corresponding gain in competitiveness.

¹ World Development Indicators (2006), www.worldbank.org

² www.siteresources.worldbank.org / Atlas method

³ Infobase online, www.economywatch.com

Cyclical weakness and the structural problems of the economy impact strongly on public budgets, while uncertainty about how public finances will take a durably sustainable path is a further factor undermining confidence. Re-establishing Germany's traditional economic strength requires a comprehensive policy response within a coherent framework.

Demography⁴ - Germany is facing major demographic change. Its fertility rate of 1.39 children per mother is one of the lowest in the world, and the Federal Statistics Office estimates the population will shrink to approximately 75 million by 2050. Chemnitz is thought to be the city with the lowest birth rate in the world. Because of the country's federal and decentralised structure, Germany has a number of large cities. The most populated are Berlin, Hamburg, Munich, Cologne, Frankfurt and Stuttgart.

Protestants (concentrated in the north and east) and Roman Catholics (concentrated in the south and west) each comprise around 31% of the population. Non-religious people including atheists and agnostics amount to 28.5% of the population and are especially numerous in the former East Germany. About three million Muslims live in Germany, mainly from Turkey. Germany has Western Europe's third-largest Jewish population. In 2004, twice as many Jews from former Soviet republics settled in Germany as in Israel, bringing the total Jewish population to more than 200,000 compared to 30,000 prior to German reunification.

Situation of Women

The following information is taken from the report “*Women in Germany 2006*”, published by the German Federal Statistics Office⁵. The data covers only German women or migrants with a legal status.

- 51% of the total population is female.
- Women's life expectancy at birth is 81.4 years.
- Migration rates: in 2004, 780,000 persons immigrated officially to Germany, of which 42% (325,000) were women. In the same year, 698,000 emigrated officially out of Germany, of which 37% (261,000) were women.
- 55% of women have a high school diploma. 50% of these complete university or other sorts of higher educational studies. Although there was an increase of women within the academic field in recent years, women are still a minority when it comes to higher positions inside universities: only 14% are professors. Women constitute a majority in the fields of German and English studies, pedagogic and social Studies, while men favour economics, informatics, engineering and electronics.
- Around 60% of women in the active labour age bracket (between 15 and 64 years) have an occupation (Denmark: 70%, Italy: 45%).⁶
- Only one third of working women have a directorial or managerial post.
- Around 30% of those working on a self-employed basis are women.
- Women earn between 26% and 29% less than men. In 2004 for example, while an employed woman earned an average of €1,925.00, a man with the same educational level and job earned €2,596.00.

⁴ <https://www.odci.gov/cia/publications/factbook/geos/gm.html>

<http://www.destatis.de/presse/englisch/pm2003/p2300022.htm>

⁵ Frauen in Deutschland 2006, Statistisches Bundesamt, *Distatis. Wissen. Nutzen.* www.destatis.de

⁶ Eurostat, <http://epp.eurostat.ec.eu.int>

The EU Enlargement

Germany - officially the Federal Republic of Germany - is a country in Central Europe. It is bordered in the north by the North Sea, Denmark, and the Baltic Sea, in the east by Poland and the Czech Republic, in the south by Austria and Switzerland, and in the west by France, Luxembourg, Belgium and the Netherlands. Germany is a democratic parliamentary federal republic of 16 states. The Federal Republic of Germany is a member state of the United Nations, NATO, since 1955, the G8 and the G4 nations, and is a founding member of the European Union, in 1958.

Germany is the European Union's most populous and most economically powerful member state. It is both the world's third largest economy and its largest exporter of goods⁷.

The number of sex workers from Baltic countries, Poland, the Czech Republic and Hungary increased following the EU Enlargement in May 2004, but there were no outstanding changes. One pull factor is the existence of the *Law on Prostitution*, which enables them to easily register as self-employed. According to some NGOs dealing with migrant sex workers, such as *Amnesty for Women* (Hamburg), *Phoenix* (Hannover), and *Hydra* (Berlin) some of them are already taking this step in order to work on a legal basis⁸.

Migration

As of December 2004, about 7 million foreign citizens were registered in Germany and **19% of the country's residents were of foreign or partially foreign descent**. Most were from Turkey (2.3 million) or from European states such as Italy, Serbia, Greece, Poland, and Croatia. In its *State of World Population 2006* report, the United Nations Population Fund lists Germany as hosting the **third-highest percentage of international migrants world-wide**, about 5% or 10 million of all 191 million migrants. Since 2000, due to gradual modifications to Germany's traditionally rather unrestricted laws on asylum and immigration, the number of immigrants seeking asylum or claiming German ethnicity (mostly from the former Soviet Union) has been declining steadily⁹.

Despite almost 20% of Germany's population being migrants, the general population still has problems accepting it. According to a study done by a Foundation for Social Research (*Friedrich-Ebert-Stiftung*)¹⁰ in 2006, 28% declared themselves against foreigners/migrants, 7% declared themselves anti-Semitic, 5.5% were in favour of a dictatorship, and 4% said that National Socialism also had good points. However, the most interesting finding of the research was that right-wing extremism is not a phenomenon of youngsters from former East Germany. It is mainly those from the West who have this attitude and point of view.

