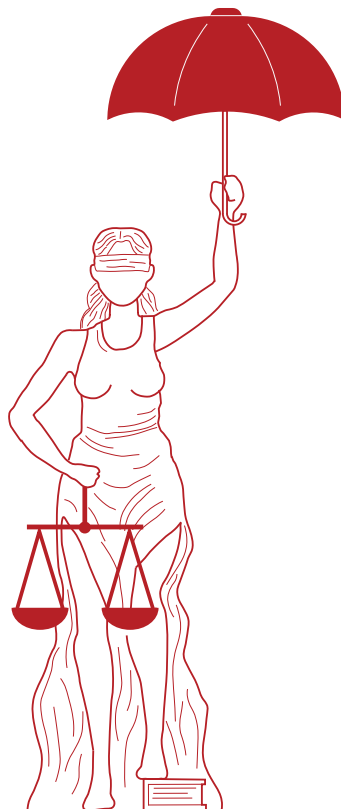


Law for Equity, Respect and Rights in Sex Work

Sex Work Act (SAG)

Draft law based on the results of the
workshop series

“Sex workers write the law”



**OUR WORK
OUR RIGHTS
OUR LAW**

TITEL

Law for Equity, Respect and Rights in Sex Work /

Sex Work Act (SAG)

Draft law based on the results of the workshop series "Sex Workers write the Law"

DATE

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Introduction

Sex workers are often affected by legal regulations that are passed over their heads and without their consent. This draft law is a document written directly from the perspective of sex workers themselves. It summarizes their criticism of existing legal regulations and describes concrete demands and measures to improve their living and working conditions. Our goal with this draft is to intervene in the debate, raise awareness of the concerns of sex workers, and achieve long-term legal implementation of these demands.

Until now, sex work has often been discussed in politics and society, but rarely with sex workers themselves. Their voices often go unheard, even though they know best which regulations would actually protect and support them. The public debate is usually not very differentiated: Terms such as sex work, exploitation, human trafficking or 'child prostitution' are often lumped together. Various interest groups primarily serve their own worldviews and political agendas, often without reference to the reality of the lives of the people who are actually at stake. What is missing in the political and social reality is a differentiated and contemporary understanding of what sex work means today. Sex work is labour and takes various forms. It is an erotic or sexual service or performance in return for payment. This includes, for example, escorting and street-based sex work, porn actresses, cam shows, BDSM, erotic massages, sugar babies, stripping, etc. Despite their diversity and differences, these activities share common legal hurdles and structural disadvantages.

This draft law aims to address precisely this issue: It refers to all forms of sex work, regardless of place of work, residence status, gender or origin, and aims to create regulation that secures rights, reduces discrimination and criminalisation, and enables political participation.

The statutory evaluation of the Prostitutes Protection Act (ProstSchG) will run from 2022 to 1 July 2025 and will be followed by a parliamentary debate on the future regulation of sex work. Criticism voiced by sex workers even before the law came into force is confirmed in the current demands.

The Prostitutes Act (ProstG) of 2001 was an important and correct step in that it abolished the immorality of sex work and replaced it with the first, albeit inadequate, rights of sex workers. The subsequent Prostitutes Protection Act (ProstSchG) of 2017, on the other hand, created new hurdles and exacerbated existing problems.

Sex workers report massive negative effects: Mandatory registration, compulsory counselling and central data storage lead to stigmatisation, fear of forced outing and withdrawal from the support system. Queer and migrant people, who are already subject to structural discrimination, are particularly affected. For many, the law means a de facto ban on working or the loss of more secure jobs, for example due to language barriers, missing papers or fear of the authorities.

Instead of offering protection, the law leads to more repression, controls and exclusion. There is no demonstrable benefit in terms of protection from violence or exploitation. Rather, the blanket equation of sex work with criminality prevents differentiated help and hinders genuine self-determination.

The ProstSchG was a step backwards: towards restrictive and unrealistic regulation, away from rights, safety and self-determination for all sex workers.

We, the editors and workshop participants, want to prevent such mistakes from being repeated in future legislation by listening to those who are directly affected and have the most experience. There are alternatives to the current law, and sex workers themselves know best which measures make sense for them. It is therefore of the utmost importance that they are heard in the current discourse.

To develop this alternative draft law, we conducted intensive discussions in six workshops between November 2024 and April 2025. Sex workers exchanged views, analysed various legislative models from other countries (e.g., Belgium, New Zealand and Sweden), and ultimately developed their own proposal that reflects their vision for fairer and safer legislation. Of course, this draft law does not claim to be exhaustive, but it is a starting point for an in-depth discussion on the rights of sex workers, which will hopefully generate further ideas.

This document is freely available to anyone interested and may be used, distributed, and reproduced. It is intended to serve as a basis for discussion, policy work, and practice. It is particularly important to us that it is always emphasised that this text was written by sex workers themselves.

The core of this draft law lies in empowering sex workers through concrete rights, safety measures, comprehensive social equality, and targeted anti-discrimination. A key component is the complete decriminalisation of sex work and the removal or questioning of obstacles, controls, and prohibitions, including the abolition of the restricted area ordinance, especially when these measures hinder sex workers' access to the care system or better working conditions. Mandatory official registration of sex workers will be replaced by business registration or freelance status. At the same time, a legally enshrined right to assistance, counselling, and social security will be introduced. Protection against discrimination, the reduction of stigma, and sex education are recognised as social and political tasks. But it is not only sex workers who benefit from these changes - clients also receive clear rights and obligations, authorities receive clear guidelines for action, and counselling centres are legally strengthened.

During the work on this draft, it became clear that other laws also urgently need to be reformed in order to enable realistic and fair legal regulation of sex work. These include, in particular, the General Equal Treatment Act (AGG), the Criminal Code (StGB), labour law, commercial and tax law, and migration law. Protection against discrimination must be extended to sex workers. The exclusion zone ordinance in the Criminal Code stands in the way of recognising sex work as work. Labour law protection mechanisms and provisions for the self-employed and freelancers (as an artistic activity) must also be simplified. Safe migration and access to care systems must be legally strengthened.

This draft law provides a comprehensive blueprint for legal equity for sex workers. It offers a clear, actionable path to sustainably improving the situation of sex workers and strengthening their rights.

Support sex workers and make their criticism and demands heard!

The most important innovations at a glance

For sex workers:

- Abolition of the mandatory registration according to ProstSchG, possibility of registration as self-employed or freelance worker (as artistic work) or being employed
- Abolition of mandatory health advice according to ProstSchG, expansion of voluntary advice services
- Abolition of the restricted area regulations according to Article 297 EGStGB
- Legal right to fair working conditions, healthcare and health insurance, housing, and protection from discrimination and violence
- Legal right to privacy, anonymity and protection of personal data in the digital and analogue space
- Protection against doxxing and violence in the digital space (§ 14)
- Enabling free association and cooperation with other sex workers
- Enabling collective organisation and union work

For operators:

- Clear and fair instructions on safety measures and working arrangements
- Enabling smaller businesses and apartment brothels
- Protective measures for sex workers in the digital space

For customers:

- Legal right to advice and counselling
- Protection against discrimination and stigmatisation
- Low-threshold possibility of reporting suspected human trafficking and exploitation structures

For authorities and advisory centres:

- Clear instructions for processing
- Minimum requirements and quality standards for dealing with the topic of sex work and accepting counselling
- Legal entitlement to funding

For society:

- Reducing stigma as a social task
- Sexual education as an integral part of school, cultural and political education
- Referral to digital protection measures for sex workers (e.g. privacy)

For victims of human trafficking and exploitation structures:

- Unconditional residence permits for third-country nationals, regardless of testimony in criminal proceedings
- Legal right to assistance
- Comprehensive counselling services on sexualised violence, exploitation and human trafficking

