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Corruption and trafficking in women. The case of Bulgaria.

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ABSTRACT

Corruption is believed to be one of the key instruments adopted by organised criminal groups to avoid detection and obstruct counter-trafficking efforts. Although the use of corruption is often mentioned along with human trafficking, few studies have empirically explored the factors and mechanisms behind this nexus. The current report provides new insights in this little explored area, drawing on a study carried out in Bulgaria (identified as an important source country) as part of the project ANTICORRP, financed under the FP7 Programme of the European Commission. The study explores key aspects of the link between human trafficking and corruption, especially focusing on the role of corruption in avoiding prosecution, obfuscating investigations and court trials already underway and minimising punishments where aforementioned efforts have failed. The research findings shed light on the following key aspects of the link between corruption and trafficking: 1) the most prominent corruption channels and the actors involved in protecting members of organised crime from persecution; 2) the corruption reach of different organised criminal groups; 3) main factors facilitating the emergence of corruption schemes (legislation, socio-economic factors, ties between those working in black markets and the influential leaders of now legal companies, heirs of criminal holdings, etc.). The impact that corruption linked to trafficking has on victims is also addressed and recommendations for tackling the problem are advanced. The methodology involved analysis of media reports, analysis of court cases and in-depth semi-structured interviews with NGO practitioners, law enforcement officers and prosecutors.

KEYWORDS

human trafficking, corruption, organised crime, Bulgaria

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ACRONYMS

- DGCOC** – Directorate General for Combatting Organised Crime
- GDP** – gross domestic product
- MoI** – Ministry of the Interior
- NCCTHB** – National Commission for Combatting Trafficking in Human Beings
- NGO** – non-governmental organisation
- OCG** – organised criminal group
- SANS** – State Agency for National Security
- THB** – trafficking in human beings

ANNEXES

- Annex 1:** Codes and details of interviewees
- Annex 2:** Completed court trials on human trafficking from Pleven, Sliven and Pazardzhik first instance regional courts and the Specialised Criminal Court for the period 2012-2015

I. INTRODUCTION

Corruption is an important facilitating mechanism for human trafficking (PACO, 2002; Hughes & Denisova, 2001). The link between the two crimes is especially relevant in countries like Bulgaria, which traditionally have had very high levels of corruption. The place that a particular country occupies on the continuum between source and destination for victims can have a bearing on the type and spread of corrupt practices connected to this particular kind of crime. According to recent studies, Bulgaria along with Romania occupies one of the leading places among the countries of origin for victims of trafficking in the EU (Eurostat, 2015: 34). In the period between 2004 and 2015 an estimated 3,000 to 4,500 Bulgarian victims have been trafficked to Western Europe.¹ However, this number is significantly lower than that of actual victims since it is based only on registered cases of trafficking. Different assessments put the number of victims seeking assistance from state institutions between 8 and 10% of the total (CSD, 2007). The main destinations for victims from Bulgaria are Western European countries (among them Germany, Greece, the Netherlands, Italy, Spain, France, Switzerland, Austria etc.) (UNODC, 2012; Doichinova et al., 2015: 18). Aside from being a key source country with regard to victims, the majority of suspected traffickers of EU citizenship in the period 2010-2012 also came from Bulgaria and Romania (where the number of convictions is much higher and has doubled for the same period) (Eurostat, 2015). Similarly, all suspected traffickers operating in Bulgaria were natives (Ibid).

Bulgarian legislation distinguishes between types of exploitation thus allowing for the collection of differentiated data. Trafficking for sexual exploitation, especially of women and girls, is the leading form of trafficking in the country (NCCTHB, 2014: 9). In 2013, the vast majority of persons (80%) were trafficked for that purpose, about 90% of whom were women (PORB, 2013). However, an increase in the number of men and boys becoming victims of trafficking (from 4% in 2008 to 12% in 2013 (Mancheva, Ilcheva, & Doychinova, 2014) has been observed. Considering that the main goal of trafficking is sexual exploitation, it is important to address the legal status of prostitution as sex workers are especially susceptible to become victims. In Bulgaria, the commercial provision of sexual services is not itself a criminal offence but all other related activities are illegal: pimping, running brothels, providing premises for lewd acts, etc. Even though prostitution is not illegal, charges for living off funds earned in an illegal or immoral way or for lacking identification documents are often brought against sex workers (Dobreva, 2013). Even more alarmingly, victims of trafficking have sometimes been prosecuted for illegal border crossing (Ibid). Therefore, in reality they can be and are treated in many cases as perpetrators and not as victims of crime. In 2013, an attempt was made to stem demand for prostitution by criminalising the use of victims of trafficking for lewd acts. However, this provision of the Criminal Code has rarely been invoked (Ibid).

In Bulgaria, the link between organised crime and prostitution originated in the early 1990s. Research by NGOs and other experts, suggest that in the late 1990s and early 2000s about 95%

¹ The calculation is based on data from the Center for the study of Democracy (2012), Eurostat (2015) and preliminary data for 2015 from the Bulgarian Prosecution Office. However, it is likely that some of these victims have been registered more than once for that period.

of prostitution was controlled by organised crime (Dobрева, 2013). Later estimates show a decrease but nevertheless still significant OCG involvement in prostitution and trafficking (CSD, 2012). According to different studies, the trafficking of people for sexual exploitation is not only a significant source of revenue for organised criminal groups but also has a substantial influence on the country's social and economic system. Different assessments put the proportion of Bulgarian GDP connected to prostitution in and outside of the country between 3.6% and 7.2% (CSD, 2007). Both criminal activities are highly lucrative businesses of international and even global nature, generating huge amounts of illegal profit. Bulgarian organised crime generates an estimated €1.46 billion annually from trafficking and between €123 million and €203 million from domestic prostitution (CSD, 2012). OCG dominance over trafficking and the market of sexual services further increases the vulnerability of sex workers to trafficking (Dobрева, 2013) and complicates detection and prosecution as will be demonstrated in this report. Nevertheless, despite the extent of the problem, data released by the Bulgarian Prosecution indicates that only 16% of all cases of crimes committed by organised criminal groups that reached trial phase in 2013 involved charges of human trafficking (PORB, 2013). From the cases that do reach courts, it appears that the majority are concluded by a settlement (See Annex 2). Suspended sentences predominate and when effective sentences are given, they are close to the minimum – or even below it – foreseen for this crime (See Annex 2), despite the presence of aggravating circumstances in many cases.

Recognising the extent of the problem of trafficking, Bulgaria has expanded and sharpened its legislation. In 2002, amendments to the Criminal Code were adopted adding a new section on human trafficking incriminating both national and trans-border trafficking in human beings as a separate offence. Parallel to expanding and introducing more detailed criminal law regulations on human trafficking, legislation and policies aiming to enhance protection of victims of trafficking were developed and implemented. Furthermore, Bulgaria developed a specialised institutional infrastructure for countering THB. The main body is the National Commission for Combating Trafficking in Human Beings (NCCTHB) at the Council of Ministers. It is acting as an equivalent mechanism to a national rapporteur to the European Commission on trafficking in Bulgaria, as well as a national anti-trafficking coordinator. It coordinates the work of the national Mechanism for Referral and Support to Trafficked Persons (Kozhuharova et al., 2010) which was first implemented in 2008-2010. Furthermore, NCCTHB is responsible for the annual development of a national programme for preventing and combating human trafficking and protecting victims, which is subsequently presented to the government for adoption (NCCTHB, 2015).

The current report examines the corruption mechanisms that OCGs use to facilitate THB and outlines the historical development of the phenomenon of trafficking, the criminal groups which control it and current state of affairs. The major criminal actors involved have been identified with their preferred modus operandi with regard to trafficking and corruption mechanisms. Based on these findings, recommendations on combatting corruption linked to THB are advanced. The report was developed using a **methodology** which combined desk review of secondary data (both academic and grey literature), in-depth interviews with law-enforcement officers, judicial investigators, lawyers, prosecutors, pimps and sex workers carried out in the period 2006-2015 (see Annex 1), analysis of media reports and a review of court cases on trafficking for the period 2012-2015 from three cities known for being sources of victims and from the Specialised

Criminal Court (see Annex 2). Based on the reports and the interviews several illustrative cases have been selected and presented in detail.