Female Labour Migration

In 2005¹¹, 38 different nationalities were found among migrant sex workers working in Germany. In 2003, 31 different nationalities were counted¹².

This phenomenon demonstrates three facts:

1) Germany is a very important transit and destination country for migrant sex workers.

⁷ <https://www.odci.gov/cia/publications/factbook/geos/gm.html>

<http://www.cnn.com/2005/BUSINESS/11/23/wto.germany.role/index.html?eref=sitesearch>

⁸ www.amnestyforwomen.de, www.hydra-ev.org, www.phoenix-ev.org.

⁹ <http://www.destatis.de/presse/deutsch/pm2006/p2690025.htm>

¹⁰ About 5,000 persons were interviewed. Frankfurter Rundschau, November 2006

¹¹ Prostitution Mapping, TAMPEP VII

¹² Prostitution Mapping, TAMPEP VI

2) There is demand for migrant sex workers within the German sex industry.

3) More and more women from all over the world are migrating to the EU in search of work, the so-called *feminisation of labour migration*, and that during this process sex work is one of the few labour options available to them.

2 PROSTITUTION MAPPING

Overview of sex industry¹³

Country	Major Group	Nationalities	Work Places
Bulgaria	90% Bulgarians	Migrants from Russia, Romania, Ukraine, Moldova, and Turkish Roma.	55% indoor
Czech Republic	65% Czechs	Migrants mainly from Slovakia and Bulgaria.	70% indoor, 10% highways and border area
Germany	60% migrants	55% CEE, 20% Asia, 15% Latin America, 10% Africa. A total of 38 different nationalities.	80% indoor
Lithuania	85% Lithuanians	Migrants from Russia and Ukraine.	70% indoor
Poland	70% Polish	Migrants from Ukraine, Russia, Belarus, Bulgaria, Moldova, Romania.	70% indoor, 30% outdoor
Romania	95% Romanians	Migrants from Moldova and Turkish Roma.	55% street, 15% highways and border area
Ukraine	90% Ukrainians	Moldova and Russia.	80% street

Structure

- Distribution of sex workers across sectors: 40% apartments, 23% brothels, 16% bars and clubs, 5% streets, 4% massage parlours, 4% windows, 4% escorting, 1% highways and roads, 4% other.
- Gender: 93% female, 4% male, 3% transgender.
- Number of sex workers: about 400,000 female, male and transgender sex workers working on full- or part-time basis in the period of one year¹⁴.
- Level of migrant sex workers: 60% among female sex workers, 75% among male sex workers and 85% among transgender sex workers.
- Origin of migrant sex workers: 55% Central and Eastern Europe, 20% Asia, 15% Latin America, 10% Africa.
- Main countries of origin: Poland, Russia, Baltic countries, Thailand, Ukraine, Czech Republic, Bulgaria, Dominican Republic, Brazil, Ghana, among 38 different nationalities.
- In Germany, 80% of sex work is indoor-based. Very often sex workers of different nationalities work together, including Germans with migrants, as well as transgender and non-transgender women.
- Those working on the streets are mostly drug users and the majority are German.

¹³ TAMPEP VII, 2006

¹⁴ Sex work projects, 2006

- There has been a noticeable increase in the number of migrant sex workers working in massage parlours, mainly Asian sex workers who offer sexual services in Thai massage parlours. There has also been an increase in African sex workers.
- There has been an increase in national and migrant sex workers offering their services via the internet. The main reason for this is economic: it costs about €100 to advertise for 30 days on the internet, while roughly the same price applies for only four days in a daily newspaper.

Female sex workers

Independence - Around 70% of German sex workers work independently, and around 60% of migrant sex workers. Working for others includes family, partners, pimps, managers, “intermediates”/smugglers (among migrants), club owners, “protectors”, and taxi drivers. Germans and migrants both keep around 50% of their earnings when working for others.

Condom use - Condom use among both German and migrant sex workers is high. However, lately there has been an increase in demand for and offers of unprotected sex. The main reason for offers is client demand, competition and the financial pressure under which many sex workers live and work. In response to these circumstances, a campaign was developed targeting clients, aiming to increase safer sex practices and respect for sex workers¹⁵.

Violence - There has been an increase in violence against national and migrant sex workers. Victims include undocumented migrant sex workers, sex workers who refused to comply with some of the client’s wishes (such as unprotected sex), drug users, and migrants who speak little German. An increase in psychological violence against sex workers was also observed, through cases of debt bondage, residence and working permit issues, etc.

Drug Use - The majority (90 to 95%) of those who sell sexual services due to drug consumption are Germans. Around 10% of migrant sex workers consume cocaine, crack and heroin. Marijuana, hashish and tablets (psychopharmaceuticals) are used by a larger segment of that group. Alcohol is consumed mainly by those working in bars and clubs, sometimes in greater quantity because of their participation in its sale.

Transgender and male sex workers

Only around 4% of those working in the sex industry are male, and only 3% transgender.

Among male sex workers, 75% are migrants, mainly from Central and Eastern European countries (Bulgaria, Czech Republic, Poland, Romania, and Slovakia). They work mainly in bars and clubs.