* See also the glossary (page 33 ff.) at the end of this document

CRITICISM	DEMAND	COMMENT
The registration requirement under the ProstSchG creates hurdles and criminalisation for sex workers and is stigmatising (e.g. by controlling registration at work places and the illegalisation of sex workers).	No registration required	Instead, registration as self-employed or freelance (as artistic work) with simultaneous anonymity in the trade register; inclusion of sex work in the catalogue of professions (as artistic workers), according to Section 18 of the Income Tax Act
(Partial) criminalization creates fears and obstacles/barriers in accessing important resources and contact points(e.g. workplaces, counselling, legal system).	Complete decriminalisation of sex work, including sex workers, clients and operators.	Decriminalisation is a key demand of sex workers and organisations such as Amnesty International and the WHO. Examples of countries with decriminalisation include Belgium, New Zealand, and parts of Australia. Negotiations for its possible introduction are currently underway in India, South Africa and parts of the United States.
Poor access to health insurance and healthcare	Responsibility of the Künstler-SozialKasse for sex workers as well as comprehensive and low-threshold healthcare	Healthcare must be made possible for all sex workers through reduced health insurance contributions and clearing centres for people without regular residence status.
"Prostitution" is a narrow and stigmatising term	Use of the term "sex work".	The umbrella term "sex work" does more justice to the diverse lives of sex workers.
Mandatory health advice for sex workers is rarely helpful for them.	Expansion of voluntary and needs-based health advice and legal entitlement to healthcare and insurance	Health counselling should be voluntary, anonymous, needs-oriented and meet the needs of those being counselled.
The restricted area regulation creates unequal treatment and politically motivated discrimination against sex workers, customers and operators.	Abolition of the restricted area regulation (Article 297 of the Introductory Act to the Criminal Code (EGStGB))	The restricted area ordinance is an outdated and discriminatory criminalisation of sex work that contradicts legal equality
Access of police or authorities to the workplaces and home of sex worker	Protection of the rights in the Basic Law, in particular Art. 13 GG Inviolability of the home	Entry into the premises should only be possible by court order or in the event of concrete imminent danger.
Smaller and often self-managed businesses are made difficult or displaced under current law.	Sex workers' rights to work from home or to collaborate with other sex workers. Enabling small businesses. Revising building regulations.	A simplified opportunity for collegial collaboration or the use of private spaces creates security and fair workplaces
Stigmatisation, discrimination, violence.	Legally mandated awareness campaigns and measures in cooperation with sex workers and counselling centres. Rights and a free ombudsman's office to defend against discrimination.	Sex workers in particular face discrimination and stigmatisation at individual, social, legal, political and institutional levels, which often forms the basis for acts of violence.

Excessive data collection and gathering.	Data protection and right to privacy, right to access and control data; data minimisation	Anonymity and data protection are of key importance for sex workers as they are increasingly exposed to violence and stigma.
Migrant sex workers are disadvantaged and excluded.	Rights and access for migrant sex workers, work and residence permits for self-employed/freelance work or employment in the sex work sector	People with a migration background, in particular, often use sex work as a source of income. They must be protected from exploitation and violence and empowered legally
Residence permit for migrants affected by human trafficking is subject to the condition of making a statement and cooperating with the police	Unconditional and permanent residence permit for migrants affected by human trafficking	In practice, those affected are often deported as soon as they are no longer needed for criminal proceedings. This perpetuates spirals of violence.
Conceptual confusion of human trafficking and sex work	Fact-based, scientific and differentiated reporting and discourse, implementation of the 'National Action Plan to Prevent and Combat Human Trafficking' and to protect those affected.	Mixing up the terms creates misinformation and harms both victims of human trafficking and sex workers.
Limited resources and funding go to government institutions.	Expansion and financing of peer-to-peer projects for sex workers, state responsibility for supporting counselling centres.	Many resources are lost in increased administrative workload, while counselling centres and sex worker projects are neglected.
Double standards for sex workers due to strict regulations that stand in the way of equal professional and social treatment.	Legal, political and social equality for sex workers.	Special treatment of sex workers is contrary to the General Equal Treatment Act

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Law for Equity, Respect and Rights in Sex Work / Sex Work Act (SAG)

1. General Introduction

§ 1 Scope of application

This law applies to the practice of sex work by persons over the age of 18, as well as to the operation of a sex work business. It remains unaffected by Article 297 of the Introductory Act to the Criminal Code (prohibition of sex work, so-called restricted areas); Article 297 of the Introductory Act to the Criminal Code is to be abolished

§ 2 Definitions

(1) Sex work is a sexual or erotic service or performance, physical, medial or digital, to or in front of at least one other person in return for payment.

(2) Sex workers are persons who provide sexual or erotic services or performances.

(3) A sex work business is operated by anyone who commercially offers or arranges services in connection with the provision of sexual or erotic services by at least one other person or provides premises, infrastructure or digital platforms for this purpose. This includes, in particular, if the person or company:

- a) operates a business premises for sex work,
- b) provides a vehicle for sex work,
- c) organises or carries out an event to conduct sex work or,
- d) operates a commercial intermediary for sex work or a platform for the presentation of sex work, for example via websites, apps or digital networks.

(4) Business premises for sex work are buildings, rooms, and other fixed installations used as a business premises for the provision of sexual services or performances. Excluded

from this are buildings, rooms, and other fixed installations that were not originally intended for the provision of sexual services or performances and are only used temporarily by sex workers during working hours, such as private residences, hotels, hourly hotels, night clubs or streets.

(5) Sex work vehicles are motor vehicles, trailers and other mobile equipment provided for the provision of sexual services or performances.

(6) Sex work events are events aimed at an open group of participants at which sexual services or performances are offered by at least one of the persons directly present.

(7) Commercial placement for sex work is the commercial arrangement of at least one other person to provide sexual services outside the operator's business premises. This also applies if it merely emerges from the circumstances that the services provided include sexual acts. This excludes the provision of sexual assistance.

2. Sex Workers

2.1 Recognition of Work

§3 Definition

Sex work is legally recognised as work. Sex workers enjoy the usual rights under labour law and the Trade Code, as well as the regulations listed here.

It is not sex work if:

- (1) the person is under 18 years of age.
- (2) there are actual indications that the person is or will be induced by third parties to

engage in sexual acts or representations by taking advantage of a situation of coercion, their helplessness associated with their stay in a foreign country or their personal or economic dependence, or that this person is or will be exploited by third parties.

(3) the person is affected by human trafficking according to Section 232 of the Criminal Code (StGB).

2.2. Self-employment

§4 Registration of work

(1) Sex workers may register as self-employed or freelance workers (as artistic work) and pay taxes accordingly under the Income Tax Act. This includes third-country nationals, as modelled on Section 21 of the Residence Act, „Self-Employment“.

(2) Sex work is included in the list of catalogue occupations as a freelance profession (Freiberuf). In this case, the publicly accessible business information is no longer required, see Section 51

2.3. Employment

§ 5 Limited right to give instructions

(1) Instructions that prescribe the type of, extent of or whether sex work is being conducted are inadmissible

(2) The existence of a restricted right to give instructions in the context of dependent employment shall not preclude the recognition of employment subject to social insurance contributions within the meaning of social insurance law..

(3) If sex workers, in their collaboration with commercial operators, are found to be in a state of bogus self-employment as referred to in Section 3, these sex workers are entitled to have their employment converted into an employment relationship subject to social insurance contributions. This right also extends

without restriction to agency operators and other commercial operators and does not apply to the mere rental of premises

2.4. Rights

§ 6 Legal validity of agreements

If sexual acts are performed for a previously agreed fee, this agreement constitutes a legally binding claim. The same applies if a person makes themselves available to perform such acts for a previously agreed fee for a specific period of time.

§ 7 Non-assignable claims

The claim cannot be assigned and can only be asserted in the customer's own name. Only complete non-performance may be objected to a claim pursuant to Section 6, Sentence 1; partial non-performance may also be objected to a claim pursuant to Section 6, Sentence 2, insofar as it concerns the agreed period. With the exception of the performance objection pursuant to Section 362 of the German Civil Code and the statute of limitations, further objections and defences are excluded.

§ 8 Legal right to advice

Sex workers have a right to information and advice relevant to their work which fulfill the requirements of § 47. Access to this information, particularly multilingualism, accessibility and travel distances, must be reasonable. Upon request, sex workers should be provided with peer-to-peer counselling from other trained sex workers. The federal and state governments will provide the appropriate resources for this.

§ 9 Legal right to healthcare

Sex workers are entitled to:

(1) membership in statutory health insurances, in particular the Artists' Social Insurance Fund (KünstlerSozialKasse, KSK) or a similar insurance fund.

Where membership is not possible, e.g. for people without a regular residence permit, basic healthcare must be provided regionally with low-threshold access, e.g. through clearing houses or health authorities.

(2) voluntary regular testing for sexually transmitted diseases and HIV by doctors or counselling centres, free of charge for sex workers.

(3) purchase and availability of PrEP (pre-exposure prophylaxis), PEP (post-exposure prophylaxis) and HIV medications, vaccinations as well as free purchase of condoms and other methods for the prevention of sexually transmitted diseases and pregnancy, as well as counselling on these.

