

Johan LEMAN, Stef JANSSENS

IMMRC, Social Sciences, KU Leuven, Belgium
johan.leman@soc.kuleuven.be

Bulgarian Human Trafficking in Belgium and Proactive Learning Entrepreneurship: Developments 2002–2009

SUMMARY

The paper discusses the mechanisms of proactive learning in the Bulgaro-Belgian human trafficking business between 2002 and 2007 through three profiles, starting each time with a case study. The profiles and cases are the result of an in-depth study of 16 Belgian court files. The study reveals three profiles: post-violent entrepreneurship in prostitution (2002–2005), international and inter-ethnic entrepreneurship in prostitution (2004), and labour exploitation (2004–2005). Each time one can identify learning processes in the minds of the entrepreneurs when comparing their activities with those of their predecessors, as described in previous articles by the same researchers. The image that comes to the fore from our analysis is one of organisations that are successful in all sorts of ways at covering themselves against police and judicial investigations, and that at the same time in many places and many ways – both in the regions of origin and in the country in which the activities take place – manage to infiltrate the economy.

KEY WORDS: Bulgaria, human trafficking, labour exploitation, learning process

INTRODUCTION: CRIMINAL ORGANISATIONS AND HUMAN TRAFFICKING

In normal conditions, criminal entrepreneurs are unable to claim legality and the protection of the State. They can however try to push part of their activities under some form of legal protection, but they mainly have to call upon relationships built on trust in order to expand their edifices and to keep them going. Given that the cement that has to hold the structure together does not allow itself to be regulated by legal agreements, the criminal entrepreneur has thus to call on positive and trust-assuring social capital (Black et al., 2001; Chambliss, 1978; Kleemans, Berg and Bunt, 1998; Klerks and Kop, 2004; Lupsha, 1983; McIlwain, 1999; Raub, 1997). Social capital can be bonding, bridging or linking, to the degree that it is either based on immediate family, close friends and neighbours” (i.e. bonding), or on

“loose friendships and workmates” (i.e. bridging), or even on “unlike people (...) outside the community, thus enabling members to leverage a far wider range of resources than are available within the community” (i.e. linking) (Woolcock, 2001: 13–14). Rational entrepreneurship, whether or not protected partially by a zone of legality, is supplemented with social capital where legitimate cover is lacking. Entrepreneurs can, of course, learn from previous practices, for example, seeing how certain undesirable interventions by the police or the courts can be avoided, or how relationships of trust can be better supported. They can try to organise their own criminal system differently and better from an innovative perspective. This shows us how three elements may be helpful for criminal organisations: some legal covering, trust and learning. It is quite common in publications on human trafficking (also in most of our own former publications), that authors develop the idea that either partial or full legal covering along with trust are what support this kind of criminal business. We still emphasise these aspects, but in this new paper we further develop the idea of the impact of “proactive learning” that we already proposed for the first time in a 2008 publication which, it seems to us, did not receive warranted attention in the current literature on human trafficking.

Along with partial protection by a zone of legality and trust creating social capital, a third mechanism can indeed come into play in the structure of criminal business, namely, proactive learning. Organisational psychology points out that calculative entrepreneurs learn from previous experiences, especially from what has gone wrong in the past. In order to analyse this latter point, we use the system theory of the learning organisation, which stems originally from organisational psychology, but has been adopted by criminology and applied to the Columbian drug cartels (Kenney, 1999) and to the prostitution networks (Leman and Janssens, 2008). Two different levels of learning can be distinguished. The first lower primary level of re-adaptive learning is only found at the direct reactive level to sudden changes within the environment such as, for instance, learning from past police actions. The second higher level of proactive learning is found at the creative conceptual level and is more fundamental. The extensive structural changes in the criminal network, which operates here as a real learning organisation, occur at this level.