II. LINKS BETWEEN HUMAN TRAFFICKING AND CORRUPTION

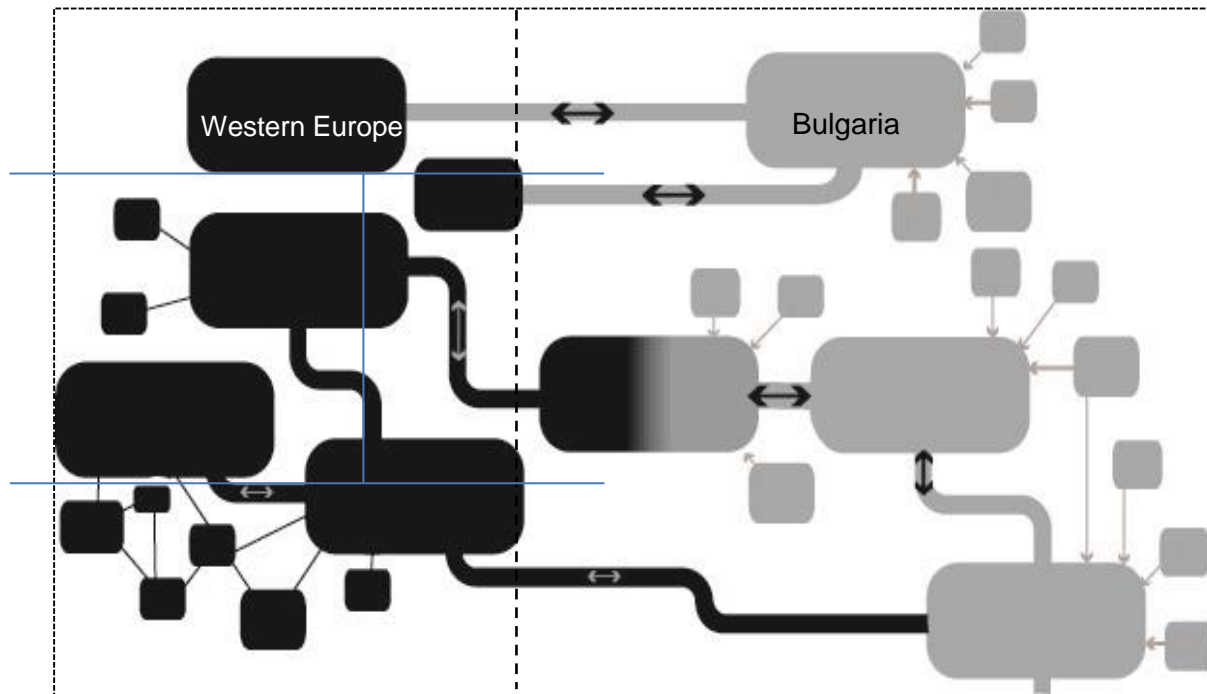
1. Development of THB in Bulgaria

In order to understand the significance of corruption practices in facilitating THB in and from Bulgaria, it is necessary to briefly address the historical context of the emergence and evolution of the criminal structures involved in it. The development of THB in Bulgaria can roughly be divided in three periods. The first one is from the fall of the Soviet bloc to the removal of visa requirement for Bulgarian citizens entering Schengen (1990-2001). The second period is up until the entry of Bulgaria in the European Union (2001–2007) and the third encompasses the years from 2007 to the present. It is important to note that every stage in the evolution of THB has had an influence on shaping the current corruption channels and mechanisms.²

During much of the nineties Bulgaria was in a state of permanent political, societal and economic crisis. The country's political class and institutions were unprepared for transitioning to and functioning as a market economy. The poorly handled process of privatisation and the outdated legal framework could not fulfil the expectations of Bulgarian society for a fair transition towards a stable democracy. In addition, during the first months of 1990 large numbers of law enforcement and judiciary personnel resigned and for the rest of the decade the police, prosecution and the court system barely functioned. As a result of this situation, in the middle of the decade sizable criminal organisations emerged, such as VIS-2, SIC, Apollo Balkan, Corona Ins., etc., which undermined and eventually took over state monopoly on violence through various forms of protection racket. These sizable OCGs managed to subdue whole regions to their control and in some cases even acquired national outreach. As they were already involved in contraband, stolen cars and drugs trafficking, these criminal associations were well placed to engage in THB as well. They established control over the market for sex services through ownership of hotels, night clubs and bars in big cities and resorts. Each of these OCGs had its own chain of brothels which gradually turned into a nation-wide network of "reservoirs" of sex workers (CSD, 2007) (see Figure 1).

² The conclusion is made on the basis of a number of interviews with high ranking law enforcement officials (BG-P1, BG-P2, BG-P6, BG-P8, BG-P13, BG-P17, BG-P18).

Figure 1. Network of connected “reservoirs” for sex workers



Source: Center for the Study of Democracy

During the first period, the tight visa regimes of Western European countries were a key factor in determining destinations. At the time, Bulgarian citizens still had free access to the states of Central Europe and thus the export of women was largely incidental as victims were brought to easy to reach countries in that region. Hotels and night clubs in the big cities of Poland, the Czech Republic and Hungary together with small towns close to the borders of Germany and Austria became destination reservoirs (BG-P1, BG-P3, BG-P17). With time, steady channels developed among a wide grid of such reservoirs as women could be stationed in Central Europe and later transported further to EU countries such as Greece, Italy, Germany and the Netherlands (BG-P1, BG-P8, BG-P9). The barriers to reaching lucrative sex markets meant that very few Bulgarian sex workers in Western Europe worked outside the control of criminal networks. In addition to from regular violence, corrupt practices became one of the key methods supporting THB (BG-P1, BG-P2, BG-C3). Gradually, whole corrupt complexes emerged involving Bulgarian border guards, officials from the migration and passport services, local police chiefs, officials from the special police bodies tasked with fighting organised crime, magistrates at different levels and even politicians (BG-P2, BG-P19). This system was complemented by the involvement of Western European officials who secured visas, residence permits, registration of rent contracts, etc. (CSD, 2007; Rusev, 2013).

During the second phase, a significant rise in THB occurred after the requirement for Schengen visa for Bulgarians was lifted in 2001. Sociological studies show that prostitution emerged as a widespread occupation in many Bulgarian cities (Mediana Agency, 2008a and 2008b). Sex workers could hardly escape OCG control, and work in the sex services industry outside of the country continued to be possible only through the criminal structures for 80-90% of them (BG-

P1, BG-P2, BG-P14, BG-C3). In two to three years, Bulgaria became third, and in some Western European states second, country of origin for THB victims. Organised crime developed a particular infrastructure at all stages of the trafficking process incorporating the system of reservoirs and developed solutions to the barriers they encountered. For example, the restriction of three month stay for tourists in Schengen countries gave rise to the model of weekly shuttles, which transported sex workers from Bulgaria to other cities in the EU and back. In the early 2000s, the big organised criminal groups were still predominant and simultaneously controlled networks of pimps in several Western European countries. The criminal groups benefited significantly from the large number of women willing to work in the sex market. The financial resources generated by OCGs were used to ensure the smooth running of the THB operations (BG-P1, BG-P3, BG-P17). Police officers were bribed to hide information, to ignore complaints by concerned relatives of recruited women, to ignore outside requests for cooperation in investigations and to withhold information about victims that were returned to the country. Border guards and passport services were paid to falsify documents for traffickers and victims extradited from the EU and in cases of travel bans (BG-P14, BG-P16, BG-P17, BG-C2, BG-C4). During this period, THB cases began reaching the desks of local prosecution and courts. OCGs thus started to put more efforts into avoiding the initiation of court procedures and the delay of verdicts. This was done by directly bribing magistrates or through the use of intermediaries (BG-P16, BG-P17, BG-P21, BG-P22, BG-C1).