Among transgender sex workers, 85% are migrants, mainly from Asia (Indonesia, Malaysia, and Thailand) and from Latin America (Brazil, Ecuador, and Peru). Most of them work in apartments and brothels, but some also work in bars. Asians work increasingly in massage parlours.

Ethnic minorities

There are some Sinti and other Roma sex workers, some of whom are members of a Turkish minority from Bulgaria.

¹⁵ www.freiersein.de

Vulnerability and Self-Determination

The three main vulnerability factors identified for **German** sex workers were¹⁶:

1. Lack of social and political recognition regarding their rights and needs.
2. Unclear labour structures within the Prostitution Law, bad working conditions, debts, and psychological exploitation/abuse/pressure because of financial commitment towards their families.
3. Lack of self-esteem, political awareness and professionalism.

It is important to observe that, despite the January 2002 *Prostitution Law*, which gave sex workers legal recognition and social rights:

- Sex work is still a taboo or a stigmatised issue; it is still not fully accepted or dealt with as normal by German society.
- It seems the majority of German sex workers do not have access to information concerning the Prostitution Law and what exactly it means for them.
- A great number of German sex workers still live a double life and are not engaged socially and/or politically in promoting the improvement of their own rights and working conditions.

The three main vulnerability factors for **migrant** sex workers are:

1. Repressive migration policies, leading to “illegality”, lack of rights and marginalisation; facing discrimination as sex workers and as migrants.
2. Dependency on third parties, which leads to isolation, exploitation, and often physical violence, as well as bad living and working conditions. Debts, psychological pressure due to financial commitment towards their families, and moral problems (often religious) due to working in the sex industry.
3. Lack of information about their rights, and access to legal, social and health care services.

Notably, the *Law on Prostitution* of January 2002 was not mentioned once by any of the organisations working with migrant sex workers, demonstrating that it really did not bring any sort of improvement or change for migrant sex workers’ situation. Migrant sex workers are primarily dependent on the Alien Law and not on the Legislation on Prostitution. Therefore, because of the repressive policies regarding migration, their situation is increasingly dependent, marginalised and lacking any civil and labour rights.

The Prostitution Law allows sex workers to sue clients who did not pay for services received, but there has not yet been such a case.

Impact of recent legislation

- Due to the existing *prohibited areas ordinances* and control over migrants, there have been regular police raids in various cities.
- Internal security matters and morality debates have brought increasing demands for the criminalisation of the clients of sex workers.
- Lack of clarity regarding taxes has resulted in few sex workers benefiting from social security.

In order to improve the situation of **German** sex workers, 50 GOs (Health Care Services) and NGOs in Germany proposed the following steps¹⁷:

¹⁶ TAMPEP VII, 2005-2006, feedback of 52 organisations

- Sex work should be legally declared a profession as opposed to only an “activity”, in order to gain societal recognition and to end the stigma that exists around the sex industry and those involved in it.
- The role of employers should be clearer and better defined in order for them to avoid accusations of pimping.
- The advertising of sexual services should be legalised because forbidding it, as is the case currently, makes ad prices considerably higher than those of similar ads in any newspaper.
- In order to empower sex workers, information about their rights should be distributed more effectively, for instance through more specialised counselling and more regular outreach.

The same 50 organisations proposed the following in order to improve the situation of migrant sex workers in Germany:

- Linking the *Law on Prostitution* to the Alien Law, in order to allow people to migrate to Germany legally and independently in order to work in the sex industry, to enable them to integrate into the sex work labour market and thereby work on a legal basis.
- Raising public awareness about migrant sex workers’ living and working conditions in order to end stigma and discrimination. This work should be carried out in partnership with the *German Prostitutes’ Movement*.
- Empowering and informing migrant sex workers about their labour and social rights by offering low threshold counselling, and undergoing regular outreach work in order to reach them.
- Working systematically with cultural mediators and peer educators.
- Development of better working conditions for migrant sex workers in order to increase professionalism and decrease exploitation and abuse.

Routes into and out of sex work

Into sex work - German sex workers enter the sex industry for three main reasons: financial reasons, drug consumption, or emotional relationships with pimps. For migrants the main reason is financial, within the so-called *female labour migration* process.

Out of sex work – there are very few projects to support those who wish to move on from the sex industry.

Mobility

- Around 20% of German sex workers have already worked in another country. The main countries were Austria, Belgium, France, Greece, Italy, the Netherlands, Spain and Switzerland.
- Around 60% of migrant sex workers have already worked in another country and/or in their country of origin. The main ones were Austria, Denmark, Estonia, France, Italy, Latvia, Lithuania, the Netherlands, Poland, Spain, South American countries, Sweden, Switzerland, Thailand, Turkey and the UK.
- Around 80% of both German and migrant sex workers have already worked in another German town. The main ones are Bayreuth, Berlin, Bochum, Bonn, Dortmund, Duisburg, Düsseldorf, Essen, Esslingen, Frankfurt/Main, Hamburg, Hamelin, Hannover, Ingolstadt,

¹⁷ Prostitution Mapping, TAMPEP VII, 2005-2006

Kiel, Cologne, Munich, Nürnberg, Reutlingen, Rostock, Schwerin, Stralsund, Stuttgart, Ulm, Waiblingen, Wuppertal and Zwickau.