Provisions under the Infection Protection Act (IfSG) remain unaffected.

§ 10 Legal entitlement to parental leave and parental allowance

Sex workers are entitled to parental allowance regardless of whether they are employed, self-employed or freelance/artistic. The application process for this will be simplified. Sex workers who are employed are also entitled to parental leave.

For self-employed and freelance sex workers, the general provisions of the Parental Allowance Act (BEEG), in particular Section 2 (1) No. 3 and Section 2 (3), apply to the calculation of and application for parental allowance. If there are special needs or hurdles for sex workers in this area, additional regulations could be considered to ensure equal opportunities.

§ 11 Legal entitlement to sickness benefit

Sex workers are entitled to sick pay.

(1) Self-employed or freelance sex workers must submit a declaration of choice to their health insurance provider. Health insurance providers are obligated to inform about the possibility and conditions of receiving sick pay in self-employed or freelance work and to sim-

plify the application process

(2) In the event of incapacity for work due to accidents or acts of violence, the state covers the costs of rehabilitation and compensation in accordance with the provisions of SGB IX (rehabilitation) and SGB XIV (accident insurance).

Section 44 of the Social Code (SGB), Book Five (V) remains unaffected by this.

§ 12 Legal entitlement to social benefits

Sex workers are entitled to social benefits.

1) Low-income earners who are self-employed or freelance workers may receive additional citizen's allowance (Bürgergeld) if they continue to work.

(2) Upon termination of their activity, previously employed, self-employed or freelance sex workers shall be entitled to unemployment benefit.

(3) If sex workers reorient themselves professionally, the costs of further training and business start-ups must be covered by the responsible authorities.

Provisions under the Social Code (SGB) remain unaffected.

§ 13 Legal entitlement to pension insurance

Sex workers are entitled to pension insurance.

§ 14 Right to privacy and anonymity

(1) Sex workers have the right to privacy and anonymity in the digital and analogue space. It is prohibited to publish or share personal data, identities, or other sensitive information of sex workers without their express consent.

(2) The deliberate disclosure of information that could lead to the identification of sex workers (so-called doxxing) is a criminal offense

and is punished under Section 126a of the German Criminal Code as "dangerous dissemination of personal data".

(3) The competent authorities shall take measures to protect the anonymity of sex workers and to ensure that their rights are respected and observed.

(4) Sex workers have the right to defend themselves at any time against the unauthorised publication of their data and to take legal action.

§15 Right to fair workplaces

(1) Sex workers have the right to workplaces with good working conditions that take into account the safety, health, and hygiene of sex workers. Business operators must accommodate this right, see Section 34.

(2) Sex workers have the right to use private spaces, including their own home or vehicle, to carry out their work and to deduct them as workspace for tax purposes, as is usual for other self-employed persons or freelancers/artists.

(3) At an established location of street-based sex work, sex workers are entitled to have workspaces established by the city to accommodate the working conditions of the sex workers and the needs of the local residents. These workspaces must meet the requirements of Section 34 and may, for example, be so-called sex boxes/ sex drive-ins (Verrichtungsboxen) or subsidised hourly hotels

§16 Right to housing

(1) All sex workers, including third-country nationals, have a right to housing under humane conditions, see this with regard to the guarantee of human dignity (Article 1 paragraph 1 of the constitution) and the principle of the welfare state (Article 20 paragraph 1 of the constitution).

(2) The Federal Government and the Federal States must accommodate this legal right in their housing policy and in the funding of hou-

sing projects and related counselling centres. Counselling centres that meet the requirements of Section 47 may be commissioned to implement and support housing projects for sex workers and receive appropriate funding.

(3) The accommodation and use of such housing projects by sex workers is not linked to conditions such as quitting sex work, religious practices or drug withdrawal programmes.

2.5 Strengthening and Empowerment

§ 17 Recognition of sex work and trade union organisation

(1) Sex work is recognised as a legitimate professional activity.

(2) Sex workers have the right to organise themselves in trade unions or to form associations to represent their interests.

(3) Operators shall not hinder or sanction membership in a trade union or professional association.

§ 18 Conflict resolution

(1) In the event of conflicts between sex workers and operators, authorities or clients, an independent conflict mediation centre (similar to the Berlin LADG ombudsman's office) can be called in as specified in Section 46.

(2) Sex workers are entitled to free, independent legal advice on labour law and contractual issues. This counselling service is to be provided by accepting counselling centres and conflict resolution centres as specified in § 46 and § 47, whereby funding is to be guaranteed in accordance with § 45.

§ 19 Declaration of consent and revocation

(1) The provision of sexual services requires the explicit, voluntary consent of the sex wor-

ker.

(2) Sex workers may withdraw their consent at any time without giving reasons.

(3) Any contractual or oral agreement which excludes or restricts the revocation of consent shall be invalid

§ 20 A Education and public relations on sexual health

(1) The Federal Centre for Health Education (BZgA) and the health authorities are obliged to carry out comprehensive information campaigns on safer sex and health protection in sex work.

(2) The Federal Government and the Federal States shall provide appropriate financial resources for this purpose.

(3) The measures shall include, in particular, the provision of information materials, counselling services and free protective materials for sex workers and clients

§21 Strengthening of rights in the relationship with customers

(1) Sex workers have the right to refuse customers.

(2) Operators may not sanction or disadvantage sex workers for refusing customers.

(3) Customers are obliged to respect the boundaries set by sex workers at all times.

(4) Operators are obliged to delete online comments containing hate speech or defamation.

2.6 Protection Against Discrimination

§ 22 Principle of anti-discrimination

(1) Discrimination against sex workers on the basis of their activity is illegal. This includes, but is not limited to, discrimination at the indi-

vidual, institutional, legal, and policy levels, in particular through:

a) Banks and financial institutions

b) Health service providers, medical personnel and health insurance funds

c) Insurance companies

d) Housing companies and private landlords

e) Employers

f) Media groups and social media platforms

g) Authorities

It is prohibited to refuse or terminate services or products to both active and former sex workers because of their (former) profession.

(2) The actors referred to in paragraph (1) are obliged to take measures to counteract discrimination against sex workers within their field of work.

(3) The Federal Government shall be responsible for initiating and implementing educational and awareness-raising campaigns aimed at reducing the stigmatisation of sex work, sex workers, and their clients. The federal government, federal states and local authorities can seek cooperation with recognised advice centres and provide them with the necessary resources for implementation, provided they meet the requirements under Section 47.

§ 23 Clear distinction between human trafficking and sex work

State authorities, recognised educational institutions, social institutions and counselling centres as well as media companies and news agencies are obliged to establish a clear distinction between consensual sex work and human trafficking on the basis of scientific and empirical evidence and to act accordingly

§ 24 Anti-discrimination and equal treatment in the media

All media, including print and broadcast media, digital platforms and social networks are obliged to report on sex work in a respectful and non-discriminatory manner. In particular, this must respect the dignity of sex workers, avoid stereotypical portrayals and take appropriate account of sex workers' self-designations and perspectives.

3. Business Operators

§ 25 Definition and scope

Sex workers are subject to the usual rights and obligations under the Trade Regulation Act (Gewerbeordnung, GewO). Business operators, or operators for short, are individuals or companies that offer spaces, (digital) platforms, or agencies that are used commercially by sex workers to conduct sex work for remuneration.

§ 26 Registration requirement for businesses

(1) Anyone wishing to operate a sex work business must register it with the usual authorities responsible for business registration. The additional regulations § 26 (2) to (7) apply to sex work businesses.

(2) The permit to operate a sex work business is granted simultaneously for a specific operating concept and for specific structural facilities, installations and rooms located therein.

(3) Permission to organise or hold events is granted for a specific operating concept. It may be granted as a single permit or as a permit for several similar events.

(4) The permit for the provision of a vehicle shall be granted for a specific operating concept and for a specific vehicle with specific equipment. It shall be limited to a maximum of three years and may be extended upon ap-

plication.

(5) The permit shall be applied for from the competent authority. The application shall be accompanied by:

a) the operating concept,

b) the other necessary documents and information to prove that the permit requirements are met, and

c) in the case of a natural person, the name, date of birth and address of the person for whom the permit is applied for, or in the case of a legal person or association of persons, its company name, address, number of the register sheet in the commercial register and its registered office.

(6) Administrative procedures under this section or under a statutory instrument issued under this act may be conducted through a single body in accordance with the provisions of the Administrative Procedure Act (Verwaltungsverfahrensgesetz).