The third period can be described as a phase of adaptation (BG-P1, BG-P3, BG-P17, BG-P18, BG-P21). The rise in the number of Bulgarian victims, prompted a reaction by law enforcement and judicial institutions in Western Europe and the first important international investigations took place. With the upcoming accession of Bulgaria in the European Union, Bulgarian institutions increased pressure on the criminal organisations including the ones linked to THB for sexual exploitation. The violent period subsided at the turn of the century and many of the big criminal holdings passed through a process of legalisation and were eventually replaced by looser criminal networks (BG-P1, BG-P3, BG-P14). Their main strategy for adaptation involved transformation into a small business model which came to dominate the market for sex services. Use of physical violence was reduced to a minimum and only applied as a last resort, and traffickers employed more subtle tactics to entice victims, such as the “lover boy” recruitment method. The goal was to represent prostitution as the deliberate choice of the women (BG-P1, BG-P3, BG-P14, BG-P21, BG-P22, BG-C1, BG-C2, BG-C3). Criminal networks also had to adjust to the new situation where the control over the victims became more elusive and difficult to exert (BG-P1, BG-P14). The opportunity to study at European universities with low tuition fees and to work legally in some EU countries (after 2014 in all) forced criminal networks to change their approach. This has been the case with the rise of the internet and mobile phones, which gave more freedom to sex workers to work independently but also gave criminals more opportunities for control (BG-P1, BG-P4, BG-P6, BG-C1, BG-C2, BG-C5, BG-C6).

While the environment has changed, the enduring importance of OCGs in THB should not be underestimated. The interviews suggest that criminal networks continue to play an important role in the trafficking process and provide a number of much needed market and security services. Women that attempt to work independently in Western Europe are often exposed to violence by clients or other criminal groups and have difficulties in finding work places that provide enough

clientele.³ Similarly, the way technology has changed prostitution markets appear to remain off the radar of Bulgarian law enforcement and judicial institutions. With Bulgaria's accession to the EU, corrupting border police and passport services has become obsolete (Rusev, 2013). Avoiding prosecution came to the forefront as the most important protection that OCGs needed and efforts were directed in two main avenues. Firstly, securing significant influence over politicians meant that police and specialised agencies could be prevented from interfering with the recruitment of women. Secondly, having leverage in the judicial system allowed criminal networks to avoid charges being brought against them, to significantly slow down court procedures and to minimise the number of guilty verdicts (BG-P1, BG-P17, BG-P21).

It is important to note that a certain core structure resting on enduring relations between members of the old criminal organisations remains essential to the successful operation of THB. Local criminal groups turn to this core for support when they become the target of police investigations and court proceedings and repay by providing local support with regard to investments, elections in the judiciary and political campaigns. The starkest and most frequently observed cases of obstruction of prosecution are made possible by the ability of the old criminal authority⁴ to influence public officials, politicians and political formations (BG-P1, BG-P17). Such examples will be examined in further detail in the next sections.

1.1. Current organisation of THB

The evolution of THB and other core OCG activities in Bulgaria over the last 25 years determined the features of the criminal networks which are currently involved in it. As already mentioned, many of the present networks are fragments of the so-called violent entrepreneurship prominent in Bulgaria, Russia and other states in Eastern Europe during the nineties (CSD, 2007; Volkov, 2002). However, the radical change in environment experienced after 2007 resulted in a **division in two distinct groups**. The first one consists of OCGs connected to the traditional criminal holdings and in addition to prostitution and THB are also involved in other criminal activities like drug smuggling, car theft, skimming, etc. The second group is also connected to the old criminal organisations since they pay in order to operate and to use the old infrastructure of source and destination reservoirs to recruit women. Furthermore, the old criminal core is approached for assistance in cases of problems with authorities. The main difference between the first and second group is that the latter views the offer of sexual services as a purely **business activity** and eschews involvement in other risky illegal enterprises. The second group employs three main models for export of sex services to the EU countries, as well as Switzerland, Turkey and Norway (BG-P1, BG-P3, BG-P10, BG-P12, BG-P17, BG-P18, BG-P20, BG-C1, BG-C3, BG-C7, BG-C8).

³ Several studies based on interviews with sex workers and pimps, carried out by the CSD in the period 2006-2014.

⁴ An "avtoritet" is a prominent violent entrepreneur, leader of an important criminal group. Established avtoritets have a reputation which allows them to control and support criminal activities without getting directly involved. The avtoritet's name and reputation are the group's trade mark and carry important connotations of influence when used. Independent criminal groups cannot operate in the same territory without the approval of the avtoritet and payment to his group (Volkov, 2002).

- **The model of direct involvement.** This model is decentralised and involves the same criminals at all stages of the trafficking process, from recruitment to the everyday running of the business. The pimp finds a woman in Bulgaria⁵ or outside the country, offers her a job in one of the reservoir cities and brings her there once she agrees. The main function of the pimp is to protect the sex worker, to find customers and to solve logistic hurdles such as finding a place to live, securing a residence permit, etc. As the internet and social media have grown in importance, the pimp also takes part in communicating with clients. In order to effectively protect the sex worker, the pimp works in cooperation with friends and other Bulgarians. In case he wants to expand the enterprise, the pimp can find a second and a third woman. During the recruitment process, the first sex worker is left under the protection of friends from the network and the pimp returns the favour when needed. Generally, this model is successfully hidden from the police provided there are no conflicts. In reality however, rifts occur frequently due to reasons such as competition for control over better work places or over the women with highest earnings (BG-P1, BG-P3, BG-P7, BG-P10, BG-P12).
- **The model of differentiation and specialisation.** This model has vertical chains of command and division of labour among those engaged in the activity. Specialisation begins with the recruitment of women. The first group of recruited women is tasked with cruising malls, clubs and other establishments, browsing Facebook, WhatsApp and other popular social media sites to find other women that they can enlist for work in prostitution. Once a potential victim is found, she is brought to the managers –experienced pimps with connections who can supply profitable workplaces. They offer a deal depending on the available work places and the wishes of the woman. The new sex worker is taken outside of the country and to the destination city by one of the women recruited earlier. The new sex worker is then taken over by another participant in the network who protects her, manages her and collects dues from her. Usually these are Bulgarian nationals from the same city, who cooperate among each other inside of their own network and under the control of the manager. The main condition for the successful operation of the scheme is again lack of conflict. Once there is a problem with a certain pimp or a sex worker, the network cuts ties with him/her. In addition, problematic individuals often receive some sort of compensation such as a work place outside of the territory controlled by the network and a sum often agreed beforehand. The goal is to avoid any alerts to the police, prosecution or NGOs. Despite such efforts, however, conflicts arise frequently, which necessitates the existence of a crisis-response mechanism. This is where the role of lawyers in and outside Bulgaria is key (BG-P1, BG-P3, BG-P10, BG-P12).
- **The family model.** This model usually involves couples, where the wife/girlfriend works and the husband/boyfriend assists. Under this type of configuration, the couple pays for the services they use, such as the terrain where the sex worker works, but also keeps all profits for themselves. Such small arrangements usually function independently from the Bulgarian criminal networks in their day-to-day activities. They are mostly free of conflict

⁵ Often - due to demographic changes - outside his own reservoir.

and racketeering. On the other hand, they are often vulnerable to violence and delations to foreign law enforcement institutions (BG-P1, BG-P3, BG-P10, BG-C7, BG-C8).

Despite differences between the models, all traffickers are dependent on the reservoir infrastructure and on the new opportunities offered to them by large criminal entrepreneurs. These criminal bosses rent or acquire terrains in Western and Central Europe such as night clubs, rooms in red light districts, escort websites and agencies that offer such services in the fashion and IT industries (BG-P1, BG-P3, BG-P10, BG-C1, BG-C3). With regard to corruption mechanisms, the first two models use the same tactics and avenues which the old criminal holdings developed in the late 1990s and early 2000s. For the third model, the use of corruption schemes “in the initial stages of the process is practically not needed in contrast to the middle and end stages” (BG-P1), as there is almost no risk with regard to recruitment. For the family model, use of corruption practices becomes necessary in foreign markets where problems with the local bureaucracy or police might occur. Conflicts that arise are solved through payments to “those in control of the infrastructure” (BG-C1, BG-P3, BG-P4), i.e. the group of OCGs which are close to the criminal core. Corruption payments become much more necessary in cases of incidents, complaints by the partner and law enforcement investigations. Participants in the other two models also purchase services from group of OCGs close to the criminal core. It is nevertheless unclear whether the corruption payments that this second group of operators – those who consider sexual services as simply business and is not involved in other risky illegal enterprises – needs to make are higher or lower in comparison to the first one (the hard core OCGs). On the one hand, the second group faces fewer risks due to the different role of women and their pimps. On the other, as outsiders to the system they need to pay more (as they do not bribe directly) in order to ensure problem-free operations (BG-P1, BG-P11, BG-P21).