The three main reasons for mobility are:

1. Undocumented migrant sex workers must constantly look for new environments to work in because of police raids, bad working conditions or because they are forced to move by pimps or traffickers.
2. Sex work is an activity which demands a constant re-introduction of new faces. For both German and migrant sex workers novelty brings better earning possibilities. This is greatly supported by different informal social networks within disparate (cultural) migrants' and sex workers' communities.
3. Factors specific to the sex industry may prompt mobility such as internal or personal conflicts, public events bringing higher demand, like business meetings, trips with clients, difficult or personal circumstances.

There was a change in patterns of mobility due to the EU enlargement. As enlargement facilitates mobility within the European Union, and because of border proximity, there was an increase mainly of Polish women, working in Germany on a temporary basis, or for a limited period of weeks or months.

3 SERVICES

- *According to UNAIDS/WHO, there were about 49,000 HIV-positive patients in Germany at the end of 2005, of whom around 10,000 were women. In 2004 around 2,000 new persons were infected and in 2005 around 2,600. Eight out of every 10 new cases of infection are men.*
- *Because of a remarkable increase of clients demanding unprotected sex, as well as an increase in offers of unprotected sex in newspaper and internet ads, voices inside some health care services started to demand the return of compulsory medical examinations for sex workers, which were abolished in January 2001, rather than implementing education campaigns targeting clients.*

Access to Health Care Services

Since January 2001 all HCS offer voluntary, anonymous and free of charge HIV/STI counselling, testing and (some) treatments for sex workers, whether they are German nationals or not. Prior to that date, sex workers in some cities and states had to undergo regular, compulsory medical examinations.

Services provided

For German sex workers

NGOs - Information on the *Prostitution Law*, advocacy for the rights of sex workers, tailored psychosocial counselling for sex workers, counselling for those wishing to enter or leave the sex industry, or those wishing to change elements of their work, referral to IT courses.

HCS - Information on prevention of HIV/STIs, pregnancy, and contraception, safer sex, testing and treatment for STIs, distribution of lubricants and condoms free and/or at

affordable prices, Hepatitis B vaccinations, outreach, referral to other medical specialists, information for those wanting to enter or leave the sex industry, psychosocial counselling. Some HCS offer needle exchange for drug-using sex workers.

For migrant sex workers

NGOs - Psychosocial counselling specific to migrants' issues (marriage, divorce, children and work), advocacy for the rights of migrant sex workers, information on the *Prostitution Law*, counselling with cultural mediators or translators, informational material in different languages, German language courses, accompaniment to official departments during processes for victims of trafficking, counselling for those wishing to enter or leave the sex industry, or those wishing to change elements of their work.

HCS - Information on prevention of HIV/STIs, pregnancy and contraception, safer sex, testing and treatment for STIs, distribution of condoms and lubricants, Hepatitis B vaccinations, outreach, referral to other medical specialists, information for those wishing to enter or leave the sex industry, counselling with cultural mediators or translators, informational material in different languages, psychosocial counselling. Some HCS offer needle exchange for drug-using sex workers.

Around 45% of organisations dealing with migrant sex workers employ translators or cultural mediators. The institutions which do not employ them gave as their main reason for not doing so the high financial costs, and therefore failed to prioritise it.

Strategies for reaching sex workers

Regular and continuous outreach work is done by the majority of GOs and NGOs in Germany and was, therefore, described as the most efficient way of contacting migrant sex workers. The main reason for using this sort of strategy is sex workers' mobility and the frequent isolation in which they live and work.

Other means of contacting sex workers are:

- offering counselling hours within the institutions and organisations themselves,
- word of mouth advertising within each community,
- through persons involved in the sex work environment such as the police, brothel and club owners and/or managers,
- through other organisations (GOs and NGOs) dealing with sex work, migration, trafficking in women and health promotion,
- selling condoms and other supplies necessary for the work,
- distributing flyers in different places where (migrant) sex workers go, such as shops, churches, community clubs, etc.,
- putting ads in brothels and clubs, on the internet sites or in newspapers where their own ads appear,
- offering counselling hours within brothels or clubs,
- directly by telephone,
- sending information through the post,
- having a place within the red light district where it is possible to drink coffee, obtain condoms and have a chat or short counselling,
- mobile units.

Employing cultural mediators or translators for contacting migrant sex workers was recognised as essential.

Barriers to access of services

Migrant sex workers' main barriers to accessing HCS are:

- Lack of language proficiency on the part of the sex workers.
- Lack of language proficiency on the part of the HCS staff.
- Lack of information regarding support organisations and the German health care system.
- Lack of health insurance, and/or illegal status.
- Isolation and mistrust of state officers. Fear of discovery and deportation.
- Fear of being recognised.
- Cultural barriers. Fear of exclusion.
- Fear of experiencing discrimination as a sex worker. Insecurity and shyness.
- Dependence on third parties.