(7) Permit or notification requirements under other regulations, in particular those governing restaurants, trade, water, or pollution control, remain unaffected. Regulations and practices under building law are repealed to the extent that they permit operations under the SAG

§ 27 Operating concept for sex work businesses; event concept

(1) The operating concept shall describe the essential characteristics of the operation and the arrangements for compliance with the obligations under this act.

(2) The operating concept should set out:

a) the typical organisational processes and the framework conditions that the applicant creates for the provision of sexual services,

b) measures to ensure that no persons are employed in the applicant's sex work sector to provide sexual services who:

I) are under 18 years of age,

II) as a victim of a trafficking crime, are brought by third parties to take up or continue sex work,

c) measures such as the free provision of condoms, lubricants, etc., which serve to reduce the risk of transmission of sexually transmitted infections,

d) other measures in the interest of the health of sex workers and third parties, such as the free provision of disinfectants and cleaning products, hygiene articles, towels, bed linen, mouth and nose coverings, disposable gloves, etc.

e) measures such as emergency call facilities, security services, etc., to ensure the safety of sexworkers and third parties, and

f) measures designed to prevent the presence of persons under 18 years of age.

(3) Before each separate commercial sex work event not already included in the operating concept, operators must prepare an event concept that describes the spatial, organisational, and temporal framework of the respective event and specifies the provisions of the operating concept. This event concept must be submitted to the relevant authorities, the district office, or the public order office.

§ 28 Conditions and orders

(1) The permission may be restricted in terms of content or subject to conditions, if necessary:

a) to protect the safety, health or sexual self-determination of sex workers, employees and customers in the sex industry

b) to protect the persons referred to under a) from exploitation or from threats to life or freedom

(2) Provisions in the Trade Regulation Act (Gewerbeordnung, GewO) remain unaffected.

§ 29 Permission to act as a representative

(1) Anyone wishing to operate a sex work business through a person appointed as a representative shall require a representative permit.

(2) The authorisation to act as a representative shall be granted to the operator for the person appointed as substitute. It may be limited in time.

§ 30 Refusal of permission and authorisation to act as a representative

(1) Permission shall be refused if:

a) the applicant or a person designated as deputy or manager is under 18 years of age, or

b) facts justify the assumption that the applicant or a person designated as deputy, manager or supervisor of the business does not have the reliability required to operate a sex work business, see Section 31.

(2) Permission shall also be refused if:

a) due to the business concept, the nature of the services, the envisaged agreements with sex workers or other factual circumstances, there are indications that the nature of the business is incompatible with the exercise of the right to sexual self-determination or encourages the exploitation of sex workers,

b) due to the operating concept or other actual circumstances, there are indications of a violation of Section 5 (1) and Section 35 (5) present,

c) the minimum requirements pursuant to Sections 34 and 38 or pursuant to a statutory order issued pursuant to this Act are not met, provided that the authority has not permitted an exception to compliance with the minimum requirements and compliance with the minimum requirements cannot be guaranteed by a condition imposed on the applicant,

d) due to the operating concept or other actual circumstances, significant deficiencies with regard to compliance with the requirements of Section 33 (1) for the protection of the health and safety of sex workers or other persons, insofar as these deficiencies cannot be remedied by a condition imposed on the applicant,

(3) The authorisation to act as a representative shall be refused if:

a) the person designated as a representative is under 18 years of age or

b) there are facts that justify the assumption that the person designated as a substitute does not have the reliability required to operate a sex work business.

§ 31 Reliability of a person

(1) The required reliability is not normally possessed by a person:

a) who has been convicted within the last five years before the application:

I) of an offense against personal freedom, StGB § 232 to § 241a,

II) of an offence against sexual self-determination, against physical integrity or against personal freedom,

III) of extortion, fraud, money laundering, bribery, withholding and embezzlement of wages or forgery,

IV) of doxxing, the targeted disclosure of information that can lead to the identification of sex workers,

V) of serious violations of this SAG Act, in particular the rights of sex workers.

b) has had his or her permission to engage in sex work withdrawn or been denied permission to engage in sex work within the last five years prior to the application, or

c) whoever is a member of an association which has been irrevocably banned as an organisation under the Associations Act or who is

subject to an irrevocable ban on activities under the Associations Act or who was a member of such an association if ten years have not yet elapsed since the termination of membership.

(2) The competent authority shall obtain the following information as part of the reliability check:

a) a certificate of good conduct for authorities (Section 30 paragraph 5, Sections 31 and 32 paragraphs 3 and 4 of the Federal Central Register Act) and

b) a statement from the police authority responsible for the place of residence, a central police station or the relevant Federal State Criminal Police Office (LKA) as to whether and what factual evidence is known that may give rise to concerns about reliability, provided that the purposes of criminal prosecution or the averting of danger do not preclude the transmission of the factual evidence.

In the case of convictions dating back more than five years or where other evidence is available, it must be examined in each individual case whether this gives rise to doubts about the person's reliability.

(3) The competent authority shall review the reliability of the operators and the persons appointed as deputies, managers or supervisors of the establishment at regular intervals, but no later than after three years.

3.1. Free Association for Sex Workers

§ 32 Right to merge

Self-employed or freelance sexworkers have the right to collaborate on the basis of a cooperation of self-employed persons and to share work materials and premises. As long as no commercial third parties profit from this, registration as a business operation is not required. Such associations enjoy freedom of establishment and can also exist in residential areas.

3.2. Obligations of Operators

§ 33 Safety and health protection

(1) The operator of a sex work business must ensure that the safety and health of sex workers and other persons working in the business are safe guarded. The spatial and organisational conditions for the provision of sexual services must be designed in such a way that any risk to the safety and health of persons working in the sex work establishment, sex work vehicle or sex work event is avoided as far as possible and the remaining risk is kept as low as possible. The operator of a sex work establishment, sex work vehicle or sex work event must take such protective measures as are appropriate, taking into account the number of persons working there, the duration of their presence and the nature of their activity, and which are conducive to achieving the purposes set out in paragraph (2).

(2) The operator of a sex work business is obliged to work towards reducing the risk of transmission of sexually transmitted infections. The operator of a sex work establishment, sex work vehicle, or sex work event must ensure that adequate supplies of condoms, lubricants, hygiene products, and bed linen are available to sex workers free of charge at all times during operating hours in the premises used for sexual services.

(3) The operator of a sex work establishment is obliged to enable the health authorities and recognised counselling centres on the subject of sex work and sexual health or the persons commissioned by them, at their request, to carry out counselling on health-preserving behaviour and on the prevention of sexually transmitted diseases in the sex work establishment.

(4) The operator of a sex work business is obliged to enable sex workers to receive health advice in accordance with Sections 8, 9 and 18 at any time, as well as to seek medical examination and advice services, particularly from health authorities, and other health, legal and social counselling services of their choice du-

ring their business hours.

(5) The operator of a sex work establishment is obligated to post notices informing about contact details of regional counselling centres and relevant authorities. The notices should be written in a language understandable to the sex workers working there.

§ 34 Minimum requirements for facilities used for the sex work industry

(1) Sex work businesses must, in terms of their operating concept as well as their location, equipment and condition, meet the requirements necessary:

a) to protect sex workers, employees and other persons providing services in the sex industry, as well as customers,

b) to protect minors, in particular by denying access to minors.

(2) In particular, sex work establishments must at least ensure that:

a) the rooms used for sexual services are not visible from the outside,

b) the individual rooms used for sexual services have an appropriate emergency call system that alerts security personnel,

c) the doors of the individual rooms used for sexual services can be opened from the inside at any time,

d) the sex work establishment has adequate sanitary facilities for sex workers, employees and customers, with shared use being permitted,

e) the sex work establishment has suitable staffrooms and break rooms for sex workers and employees, where possible,

f) the sex work establishment has individually lockable storage facilities for the personal belongings of the sex workers and employees, where possible.

(3) The competent authority may, in individual cases, grant exceptions to paragraph (2) b) to f) for commercially used premises in residential premises if compliance with these requirements would involve disproportionate expenditure and the interestsworth of protection of sex workers, employees and customers are safeguarded by other means.

(4) Paragraphs (1) to (3) shall apply mutatis mutandis to buildings, rooms or other fixed installations used for erotic or sexual events.

(5) Exempt from paragraphs (1) to (3) are rooms or apartments used independently by sex workers, the use of which for sexual services is not tied to the profit of traders or other third parties, or where rooms are temporarily rented out by sex workers for a contribution towards expenses, see also Section 32 regarding the free association of sex workers.