2. Corruption schemes facilitating THB

Different intersections can be used when assessing the role of corruption schemes in facilitating THB. The approach undertaken here highlights the ways through which corrupt relations are employed. Corruption schemes can be provisionally divided in two categories: direct (when criminal groups influence institutions directly) and indirect (when OCGs act through intermediaries). The kind of protection OCGs can afford depends on their size and the extent and durability of their outreach in the institutions of government.

2.1. Direct Influence

Groups operating across the country and having leverage at all government levels

As criminal organisations were increasingly becoming a target of police investigations and court procedures at the turn of the century, many of them laundered the criminal proceeds and transformed into legitimate business holdings. It is widely recognised that many of these currently legitimate business structures were indeed connected to large scale criminal activities during the nineties. Moreover, even after legalising their capital and moving into the legal economy, their owners kept a portion of their criminal structures. Their significant financial capabilities allowed them to respond to pressures from law enforcement and they ultimately succeeded in establishing corrupt relationships with officials from practically all institutions which undertook actions against them (BG-P1, BG-P16, BG-P17). Thus, these holdings had influence all the way to the highest levels of power. Most significantly, the political influence that these

organisations enjoyed helped them evade investigation and prosecution for significant periods of time. Political corruption allowed them to minimise the costs of investigations and prosecutions which could not be avoided; these would be allowed to reach only low level players or particular individuals from criminal organisations. Evidence presented by the prosecution would often be discredited or outright ignored by the courts, witnesses would withdraw their testimonies, etc. (BG-P1, BG-P16, BG-P17). A case in point is operation “Tender Octopus,” which was brought to the public attention in 2010 (see Box 1).

Box 1. The case of the “Tender Octopus”

One of the most notorious examples of the corruption reach of OCGs operating at the national level is the case of the “Tractor” (BG-P16, BG-P17, BG-P18).⁶ The criminal boss⁷ is a former MoI official and an employee of SANS (as well as its predecessor the National Security Service) and enjoyed strong political support. The Bulgarian prosecution initiated two court cases against him, the second of which, codenamed “Tender Octopus,” was for THB. After allegedly becoming the leader of a criminal network involved in prostitution and THB in 1998, his venture expanded until in 2010 it targeted by both MoI and SANS. In the period 2008-2009, when the Tractor was in the height of his political influence, his criminal operations functioned practically undisturbed by law enforcement. The network included legal night clubs and illegal brothels in Sofia, Golden Sands and Borovets - two of the biggest resorts in the country. In the same period, due to the political protection its leader enjoyed, the network took over between half and two thirds of the market for sex services in Sofia (BG-P1, BG-P16). Thus, as a result of the growth of the Tractor’s enterprise, the capital became the most prominent source of sex workers for markets outside Bulgaria. The criminal group exported women for sexual exploitation in almost all EU countries with significant markets. In order to avoid potential problems, violence was used an absolute last resort (BG-P16, BG-C1). According to information from interviews with police officers, one of the most important instruments for securing leverage was the use of video recordings of politicians, magistrates and other influential individuals made in striptease bars, brothels and by sex workers (BG-P2, BG-P6).

The crisis in the Tractor’s business began when he became involved in actively supporting the politicians whose patronage he had enjoyed, thus “offending” the then opposition parties. When these parties came to power in 2009, they launched an investigation into the criminal activities of the group, followed by a number of arrests. Once the Tractor and some of his closest associates were apprehended, a vast array of corruption mechanisms used to

⁶ The authors of this report use nicknames under which the persons who have not been convicted of a crime in court are known to the public. It should, however, be kept in mind that final convictions in key cases are still scarce. Only parts of the activities of large criminal organisations have been proven in court. To focus only on cases where criminal activities have been proven indisputably in court would limit the scope of the report and would lead to paucity in understanding of the corruption practices used by OCGs.

⁷ He is a co-owner of a conglomerate of companies involved in a variety of industries such as trade and real estate. His holding further includes one of the largest insurance and taxi companies in the country. According to the police and prosecution, however, the Tractor’s enterprises include large criminal structures involved in car theft and prostitution.

counteract the investigation and subsequent trial were uncovered. The Tractor illustrates the clientelism and corrupt relations with individuals from the highest levels of government (from members of political parties and the Supreme Judicial Council all the way down to lowest level police officers and taxation officials (BG-P16, BG-P18). An example of the latter is the discovery made by the Internal Security Directorate of Mol that an officer from the Drugs Division of the Sofia Metropolitan Police had, in return for payment, been informing on upcoming raids on clubs, and on which members of the group the police was using surveillance (Kadiiska, 2014). Later, information surfaced that other employees of the Mol surveillance division “have for years been on the payroll” (BG-P4) of the Tractor and his associate known as Mitko the Policeman. In terms of political protectionism secured by the Tractor’s connections, it is telling that once Mitko the Policeman came under investigation in 2009, it turned out that he had no criminal record in the Mol. While even patrol officers were aware which were the “Tractor’s clubs” (BG-P8, BG-P9, BG-P10), the fact that the criminal leader was at the time working as an advisor to the President and the Prime Minister made it practically impossible to imagine an action against even the lower levels of his criminal group (BG-P1).

After the arrest of the most important individuals from the criminal holding, the Tractor’s group initiated a media attack with compromising materials on most politicians, magistrates or senior security officials (e.g. the Minister of the Interior, the Director of the DGCOG, etc.) involved in trying to bring him to justice.⁸ In addition, many of the police officers working on the case, along with the prosecutor and the judge were replaced, raising further suspicion. At the beginning of the investigation, Mitko the Policeman’s lawyers, his brother and other individuals involved in the trial, started pressurising victims into retracting their testimonies (BG-P4). As a result, prosecutions against segments of the Tractor-controlled structure were stalled with the political turmoil caused by media leakages of surveillance recordings. The case against Mitko the Policeman was delayed to the point where most of the witnesses retracted their initial positions. In the fall of 2015, an attempt was made to start the trial in court. However, from a total of forty-three defendants, charges against nine were dropped due to the expiration of statutory limitation periods. Investigators interviewed point to inside help as the most important factor (experts made “errors”, documents disappeared, etc.)⁹ along with pressure over witnesses. Moreover, despite the arrest of the criminal bosses, their

⁸ The substantial financial resources of the group together with the influence in law enforcement give the Tractor and his associates the opportunity to acquire compromising materials against their biggest critics and to circulate them in the media. The Tractor exploits partisan rivalries and supports opposition politicians. Due to the unwillingness of established political parties to be associated with the Tractor’s group, he attempts to create new political parties. He allegedly supported financially and organisationally the street protests against the government in January-February 2013. Subsequently, when the newly formed government also faced protests, the Tractor was involved in the organisation of counter-protests. With the return of the political opponents of the Tractor to power in November 2014, actions against him and his group are limited. Political commentators presume that a political compromise has been reached.

