

Germany Rethinks Legalized Prostitution

FRANKFURT, May 13, 2005 (LifeSiteNews.com) – Germans are rethinking their position on legalized prostitution, made legal there in 2003, after reports that legalization has not really had any benefit for prostitutes, nor has it improved the situation for Germany at large.

In January, a woman was threatened with having her unemployment benefits revoked after she refused to take a 'job' as a prostitute in a Berlin brothel. The unemployed woman, a qualified information technologist, had indicated her willingness to take jobs outside her field and had worked in a café. After refusing an offer to work as a prostitute in a brothel, she was told by the job centre that her benefits would be cut off if she did not go into prostitution.

"There is now nothing in the law to stop women from being sent into the sex industry," said Hamburg lawyer Merchthild Garweg, who deals in such cases, according to a Christian Science Monitor report. "The new regulations say that working in the sex industry is not immoral anymore, and so jobs cannot be turned down without a risk to benefits."

Nor has improved 'working' conditions for prostitutes, one intended goal of legalization, ever really materialized. "When it was set up there was much talk of securing proper contracts, proper health insurance, but a lot of this hasn't materialized because of big holes in the legislation," said Berlin's Hydra prostitute advice center spokesman Marion Detlefs.

"Opponents say other Europeans need only look to Sweden to see the future of legalization," the Christian Science Monitor article author wrote. "The country - which legalized prostitution 30 years ago - recriminalized it in 1998, after complaints that legalization had solved few of the problems it set out to address."

'If you don't take a job as a prostitute, we can stop your benefits'

By Clare Chapman

Last Updated: 12:23am GMT 30/01/2005

A 25-year-old waitress who turned down a job providing "sexual services" at a brothel in Berlin faces possible cuts to her unemployment benefit under laws introduced this year.

Prostitution was legalised in Germany just over two years ago and brothel owners – who must pay tax and employee health insurance – were granted access to official databases of jobseekers.

The waitress, an unemployed information technology professional, had said that she was willing to work in a bar at night and had worked in a cafe.

She received a letter from the job centre telling her that an employer was interested in her "profile" and that she should ring them. Only on doing so did the woman, who has not been identified for legal reasons, realise that she was calling a brothel.

Under Germany's welfare reforms, any woman under 55 who has been out of work for more than a year can be forced to take an available job – including in the sex industry – or lose her unemployment benefit. Last month German unemployment rose for the 11th consecutive month to 4.5 million, taking the number out of work to its highest since reunification in 1990.

The government had considered making brothels an exception on moral grounds, but decided that it would be too difficult to distinguish them from bars. As a result, job centres must treat employers looking for a prostitute in the same way as those looking for a dental nurse.

When the waitress looked into suing the job centre, she found out that it had not broken the law. Job centres that refuse to penalise people who turn down a job by cutting their benefits face legal action from the potential employer.

"There is now nothing in the law to stop women from being sent into the sex industry," said Merchthild Garweg, a lawyer from Hamburg who specialises in such cases. "The new regulations say that working in the sex industry is not immoral any more, and so jobs cannot be turned down without a risk to benefits."

Miss Garweg said that women who had worked in call centres had been offered jobs on telephone sex lines. At one job centre in the city of Gotha, a 23-year-old woman was told that she had to attend an interview as a "nude model", and should report back on the meeting. Employers in the sex industry can also advertise in job centres, a move that came into force this month. A job centre that refuses to accept the advertisement can be sued.

Tatiana Ulyanova, who owns a brothel in central Berlin, has been searching the online database of her local job centre for recruits.

"Why shouldn't I look for employees through the job centre when I pay my taxes just like anybody else?" said Miss Ulyanova.

Ulrich Kueperkoch wanted to open a brothel in Goerlitz, in former East Germany, but his local job centre withdrew his advertisement for 12 prostitutes, saying it would be impossible to find them.

Mr Kueperkoch said that he was confident of demand for a brothel in the area and planned to take a claim for compensation to the highest court. Prostitution was legalised in Germany in 2002 because the government believed that this would help to combat trafficking in women and cut links to organised crime.

Miss Garweg believes that pressure on job centres to meet employment targets will soon result in them using their powers to cut the benefits of women who refuse jobs providing sexual services.

"They are already prepared to push women into jobs related to sexual services, but which don't count as prostitution," she said.

"Now that prostitution is no longer considered by the law to be immoral, there is really nothing but the goodwill of the job centres to stop them from pushing women into jobs they don't want to do."