(6) The operator of a sex work business is obliged to ensure that the minimum requirements under paragraphs (1) and (2) are complied with during the operation.

§ 35 Obligations towards sex workers; restriction of instructions and specifications

(1) In addition to the obligations under the Trade Regulation Act, traders in the sex work sector also have obligations under labour law, in particular duties of care, equal treatment and payment.

(2) The nature of sexual services and their prices are determined exclusively between the sex workers and their clients. Professionals are prohibited from setting prices or communicating them to clients in advertising.

(3) The operator of a sex work business, as well as persons acting on behalf of the operator, may not issue instructions to sex workers regarding if, how, or the extent of sexual services or performances. Other specifications regarding the type or extent of the provision of sexual services or performances are also prohibited. At the request of sex workers in

a business, employment subject to social insurance contributions may be granted without this giving rise to a right to issue instructions.

(4) Agreements regarding services provided by operators of a sex work business to sex workers and regarding services provided by sex workers to operators must be drawn up in text form. Operators are obliged to provide a copy of the agreement to the sex worker or to transmit it electronically.

(5) Operators of a sex work business are prohibited from demanding disproportionate fees from sex workers who provide or intend to provide sexual services or performances in their establishment for the rental of premises, the provision of clients, or other services. Pricing by operators concerning the use of business premises by sex workers or the provision of clients to them must be made transparent at an early stage, at the latest upon request from sex workers.

The fees charged by operators must not impair the economic autonomy of sex workers and must be proportionate to the services provided. The total payments demanded by operators from sex workers - including premises rental, agency commissions, and other fees - may not exceed 25% of the basic price of sexual services (excluding additional services) at this business premises. Agreements that violate these provisions are void. The limited right of operators to issue instructions under Section 5 also applies to the setting of prices and the definition of additional services. Operators are also prohibited from charging sex workers extra fees for services that serve the business, such as food, contraceptives and hygiene supplies, processing costs or security personnel and security measures.

(6) The operator of a sex work business is obligated to provide sex workers who provide or intend to provide sexual services within the business, upon request, with access to the business concept. In the case of a sex work event, operators must also provide sex workers with access to the event concept upon request.

(7) The operator of a sex work business is obligated to provide sex workers who provide sexual services in the business with written or electronic proof of all payments made by the sex workers to the operator, without being asked to do so. This also applies to payments made by the operator to the sex workers.

(8) If there is suspicion of bogus self-employment, sex workers and business owners can request an investigation from the designated authorities (German Federal Pension Insurance, a labour court, the tax office, or social security authorities). If the suspicion is confirmed and a relationship subject to social security contributions exists, contributions must be paid retroactively and an employment relationship established, even retroactively.

(9) Operators are prohibited from discriminating against or disadvantaging sex workers in the workplace or in the application process, in particular on the grounds of ethnic origin, sexuality, gender and gender identity, appearance, age, religion or disability (see also the General Equal Treatment Act, Allgemeines Gleichbehandlungsgesetz (AGG)).

(10) Sex workers in an establishment have the right to exchange and access information concerning their work. Operators are obliged to grant access to the premises to recognised-counselling centres that meet the minimum requirements set out in Section 47, health authorities, trade unions, and organisation and professional associations of sex workers, provided this is beneficial for providing information to sex workers and is desired by the sex workers present.

§ 36 Control and notification obligations

The operator of a sex work business must inform persons who wish to provide sexual services or performances in their sex work business of their rights and available counselling services before they commence their activities.

§ 37 Recording and retention obligations

(1) Records containing personal data must be stored in such a way that unauthorised persons cannot access them. Personal data must be deleted after the retention period has expired. Recording and retention obligations under other regulations remain unaffected.

(2) If the operator carries out more than one sex work business, separate records must be kept for each of these businesses.

(3) The operator of a sex work business shall keep the records for two years from the date of recording.

§ 38 Minimum requirements for sex work vehicles

(1) Sex work vehicles must have an interior space sufficiently large for the intended operating concept and appropriate interior fittings, and their equipment and condition must meet the general requirements necessary to protect the sex workers working there.

(2) Sex work vehicles must be equipped so that the doors of the area used for sex work can be opened from the inside at any time. The operator must ensure, through technical measures, that assistance is available at all times while inside the vehicle.

(3) Sex work vehicles must have adequate basic sanitary equipment or facilities.

(4) Sex work vehicles must have a valid operating license and be in technically operational condition.

(5) Paragraphs (1) to (4) shall also apply to sex work vehicles used for sex work events.

(6) The operator of a sex work vehicle is obliged to ensure that the minimum requirements set out in paragraphs (1) to (4) are complied with during operation.

§ 39 Notification of the installation of a sex work vehicle; prohibition

(1) Anyone wishing to set up a sex work vehicle for commercial operation on more than two consecutive days or several times within a month within the local jurisdiction of an authority and rent it out to sex workers must notify the competent authority two weeks prior to setting up the vehicle. The following information and supporting documents must be attached to the notification:

- a) the first and last name of the vehicle owner and the full name of the operator of the sex work vehicle,
- b) a copy of the permit to provide the sex work vehicle,
- c) the vehicle or vessel registration number of the sex work vehicle,
- d) the exact location of the installation,
- e) the duration of the installation,
- f) the operating hours,
- g) copies of the agreements concluded with the sex workers.

Exempt from the registration requirement is the use of private vehicles by sex workers that do not provide any commercial benefit to other persons.

(2) Sex work vehicles may only be set up for operation in such a way that they satisfy the requirements of Sections 33, 34 and 35 with regard to their location and operating hours.

(3) After the notification has been submitted, the competent authority shall examine whether the installation violates the requirements of Section 30 (2). The competent authority may, subject to the requirements of Section 28 (1), first sentence, issue orders at any time regarding the installation of the sex work vehicle and its operation

(4) The installation of the sex work vehicle shall be prohibited if one of the reasons referred to

in Section 30 (2) applies. If the competent authority becomes aware of circumstances that would justify the withdrawal or revocation of the underlying permit, the competent licensing authority shall be informed thereof.

(5) The competent authority may prohibit the installation of the sex work vehicle if its operation violates (2) or if the notification referred to in (1) has not been submitted, has not been submitted in a timely manner, has not been submitted truthfully or has not been submitted in full.

(6) The provisions of road and way law remain unaffected.

§ 40 Notification of a sex work event; prohibition

(1) Anyone wishing to organise or hold a sex work event must notify the competent authority at the location of the event four weeks before the event begins. The notification must include the following information and supporting documents:

- a) the full name of the operator and a copy of the permit to organise or conduct sex work events,
- b) if persons are to be appointed as representatives of the operators, their first and last names and a copy of the authorisation to act as representatives,
- c) the operating concept underlying the permit, d) the event concept related to the respective event,
- e) place and time of the event,
- f) name and written consent of the person who owns the buildings, rooms or other fixed or mobile facilities used for the event,
- g) the documents required to demonstrate the minimum requirements under Section 34 paragraph 4 in conjunction with Section 19 paragraph 2 or under Section 38 paragraph 5 in conjunction with Section 38 paragraphs 1 to 3 on the nature of the facility used for the sex

work industry,

h) copies of the agreements concluded with the sex workers.

(2) Operators of a sex work event are obliged to comply with the minimum requirements applicable to the intended business premises pursuant to Section 34 (4) or Section 38 (5) during the conduct of the sex work event. The sex work event must be managed on-site by the operators or by the persons designated as representatives in the notification.

(3) After the notification has been submitted, the competent authority shall examine whether the planned event violates the requirements laid down in Section 30(2) due to the event concept, the intended business premises or other factual indications. The competent authority may issue orders at any time under the conditions set out in Section 28(1)(a).

(4) The holding of the sex work event shall be prohibited if one of the reasons listed in Section 30(2) applies. If the competent authority becomes aware of circumstances that would justify the withdrawal or revocation of the permit, the competent licensing authority shall be informed thereof.

(5) The holding of the sex work event may be prohibited if the report was not made, was not made in a timely manner, was not truthful or was not made in full..

§ 41 Expiry of the permit

The permit expires if the permit holder has not commenced operating the sex work business within one year of the permit being issued or has not operated the business for one year. The deadlines may be extended upon request if there is a valid reason.

§ 42 Withdrawal and revocation of the permit and the authorisation to act as a representative

(1) The permit shall be withdrawn if it becomes known that grounds for refusal under Section

30 (1) existed at the time of its issue. The authorisation to act as a representative shall be withdrawn if it becomes known that grounds for refusal under Section 30 (3) existed at the time of its issue.

