

TRAUMA AND PROSTITUTION

SCIENTISTS FOR A WORLD WITHOUT PROSTITUTION



Karlsruhe/Germany, 29.01.2018

H. Magistrado
Luis Guillermo Guerrero Pérez
Corte Constitucional Colombiana
Palacio de Justicia, Calle 12 No. 7-65
Bogota - Colombia

Ref.: Amicus Curiae Expediente: D-12489

Norma demandada: Artículos “Ejercicio de la prostitución”, Código Nacional de Policía

Actores/Demandantes: Angela María Robledo, Alirio Uribe Muñoz, María Fernanda Herrera Burgos, Valeria Silva Fonseca, Gustavo Gallón Giraldo, Juan Carlos Ospina Rendón, Jorge Abril Maldonado, Jomary Ortegón Osorio, Jose Jans Carretero Pardo, Liliana Forero Montoya, Drisha Fernandes y Paola Iregui Parra

Dear Mr. Guerrero and Constitutional Court Magistrates,

“Scientists for a World Without Prostitution”¹ based in Karlsruhe in Germany, is a group of health experts (medical, psychological and in traumatology) who offer women in prostitution therapeutic and medical assistance. This group authored a manifesto² declaring that prostitution is humiliating, degrading and in violation of universal human rights, that it is an act of violence and that it perpetuates this violence in the lives of women. In other words, there is no “good prostitution”. Our group also demands a law placing the responsibility on the men by insisting on a legal approach that penalises the sex buyers, because we are tired of being used to “repair women” while there is a policy that incites men to “break women”. The manifesto was signed by the best known and most influential trauma psychologists and specialists in Germany. We want to inform on the realities of prostitution and its harmful effects on health, inform on the disastrous effects of a law legalising prostitution, draw attention to the presence and the voice of health experts who are in direct contact with the victims of prostitution: share our clinical experience as well as texts and scientific studies on prostitution.

Seen from the perspective of psychotraumatology, prostitution is not a job like any other. Michaela Huber, Head of the German “Trauma and Dissociation” Society³ says that: “To allow strangers to penetrate one's body, natural phenomena must be extinguished: fear, shame, disgust, alienation, contempt, self-blame. In their stead women put: indifference, neutrality, a functional conception of penetration, a reinterpretation of this act as a “job” or “service”.”⁴ These women have learned very

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

² <http://www.trauma-and-prostitution.eu/fr/le-manifeste/>

³ <http://www.dgtd.de/>

⁴ <http://www.michaela-huber.com/files/vortraege2014/trauma-und-prostitution-aus-traumatherapeutischer-sicht.pdf>

early on how to dissociate. In fact, many studies on this subject demonstrate a strict correlation between entering prostitution and violence experienced during childhood.⁵

Prostitution as a system uses the traumatising for its own ends and profit. Under no circumstances can prostitution be defined as “work“ or “a service“. The erogenous and reproductive body parts of women are too sensitive to be objectified for the use as work tools. Prostitution can only be practised in a state of pathological dissociation.⁶

In addition, prostitution can not be viewed as a job, as it is traumatising. Numerous studies have shown that the risk of developing post traumatic stress disorder is higher in prostitution than it is in war.⁷

In the same way that there is a human right to live in peace, there should be a universal human right not to be prostituted.

The current discussions on prostitution in Colombia (legalizing versus Nordic Model) were held in a similar way in Germany about 15 years ago. I am honoured to have today the opportunity to share with you the experiences that we have made with a law that legalises and normalises prostitution. Far from protecting the women, “the German model“ has become “hell on earth“ for the women in prostitution. I use this strong comparison on purpose, because the situation in Germany has become extremely serious.

This law, introduced in 2002, intended to protect and empower the women in a situation of prostitution by giving them the status of “sex workers“ enjoying the same working rights like those of any other employed or independent workers, has yielded the following results:

We witness an industrialisation of prostitution with a revenue estimated at € 14.6 bn with 3500 brothels that have officially been declared as such.⁸ The establishment of mega-brothels with the capacity of accommodating more than 1000 sex buyers.⁹ An increased demand that has risen by an estimated 30%. The creation of “flat-rate“ brothels. € 70.00 is the price of a beer, a sausage and unlimited access to women¹⁰. We observe a decrease in women's earnings (€ 30.00 for sexual contact, and they have to pay about € 160.00 for a room and € 25.00 in daily taxes).