At this point, we also want to explain what we call human trafficking in this paper, and why. Our empirical materials consist of judiciary files of cases that have been treated by the courts in Belgium under the label of “human trafficking”. The Belgian Human Trafficking Act is very close to the UN definition in the UN Protocol (UN, 2000). So, the most obvious option for our paper seems to us to follow the same qualifications in our paper. For example: in terms of Belgian law, economic exploitation in relation to human trafficking is much broader than the term “forced labour”, which is based on compulsion in the strictest sense. The Belgian Human

Trafficking Act speaks about working below the level of human dignity, whereby use is made of a confidential indicators list and reference is made to severe underpayment or deductions, poor housing conditions, threats, ... No account is taken in the Belgian Act of whether the victims are doing this voluntarily or not, or of whether they regard themselves as victims of human trafficking. We know that one can open a debate about the content given to “labour exploitation as the objective of human trafficking”, but since the discussion about the definition of human trafficking is not the aim of our paper, and since we focus on the learning aspects, we continue to apply the labels used in the judicial files. We also find it perfectly defensible since the legislation in the countries where the practices happen seem to us to be a very important factor in labelling the facts, and surely so if this legislation is not in contradiction with the UN standards.

CURRENT BULGARO-BELGIAN HUMAN TRAFFICKING: A NEW STRUCTURE? A CONTEXT?

The typical structure in the various profiles of the human trafficking business is composed of a leader (who remains most of the time in the country of provenance, upon whose legislation and juridical and police practices he is dependent), some lieutenants (who move between the countries), and some executors who almost always stay in the country of destination and fall under the legislation and juridical and police practices of that country. The last ones are car drivers, safe-house keepers, pimps, ... For their defence, the organisation looks for the support of specialised solicitors in the country of destination. We see that some accommodations have been made in the country of destination over recent years. We see this as a result of “learning” from former experiences. One creates more space for agency; and, one adds some intermediary function between the lieutenant and the “worker”. The intermediary may partially take care of the interest of the worker *vis-à-vis* the pimp. In the case of extreme labour exploitation, one may see that it is added very often as a second activity to sex worker trafficking. The wife may be invited to work as a sex worker, the husband in construction. It may create a context where trafficking may be seen less as trafficking and more as “exploitation”. However, in terms of the UN Protocol (UN, 2000) and – in our case – of Belgian legislation, both activities when they are organised by one and the same entrepreneur, will surely still be seen as human trafficking business to which the Belgian Human Trafficking Act still applies. In other cases, where labour exploitation was not connected to sex work, our files were also labelled as human trafficking.

If we examine the *modus operandi* of the Bulgarian human traffickers who focus their activities on countries like Belgium, we can conclude that a number of

changes have occurred in how they expanded their business during the 1990s and how they do so today. The changes they have made mean that it is more difficult for the police forces to track down the organisers, and more difficult for the authorities to prosecute them if they have been caught. The proposition we will develop in this article is that the Bulgarian human traffickers are currently expanding their business along the lines of the model of a learning organisation. We will demonstrate this concretely by examining a few of the modifications they have made. Our findings are based on an analysis of 16 court dossiers and sentences from the 2002 to 2007 period that we have been able to study, as well as on interviews conducted in 2009 with police and magistrates about the current evolutionary shifts. These dossiers had already been reported on in the annual human trafficking reports from the Belgian national monitoring agency (Janssens and Le Cocq, 2009), but the developments were not discussed. We examine these dossiers with an eye on the findings from our former publications (Leman and Janssens, 2006a). We would emphasise that, with the reference to Bulgaro-Belgian human traffickers, we do not intend to make any ethnic qualification, but merely to indicate upon which material we support our conclusions. We do not in any way exclude thereby the idea that similar developments could be found among human traffickers from several other countries. The 16 court dossiers are very voluminous and consist largely of findings related to various criminal acts spread over a period of two to three years, placed in relation to one and the same network that becomes reconstructed by the police investigators during the construction of a file. They are the 16 court dossiers to which we could have access, since people that could be seen by the police as “victims” were disposed to collaborate in the curriculum at some moment. The 16 judicial files are seen by the police themselves as very representative for Bulgaro-Belgian human trafficking between 2002 and 2007.