⁹ Various loopholes in the Bulgarian Criminal Procedural Code give the defence the opportunity to stall the process. According to an interview with BG-P18, some of the opportunities that the defence gets are a result of corruption relations between investigators and lawyers.

business recovered within weeks. Additional precautionary measures were taken - all sex services were carried out outside the night clubs and advertisements were published only online. Law enforcement thus did not manage to stop the financial flows to the criminal organisation. As a result of such continued solvency, the capacity to influence witnesses, experts, Mol officials and magistrates was unaffected. As one of the interviewed defendants stated, "it cost much more than usual but it was a matter of life and death."¹⁰

Small criminal groups with political influence at the national level

Usually small criminal groups with influence at the national level are involved in elite prostitution and operate mostly in the capital. Up to ten people comprise the whole organisation including owners, organisers, recruiters and security personnel (BG-P1, BG-P4). Due to the fact that the sex services they provide to influential individuals in politics and the economy need to be confidential, these OCGs have been able to evade police attention for more than twenty years (BG-P17). Even though the sex workers under their control receive substantial remuneration, there are reasons to assume that they are frequent victims of cross-border trafficking, since they acquire a portion of their income from full or part time work abroad. There are numerous witness accounts of forcing women and even of systematic use of violence in the elite prostitution market (BG-P1). Investigations into this market took place in the period 2010-2012 (undertaken for political reasons) but were hindered by political protection and laws carefully crafted so as to make proving criminal activity impossible in practice. Regardless of the form of elite prostitution in Bulgaria, from fashion agencies, music companies to night clubs and striptease bars, the existence of work contracts for the women constitutes a serious barrier for police and prosecutors as it makes proving illegal activities difficult. In some cases, elite sex workers active in foreign markets have well drafted contracts which also regulate work outside of Bulgaria in order to avoid problems (BG-P21, BG-C1).

The main difference between the large and small criminal organisations with influence at the national level, however, is that it is more difficult for the latter to stop an investigation once it has been initiated. In order to ensure the suspension of law enforcement activities, sustained effort at the political level is necessary. This is evident in the development of court cases against such criminal groups. In three of the four important cases started in Sofia the court found evidence of crimes. After a change of governments in 2013, however, all investigations in this area have practically ceased. The specialised police agency for combatting organised crime, the DGCOC was taken out of Mol and moved under SANS, operational cases were archived, the specialised prosecution was terminated and no charges were pressed against those arrested.

¹⁰ The respondent refers to a former GDCOC agent (BG-P19).

Box 2. The case of the VIP Club “Scandal”

The owner of the VIP Club “Scandal” in Sofia was a former European champion in weightlifting and Sofia municipal council member from one of the leading political parties. He was arrested at the Sao Paolo airport, Brazil in October 2011 during an attempt to transport 7.2 kg of cocaine. In May 2012, he was sentenced to nine years and four months in prison by the federal court in Brazil. In January 2013, GDCOC entered his Scandal Club in the Sheraton Hotel, Sofia and arrested five people working there under suspicion of involvement in an OCG engaged in THB and prostitution. In the case materials it was claimed that the owner of the establishment - who has owned the bar since 2006 when he bought it from a prominent Bulgarian politician and businessman – was in fact the leader of the group. Witnesses for the prosecution included some of the people working in the establishment and a victim that was trafficked to the Netherlands. The specialised prosecution took into account the fact that the club owner was already serving a sentence in Brazil and at the time did not press charges. In October 2013, he was mysteriously released from prison and came back to Bulgaria. No charges of drug smuggling were pressed against him despite the fact that the investigation showed the cocaine was destined for Bulgaria. Similarly, no charges were pressed for the participation in an OCG involved in THB and prostitution. The media speculated that his release was secured by influential Bulgarian politicians against whom the Scandal Club owner has compromising materials. Currently, the club is back in business and despite not being the official owner, the former boss is still effectively in charge. It is claimed that he even expanded his business to Spain (Naidenova, 2013).

Criminal structures with local influence

In Bulgaria, it is not only commercial establishments that can function as reservoirs for trafficked women. Some of the larger cities have developed into significant sources of victims for THB, drawing women and girls from surrounding towns and villages. They are subsequently transferred by criminal networks to other places in the country or outside Bulgaria. In cases of internal traffic, the most common destinations are the four largest cities (Sofia, Varna, Bourgas and Plovdiv). Victims transported abroad are usually brought to specific places where the criminal network has an already established presence. Thus, women from different localities are trafficked to service markets in Western Europe (see Figure 1).

There are differences in the organisation of these regional-level reservoirs stemming from the criminal groups involved, the type of collusion with local law enforcement institutions, and seasonal variations. In the three biggest cities except for Sofia – Plovdiv, Varna and Bourgas – the sex services market works under specific principles. Varna and Bourgas are dependent on seaside tourism and thus the market for sexual services grows exponentially during the summer. In Plovdiv, like in Sofia, during the same period activities decline as sex workers migrate to seaside resorts.

Box 3. The Varna Municipal Councillors Case

In 2009, three of Varna's municipal councillors, Hristo Danov, his father Veselin Danov and Ivan Slavkov were sentenced for leading an OCG involved in money laundering, THB and extortion. According to experts interviewed (BG-P13, BG-P17), the three defendants together with the former police officer Veselin Jekov managed to secure a monopoly over prostitution in Varna and the region including nearby resorts Constantine and Helena and Golden Sands (BG-P11, BG-P16, BG-P17). In media interviews Veselin Danov admits to being one of the originators of the violent entrepreneur structures in Varna, which offered protection to businesses in return for payment. His entry in the sex services market occurred in the mid-nineties (Аџепа, 2008). Besides relying on a large criminal organisation, Veselin Danov also took advantage of the position of his own father (also named Hristo), who was one of the most renowned Bulgarian jurists. During the period 1990-1991, Hristo Danov Sr. was Minister of the Interior and in 2002-2003 Chaired the Bulgarian Constitutional Court. Owing to his father's reputation, Veselin Danov was not investigated by the police after 1990 and had access to high ranking police officers and magistrates. In the mid-nineties, he was even able to influence former Prosecutor General Tatarchev and the highest levels of the District Directorate of Mol in Varna.¹¹ It is claimed that in 2000 Hristo Danov Sr. was forced by the then Prosecutor General Filchev to influence the Constitutional Court on the legality of the procedure to appoint Prosecutors General in order to avoid a prosecution against his son (Nikolov, 2002).

Based on information from media interviews with Veselin Danov, different schemes of cooperation between the large national criminal organisations and regional groups (SIK, Apollo Balkan and VIS-2) can be distinguished. Agencies like SANS and its predecessor offered Danov protection from criminal investigations. It appears that the SANS advisor and alleged boss of a large OCG the Tractor promised Danov full retraction of charges and release from jail (Аџепа, 2008).¹² Danov claims that in return the Tractor demanded that the Varna councillor suggests a person who the criminal leader would make his personal broker in the Varna division of SANS. The Tractor is also alleged to have promised Veselin Danov to employ his son at SANS and "to appoint for a deputy director of SANS a person who I [Danov] would recommend" (Gospodinova, 2012). Despite these efforts, however, the three municipal councillors were sentenced. According to witnesses on the case, the defendants had managed to establish a monopoly over around thirty night clubs and brothels in Varna and the Constantine and Helena and Golden Sands resorts (BG-P17, BG-P23), with each councillor overseeing ten establishments.

In comparison to the biggest cities, smaller municipalities (50,000-150,000 residents) practically lack local sex services markets (save for highway prostitution). Therefore, local criminal networks are mostly involved in the control over sex workers in the largest cities, resorts and those working abroad (BG-P3, BG-P11, BG-P12). There are towns badly affected by OCGs –

¹¹ For example, he claims that his intervention freed from arrest the head of the Varna division of the predecessor of GDCOC (Аџепа, 2008).

¹² The prosecutor in charge of the case against Danov admits that attempts have been made by the Tractor to influence the proceedings.

such as Sliven and Pazardzhik – where the police is active in investigating and pressing charges.¹³ However, in the court phase these trials are derailed, most likely by intermediaries influencing the prosecution (BG-P3, BG-P8, BG-P14), a practice addressed in more detail in subsequent sections. This impression is strengthened by the roughly equal number of first instance court cases in Pleven and Sliven,¹⁴ after adjustment for the fact that Sliven is smaller in terms of population and has a lot less registered victims of trafficking (See Annex 2).