If an undocumented migrant does not have health insurance valid in Germany and needs a specific treatment, medicine or hospitalisation, he/she will have to pay for it. This includes HIV treatment. HIV tests are offered by public HCS for free and on an anonymous basis, but should an undocumented person test positive, the state does not offer any further assistance to him/her.

Migrant sex workers face barriers in accessing social services due to:

- Mistrust of public institutions as a result of unfamiliarity with the social system in Germany.
- Confusion between NGOs and state offices.
- Undocumented status and fear of the consequences (deportation), insecurity.
- High rate of mobility.
- Poor language proficiency on the part of the sex workers.
- Lack of language proficiency on the part of the HCS staff.
- Dependence on pimps and brothel owners.
- Poor intercultural and language proficiency on the part of the organisations' partnership workers.
- Lack of awareness of counselling centres addressing the circumstances and needs of migrant sex workers.
- Moral inhibitions (fear and shame).
- Experiences of discrimination and stigma.

Services for victims of trafficking

In Germany a network of organisations called KOK¹⁸ (*German nationwide activist coordination group combating trafficking in women and violence against women in the process of migration*) deals with issues of trafficking in women. The network is made up of 34 organisations, which offer shelter, legal and social counselling, and access to lawyers, Health Care Services, and the police in case victims want to file charges, and in case they wish to return home. Many work closely with local police departments as well as with the Immigration Office. Counselling centres offer their services for free and complete confidentiality is guaranteed. They have native language counsellors and interpreters who handle many different languages.

There are Cooperation Agreements between NGOs and the police regarding the support and the protection of witnesses in trafficking cases¹⁹. The first one was conceived in 1999, in Hamburg.

¹⁸ www.kok-buero.de

¹⁹ www.kok-buero.de and **Skills/Training Audit and Good Practice Tools Report**

4 GOOD PRACTICE

Reducing vulnerability

The following examples discuss different strategies developed to promote HIV/STI prevention among migrant sex workers working in apartments and brothels (a “hidden” sector of the sex industry) in Hamburg, Germany. The work was carried out according to the TAMPEP methodology of cultural mediation and peer education, and specific prevention material was made available in 12 different languages.

Street Prostitution

Language courses – These were offered by organisations in the areas where sex workers worked. The course was delivered by a cultural mediator who taught German along with matters relevant to migrant sex workers. In conjunction with this, she delivered workshops on health promotion and safer sex, and distributed informational materials. The course became a meeting point for those seeking counselling and support²⁰.

Indoor Prostitution

Mixed group of cultural mediators – Due to the number of sex workers of different nationalities working in the city, it became much more effective to undergo outreach work with two or three TAMPEP cultural mediators of different national backgrounds at the same time. The teams are composed of mediators who speak Spanish and Portuguese, Polish, Russian and Czech, Thai, English and German. They are responsible for contact, distribution of information on health and legal matters, and acting as a bridge between sex workers and the various NGOs and Health Care Services available in town.

Outreach nurses – The presence of medical personnel during outreach work brought extremely positive results. Sex workers can bring up different issues or questions which can be dealt with immediately by the nurse, and they feel much more at ease as they are in their own environment. For the team of cultural mediators and nurses it was an ideal opportunity to come up with new ideas (see *Workshops* and *Materials*, below) adapted to different needs and situations. It is also ideal to have nurses from different cultural backgrounds (the project has nurses from Nicaragua, Poland and Germany), which plays a significant part in facilitating the first contact and subsequent communication.

Workshops – The project developed two kinds of workshops: spontaneous and programmed. Experience showed, however, that making an appointment with several sex workers tended to be unsuccessful as they are not always able to commit themselves to a specific time. Therefore, the majority of workshops are offered on a spontaneous basis, for one to three women at a time. As the workshops deal with health and prevention issues, they are run by a nurse and accompanied by a cultural mediator, who can provide translation if needed.

Decisions about which themes will be discussed are informed by the sex workers’ interests, from their questions or comments regarding HIV, STIs, contraceptives, hygiene, safer sex, etc. The duration of a spontaneous workshop is around 15 minutes or longer, depending on how much time the sex workers have available. At the end of each workshop numerous

²⁰ This course ran for several years in Hamburg, targeting female Latin American sex workers, both transgender and non-transgender.

materials are handed out: information on TAMPEP, condoms, lubricants, and a leaflet from the local Health Care Service in the respective language.

Visual materials – Because levels of education and knowledge vary greatly, the solution was to develop material on index cards using images rather than words, concerning safer sex, symptoms of STIs, and ways of transmitting HIV. The pictures are a flexible starting point for conversation and information. Furthermore a new element was introduced with great success: breast self-examination for breast cancer. With the help of the images, the nurses showed how to do this examination themselves. Following this positive experiment, a brochure on those issues and some basic anatomy was developed on the same basis as the index cards²¹.

Peer education - The workshops were very successful in providing accurate information to sex workers, who would then spread it among their colleagues (or peers). Some examples: it is frequently asked whether it is true that HIV and other STIs are transmitted via oral sex; HIV infection is often overstated while Hepatitis B and C are greatly downplayed.