Since 2002, the European regulation on “free movement of persons” has applied to Bulgarian citizens, guaranteeing their mobility within the EU. The visa requirement was dropped on 1 January 2002 for Bulgarian citizens and since 1 January 2007, when Bulgaria joined the EU, they have had the right as Europeans to stay for three months in other EU countries. It is important to know that Bulgarian citizens are still required to hold a work permit, until 31 December 2011, in order to be permitted to work in Belgium. However, it is obvious that the 2002 European edict has created a new situation for Bulgaro-Belgian criminal entrepreneurs to exercise their business.

The fact that some official agencies in Bulgaria are still very vulnerable to corruption nowadays is naturally beneficial to the criminal organisations (Janssens and Le Cocq, 2008). The Bulgarian criminal networks operate as authentic criminal entrepreneurs and have acquired considerable social respect locally and sometimes

even nationally through their economic investments (Leman and Janssens, 2006a). In a programme on the Belgian television station VRT (Panorama, 3.1.2010) about human trafficking from Bulgaria to Belgium, a Bulgarian examining magistrate declared that more prominent criminals are succeeding nowadays, after having appealed on the basis of serious illness, in converting their prison sentences to house arrest. It is also the case that the Bulgarian Criminal Procedure Code (2005, amended in 2008, Art. 234)¹ does provide for an examination period for serious criminal evidence that, after an initial period of 6 months, can be extended by another 9 months. Nevertheless, experience teaches us that, at least for countries like Belgium, this is generally too restricted an examination period for these sorts of crimes. For a vigorous pursuit of a thorough financial analysis and a consequent prosecution much more time is needed.

As a consequence, this context permits criminal entrepreneurs to look for clever strategies. They understand that they can exploit the vulnerability of their own judicial administration. They discover ways for passive and active corruption. They exploit the precise and quite fragmented timetable that the law itself imposes to fight them. They also learn from the way the Belgian system works. And, in the end, they try to exploit all possible dysfunctions in and between both systems that create the context in which they are working.

How does the development of the learning process work when seen from the point of view of a criminal organisation? The criminal entrepreneur can learn from two sources: the partner organisation(s) in an inter-ethnic setting, and/or some solicitors with whom one works to defend one's own interest, who are entitled to study the files that are brought before the court in order to defend their clients. They can even copy the police reports and understand how the police operate and obtain data to justify a complaint, or they can discover how the police monitor them through telephone taps, infiltration, and the like.... And one may suppose that, in case of corruption of officials, these corrupted people also explain how the criminal entrepreneurs can best hide their activities. It is indeed in the interest of such civil servants that their corruption never should become apparent.

TYPES OF ORGANISATIONS BETWEEN 2002 AND 2007

Our starting point is that the aim of the business of human trafficking – as is characteristic for most organised criminal entrepreneurship – is making and, as far as possible, maximising financial gain. The 16 dossiers studied demonstrate three organisational types: “post-violent entrepreneurship” aimed at exploiting prostitu-

¹ Thanks to Dr. Ogghy Fortounoff, University of Plovdiv, for giving us the official English version of the Criminal Procedure Code.

tion (8 cases, practices dating from the 2002–2006 period); international and multi-ethnic collaboration, once again aimed at exploiting prostitution (3 cases, practices dating from the 2002–2005 period); and labour exploitation (5 cases, practices dating from the 2002–2007 period). These three types have been labelled by police officers in the field in Belgium. The officers think they may characterise the practices as such, starting from the control mechanisms in the business and from the jobs that are its objective. In the first type, we see a clearly evolving transition to elements of proactive learning by the entrepreneurs, following from experiences with earlier “violent” practices that have been shown to lead to more easy collaboration of the sex workers with the police. Therefore, we call this a “post”-violent structure, because although it still remains characterised by elements of violent entrepreneurship, it is qualified, however, by interventions of a non-violent nature, due to learning from past failures. In the other two types, it seems that such elements of learning from past failures have been introduced longer ago, but that they are being used more systematically now than previously. We will examine the three organisational types, but will first place them in a broader context.