(2) The permit shall be revoked if:

a) subsequent facts arise which would justify the refusal under Section 30 (1) a), or

b) the holders of the permit or a person employed by them within the framework of the business organisation have or should have had knowledge that persons under the age of 18 are providing sexual services.

(3) The licence shall be revoked in particular if there are actual indications that the licence holders or a person appointed by them as a representative, manager or supervisor of the business has or should have had knowledge that a person in the sex work industry is engaged in sex work or is being procured for sexual services who

a) is or is intended to be induced by third parties to take up or continue sex work or

b) is or is intended to be induced into sex work by third parties by exploiting a situation of coercion, their helplessness resulting from their stay in a foreign country or their personal or economic dependence, or this person is or is intended to be exploited by third parties.

(4) In all other respects, the provisions of the Administrative Procedure Act shall apply to the withdrawal and revocation of the permit and the authorisation to act as a representative.

§ 43 Selection of persons employed in the company; employment bans

(1) Operators of a sex work business may not allow a person to work as a sex worker in their sex work business if it is apparent to them that:

a) this person is under 18 years of age,

b) is or is intended to be induced by third parties to take up or continue sex work,

c) this person is or is intended to be induced into sex work by third parties by exploiting a situation of coercion, their helplessness associated with their stay in a foreign country, or their personal or economic dependence, or this person is or is intended to be exploited by third parties.

(2) Operators of a sex work business may only entrust the tasks of representation, management, supervision, compliance with house rules, admission control, and security to persons who are already trained for these tasks or who are willing to complete appropriate training. This training must ensure that their activities are carried out in the interests of the sex workers and that their rights, safety, and self-determination are protected. This applies regardless of whether they are employed by the operators.

(3) Operators of a sex work business may be prohibited by the competent authority from employing a person or from engaging in that person's activity in their sex work business if facts justify the assumption that that person does not possess the reliability required for their activity. Section 31 (1) shall apply accordingly.

4. Customers

§ 44 Rights and obligations of customers of sex workers

(1) The use of sexual services is legal and is legally recognised as part of sexual self-determination and as a consensual agreement between adults.

(2) The clients of sex workers have the right to destigmatisation and protection from discrimination on the basis of their use of sexual services.

(3) Customers are obliged to respect and comply at all times with the agreements made with sex workers, as well as with the consent given

or the withdrawal of any previously given consent.

(4) Customers have the right to access counselling services or hotlines providing information on health and legal matters. Funding for such counselling services must be provided by federally and state-recognised counselling centres and health authorities.

(5) Customers who suspect that a case of human trafficking or coercive situations has occurred must contact an independent and recognised counselling centre on human trafficking or sex work or the competent State Criminal Police Office (LKA), as specified in Section 33 (6).

6) It is a criminal offence to induce or attempt to induce another person to engage in sexual acts against their will.

Section 232 of the German Criminal Code and the following provisions on human trafficking and forced prostitution remain unaffected

5. Authorities and Advisory Centres

§ 45 Provision and maintenance of counselling centres

The federal, state and local authorities are obliged to ensure adequate provision and maintenance of authorities and counselling centres for sex workers within their budgets.

§ 46 Establishment of an independent conflict resolution centre for sex workers

The federal and state governments undertake to establish and fund a regional independent conflict resolution centre (similar to the Berlin LADG ombudsman's office) for sex workers. These should mediate or intervene in conflicts between sex workers and clients, traders, authorities or recognised, accepting counselling

centres that could potentially constitute a violation of the law or a case of discrimination

§ 47 Minimum requirements for advice centres

(1) Counselling centres for sex workers must be appreciative and non-prejudiced towards sex work and sex workers, provide open-ended and needs-oriented advice and refer to secular views in their work.

(2) The counselling centre must take into account the rights of sex workers pursuant to Section 3, Section 8 and Section 23.

(3) The advice centre must provide health advice, including:

a) insurance in the event of illness and social security in the event of employment,

b) information on sexually transmitted infections (STIs), disease prevention and birth control,

c) regional testing services and medical HIV prevention measures, including PrEP, PEP and comparable prevention methods developed in the future,

d) mental health, gender reassignment surgery and hormone replacement therapy,

e) drug use and harm reduction.

(4) The advisory centre must provide basic information on laws, rights and taxes.

(5) The counselling centre must provide assistance in crisis situations or offer referral to such assistance.

(6) Information and counselling sessions must be conducted in a confidential setting, be free of charge for the person receiving counselling and not be subject to conditions such as leaving sex work.

(7) If the requirements under (3) to (5) cannot be met by a counselling centre, the applicant shall be referred to a centre offering this service.

§ 48 Provision of information

The authority responsible for the respective process (e.g. health authority, tax office, trade office, public order office, police, judiciary, etc.) or counselling centre provides sex workers with information on sex work in an appropriate multilingual form during the process or counselling centre provides sex workers with information on the practice of sex work in an appropriate, multilingual format during the procedure. This information must be written in a low-barrier, low-threshold language and should be made accessible to sex workers through outreach efforts

§ 49 Peer-to-peer advisory structures

(1) Authorities and counselling centres should arrange training and remuneration for sex workers to promote peer-to-peer counselling structures. In doing so, it must be ensured that the requirements of sex workers pursuant to § 3 and §§ 8 to 16 are taken into account and that knowledge relevant to counselling is imparted.

(2) Peer-to-peer counsellors must have at least 6 months of experience in sex work and have received training from the authorities and counselling centres mentioned under (1).

§ 50 Measures in case of need for advice

If there are actual indications of a need for advice regarding the health, legal or social situation of a sex worker, the competent authority shall point out the services available at appropriate advice centres and, where possible, arrange contact.

§ 51 Protective measures for suspected minors, coercion or exploitation in sex work

(1) The competent authority or advisory body shall immediately take the necessary measures to protect the person if there are actual indications that:

- a) a person is under 18 years of age,
- b) a person is or is intended to be induced into sex work by a third party by taking advantage of a situation of coercion, of their helplessness resulting from their stay in a foreign country or of their personal or economic dependence, or that person is or is intended to be exploited by a third party.

(2) In the case of the indications referred to in (1), the affected person shall be guaranteed, without delay and with his or her consent, the following:

- a) a specialised shelter for people at risk of being trafficked,
- b) a permanent residence permit,
- c) benefits equivalent to citizens' income, even in the case of unregulated residence status.

Provisions under Section 232 of the Criminal Code on human trafficking remain unaffected.

§ 52 Obligation to provide information in the context of monitoring

1) Operators of a sex work business, persons employed as representatives or managers, and sex workers are obligated to provide the competent authority and its agents, upon request, with the oral and written information necessary to monitor business operations. See also Section 29 of the Trade Regulation Act (Gewerbeordnung), Information and Inspection.

(2) The person obliged to provide information may refuse to answer questions the answers to which would expose him or herself or one of the relatives referred to in Section 52 of the Code of Criminal Procedure to the risk of criminal prosecution or proceedings under the Law on Administrative Offences.

6. General Society

§ 53 Social inclusion

Sex workers are part of society. It is the responsibility of all social actors to promote an inclusive environment.

6.1. Destigmatisation of Sex Work

§ 54 Aim and principle of destigmatisation

Sex work is recognised as legitimate work. Sex workers are considered a particularly vulnerable group in society, and their living and working conditions should be strengthened. Discrimination, stigmatisation, or violence based on engaging in sex work are punishable and must be counteracted. The measures mentioned above are intended to promote a more inclusive and respectful approach to sex workers in society.

§ 55 Awareness campaigns to destigmatise sex work

The federal and state governments are encouraged to conduct regular awareness campaigns to destigmatise sex work. The goal of these campaigns is to positively change the public perception of sex work, reduce prejudices, and promote acceptance of sex work as a profession. Recognised counselling centres and sex worker organisations can be consulted for assistance, and funding should be provided by the federal and state governments.

§ 56 Awareness-raising and educational measures in official bodies

All public institutions and offices are required to organise regular awareness-raising activities that address the destigmatisation of sex work. This includes training for professionals in the justice, police, health, youth welfare, and

social work sectors to ensure non-discriminatory and respectful treatment of sex workers.

§ 57 Measures for sexual education

Sex education in schools and other educational institutions will be adapted to address the existence of sex work, the importance of voluntary consent to sexual acts, and consent in general. The goal is to promote understanding of the rights of sex workers and to teach young people respectful and responsible behaviour regarding sexuality and consent. The aim is also to talk about and raise awareness of forms of sexual exploitation and violence.