Lucky Dip²² - This is a bag filled with different types of condoms (one of each kind), lubricant, cotton wool, dildo, thermometer, tampon, sealed syringes or needles, IUD, diaphragm, contraceptives, small cards bearing the names of STIs, the AIDS ribbon, etc. The sex worker is asked to take an object blindly out of the bag, name it, and say what comes to mind in connection with it. This “tactical” game actively involves the sex workers. Depending on the situation, the outreach worker can also join in the “game”. This experiment saw very positive results as a conversation starter as well as for clarifying and deepening existing knowledge.

Demand for unprotected sex

The demand for unprotected sex and the use of unprotected sex practices is a reality within the sex industry. On one side of the equation, clients continuously ask for it, offering extra payment, and on the other side, due to competition within the market, this kind of offer is sometimes accepted, by German as well as migrant sex workers.

The Soccer World Cup 2006 - The World Cup brought with it the opportunity to develop *campaigns directed at potential clients* of sex workers. *Context*, an organization in Berlin and Frankfurt/Main, developed such a campaign, called **FairPlay**, which targeted men in promoting more respect for sex workers and safer sex practices. The campaign was carried out on different occasions, in all the towns where matches took place. The activity consisted of distributing condoms and a postcard listing “The ten golden rules for clients of sex workers”. About 300,000 condoms and postcards in different languages were distributed during this period. The campaign was a success and many towns planned to continue this sort of approach after the World Cup.

Improving access to services

The problem in Germany is not that national and/or migrant sex workers are unable to access HCS or NGOs, but rather a question of priorities, such as not being prepared to deal with a migrant population.

Therefore, some points should be considered when targeting (migrant) sex workers:

- The need for public campaigns targeting clients to address their responsibility for their own sexuality with regard to their health and that of their (occasional and/or steady) partners.

²¹ The brochure is called “*Everything OK?*”. It is presented in eight different languages simultaneously.

²² In German: *Grabbelsack*.

- The need for continuous and regular outreach work, in order to reach a highly mobile and legally vulnerable target group.
- The need to maintain continuous cooperation between NGOs and Health Care Services, in order to offer sufficient and easily accessible legal, social and health support to migrant sex workers.
- The need for broader knowledge about migrant sex workers' situation, background and needs.
- The need to use empowerment strategies in order to increase their self-esteem as women, as migrants and as sex workers.
- The need to work with interpreters and/or cultural mediators.

5 LEGAL FRAMEWORK

Migration

Since January 2005 there is a new law (*Zuwanderungsgesetz*), which governs the entrance of foreigners intending to establish residence in the country. From that date onwards, there have been only two sorts of residence permits: a limited and an unlimited one. The aim is to retain migrants with a high educational level and, if possible, with good financial circumstances. For others there are very few vacancies. Although there are some provisions regarding "family reunion", because of the large Turkish community, conditions for getting an unlimited residence permit became more difficult.

For persons from the new EU countries it is possible to engage in self-employed work, including sex work, since it is a legalised activity. For those who wish to engage in employed work, they need a work permit, just as before the EU enlargement.

The process of becoming a self-employed person is now quite simple. The following steps are needed:

- Registering one's place of residence at the Registration Office.
- Having a valid passport.
- Registering as a self-employed person at the Registration Office or the Foreign Office. The person has to fill out a form declaring that he/she will earn at least 600 euros (the minimum in Germany) and has health insurance valid for Germany.
- Registering at the Tax Office in order to obtain a Tax Number.

Sex Work

Prostitution was legalised in Germany in January 2002. The most important changes in the law were:

- It ended sex work's status as an immoral activity, thus recognising it as a labour activity and sex workers as workers.
- It gave sex workers access to the state welfare system.
- Brothel owners are no longer prosecuted for facilitating prostitution as a result of providing their staff with good working conditions²³.

²³ This item criminalised, for instance, brothel owners who offered good working conditions, or distributed condoms, as these activities were interpreted as encouraging sex work.

- The law also grants sex workers the right to choose between working as self-employed or as an employee. For the employed ones, it is possible to have a work contract which allows them to receive social benefits, including unemployment benefits and pension rights. The self-employed ones have to contribute to the different benefits by themselves.

Despite the fact that this law was an extremely important “*first*” political step towards the recognition of sex work as an activity and of sex workers’ rights, it did not bring many concrete benefits to sex workers until now, except for those from the new EU countries.

In practice, the law has brought little clarity about, for instance, work contracts, because depending on the law’s interpretation, employers can be accused of pimping, which is punishable by law, thus resulting in very few closed contracts.

Taxes is a point which is very problematic because the law did not determine a qualifying date from which sex workers should consider paying their taxes. Therefore, some municipal Financial Departments have been targeting sex workers demanding the payment of taxes, in some cases dating back ten years. This arbitrariness discourages the majority of sex workers from officially declaring their activity. Many sex workers, for instance, do not seek to press charges against bad clients, pimps or managers, for fear of being “discovered” by the Financial Department. Sex workers who have to share their income with brothel owners and other parties are also reluctant to pay taxes.