How have these three types of organisation grown historically? There is an aspect of entrepreneurship present that attempts to position itself partly legitimately (Block, 1991). The financial *modus operandi* of the business is of the calculative type: a minimum of costs generating a maximum of profit and (re-)programming of investments from that reasoning. We shall successively discuss the three organisational types and the developments that have occurred therefrom, each time in the case of the business of Bulgarian human trafficking oriented to Belgium that has taken place between 2002 and 2007. We do this each time via a case study, from which we then draw conclusions relating to the mechanisms of proactive learning entrepreneurship in the three cases. The case studies are presented with a focus on the process-like character in the treatment of the clients by the entrepreneurs. We reconstruct the curriculum of the people concerned, starting from the records in the files and trying to take an “emic” perspective in the choice of the words that are used to indicate persons. At the same time, we try to reconstruct an “emic” rationale. It may make the ethnography less conceptually “orthodox”, but it does permit an insight rationale that is quite difficult to reconstruct through more classic methodologies. One should see it as a reconstruction as is made in some anthropological research, for example, on mafia organisations (e.g. Blok, 1974).

POST-VIOLENT ENTREPRENEURSHIP IN PROSTITUTION

Case study: Mr I. from the Bulgarian coastal town of Varna (2001; 2003–2005)

The facts date from 2003–2005 and take place in the prostitution neighbourhood around Brussels North Railway Station. The police already know the former Bulgaro-Belgian pimp Mr I. from a dossier dated 2001 in Mons, where he emerged as a pimp in the prostitution world. Officially, he was supposed to be running a car import-export company in Bulgaria at that time, and he did not, however, run any prostitution business in Belgium in 2001. In Bulgaria he was, according to Interpol, known to the police in those years for various indictments such as burglaries and thefts, but at that time in Varna he set up a prostitution chain together with a Russian partner. His contacts with the Belgian prostitution business had come about accidentally at an earlier date, when one of his Varna prostitutes fled to Belgium. He was arrested in Belgium but, at the end of his preventive custody in 2002, the pimp Mr I. saw something altogether bigger in Belgium and The Netherlands, advised in this matter by his Russian partner in Bulgaria. This led to the setting up of a business network, starting from the position of “lover boy” (which is largely a technique used by Albanian pimps), which had developed by 2005 into a network of girls who worked as prostitutes in Bulgaria, as well as in Belgium, The Netherlands and Germany. The central coordination was located in Varna. The former pimp Mr I. was resident in Varna thereafter. He has his lieutenants in Belgium. He officially remains a successful entrepreneur in the car import-export business in Bulgaria and is treated as such by his environment.

Mr I. has the prostitution money brought from Belgium to Bulgaria via couriers, almost never again via Western Union, where it is laundered via the purchase of real estate, massage salons and expensive cars in the name of persons not involved with him. Mr I. and his close colleagues are also the managers together of a financial agency in Varna. According to one of the witnesses in the Belgian dossier, Mr I.’s massage salons in Varna give their services to some people from the police and justice service. Whenever such a salon is facing the prospect of an inspection, Mr I. is informed in good time.

When the Belgian judicial authorities asked for the extradition of Mr I. in the context of a new dossier in Belgium, based on indictments from 2003–2005, this was refused by Bulgaria because he was standing trial for the same indictments. He was briefly arrested in Bulgaria but this was converted to house arrest. In the meantime, Mr I. is being driven around as a free man, “because he’s ill”. In the intervening period, Mr I. still has to face trial in Belgium for the indictments dating

from 2001 (dossier Mons), but this process had to be postponed because of the indictments from 2003–2005, for which he is now being tried in Bulgaria. One point: in Bulgaria he was indeed arrested for those indictments, but immediately released on “medical grounds”, although with a prohibition on leaving Bulgaria. One consequence is, however, as some Bulgarian police informed their Belgian colleagues, that there is a strong chance that the dossier in Belgium will very probably have no more people who are prepared to make a complaint about human trafficking against Mr I. Since Mr. I. has been released on “medical grounds”, it becomes easier for him to intimidate or silence possible witnesses via his helpers and partners.

How did the organisation work in Belgium? Mr I. had two lieutenants, known to the Belgian courts for car thefts and for exploiting prostitutes. Alongside these two lieutenants, the drivers of a number of minibuses are important. They brought the girls from Bulgaria and carried the money raised by prostitution back to Bulgaria. Another function in the organisation was held by the “madams”. These women received the girls, checked them and collected the money. Their task also consisted of organising the full-time use of the “windows”.