§ 58 Counselling for the environment of sex workers

Family members, children, and the immediate social circle of sex workers have the right to receive free and anonymous counselling and support in cases of stigmatisation or stress caused by their work. This counselling is intended to help counter prejudices and achieve equal and respectful interaction. This counselling can be provided by recognised sex work counselling centres that meet the minimum requirements of Section 47. The federal and state governments provide the necessary funding for this.

7. Data and Statistics

§ 59 Federal Statistics

(1) For the purposes of this Act, surveys shall be conducted annually as federal statistics on the following matters:

- a) registration of sex work as a self-employed or freelance activity,
- b) rejection of registrations of sex workers as self-employed or freelance activities,
- c) application for a permit to operate a sex work business,

d) granting a permit to operate a sex work business,

e) refusal of permission to operate a sex work business,

f) withdrawal and revocation of a permit to operate a sex work business,

g) notification of a sex work event,

h) issuing a permit for a sex work event,

i) refusal of permission for a sex work event,

j) withdrawal and revocation of a permit for a sex work event,

k) notification of the installation of a sex work vehicle,

l) prohibition of setting up a sex work vehicle,

m) withdrawal and revocation of a permit to set up a sex work vehicle.

(2) The collection is subject to an obligation to provide information. The authorities responsible for handling the matters referred to in paragraph 1 are obliged to provide information.

(3) The competent authority may transmit personal data to the statistical offices of the federal states only in anonymised form.

(4) For the purposes of these federal statistics, personal data may only be processed in anonymised form.

§ 60 Data processing; data protection

(1) The competent authority may process personal data of sex workers, operators of a sex work business, and persons relevant to the decision on whether to grant a permit, insofar as the data is necessary for the implementation of this Act, in particular for assessing reliability. Section 11 of the Trade Regulation Act shall apply *mutatis mutandis* to the processing of personal data of operators of a sex work business and persons relevant to the decision on granting a permit.

(2) Personal data of sex workers is exempt from

public business disclosure (Gewerbeauskunft).

(3) Personal data collected under this Act may only be processed for the purpose of monitoring the exercise of a sex work business or sex work activity, unless this Act provides otherwise.

(4) Personal data of sex workers may not be transmitted to non-public bodies. The permissibility of processing personal data of sex workers in anonymized or pseudonymised form for research and statistical purposes is governed by the relevant federal and state laws.

(5) Within the framework of health counselling, personal data of sex workers may only be processed for counselling purposes. This may only be transferred to another body with the consent of the sex worker in accordance with the data protection regulations of the respective country.

(6) Furthermore, transmission of personal data collected under this Act shall only be permissible if knowledge of the data is necessary for the prosecution of criminal offences or administrative offences resulting from a breach of this Act or if a special legal provision so provides

§ 61 Authorisation to issue regulations

(1) The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth may, with the involvement of the interest groups of sex workers and in agreement with the Federal Ministry of Health and the Federal Ministry of Labour and Social Affairs and with the consent of the Federal Council, issue more detailed regulations by means of legal ordinances:

a) to specify in more detail the minimum requirements for sex work establishments and premises used for sex work events pursuant to Section 34 paragraphs 1 and 2,

b) to specify the minimum requirements for sex work vehicles pursuant to Section 38 paragraphs 1 to 3 ,or

c) to specify in more detail the requirements applicable to the operation of sex work businesses pursuant to Section 33 to protect the health and safety of sex workers and third parties.

(2) The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, in consultation with the Federal Ministry of the Interior, Building and Community and with the approval of the Federal Council, shall issue a legal order detailing the maintenance of federal statistics. The legal order shall also specify which data is to be transmitted to the statistical offices of the states as survey and auxiliary variables for federal statistics

8. Miscellaneous

§ 62 Evaluation

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth will evaluate this law on a scientific basis, taking into account the practical experience of all parties, particularly the experiences of sex workers and scientific experts appointed in consultation with the German Bundestag and sex worker advocacy groups. The evaluation will begin on XX.XX.XXXX. The evaluation report must be submitted to the German Bundestag by XX.XX.XXXX at the latest. The aim of the evaluation is to determine the impact this law has on sex workers and how they could be further strengthened and supported legally.

§ 63 Transitional provisions

1) Persons who were already self-employed in sex work before XX.XX.XXXX and were registered under the ProstSchG will receive a discreet inquiry from the tax office as to whether they wish to continue as self-employed or freelance.

(2) Anyone who has already operated a sex work business before XX.XX.XXXX and registered it under the ProstSchG will receive a di-

screen inquiry from the tax office as to whether they wish to continue the business under the new law.

(3) If you wish to deregister a business or self-employed activity, your personal data must be deleted in accordance with the ProstSchG.

9. Glossar

Mandatory Registration

According to the Prostitutes Protection Act, all sex workers must register as prostitutes with a state-authorized body. These vary from region to region: health authorities, police authorities or external providers. This registration must be repeated regularly (18-21 years of age annually, from 21 years every two years). The aim is to register sex workers and recognize those affected by human trafficking.

BDSM

Short for bondage, discipline, sadism, masochism. It is a form of sexuality with certain practices and aesthetics, which often cater to certain fetishes or kinks (sexual preferences). Sex workers who offer BDSM often do so in BDSM studios, which are legally regulated businesses

Establishments / operators

In this document, we refer to places of work that are used by sex workers for payment as establishments. People who own or manage these places are operators. Establishments can be brothels, strip clubs, BDSM studios, escort agencies, but also online platforms that are used for the advertising of sexual services or the sale of goods such as pornography or worn underwear.

Camming

This is a form of digital sex work in which sex workers offer erotic performances or conversations for a paying audience in online live streams.

Escorting

This is a form of sex work involving direct physical contact with clients. The working reality of escorts can be very different and is usually based on the needs of the provider and the clientele. In most cases, the term prostitution means escorting.

Digital space

This includes the online space as well as electronic devices for information processing such as computers or mobile phones. In the information age and the increasing digitalisation of our societies, sex work is also shifting more into digital spaces, away from physical locations such as bars or streets. A large proportion of advertising by sex workers, but also more and more services, are being realised online.

Doxxing

Doxxing is a criminal offence and refers to the unauthorised dissemination of (sensitive) personal data against a person's will with the aim of harming or blackmailing that person. This can be particularly dangerous for sex workers if real names or addresses are made public.

Double standard

A double standard is the (usually critical) term used to describe the perceived unfair treatment of groups of people who should actually be treated equally. Sex workers in p. 40 Germany, for example, describe the recognition of sex work as work and the corresponding taxation with simultaneous special

regulations that make the work more difficult as a double standard.

Drittstaatsangehörigkeit

Diese haben Menschen mit einer Staatsbürgerschaft, die nicht der Europäischen Union (EU), dem Europäischen Wirtschaftsraum (EWR) oder der Schweiz angehört. Drittstaatsangehörige benötigen zum Aufenthalt in Deutschland einen Aufenthaltstitel, also eine behördliche Genehmigung.

Entkriminalisierung

Unter Entkriminalisierung versteht man allgemein das Streichen von strafrechtlich relevanten Handlungen. Häufig geht damit eine anderweitige Regulierung einher, bspw. durch Rechtsansprüche. Das Streichen der Sittenwidrigkeit von Prostitution war bspw. eine, wenn auch unzureichende, Entkriminalisierung von Sexarbeit – welche jedoch wieder durch Regulierungen nach dem ProstSchG relativiert wurden. Die Entkriminalisierung von Sexarbeit ist eine zentrale Forderung von Sexarbeitenden und Unterstützenden weltweit und beinhaltet das Streichen von Strafen und stattdessen eine Betonung von Rechten und Versorgungssystemen für Sexarbeitende. Länder, welche die Entkriminalisierung von Sexarbeit eingeführt haben sind bspw. Neuseeland und Belgien. Länder wie Südafrika, Indien sowie Teile Australiens und der USA debattieren aktuell eine Einführung der Entkriminalisierung. Eine Entkriminalisierung ist nicht gleichzusetzen mit der Legalisierung, siehe unten.

Freelance work (artistic work)

Freelancers work independently without registering a business. This reduces bureaucracy and means, among other things, no trade tax. According to Section 18 EStG, freelance activities also include artistic professions such as visual artists, musicians, actors, dancers, writers, directors, designers (with artistic

aspirations) and photographers (if self-creative). The prerequisite is a self-creative achievement that goes beyond pure craftsmanship. Self-taught skills can also be recognised; a degree is not necessary. Sex work is currently usually recognised as a self-employed or commercial activity. However, forms of sex work and large parts of the activity associated with the work, such as performative, staged or aesthetically creative activities, should be recognised as artistic freelance work. Such recognition would contribute to destigmatisation and enable better access to social security (e.g. via the Artists' Social Security Fund and the Artists' Social Insurance Act).