Problem cities, however, are few. Instead, quiet cities predominate where the police and intelligence services fail to gather operational information or collect it only sporadically and incompletely. In quiet cities prostitution and THB are thus rarely investigated. Due to the general absence of a market for sex services in these localities, police authorities often claim they have not come in contact with the respective criminal groups and individuals (BG-P2, BG-P8). The main risk to OCGs in such quiet towns and cities stems from local law enforcement seeking assistance from foreign police structures or if a national investigation is initiated. It can therefore be argued that quiet towns are characterised by the existence of a protective umbrella which shields OCGs and is present at all levels of the MoI, including in local structures (BG-P1, BG-P3, BG-P14, BG-P15). According to previous CSD studies and the experts interviewed, this protection can be classified as “active and passive.”¹⁵ Passive protection involves payment when problems arise for the criminal network. Police officers at all levels consider this to be a good source of income for those involved in an investigation. Active protection is practically a police protection racket and entails law enforcement’s rent-seeking from OCGs.¹⁶ A regular “tax” is collected where the amount can be determined per time period, sex worker or pimp. If, despite such payments, there are signals against them OCGs withhold a portion of the amount as “fines” for disruption of the system. The tax and the fines can be both cash or in kind payments. The latter were much more frequently mentioned by interviewees. With regard to smaller OCGs bribes can be the provision of sex services for police officers or gifts (mobile phones, designer clothing). Big OCGs managing many sex workers usually bribe with money, cars¹⁷ and – when it comes to high ranking officials – even apartments (at seaside resorts, in Sofia and Plovdiv or also outside of the country). There is an important caveat, however, which is valid for all regional cities (BG-P2). If an international investigation is initiated regarding Bulgarian OCGs participating

¹³ The differentiation is provisional and is based on reports by national police, GDCOC, the prosecution and media.

¹⁴ Based on a sample of trafficking cases gathered by the authors for the period 2012-2015 from the regional courts of first instance Sliven, Pazardzhik, Pleven and the Specialised Criminal Court.

¹⁵ According to an official at the Internal Security Directorate of MoI (BG-P14), even when the other crimes in which most criminal organisations are also involved - drug trafficking, racketeering etc. - are investigated, THB and prostitution are often overlooked. When stemming drug trafficking comes to the forefront at the national level and operations are undertaken, only charges of drug trafficking are pursued and any evidence and witness testimonies for THB and prostitution discovered in the process are “forgotten.”

¹⁶ The operational information received is not registered officially but is kept for personal use or for leverage to the group (BG-P2).

¹⁷ Money is returned to the country and laundered through the purchase of designer clothing on sale, electronics and most often second hand cars. Real estate is another investment often made by criminal leaders and pimps. Many of them own construction companies and would build apartment complexes at the Black Sea coast, winter resorts and big cities. In the last years, there have been many instances of construction in Greece, Cyprus, and even in Spain, Italy, and Germany.

in THB, police and special services cooperate actively with their foreign colleagues. It became clear from the interviews that there were many examples, where sizable amounts of money and property were offered but investigations were not discontinued by the senior level at the Mol (BG-P2, BG-P3, BG-P7). Unfortunately, in such instances there have been failures by the prosecution and courts but generally magistrates consider them to be of high reputational risk and are not susceptible to corruption pressure (BG-P1, BG-P2, BG-P14). This assertion is supported by the court cases on outbound trafficking, especially from the cities of Sliven, Pazardzhik and Pleven. While settlements are frequent, there have been no acquittals and a majority of the persons convicted regardless of the type of sentence (suspended or effective) have been involved in cases of international traffic (See Annex 2).

Pleven is a good illustration of a city where OCGs enjoy protection at all levels. Despite being among the cities with the highest incidence of THB to Western Europe, police investigations are rare. Even in cases where other heavy crimes – a murder by means of an explosion or a shooting against a judge who later turned out to have links to pimps – were involved no charges were pressed. There is evidence to suggest that high ranking police officers have not only stopped all investigative work on THB but that they were even involved in criminal activities themselves, such as recruiting women (BG-P14, BG-P6, BG-C3). Similarly, there have been cases where the police have discouraged victims and their families from filing a complaint. One example involved a Roma clan that had trafficked over one hundred women to Bremen in 2012. The Pleven police had been aware of the crimes and their perpetrators but held that those were actually poor Roma families that would once in a while engage in street prostitution (BG-P14). Once the German police opened an investigation, the Pleven police was fully cooperative, prompting the protectors of the criminal group to try to influence the prosecution. The regional prosecutor tried to persuade a colleague responsible for the case not to demand a stricter punishment. The case gained notoriety due to the complaint that followed from this personal conflict within the local prosecution (Kolev, 2015).

2.2. Indirect corruption schemes – the intermediary system

After the start of Bulgaria's accession negotiations with the EU, direct influence over public institutions became more difficult and OCGs were forced to adapt to the new environment. Key in this respect is the emergence of intermediaries (BG-P1, BG-P21). The system of brokers offering services for organisations and entrepreneurs in the black and grey markets (CSD, 2007; CSD, 2012) arose at the beginning of Bulgaria's democratic transition. However, the established criminal organisations of the era did not make use of it intensively until the late nineties¹⁸ since violence or direct corrupt channels would usually be used to settle problems. The end of the

¹⁸ The genesis of the mechanisms of the intermediaries can be traced the *en masse* resignation of law enforcement and judiciary personnel from the institutions in the beginning of the nineties. Around nineteen thousand employees were fired or resigned from the police and the security services. A large proportion of them entered the private sector and sought employment in private security firms or became lawyers and started cooperating with criminal groups and violent entrepreneurs. Similar developments can be observed among prosecutors and judges most of whom became lawyers. Both groups retain connections with their former colleagues. In the beginning of the nineties these intermediaries worked largely with police and security services. Later in the decade protection from the judiciary became crucial for criminal groups.

economic and political crisis, however, led law enforcement and the judiciary to significantly restrict opportunities for violent settlement of disputes between private parties and to strengthen control over their employees. Consequently, criminal networks began establishing contacts with the networks of intermediaries which had already developed in the spheres around privatisation, restitution and the grey economy (construction, trade, tourism, entertainment industry, etc.) who had access to politicians, magistrates and high ranking public administration officials. The brokers work on their own or for their group's interest and are not depended neither on specific criminal/business networks nor on public officials (BG-P1, BG-P23).

All criminal activities requiring protection at multiple levels within different institutions necessitate the involvement of several intermediaries. Research suggests that even influential brokers with access to the highest levels of the executive, legislative and judicial power cannot ensure sufficient influence on their own. Thus, in order to attain the desired outcome, coordination between multiple persons is needed as exemplified in statements such as “a couple of people called me about him” (BG-P6) or “it is not yet clear who is going to do the job” (BG-P3), etc.

Roughly four types of intermediaries can be distinguished, based on their background, the services they provide and the level on which they operate. At the local level, brokers influence the police regarding investigations and other operational activities. Interviewees mentioned “black lawyers”¹⁹ as involved in this activity but often former local police officers become intermediaries as well.²⁰ Due to their connections they can inform members of OCGs when an investigation is initiated against them. Additionally, they can supply information about criminal competitors to their former colleagues. Similarly, black lawyers usually operate in the city or locality where their network is best developed. Black lawyers lobby for their clients to officials or when needed redirect them to a colleague from the network who knows the responsible investigator, police chief or in some cases prosecutor (BG-P23). Clients are aware of this service and often actively inquire about it. Furthermore, the network of black lawyers can mediate in order to ensure important obstructions of the investigation, influencing for example police officers from other police structures, experts appointed on the case, results from a medical expertise, etc. (BG-P15, BG-P21, BG-P22).

Box 4. The case of the Club 777 boss

The case against the boss of the violent entrepreneur organisation Club 777 in the town of Sliven, which was involved in extortion, racketeering and debt collection, is indicative of obstruction of trial proceedings by brokers. With the waning of the market for protection racket, the criminal leader and his associates became involved in prostitution and THB. Initially, Club 777 enjoyed protection from the local police but after foreign law enforcement initiated investigations such involvement became too risky. However, despite international

¹⁹ Lawyers who usually represent defendants with criminal charges. Their aim is to derail the investigation and the trial by seeking to influence officials involved at all levels through corruption or through the use of clientelist relations (CSD, 2007).