Every month for three years, Mr I. received € 80,000 in Varna from the bus drivers as the profits of the Bulgarian-Brussels prostitution that rightly came to him. The two lieutenants could keep € 10,000 euro for themselves each month, with which, however, they had to settle their operating and security costs. The girls had indeed been told when leaving Varna that, with profit-sharing, half would go to them, but the following was also deducted from that: the rental cost of the “window” to be paid to their “madam” – who had to pay the exploiter of the bar from that money – along with payment of all conceivable services offered by the “madam”, the travel and accommodation costs, the official documents... If you consider that all of this is deducted from the € 10,000 that each of the two lieutenants in place in Belgium was allowed to retain, and that they provided themselves with a substantial income, then you have an idea of the underpayment that the women in the business suffered. It is known that a sex worker over the years will have handed over € 200,000 to her “madam”. (Note that “madam” is the word that is used both to speak about and to address the female mediator concerned.)

The recruitment of the women in Varna was also well thought through. They sought out poor young women with children or girls from large families. Mr I. mainly used the lover boy technique. Most of the girls were recruited in discotheques in Bulgaria. Once in Belgium, the girls were ordered, just like the criminals themselves, to throw away regularly the SIM cards of their mobile phones so that they would be more difficult to trace. Acts of violence against the girls were perpetrated without hesitation, they were fined very frequently, they forced the girls to

use drugs, and only the “madam”, fully integrated into the system, remained in a position in which they would experience her as their sole support.

To escape from poverty, these women enter prostitution consciously and regard it as a temporary life project for, for example, two years, in order to be able to continue their life sufficiently affluently in Bulgaria. In the Bulgarian city of Sliven, it is not regarded as abnormal that girls will work as sex workers and the boys become pimps. The Bulgarian girls can be seen as “circular sex workers”, who return to Bulgaria every three months using Bulgarian bus companies. Because of the win-win situation and because of their legal resident situation, this group of Bulgarian sex workers has little interest in victim status with respect to human trafficking and refuses to collaborate with Belgian judicial authorities.

Learning entrepreneurship

The Bulgarian “violent entrepreneurs” have in recent years, compared with the 1990s, evolved into “post-violent entrepreneurs”, because they have allowed their prostitutes some “agency” (Appiah, 2005), some space for the prostitute’s own initiatives. This has led to more candidates for prostitution, which in turn has led to greater competitiveness between them and lower prices being asked by the women. Thus, less violence has to be used because the women are slow to feel that they are being cheated. At the same time, buffers are built into the relationships between the women and the entrepreneur: the drivers-couriers and the “madams”.

In Belgium itself, on the basis of his experiences with his Russian partner in Varna, Mr I. has come to the insight that he can best exploit a system in which the female sex workers work independently in the employment of a “madam”, who is actually their only reassuring and administrative contact point. If they have any complaints, they do best to speak to her. This is also psychologically the natural thing to do, because she is the only person who does not use violence. Compromises about work are best reached with her. The other people around them use physical violence and intimidation. The “madams” themselves have an agreement with Mr I.’s lieutenants and with the minibus drivers. They have a mediating role, which is even more important because it is also the “madams” who make the agreements with the owners of the buildings about the rental price of the “windows”. Neither the owners of the houses nor the “madams” themselves, who are actually the people that the Belgian courts can tackle best, have any direct contact with Mr I. and his Bulgarian milieu in Varna. The “madams” can tell the police that they do not actually employ the girls, that they are self-employed, and are not being exploited by the “madams” themselves, on the contrary... it is rather that they offer them protection. The girls engaging in prostitution can themselves testify on this latter point

in respect of these “madams”. For that matter, it is also not easy to trace what sums of money are involved. Most money is moved via courier services.