The vast majority of sex workers are self-employed, which means they have to pay taxes, insurance, and all other social security requirements. However, many have not been able to pay all of these, for instance their health insurance, due to low or irregular income and the high costs of these financial obligations. This situation has resulted in much uncertainty among German sex workers regarding the Prostitution Law.

Some solutions have however been put into practice: the city of Stuttgart, for instance, has developed a system into which sex workers and brothel owners pay a lump sum of their income, on a daily basis of 15 to 25 Euros a day. Dortmund is thinking about doing something similar.

In the sphere of prohibited area ordinances (*Sperrbezirksvorordnung*), the German states and municipalities may partially interpret the provisions of the law. Thus, the rules which prohibit street-based sex work in certain zones vary in different cities. For instance, in Munich it is forbidden almost everywhere within the city limits, and in Berlin it is allowed everywhere.

Migrant sex workers face an additional difficulty. Because the *Prostitution Law* is not linked to the Alien Law, migrant sex workers are not allowed to apply for a visa in order to work as sex workers on a legal basis. Some migrants however who have legal status in Germany are considering declaring themselves as sex workers and assuming all the necessary responsibilities linked with it, such as paying taxes and insurance, in order to be able to work and live as sex workers legally in the country.

The positive gain regarding the Law was a slight increase in public awareness of sex workers’ situation and political recognition of sex work.

The official evaluation of the *Prostitution Law* was finally presented in January 2007. Instead of advocating the expected “*further*” steps, it came out with conclusions which will mean more control, and a more moralistic and discriminatory attitude towards sex workers.

- The Law was maintained as it is.
- From now on, the main goal will be to support women to leave sex work. Organisations providing this support will get priority when asking for funding.

- Criminalisation of clients will come very soon. It will follow the Finnish model: it will target only clients of victims of trafficking²⁴.
- Brothels will have to ask for permission to operate. The idea is not to seek good working conditions for sex workers but to facilitate access and control for the police.
- The age limit of young people entering sex work will increase from 16 to 18 years old.
- No changes regarding migrants.
- No changes regarding taxes or the fixing of a date from which a sex worker should begin paying taxes, one of the biggest problems for sex workers in losing their anonymity.

The first German sex workers' organisation was Hydra, in Berlin, founded in 1985. Nowadays there are six sex workers' organisations²⁵ and about 25 other NGOs dealing with sex workers' rights, outreach work, and counselling, and which are responsible for regular meetings on the national level.

Trafficking in Women

The following information is provided by KOK, the German nationwide activist coordination group combating trafficking in women and violence against women in the process of migration²⁶.

In Germany, human trafficking under sections 232 and 233 of the German Penal Code (StGB) is a prosecutable offence and constitutes one of the crimes against personal freedom as listed in paragraph 18 of the German Penal Code. As such, the primary task of the German crime fighting force is to investigate cases of human trafficking and bring the perpetrators of such crimes to justice.

With regard to the number of cases of trafficking and the number of trafficked women no official figures are actually available. The only figures available are estimates. Police officials estimate an annual figure of 30,000 women who are trafficked..

After being discovered by the police, it is very difficult for trafficked women to gain recognition as such. These are some of the reasons:

- *they are often only seen as criminals and treated as such*
- *they are afraid of interrogations*
- *they harbour a deep mistrust for all authorities*
- *they fear the incalculable consequences and the resulting situation if they should make an official statement*
- *they lack knowledge of their rights and face restrictive laws in Germany*
- *they are very fearful of the revenge that will be taken by the traffickers through their networks. In order to intimidate them, the women are told in detail about the far-reaching influence of these networks.*

Prosecution, Victim Protection and Prevention

The authorities are mainly interested in prosecuting perpetrators and securing a sentence which cannot be reverted. In this framework the women are seen in their role as witnesses simply as instruments to secure useful evidence. Of course we accept that crime fighting is an important aim of the state. Our work at the KOK concentrates

²⁴ The Minister for Family Issues (responsible for the Evaluation of the Law), Ursula von der Leyen, was asked how a client could recognise such a case. She responded: "...If the woman speaks no German and has signs of maltreatment" (*Wenn die Frau kein Wort Deutsch spreche und Spuren von Misshandlungen aufweise,...*"), Hamburger Abendblatt, January 25, 2007

²⁵ **Kassandra**, Nuremberg; **Nitribitt**, Bremen; **Madonna**, Bochum; **Highlights**, Berlin; **Hurenselbsthilfe**, Saarbrücken; **TAMPEP-Germany**, Hamburg

²⁶ www.kok-buero.de

however more on the women's traumatic experiences and their victimisation rather than on their function as witnesses.

Making it more difficult for migrant women to enter Germany does not automatically result in the prevention of trafficking in women. In most cases of trafficking, the point of departure for the whole process is the woman's decision to migrate. The more difficulties you put in the path of women when trying to migrate under their own steam, the more dependent they become on trafficking structures. The more illegal their situation becomes in Germany, the more difficult it becomes for them to break free of trafficking structures.

Germany has a four week period of grace system for victims of human trafficking.

Law Regulating the Payment of Social Welfare Support

The amount of social welfare support that trafficked women without means are entitled to depends on their residence status. Since most trafficked women have no legal right to be resident in this country, their situation is regulated by the Aufenthaltsgesetz (Law governing residence).