²⁰ There is some overlap between the two groups as there are examples of former police officers who have become lawyers.

efforts, information about the police inquiry continued to reach the criminal leader and the local district prosecutor did not press charges. Eventually, as a result of the media attention the case received, and the cooperation requests from law enforcement authorities in the EU, a court trial was finally initiated. The first instance court convicted the criminal leader and sentenced him to 12 years in prison, subsequently reduced to 9 years at second instance. However, the Supreme Court of Cassation returned the case to the court of first instance with the bizarre argument that the juror had harassed the wife of one of the defendants. The experts interviewed explain this turn of events with the influence of the so called black lawyers and intermediaries and point to the fact that the juror is a senior (70 years old) and that such an argument coming from the Supreme Court is puzzling (BG-P15, BG-P18). The aim of the criminal network and its affiliates is that such a delay the process will lead to a suspension of the case due to statutory limitations (BG-P18, BG-P21).

More influential intermediaries can deliver a range of services such as supplying information regarding undercover agents and witnesses, closing of case files and ensuring the suspension of investigations. Compared to black lawyers whose activities and network are usually known, the successful operation of these insider brokers depends on remaining hidden (BG-P1, BG-P2). These brokers are an amorphous group with a more diverse background. They are variably referred to as “managers” or “strongmen” (BG-P1, BG-P13, BG-C3) and can be chiefs of police, former employees of the communist State Security, former customs officials, prosecutors turned businessmen, etc.

The third group of intermediaries emerged after 2003-2004 and is comprised of politicians who are part of local political party organisations. They are often local council members or candidates placed so low at party nomination lists as to be unlikely to ever get elected. Usually these individuals have criminal ties or past. Some of them have convictions from Bulgarian or even EU courts, which prevent them from entering politics at the national level. Such brokers act locally, securing votes for their party at national and local elections. Their positions in the local power structure justify contacts with police chiefs, tax administration officials, prosecutors and judges. Respectively, they provide brokerage services and their efforts carry significant weight due to the fact that they have the opportunity to influence personnel decisions in the police, public administration and the judiciary (BG-P7, BG-P16).

Box 5. The Snotnose Case

Snotnose is a Roma leader from Dobrich, who is known for his involvement in the export of sex workers to EU countries and Norway and in schemes for buying votes from local Roma communities. In 2007, he was a leader of the list of the Movement for Rights and Freedoms (MRF) party. In 2014, he was arrested along with his son on charges of unlawful export of precursors to the EU. From the interviews conducted it is evident that there have been numerous cases of political involvement leading to the suspensions of investigations targeted at Snotnose (BG-P16). The Roma leader would on his part provide mediation services regarding investigations of different individuals involved in THB.

The fourth group of brokers operates at the national level. Their networks include magistrates, politicians, policemen, and leading officials in the public administration. An illustration of this

model is the scandal in 2009 involving the construction entrepreneur known as Krasio Black (Bosev, 2012). Most often these are renowned lawyers and legal firms who have influence over legislative amendments and access to magistrates at the appellate and cassation level. The cases of Club 777 boss (see Box 4) and Vanko 1 (see Box 6) demonstrate how this systemic influence is applied at different levels. The process begins at the stage when the detention of persons from big criminal network who can afford the services of these national intermediaries is considered in court. Avoiding detention gives the opportunity at an early stage to influence witnesses, destroy or hide evidence, etc. The black lawyers with national influence can also ensure the support of magistrates at the appellate court level. There are cases where smaller criminal networks manage to acquire the services of national level intermediaries only at the court of cassation stage (such as in the Club 777 case).

Box 6. The Vanko 1 Case

The case of a popular Bulgarian rap artist is illustrative of the ability of influential brokers to sway national institutions such as the High Court of Cassation and the parliament. Vanko 1 used his clubs and bars in Plovdiv to recruit women from among his fan base, who were afterwards trafficked to France, Italy and Spain. The criminal network was hierarchically controlled and used violence towards victims, which caught the attention of the French police. Substantial evidence was collected in France, including many testimonies by victims.

Vanko 1 was convicted by a second instance court for THB and received a twelve year sentence. However, the case reached the High Court of Cassation, where the decision was overturned and returned to a court of appeal. While the new case was underway, his lobby ensured that the government proposed amendments to the Criminal Code that lowered the punishment for inducement to prostitution to five years. The law was passed and in the end Vanko 1 was released after only a year in prison (Cera, 2006). Despite the ensuing media scandal, the admission that the parliament's decision was a mistake by its then Chair Georgi Pirinski, and the clear understanding of the seriousness of this crime, no subsequent alterations to the Criminal Code have been made. The controversial amendment to the criminal law went down in history as the "Vanko 1 Amendment" (Ibid).

III. CORRUPTION AND TRAFFICKING - IMPACT ON THE VICTIMS

With the accession of Bulgaria to the European Union in 2007 and the complete removal of employment restrictions in 2014, many of the previous stages of trafficking that necessitated the use of corruption have now become obsolete. Transportation is made easier by the lack of border controls and the ability to travel with just an identity card issued by an EU country (Rusev, 2013). Similarly, the possibility to find work and the lessened administrative burden faced by Bulgarians in Western European countries has facilitated trafficking but has made it necessary for them to adjust their methods since some of the barriers gave OCGs more leverage over their victims instead of having a deterrent effect (BG-P5). Previously deception (e.g. placing false ads with promises of a well-paid job in a newspaper) and violence were used more often to control

the victim (Ibid). Currently, however, many of the women that service sex markets abroad leave the country with the knowledge that they will be working in prostitution.

Generally, sex workers working in Western Europe and in Bulgaria are not willing to undertake steps against perpetrators, since many of them are engaged in selling sexual services by choice (Dobрева, 2013). As already mentioned, to a certain extent women benefit from OCG protection and thus are dependent on them. Moreover, the fact that the sex workers themselves can be charged with a crime is a further disincentive to seek help from the authorities. Another problem is access to compensation. Often, even if the traffickers are ordered by the court to pay compensation, this rarely happens. On the other hand, public funding for compensating victims of crime is only allocated for material losses which are hard to prove when it comes to prostitution (Ibid). Aside from the financial aspects, even when victims want to report the crime and cooperate with the police, the uncertain outcome of proceedings, the protracted lawsuits and the insufficient protection they are afforded is a deterrent. The legal framework does afford some options for protecting the victim (the most far reaching being acquiring a new identity) but these are rarely used.

As demonstrated in the cases above, victims that have decided to alert Bulgarian law enforcement and/or testify in court, are often exposed to threats to their safety or other kinds of pressure. Identified victims of trafficking often share between each other unpleasant experiences from the court trials they are involved in (Ibid), which further increases unwillingness to engage with Bulgarian government institutions. This is obvious in the fact that victims feel most safe if the trafficker is prosecuted by foreign authorities (Ibid). Victims are a crucial piece of the puzzle when it comes to punishing traffickers. However, the corrupt practices used to avoid prosecution and minimise sentences identified in the current report are a serious barrier to victim involvement in this process. Blatant failures of court trials and investigations due to corruption schemes significantly undermine trust in the police and the judicial system. As a result of instances where justice was obstructed, traffickers can also exploit distrust in law enforcement and deter victims regardless of the veracity of their claims that they have influence over policemen and judges.

IV. RECOMMENDATIONS

One of the goals of the EU Strategy for Eradicating Trafficking in Human Beings 2012-2016 is increased detection and prosecution of traffickers. As this analysis demonstrates, in Bulgaria corrupt practices connected to THB are at present geared mostly towards evading or obfuscating prosecution and minimising punishments. Better functioning, reformed criminal justice system and an improved anti-corruption legal framework and infrastructure are crucial as they will contribute towards tackle these issues. The creation of an independent body specialised in the investigation and prosecution of corruption, which was recently rejected by the Bulgarian parliament is crucial in this regard. The recommendations advanced below, however, have a narrower focus and their aim is preventing and countering the use of the corruption mechanisms leading to the obstruction of justice in cases of THB. In addition to national level policies, measures should be most robust in cities where there is a mismatch between a high incidence of human trafficking and a low prosecution and conviction rate.

