

## **Information Pamphlet about the ‘Prostitutes Protection Law’, known as Prostituiertenschutzgesetz, that will go into effect nationwide starting 01.07.2017**

### **About this Information Pamphlet:**

We in Hydra have opposed extensively the the control-oriented measures of this law, and we reject it politically. The ‘Prostitutes Protection Law’ (known as Prostituiertenschutzgesetz or ProstSchG) will drastically change the living and working conditions of people who do sex work, bringing considerable uncertainty with it. Therefore it is important for us to inform about the upcoming changes.

This information pamphlet is only a summary of the most important parts of the new regulations. In it, we refer to the legal text<sup>1</sup> and the attached reasons<sup>2</sup> it states. It is not yet clear how the different regulations of the law will be implemented. For instance, the location where the registration will take place hasn’t yet been decided. The law will apply throughout Germany, but each federal state can implement it differently.

If new and concrete information will come out, we will pass it on and publish it on the Hydra website as quickly as possible. We will gladly answer any further questions by phone.

### **What Does the Law Contain? And What Does it Mean for Those Who Do Sex Work?**

1, Every person of any gender that does sex work – whether in the street, in a brothel, at home, as or as an escort – has to register as a prostitute. These include erotic and tantra masseurs, and professional dominatrixes. Exceptions are: porn, peepshows, table-lap dancers who only do lap- and table-dances, webcam businesses and phone sex. People over 21 years of age must renew their registration every two years. People under 21 must renew the registration every year. Whoever will be caught working without the registration license will have to pay a fine. By which governmental office the registration will take place is to this date still unclear.

2. In order to register, each person must provide their full name, address/registered address (Anmeldung), date of birth, place of birth, nationality, work permit where relevant, and the city or district where they would like to work, as well as two photos. With the registration license you can work anywhere in Germany, unless a federal state has made a different provision.

3. When registering, a personal information session will be given. Here you will be informed of your rights and obligations as a sex worker (for instance: health insurance, counseling services,

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□ Federal law paper for the year 2016, part I No. 50, issued in Bonn on October 27th, 2016.

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□ Federal Government’s draft bill: draft bill for the regulation of the prostitution industry and the protection of persons active in prostitution. Justification p. 35.

taxes). In the case of a need for special counseling, the authority or office will provide it, and in the case of forced labor the authorities will initiate the necessary intervention measures.

4. Additionally to the information session, as a part of the registration, every sex worker must receive a consultation to health-related topics like sexually transmitted infections, pregnancy, and drug use. The health consultation must be repeated every 12 months (and every 6 months for people under the age of 21). With the health consultation, the sex worker will receive a certificate. This certificate must be presented at the registration for sex workers and must always be carried around at work.

5. When all the requirements for the registration have been fulfilled, a registration license (or 'sex worker ID') will be issued. It will include: name or artist/performer name, a photo, birthdate, birth place, nationality, the registered work place, period of validity (1 or 2 years), and where it has been issued. Only then is the sex worker allowed to work. The registration certificate ('sex worker ID') has to always be carried around at work. It is valid as a form of ID during checks and raids and against brothel owners.

6. You will not receive the registration license in the following cases: if you won't submit all of the required papers (for example the health consultation certificate), if you don't provide all the necessary information, if you're under 18, if you're 6 weeks before childbirth, if you're under 21 and 'were brought' to do sex work, or if you work 'in a manner highly directed or controlled by others'. As to the validity of the last two points: there must be actual indications – a mere presumption isn't sufficient here!

### **New Regulations for Brothel Owners for owners**

1. Whomever wants to operate a prostitution business has to apply for a permit from the responsible authority. To these belong brothels, massage-salons, escort agencies, studios, apartments, caravans/vans, and parties. Sex workers who work alone in their own apartment do not need this particularly permit.

2. A business concept must be written and submitted for permission. Additionally, the trustworthiness of the business owners must be examined by the authorities.

3. Furthermore, additional facilities and structural requirements (such as separate toilets, break rooms, and emergency call systems) will have to be met and provided. This may be difficult for apartment-brothels (Wohnungsbordelle).

4. Sex workers would no longer be allowed to reside or stay the night in the rooms where they work. Apartment-brothels (wohnungsbordelle) and apartments that are rented by the hour or the night for work would need separate rooms for sleeping and working.

5. Certain business concepts will not be given permits – such as flat-rate-brothels and gang-bang parties – as they contradict the law of sexual self-determination and encourage exploitation.

6. Brothel owners will be not allowed to let unregistered women (and people of other genders) in for work – meaning women without a 'sex worker ID'. If they do, they'll lose their permit or would have to pay high fines.

7. Owners must set up written agreements with the sex workers and issue receipts for all payments. Additionally they need to keep accurate records of who is working when, and what is earned.

8. Owners must always provide condoms, lubricant, and hygiene supplies, and ensure hygiene in the workplace. Additionally, they must allow counselors and specialists trained in sexually transmitted infections prevention into their premises. Those can be workers of the health counseling centers (Gesundheitsamt) or employees and social workers of certain counseling centers.

### **A Few Additional Regulations**

1. Working without a condom will be illegal. Advertising for services without condoms will likewise be illegal. Clients who violate this law will be punished with high fines.

2. Bodies such as the police must now be explicitly allowed to enter the business premises and even apartments for the purposes of monitoring, checking required documents, as well as carrying out personal inspections at any time. Business owners and co-workers would be required to provide them information.

3. The information provided by those registering will be stored, used for monitoring, and forwarded to other bodies that demand this information, like to the responsible tax office (Finanzamt), as well as to respective work places. If you work as an independent freelancer (Selbständig), you would still need to do a tax registration.

4. If the registration isn't extended, the information for registration purposes must be erased within 3 months.

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