In addition, Mr I. knows perfectly how Bulgarian legislation works. He knows that illness keeps him out of prison, which keeps his chances intact for the problem-free influencing of possible witnesses against him. He also knows that the examination time prescribed in law in cases of human trafficking is much shorter *de facto* in Bulgaria than in Belgium, and that he cannot be sentenced twice for the same charges, once in Bulgaria and once in Belgium. He uses this knowledge impeccably and allows himself to be prosecuted in Bulgaria, when he feels that well-founded dossiers about his business in Belgium are being created. Normally, he will be given a short sentence for secondary indictments that are more than likely to do with his car business and transport companies, and there is a real chance that he will not be convicted on the other indictments, because of insufficient proof or insufficient witnesses who are willing to stand up and testify in court to confirm the indictment.

In Bulgaria, the victim profile has also undergone dramatic changes. The victims are often in a win-win situation of deliberate voluntary prostitution. They form a group of voluntary economic prostitutes, with whom acts of violence are no longer necessary. The Bulgarian pimps have professionalised and understand that they can make a lot more profit with motivated, co-operative victims who are less inclined to make damning statements to the police and courts. The victims are paid more than previously, sometimes, for example, about half of the proceeds from prostitution, but they do have to pay their expenses themselves, and these are sometimes very high. As a consequence, in the end they get less than they were promised, but what they do get, in comparison with what the region of origin can offer, is just a little better. The victims do indeed still have to live in extremely poor conditions, much worse than promised, but they accept that.

INTERNATIONAL AND INTER-ETHNIC ENTREPRENEURSHIP IN PROSTITUTION

Case study: men of various ethnic origins who work together (2004)

The facts date from 2004 and are situated in the prostitution neighbourhoods of Liège and Brussels (Brussels North Railway Station). This is not about a hierarchically arranged system. There are several partners, each making their own contribution. Thus, there is a Belgo-Sicilian pimp who controls the prostitutes in the neighbourhood. These are Bulgarian girls who are brought in by a Belgo-Albanian driver. This latter person is a family member of the head of an Albanian smuggling network, who has already been convicted twice in Belgium (Leman and Janssens,

2006b). This Belgo-Sicilian is himself not an owner, but does have two bars that are in the name of his life partner, a former prostitute. Telephone taps reveal that, at least locally, it is the Belgo-Sicilian who runs the show. Officially, the bars are drinking establishments where people can hire party rooms. Anyone renting a room has to sign that they are responsible for what is going to take place in the room. It is the waitresses who rent the rooms. What is very expensive in their rental agreement is the “window fee”.

From the phone taps – a usual technique for gathering reliable information in judicial files – it appears that the gross takings that the waitresses can make are very high, namely up to € 7000 a day. Given that ten waitresses have a rental contract and that they each work every day in the month, this means that about € 2,100,000 is earned per month. The life partner of the pimp provides four shifts of 6 hours a day, whereby each shift costs € 100 in rent money, multiplied by ten girls. This means that € 120,000 monthly goes to the owner for the rental of the “windows”. It does not mean, however, that the rest goes to the girls. After all, here too, “madams” are used. These “madams” declared to the police that their job was to protect the girls. However, it turned out that they, too, had to collect money for the Belgo-Sicilian pimp, who demanded half of the total proceeds for himself and thus claimed € 1 million monthly. In addition, the “madams” in turn demanded a sum for themselves. What we also see here is how only a small proportion out of the total profit available is left for the waitresses engaged in prostitution.

The waitresses themselves turn out to be girls without a work permit, and with a passport that entitles them to stay in Belgium for three months. Every three months they have to travel back and forth between Bulgaria and Belgium, a trip that they always have to pay at a high cost. Along with the Bulgarian girls, there are also a few Ukrainian and Belgian waitresses working there, too.

In another similar dossier, the monthly income of the organiser, who also controlled companies in the real estate and catering sector, was estimated at € 62,500.

Agency and intermediatorship

The owner of the prostitution houses, the life partner of the organiser, works with a contract whereby the renters of the room expressly sign that they will accept full responsibility for what happens in the rooms. The waitresses themselves pay for “protection” to the “madams” and do not hand over their money directly to the pimp. This clearly reveals a strategy that the entrepreneurs “learnt” from former failures. The pimp is well paid by the “madams” because he has supplied the waitresses, who have themselves asked to do waitressing work in these places. Other intermediaries would not have given them that unique chance to earn some money

themselves, more than they would have earned in Bulgaria, and the intermediary is well paid for that, even if he does not directly demand payment himself. It was only through a phone tap that the Belgium judicial authorities were able to prove that the Belgo-Sicilian had control over the Bulgarian girls and that the owner was a front woman for the pimp.