These women are subjected to the rules of a free market of capitalism at its roughest: Their bodies are exploited to the maximum. We observe the kind of inhuman working conditions we thought to have surpassed since the beginning of the 20th century: these women live, eat and sleep in the same room in which they receive their “clients“. Many among them lead a Nomad life, moving from one city to the next and one brothel to the next to offer the sex buyers “variety“.

The behaviour of the sex buyers became perverted overnight¹¹ with a law normalising prostitution, whose message to men is clear: 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

⁵ Dre Muriel Salmona: *Pour mieux penser la prostitution: quelques outils et quelques chiffres qui peuvent être utiles*. Chapitre 3: Violences avant l'entrée en situation prostitutionnelle. <http://www.trauma-and-prostitution.eu/fr/2015/01/21/pour-mieux-penser-la-prostitution-quelques-outils-et-quelques-chiffres-qui-peuvent-etre-utiles/>

⁶ Michaela Huber: *Trauma und Prostitution aus traumatherapeutischer Sicht*, 2014: <http://www.michaela-huber.com/files/vortraege2014/trauma-und-prostitution-aus-traumatherapeutischer-sicht.pdf>

⁷ - Study by Melissa Farley from 2008 that found that 68% of the women in prostitution experienced PTSD at a similar intensity to combattant veterans or people who survived torture. <http://www.trauma-and-prostitution.eu/en/2015/01/26/prostitution-and-trafficking-in-nine-countries-an-update-on-violence-and-posttraumatic-stress-disorder/>

- Study by Zumbeck in Germany in 2001, who found that 60% suffered from intense PTSD. Zumbeck, Sibylle: *Die Prävalenz traumatischer Erfahrungen, Posttraumatische Belastungsstörungen und Dissoziation bei Prostituierten*, Hamburg, 2001.

⁸ Michael Jürgs: *Sklavenmarkt Europa*, 2014, Bertelsmann, P. 327.

⁹ Chantal Louis : Die Folgen der Prostitution, dans Alice Schwarzer HG, *Prostitution, ein Deutscher Skandal*, 2013, KIWI, p. 70-87.

¹⁰ Der Spiegel: *Bordell Deutschland*. 27.05.2013 <http://www.spiegel.de/international/germany/human-trafficking-persists-despite-legality-of-prostitution-in-germany-a-902533-2.html>

¹¹ Radio Interview with the Dominatrix Ellen Templin, le 08.03.2010. <http://abolition2014.blogspot.de/2014/05/interview-mit-einer-domina.html>

more “services“ at the least expense. This is how unprotected sexual practices became common, and with them pregnancies and late abortions.

The demographics of prostituted women has changed since 2002. With Eastern European countries joining the EU, women come from the poorest regions of Europe. They often belong to minorities that live in extreme poverty. Today, c. 95% among them come from abroad. This has become survival prostitution. These women are often sacrificed by their own families to support them financially. The majority doesn't speak German. These young women arrive in Germany and are subjected to the perverted demands of the buyers. They are incapable of saying no, of defending themselves. They are completely overwhelmed by the situation and fully traumatised by it.¹²

The working conditions and those of hygiene have become disastrous. Out of 400,000 prostituted women (an estimate that is more than 15 years old), only 44 registered as independent business¹³. The vast majority remains illegal, which means that they have no access to a social system that would allow them to see a doctor.

A recent report by a German gynaecologist¹⁴ states that the health of women in prostitution is catastrophic: At 30 they have aged before their time, which is a symptom of extreme and permanent stress. All of the women experience constant abdominal pain, gastritis and frequent infections, due to unhealthy living conditions. The emotional and psychological traumatising can only be born through the consumption of alcohol and or drugs or medication. He states that there is a growing demand for pregnant women in prostitution. These women have to “serve“ 15 to 40 men a day until the birth of their infant. Very often they abandon their new born child in order to continue working as soon as possible, sometimes three days after giving birth. These practices are reckless regarding the health of the mother and of the new born infant, and can lead to lasting damage. Lutz Besser¹⁵, medical doctor and psychotraumatologist, reported an ongoing practice of getting the women pregnant to deliver them to sex buyers in this state, and to make them undergo late abortions abroad. If they give birth to their child, they often abandon the child at the hospital to become pregnant again as soon as possible.

It is absurd to speak of the “reproductive rights“ of women in prostitution, this here is about the sex buyers' rights and to guarantee them their rights of flourishing without restraint or restriction.