Health counselling

According to the Prostitutes Protection Act, all prostitutes must attend mandatory health counselling. As a rule, this includes a discussion on contraception, sexually transmitted infections and condom use, and is carried out by the local health authorities. An originally planned mandatory medical examination was not included in the ProstSchG following protests.

Criminalisation

This refers to prohibition orders and the declaration of certain acts as criminal offences. People who carry out such acts are declared criminals. Criminalisation can take place in stages, for example, by punishing certain acts as criminal in a certain context. In Germany, sex workers and supporters criticise the criminalisation of sex workers through, for example, the obligation to register or restricted area ordinances. Criminalisation often makes access to jobs, care systems or support services more difficult, as those affected have to remain hidden or at least perceive themselves as such.

Legalisation

Legalisation occurs when certain actions are declared lawful. This also goes hand in hand with the definition of what is illegal. Legalisation is the current legal model for prostitution in Germany. Sex workers and supporters criticise the fact that there is an imbalance between legality and illegality due to special regulations. For example, there are many sex workers who cannot or do not want to register as prostitutes by law and are therefore forced into illegality, which in turn leads to the problem of criminalisation.

Human trafficking

This term refers to the trafficking and abduction of people against their will. Coercion, violence and exploitative structures and dependencies are often exploited, which is favoured by the insecure (legal) conditions of those affected. While public discourse often focuses on sexual exploitation, human trafficking is particularly common in the agricultural sector, the construction industry and domestic labour.

Pornography / porn performers

Pornography is a form of sex work in which erotic and sexual images and acts are recorded in the media, for example as photos or videos, but also as audio recordings. People who are on these recordings are considered porn performers. These recordings are sold for money. Pornography is hardly regulated by law in Germany and porn performers complain about the lack of (labour) rights. Contrary to popular perception, there are mechanisms within the porn industry to ensure safety and consensus, such as consent talks before filming, contracts and written agreements. Pornography is increasingly a politically contentious issue and is sometimes aggressively combated by politicians, organisations or (banking) companies

Prostitution

From Latin prostituere, to display, to expose. It usually refers to the offering of sex for pay-

ment and only includes the part of sex work that takes place directly in front of customers. Other forms of sex work are thus excluded. While some consider the term to be discriminatory due to its historical and social connotations, it is also sometimes used as a self-designation. The term is mainly used in legal terminology.

Prostitution Act (ProstG)

This law came into force in 2001 and abolished the immorality of sex work. Instead, sex work was recognised as work and sex workers received their first rights, such as the enforceability of wages

Prostitutes Protection Act (ProstituertenSchutzGesetz -ProstSchG)

The Prostitutes Protection Act came into force in 2017 and built on the ProstG. It contains many regulations for sex workers and operators, which are to be monitored by state authorities or external service providers. There have been many protests against the Prostitution Protection Act: sex workers, advice centres and associations criticise the excessive focus on strict regulation and criticise insufficient rights for sex workers.

Swedish Modell

Also known as the Nordic model, punishing clients, sex purchase ban, end-demand model. The Swedish Model was introduced in Sweden in 1999 and has been promoted worldwide by Swedish authorities ever since, despite an evaluation that judged the law to be inadequate and harmful to those affected. Under this model, paying for sexual services is to be criminalised, but sex workers are to be unpunished and encouraged to leave sex work. (Swedish) sex workers criticise the fact that law enforcement agencies are nevertheless targeting them and that the law makes their work more difficult and unsafe. It is seen as a door opener for further bans. The Swedish parliament is currently discussing an exten-

sion of the criminal offence to the purchase of pornography in accordance with the Swedish model.

Restricted area ordinance

This is the name for a special law in the Penal Code (Article 297 EGStG) according to which the offering and carrying out of prostitution is prohibited in a certain area, despite the general legalisation of sex work. The restricted areas are determined by the authorities of a federal state

Sex work

This is a self-designation coined by the feminist and sex worker Carol Leigh in the early 1980s. Leigh felt that the debate surrounding prostitution was patronising and that sex workers were marginalised. By focusing on the labour aspect, a radical analysis and a differentiated discourse were to be made possible. Today, the term is used worldwide by sex workers and supporters as a generic term for sexual or erotic labour and includes numerous working methods and locations.

Sexualised violence

Acts of a sexual nature that are carried out against a person's will and (deliberately) disregard their sexual and physical self-determination are referred to as sexualised violence. It can occur physically on the body (e.g. through rape or touching), verbally and non-verbally (e.g. sexual harassment through comments or gestures and looks) but can also take place in digital spaces (e.g. through the unwanted distribution or sending of nude images). Sexualised violence is a criminal offence. Offenders who perpetrate sexualised violence often aim to satisfy themselves by exercising power and violence

Sexual exploitation

Sexual exploitation is a form of sexualised violence in which not only the exercise of power and violence is the aim of the offender(s), but also serves commercial purposes (e.g. by making unauthorised audio, image or video recordings and selling them illegally or making the person concerned available to other paying offenders). An exploitative relationship is often fostered by the emergency situation of the person concerned (e.g. poverty or insecure residence status) and can be accompanied by poor or no payment for the person concerned. The boundaries to so-called 'forced prostitution' and human trafficking are therefore fluid and dependent on the context.

Stigmatisation

Stigmatisation is a form of discrimination and describes a social process in which certain characteristics are ascribed to a (supposed) group of people and on the basis of this they are disadvantaged or discredited. Stigmatisation usually develops and becomes established over a long period of time and is historically, culturally and politically charged. Stigmatisation goes beyond individual cases of discrimination in that it is legally, institutionally and structurally anchored and has real consequences for stigmatised persons. Sex workers and supporters see the stigmatisation of sex workers as a central starting point for discrimination and violence against sex workers. For example, carrying a 'whore passport' as part of the registration requirement under the Prostitution Protection Act is described as a 'stigma by law'. This practice of labelling sex workers dates back to the European Middle Ages and is evidence of a persistent general social and political mistrust of and a desire to regulate the bodies and work of sex workers. On the basis of this supposed otherness and the associated control, both individual acts of violence (e.g. insults, assaults and robbery) and institutional and structural discrimination (e.g. the blocking of bank accounts or denial of access to the housing market or healthcare system) are favoured.

Street-based sex work

This is also known by the obsolete term "street prostitution". It refers to sex work where the workplace is an (established) street, an adjacent building or another public place (e.g. parks, bars, parking lots or stairwells). Street-based sex work is carried out in particular by those sex workers who are denied other places of work (e.g. due to the obligation to register under the Prostitution Protection Act, an insecure residence status or trans hostility). Common safety measures that exist in brothels, for example, do not exist in street-based sex work. Instead, sex workers create their own measures, such as safety tandems with other local sex workers. As street-based sex work is more visible in public spaces, it is also exposed to increased controls (by authorities), increased violence (by residents, for example) and displacement (e.g. through urban gentrification).

Sugaring/Sugar Babies/Sugar Daddies/Sugar Mommies

Sugaring refers to a form of sex work in which an employment relationship and a relationship between the service provider and the customer is concealed as such. The reason for this is often the stigmatisation or criminalisation of sex work. 'Sugar' refers to the money or material goods provided by sugar daddies or sugar mommies (customers) in return for the emotional or sexual work performed by sugar babies (sex workers). Sugaring is characterised by a high degree of (portrayed) intimacy. The boundaries between sex work and personal relationships can be blurred here.

Unresolved residence status

This describes a situation in which a person does not have a valid residence title or legal residence permit. This can be due to unauthorised entry or residence, the loss of a permit or an unresolved asylum decision. An unresolved residence status can lead to massive disruption to the lives of those affected, for example by having to go into hiding or losing access to or not using support measures and legal systems. As an ongoing emergency situ-

ation, an unresolved residence status fosters forced situations and exploitative conditions.

Forced prostitution

"Forced prostitution" is a criminal offense in which people are forced to offer sexual acts against their will. This is not prostitution in the true sense of the word, as it requires the consent of the person performing the sexual acts (regardless of precarious living conditions) and is legal as a form of work in Germany. For this reason, the term "forced prostitution" should be viewed critically and a more appropriate term would be sexualized violence, sexual exploitation or human trafficking for the purpose of sexual exploitation

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