Telegraph News: Telegraph.co.uk

Rethinking a legal sex trade

By Isabelle de Pommereau / *Correspondent of The Christian Science Monitor*

FRANKFURT – When it legalized prostitution two years ago, Germany sought to bring the industry under state control, providing sex workers with labor rights and greater health protection. But some Germans are now saying the law has failed to achieve its objective.

The issue came to the fore earlier this year when a 25-year-old waitress looking for work was told that she faced losing her unemployment benefits because she had turned down a job at a brothel.

The woman was desperate to work, although not in a sex establishment. But under a new welfare law aimed at easing the longtime jobless back into the workforce, women under the age of 55 who have been out of work for more than a year must accept any job offered to them - or give up unemployment benefits.

"There is now nothing in the law to stop women from being sent into the sex industry," Merchthild Garweg, a Hamburg lawyer specializing in such cases, told the German newspaper *Die Tageszeitung*. "The new regulations say that working in the sex industry is not immoral anymore, and so jobs cannot be turned down without a risk to benefits."

The threat, many were quick to point out, was not a real one.

"In reality in Germany, no one will be forced into prostitution," retorts Emilija Mitrovic, a Hamburg-based social scientist who studies prostitution.

Nevertheless, the case has driven the country to reexamine the difficulties connected with one of the most controversial pieces of social legislation Germany has ever dealt with.

An estimated 400,000 prostitutes work in Germany, and 1.2 million customers are said to use their services daily. Revenues are estimated at 6 billion euros every year - equivalent to those of companies like Porsche and Adidas.

It was mainly to offer prostitutes protection from violence and exploitation that two years ago - against the opposition of conservative politicians - the German government legalized prostitution.

Now, legal contracts between prostitutes and clients can be established. The government withholds a portion of their earnings to pay social benefits like pensions and health insurance and to guarantee a regular 40-hour-workweek. Sex workers can now even unionize.

When it comes to taxation and regulation of the industry, legalization has been beneficial in some places, advocates say.

In Stuttgart, where 2,700 prostitutes are registered, brothels now pay 15 euros or 25 euros per day, per prostitute, to financial authorities. The city of Cologne receives roughly 700,000 euros

per month from the business. In Dortmund, owners of sex establishments have been creating contracts with prostitutes that offer benefits.

Legalization has also - in some cases - allowed the government to offer prostitutes incentives to leave the trade. In the town of Esslingen, for example, officials from the unemployment department have been offering those willing to exit the profession double welfare - 600 euros instead of 300 euros.

Little improvement in conditions

But when it comes to the goal of improving conditions for prostitutes and containing the sex trade, most experts agree that legalizing prostitution has not succeeded.

"When it was set up there was much talk of securing proper contracts, proper health insurance, but a lot of this hasn't materialized because of big holes in the legislation," says Marion Detlefs of the Hydra prostitute advice center in Berlin.

Across the country, no more than a dozen contracts have been signed. Prostitutes, who often have to share their income with brothel owners and other parties, are reluctant to pay taxes.

"The contribution for social coverage is too expensive," Felicitas Schirow, the head of a Berlin brothel, told the magazine Der Spiegel recently.

Health-insurance companies are reluctant to take on prostitutes as customers.

German conservatives, who opposed legalization on moral grounds, say such failures justify their opposition.

At the same time, advocates for prostitutes complain that - despite the national law - prostitution is still treated differently in each region, giving each city the right to ban prostitution in certain areas.

In Munich, street prostitution is forbidden almost everywhere. In Berlin, it is allowed across the board. Hamburg allows it at the train station at certain times of the day. Many smaller cities declare city centers and residential areas off limits.

Challenges elsewhere in Europe

Germany is not alone in its experiment with legalization. In the United States, prostitution is legal in most of the state of Nevada. In the Netherlands, prostitution was legalized four years ago. Belgian legislators are considering a bill to legalize prostitution there.

But in some other countries legalization has brought problems similar to those faced in Germany.

In the Netherlands - as in Germany - the law doesn't apply to illegal workers. It is estimated that 6 out of 10 prostitutes are aliens who live and work illegally.

Across Europe, the future of legalization is unclear. Advocates predict such laws will spread, offering prostitutes improved conditions throughout the European Union.

Opponents say other Europeans need only look to Sweden to see the future of legalization. The country - which legalized prostitution 30 years ago - recriminalized it in 1998, after complaints that legalization had solved few of the problems it set out to address.