A study by the German ministry for family affairs in 2004¹⁶ demonstrated that 87% of the women in prostitution reported having been exposed to physical violence, 82% to emotional violence, 92% to sexual harassment, 59% to sexual violence. These figures alone make it difficult to speak of a job like any other. And this research was conducted more than 10 years ago, things have since deteriorated significantly. Violence is an inherent part of prostitution.

The “German model“ of legalising prostitution has shown itself to be a law obliging the criminal world and has turned Germany into traffickers', procurers' and brothel keepers' Eldorado, as Manfred Paulus, Chief Inspector with the police, has stated¹⁷. The police is rendered powerless faced with a law that has strengthened the prostitution system. Figures demonstrate this¹⁸: In 2000,

¹² Sabine Constabel, a social worker who has worked with prostituted women in Stuttgart für 20 years, made the following statements in a television interview on Oct. 17, 2013. <https://www.youtube.com/watch?v=BpCPKDRcFg0>

¹³ Michael Jürgs: *Sklavenmarkt Europa*, 2014, Bertelsmann, P. 327.

¹⁴ Dr. Wolfgang Heide: *Stellungnahme zur öffentlichen Anhörung zur „Regulierung des Prostitutionsgewerbes“ im Ausschuss für Familie, Senioren, Frauen und Gesundheit im Deutschen Bundestag* am 06. Juni 2016. <http://www.trauma-and-prostitution.eu/2016/06/05/stellungnahme-von-wolfgang-heide-facharzt-fuer-gynaekologie-und-geburtshilfe/>

¹⁵ Dr. Lutz Besser: *Stellungnahme zur Anhörung zum Entwurf eines Gesetzes zur Regelung des Prostitutionsgewerbes sowie zu Schutz von in der Prostitution tätigen Personen*. 04.06.2016. <http://www.trauma-and-prostitution.eu/2016/06/04/lutz-besser-stellungnahme-zum-prostituiertenschutz/>

¹⁶ Study done by Schröttle & Müller 2004 in: Bundesministerium für Familie, Senioren, Frauen und Jugend : Gender Datenreport », Kapitel 10: Gewalthandlungen und Gewaltbetroffenheit von Frauen und Männern, P. 651-652, 2004.

¹⁷ Manfred Paulus: *Menschenhandel*, 2014, Verlag Klemm+Oelschläger, P. 107.

¹⁸ Der Spiegel: *Bordell Deutschland*. 27.05.2013.

151 persons were sentenced for trafficking, in 2011 it was only 32. 2011 only saw 636 cases of women as victims of human trafficking, which is three times fewer than ten years earlier, while the total number of women in prostitution has risen!

At all times there was a wish to domesticate, control and dictate women's sexuality. Prostitution is one of these dictations! It is mistaken to think of prostitution in terms of women's sexual freedom. In fact, it is only about man's sexual freedom. And this is the problem. We must direct our attention towards the sex buyer, who is never questioned. The sex buyer is a social construct¹⁹ resulting from an unequal gendered education. In discussing prostitution it is important to envision the kind of society we want. We need a new generation of men who do not take recourse to prostitution and to the domination of women to define themselves. It is also wrong to think male sexuality cannot be controlled. To legalise and to normalise prostitution cements the inequality among women and men and to capitulate to the violence perpetrated against women.

It is because of this that we need the establishment of the Nordic model on a global basis. A model that penalises the sex buyer, decriminalises the women in prostitution, offers them alternatives in order to leave prostitution as well as access to public health services and that implements measures of prevention.

Accepting the total failure of this model and turning back our legalization model, is our own challenge, which we would not like Colombia to go through, especially as it recovers from 50 years of armed conflict. We have often reflected on the fact that the mental process of denying trauma and repressing pain, has been well-practiced by the Germans since the II World War and seems to have been passed from one generation to the other. If you don't overcome a trauma, it will reoccur. Women have been raped, and they had to keep silent. Now, their men rape, and they keep silent again.

Based on all the reasons explained above, we would like to support the Constitutionality challenge raised by the Colombian citizens above mentioned and invite the Constitutional Court to go beyond these challenges related to the decriminalization of women in prostitution. The German experience has enough evidence as to what happens when governments try to regulate the behaviour of brothels and sex buyers, decriminalizing the exploitation of the prostitution of others and trafficking in persons for this purpose by leaving all the responsibility of sexual exploitation on the victims of this gender based violence.

Sincerely,



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Initiator of the appeal "*German psychologists and the scientific case against prostitution*"

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¹⁹ Udo Gerheim: *Die Produktion des Freiers*, 2012, Transcript, P. 7.