Social welfare support as stipulated in the AsylbLG (Law Regulating the Payment of Social Welfare Support for Asylum Seekers) can be paid in conjunction with legal toleration of presence in the country or in conjunction with a residence permit e.g. –4-week period of grace for witnesses in criminal proceedings or for asylum applicants.

Women residing illegally in the country have no right to any financial support from the state. Should they apply to social services for such support, their illegal situation will be made apparent and this will result in their deportation.

Trafficked women without means but who are in possession of a residence permit are entitled to social welfare support under the regulations stipulated in SGB II or XII.

Among sex workers who are victims of trafficking, the number who speak up against traffickers is very small, despite the fact that they would receive legal status during the process. They cannot, however, work or study during that period, and after the process is finished they have to leave Germany. There are, therefore, no great advantages for them to enter such a process.

Germany signed the Palermo Protocol in 2000 and ratified it in June 2006²⁷. The German legislation takes into account all sorts of exploitation, not only sexual exploitation.

Law Enforcement

Advertising for sex work - The German Federal Court of Justice (*Bundesgerichtshof*) set a new precedent in July 2006, with a verdict which says that sex workers are now allowed to advertise in newspapers and magazines, since sex work is a recognised activity. The 2002 *Law on Prostitution* did not officially change the regulation which says that sex workers are forbidden to advertise for their services. That prohibition was however never enforced. Daily newspapers across the country carried ads for transgender and non-transgender people offering sexual services.

Criminalisation of clients - Some politicians are starting to propose the criminalisation of the purchase of sexual services from “forced prostitutes”, a similar construct to the Finnish model. The discussion has been supported by religious, abolitionist and feminist groups, and

²⁷ www.unodc.org/ United Nations Office on Drugs and Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

opposed by most NGOs working with sex workers and sex workers' organisations. Combating trafficking in women is the main argument for the criminalisation of clients²⁸. There are even some voices among politicians saying that the entire Law on Prostitution of 2002 should be repealed.

Interpretation of the Law - Because the *Prostitution Law* of 2002 is unclear on many points and due to Germany's decentralised states' structure, each of the 16 states can interpret and enforce law in different ways. Bavaria, for instance, declared that in its view prostitution is still an immoral activity²⁹. Along with Baden-Württemberg, Sachsen, Thüringen and Bremen, it does not recognise sex work as an activity.

Dortmund however took a different approach, the so-called "*Dortmund Model*": there, all brothels and similar establishments have to be registered. Those which are not registered are closed. This led to the termination of several work contracts between brothel owners and sex workers.

Evaluation of the Prostitution Law – In 2004, an Institute for Social and Female Issues³⁰ was delegated by the *National Ministry for Family, Children, and Women's Issues* to evaluate the Law of 2002. The Law was very much welcomed by sex workers (85% saw it as a very positive step), brothel and club owners (91%), the police, prosecutors and staff of GOs (HCS³¹) and NGOs. Some of the study's conclusions:

- That only German, legal migrants and autonomous sex workers profit from the Law, thus being unfaithful to the Law's name "*For the improvement of Sex Workers' Labour and Social Situation*".
- That sex work policy has to be made in conjunction with migration policy, taking in consideration that 60% are migrants.
- That issues like taxes, work contracts, pimping, advertisements, street-based sex work, and the functioning of establishments, have to be cleared up and properly managed.
- That because of society's moral double standards, more time is needed to overcome discrimination and stigma, in order for sex workers to be able to give up anonymity for instance.

6 ORGANISATION

Amnesty for Women

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Amnesty for Women e.V. is a NGO founded in 1986.

Working from the principle of "helping women to help themselves", the organisation carries out an extensive programme of activities focused on the needs of migrant women in Hamburg.

The organisation offers anonymous and free of charge social and legal counselling in Polish, Russian, Spanish, Portuguese, Thai, English and German, in addition to psychological support in Polish and

²⁸ Press release n° 361 from the German parliament, November 2006

²⁹ 09.01.07, www.pr-inside.com

³⁰ Sozialwissenschaftliches Frauenforschungsinstitut der Kontaktstelle praxisorientierte Forschung e.V. Freiburg

³¹ Health Care Services

Spanish. It organises occasional workshops for migrant women on legal issues such as marriage, divorce, migration laws, labour laws, and tax legislation.

The organisation offers German courses at different levels as well as English, sewing and cooking courses. *Amnesty for Women* also functions as a meeting place for migrant women in Hamburg.

Through participation in several local and national networks dealing with female migration issues, *AfW* is engaged in strengthening the social and legal situation of migrant women in Germany.

Around 30% of those women coming to *AfW* had already been or still are engaged in sex work. In order to contact them, the organisation conducts regular outreach work with cultural mediators for Central and Eastern European, Asian and Latin American sex workers.

Amnesty for Women is one of the founder members of the European Network TAMPEP, was the main coordinator of three EU projects (*FemMigration*, *Advocates for Women* and *PsyFem*) and a partner in two other EU projects (*FENARETE* and *Cultural Mediation*).