- **Enhancing law enforcement and judicial accountability.** Codes of conduct exist both for Mol employees and judicial officials (Mol, 2011; National Investigation Office, 2009) but they appear to be insufficient - active and consequential oversight over law enforcement and judiciary personnel is needed, especially when there is evidence of dubious connections and loyalties. A first step in this direction is a mechanism for verifying asset and tax declarations. Mol is already in the process of establishing this and other measures (such as integrity tests) (Mol, 2015). Such procedures need to be implemented in the judiciary as well. Furthermore, currently the bodies that deal with corruption are understaffed and underfunded (Dzhekova, Gounev & Bezlov, 2013). Thus, strengthening the capacity of the Internal Security Directorate at Mol and the anti-corruption unit at SANS is necessary as an interim step until the creation of an independent, well-funded and well-staffed anti-corruption body.
- **Linking THB and corruption.** THB and corruption frequently go together, yet awareness about the link between the two crimes is often lacking. Awareness raising through informing and training law enforcement and criminal justice officials about the intersection of the two crimes and its manifestations is required. Strategies on countering corruption linked to THB should be drafted and reviewed regularly. Alternatively, provisions on corruption can be included in national and local strategies for combating THB. Furthermore, an analysis of regional police directorates where the risk of corruption is high will aid in the development of targeted responses by anti-corruption bodies such as the Internal Security Directorate at Mol. In addition, the predecessor body of the GDCOC housed a special unit divided in two subunits which focused on investigating corruption within Mol and within the public administration respectively (Dzhekova, Gounev, & Bezlov, 2013). This unit has been shut down. However, considering the fact that it investigated corruption in the context of organised criminal activities, reinstating it would be an important step in the right direction.
- **Strengthening international cooperation.** The results of this study suggest that cooperation with foreign institutions at least to some extent acts as a protective factor against corruption pressures. Enhanced international police and judicial cooperation, including through joint investigation teams and the involvement of EU agencies (Europol and Eurojust) in all cross-border trafficking cases should be prioritised. Victims need to be able to demand that Bulgarian institution seek the involvement of foreign authorities when this is relevant.
- **Expanding the scope of investigations.** At present, corruption and human trafficking are investigated and prosecuted separately. However, corruption often complements trafficking, it is important to look for one type of crime when investigating the other and vice versa. This can be done through more robust financial investigations into the proceeds of crime, including inquiries in corruption mechanisms when questioning victims and other witnesses, probing into connections between traffickers and public officials, etc.
- **Enhancing protection of victims.** Sufficient mechanisms should be afforded to victims and other witnesses in order to prevent reprisals not only from traffickers but any

identified corrupt officials and their networks. Any threats to the victim should be included as an aggravating circumstance to the Criminal Code article regulating human trafficking. The public fund available for compensation should be expanded to cover immaterial damages and victims need to be made aware of its existence, since currently a significant portion of it is not used (Dobрева, 2013). Anonymity is particularly problematic when there is corruption among prosecutors and police officers. With regard to victims that decide to testify openly, non-disclosure of addresses needs to be standard practice even though this is currently not required by law. Victims need to be thoroughly informed about their rights to protection and the available options. They need to be encouraged to take action in case they suspect that members of the police or the prosecution are aiding their traffickers. To enable victims to undertake such actions, the NCCTHB can create a mechanism for the systematic gathering of complaints about pressure from police officers, prosecutors, lawyers or other persons.

- **Providing incentives for victims to alert and cooperate with institutions.** It is crucial that victims reporting human trafficking have guarantees that they will not be charged with a crime themselves. The criteria for receiving money from the public fund available for compensation should be expanded to cover immaterial damages and victims need to be made aware of its existence.
- **Improving data collection and analysis.** Systematic data collection and analysis is crucial to the development of appropriate evidence-based measures. An open platform which allows for easy cross-referencing of cases will facilitate both public and private institutions working on these problems to keep better track of the connections between crimes such as trafficking and corruption. There are many stakeholders dealing with different aspects of trafficking that can come across instances of or information about corruption schemes and thus can make a valuable contribution from within their fields.

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VI. ANNEXES

Annex 1: Codes and details of interviewees

Name	Position	Gender	Institution/Role
BG-P1	Former Director	M	Directorate General Combating Organised Crime (DGCOC), Ministry of Interior
BG-P2	Senior Police Officer	M	Internal Security Department, Ministry of Interior
BG-P3	Former Director of a Regional Directorate	M	Former Director of Regional Office of DGCOC
BG-P4	Senior Police Officer	M	DGCOC
BG-P5	Former Senior Police Officer	M	DGCOC Specialized Unit on Human Trafficking
BG-P6	Former Director of a Regional Directorate	M	DGCOC
BG-P7	Former Director a Regional Directorate	M	Ministry of Interior
BG-P8	Deputy Director of a Regional Directorate	M	Ministry of Interior
BG-P9	Senior Police Officer	M	Ministry of Interior
BG-P10	Senior Police Officer	M	Ministry of Interior
BG-P11	Senior Police Officer	M	Ministry of Interior
BG-P12	Director of a Regional Police Department	M	Ministry of Interior
BG-P13	Director of a Regional Police Department	M	Ministry of Interior
BG-P14	Senior Police Officer	M	Internal Security Department, Ministry of Interior

BG-P15	Former Deputy Director of a Regional Directorate	M	Ministry of the Interior
BG-P16	Prosecutor	M	Specialised Prosecution
BG-P17	Senior Prosecutor	M	High Prosecution of Cassation
BG-P18	Investigator	M	National Investigation Office
BG-P19	Investigator	M	National Investigation Office
BG-P20	Director	M	NCCTHB
BG-P21	Lawyer	M	Renowned lawyer from Sofia with experience in THB cases
BG-P22	Lawyer	M	Renowned lawyer with experience in THB cases
BG-P23	Criminologist	M	University lecturer and organised crime expert
BG-C1	Criminal entrepreneur	M	High level, owner of a nightclub
BG-C2	Criminal entrepreneur	M	Middle level pimp
BG-C3	Criminal entrepreneur	M	Middle level pimp
BG-C4	Sex worker	M	Worked in Strasbourg and Oslo
BG-C5	Sex worker	F	Worked in Vienna and Berlin
BG-C6	Sex worker	F	Worked in Brussels and the Netherlands
BG-C7	Sex worker	F	Worked in Brussels
BG-C8	Sex worker	F	Worked in Cologne

Annex 2: Completed court trials on human trafficking from the first instance regional courts in Pleven, Sliven and Pazardzhik and the Specialised Criminal Court for the period 2012-2015²¹

Concluded court cases (first instance) on charges of trafficking (Criminal Code art. 159 a-c) for the period January 2012 - December 2015										
Court	Type of decision		Convicted persons	Acquitted persons	Punishments			Cases involving international traffic		
	Settlements	Sentences			Persons with an effective prison sentence	Persons with a suspended prison sentence	Average effective prison sentence	Persons convicted	Persons acquitted	Persons with effective prison sentences
Specialized Criminal Court (handles cases on OCGs)	17	10	58	9	22	34	approx. 3 years and 3 months	15	0	4
Pleven Regional Court	14	3	17	1	9	8	approx. 2 years	11	0	7
Pazardzhik Regional Court	6	0	7	0	2	5	approx. 1 year and 3 months	4	0	1
Sliven Regional Court	2	3	7	0	3	4	approx. 3 years and 3 months	5	0	1

²¹ The table contains data on court cases gathered by the CSD. The average effective prison sentence is calculated for sentences given out for the crime of trafficking and does not take into account more severe punishments when they are pronounced due to the violation of a suspended sentence for another crime.



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Project profile

ANTICORRP is a large-scale research project funded by the European Commission's Seventh Framework Programme. The full name of the project is "Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption". The project started in March 2012 and will last for five years. The research is conducted by 20 research groups in fifteen countries.

The fundamental purpose of ANTICORRP is to investigate and explain the factors that promote or hinder the development of effective anti-corruption policies and impartial government institutions. A central issue is how policy responses can be tailored to deal effectively with various forms of corruption. Through this approach ANTICORRP seeks to advance the knowledge on how corruption can be curbed in Europe and elsewhere. Special emphasis is laid on the agency of different state and non-state actors to contribute to building good governance.

Project acronym: ANTICORRP

Project full title: Anti-corruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption

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