LABOUR EXPLOITATION

Case study: an exploitation route from Plovdiv to Charleroi (2004–2005)

A Bulgarian bus company has specialised in the transportation of men from the Turkish-Bulgarian minority in Plovdiv to Charleroi in Belgium, where several Turkish exploiters had them carry out non-registered work for private individuals. The Turkish exploiter would collect them between 7 am and 8 am from old houses, the property of a Belgo-Sicilian and of a Belgo-Turkish rack-renter, and bring them back between 8 pm and 10 pm in the evenings. They did renovation work in houses, mainly belonging to Belgo-Turkish people. They were paid in kind (board and lodgings) and were promised wages.

The role of the Bulgarian driver, who was responsible for the transportation from Bulgaria, consisted of transporting Bulgarians who would stay and work in Belgium illegally, and in the smuggling of counterfeit money. En route, he sometimes stops in Dortmund (Germany), while sometimes his route is via The Netherlands, to drop off Bulgarians there, too.

Immediately on arrival, the Bulgarian bus driver pays € 100 per month per worker for the safe houses of the rack-renter, which he will deduct later from the workers' wages. The workers themselves get € 300 as an advance. However, each worker pays € 250 for the bus journey, € 100 of which has to be paid in advance and € 150 in arrears. The actual wages are set at € 30 a day, for which they have to work 12 hours a day. In fact it turns out that, once they are working, the workers sleep with 10 to 15 people in a single bedroom, and sometimes are only given € 30 a week, because the costs for food, rent and the bus journey have been deducted from their wages. As a result, at the end of his work and a stay of 10 months, one of the Turkish-Bulgarian workers had managed to save € 1 300, that is, € 130 per month for working 12 hours a day.

The organisers of the business would retort that the people involved would probably not have earned more, in their specific case, in Bulgaria, and this has indeed led as a consequence to not all workers wishing to lodge a complaint. The aspect of exploitation and unfair money profiting by the organisers is, however, patently obvious.

An interesting aspect that deserves closer research in the future, but not restricted to the human trafficking issue, is the connection between the Turkish-Bulgarian minority, Turks in Turkey and Euro-Turkish immigrants from Turkey in Europe. This is an ethnic and trans-national dimension that surely should become a subject of research.

Learning to cover oneself

To restrict ourselves here to the Bulgarian side of the trade, it is conspicuous that the Bulgarian bus driver has once again covered himself against personal prosecution, by making sure that the exploitation lies mainly with the Belgo-Turks. He pays an advance that is clearly much higher than what will later appear to have been paid. He also pays the room rental and cannot be held responsible for the fact that such a room is subsequently filled with 10 to 15 people by the rack-renter.

DISCUSSION

With the first profile, the post-violent entrepreneurship, we are confronted with a Bulgarian businessman and his environment in Sliven (or as the case may be, the coastal town of Varna). The man quite clearly has good contacts in some circles of the police and judicial world. He recycles his prostitution money by buying land and building small hotels in the Bulgarian coastal region. He also controls a financial institution through which the money can come in and where candidates can borrow money.

If necessary, he will collaborate, in the context of opportunistic outsourcing, with Belgian bars or Italian owners of buildings but, because of the current dominant Bulgarian market position in prostitution, this is not essential for him.

He works in a modern “agent” sensitive approach that builds in buffers. If compared with the Bulgarian entrepreneurs who operated in earlier years (see Leman and Janssens, 2006a, 2007a, 2007b), then it is conspicuous that the entrepreneur nowadays is much more cautious about dealing with agencies like Western Union to transfer his money to Bulgaria. He prefers to use minibus drivers as couriers. Another new, important and striking buffering link in the business structure is the “madams” (i.e. female mediators). Together with a very restricted number of supervising lieutenants, two for the whole of the Benelux, the “madams” are the only people in the current Bulgarian structure who work outside Bulgaria. The “madams” are Bulgarian prostitutes or former prostitutes who are in charge of their colleagues, guard the bars and act as go-betweens for all possible contacts. If a girl drops out, it is the “madam” who ensures that she is replaced by calling on

the services of the minibus drivers and of the lieutenants. To the sex workers, she comes across as attentive, even protective. The female mediators sort out the girls' administrative problems. They make sure that the girls also earn some money. The girls often regard them as a "second mother".

Here we see in a first phase a movement from the traditional "violent entrepreneurship" in prostitution towards a somewhat more humane approach, which leaves more room for "agency" with the sex workers and which humanises their immediate environment by inserting an intermediary between the prostitute and the violence, which nonetheless remains inherent to the structure. One consequence is that the girls are less inclined to complain about the entrepreneurs and their environment to the police or the prosecuting authorities, especially if one considers that the courts in their region of origin, where their families live as well, will ultimately deal with the cases.

In a second phase under the first profile, we see an evolution towards a post-violent entrepreneurship where the criminal entrepreneur learns that, in order to maximize his profits, he has to capitalize on the new victim profile and has to approach and stimulate these "victims" from a new perspective: a poorer population, possibly placing them in a position of independence in Belgium. This is an important change in how the relation between human trafficking and prostitution is conceived. In the new perception, the sex workers are sometimes even business partners and interested parties, and actions are taken from a so-called win-win situation. Why should the entrepreneur then still be called an exploiter? Because the sex workers do remain in a subordinate and exploited position. In addition, they can be played off against each other competitively because of their over-supply. Their situation continues to be one of excessive economic exploitation in terms of the legislation in the country of destination.

With the second profile, the networks are internationally oriented and composed of diverse nationalities such as Bulgarians, Albanians, Italians, Romanians and Belgians. They collaborate on an individual basis and all fall back on the expertise of their own ethnic group of origin. Collaboration is flexible and based on supply and demand. They are all specialized in their own domain. They have business networks that focus on maximisation of profits. Belgians and Italo-Belgians manage the bars and the houses. The sex workers are there on a voluntary basis. Most of them come from Bulgaria, a few from Romania. "Madams" occupy a prominent place within the structure, in common with the previous profile. They are mostly ex-sex workers of the same nationality as the current sex workers. They provide board and lodgings for the girls, collect the prostitution money, and act as intermediaries between the girls and the outside world and between the girls and the other parties involved in the business structure.

In the second profile, we observe that the Bulgarian criminal entrepreneurs are rather in a second-line role in terms of outsourcing. Albanian pimps, in particular, play an active role in this profile. These are mainly Albanian pimps who no longer occupy a dominant role after having been pushed out subsequent to numerous judicial actions and, because of the market position of the willing and mobile Bulgarian sex workers, who have learnt that they need to collaborate with the other ethnic groups (e.g. Belgo-Sicilians, as in our case study, Italians,...) have professionalised.

What the Bulgarian entrepreneurs in the network take care of is the creation of counterfeit official documents and the supply of motivated sex workers via small transport companies under Bulgarian control. The destination countries are Germany, The Netherlands and Belgium. The minibuses carry both sex workers and male construction workers, who come to work for rock-bottom prices. This brings us to the third profile.

In the “labour” profile, we see Bulgarians from the Turkish minority from cities such as Plovdiv, Car Kayolan, Biala, Dve Mogili and Russe, who are put to work in Belgium for very low wages. Belgo-Turkish building contractors buy ramshackle houses in Belgium that they then have renovated by these Turko-Bulgarians. Rack-renters accommodate them in houses. Here, too, we see that these houses, as in profile 2, are the property of people who are often associated with a Belgo-Italian criminal milieu. Sometimes their wives accompany the building workers, if the women are prepared to be put to work in prostitution. (Here, one may see an interesting gender dimension that also deserves further research.) In this profile, too, the workers return to Bulgaria every three months. In this *modus operandi*, the risks of judicial prosecution for the Bulgarian entrepreneurs remain relatively low.

It is quite interesting to see in several dossiers about Bulgarian human traffickers in Belgium that Italo-Belgians can be identified, who either make houses available as brothels or as safe houses. It is noticeable in other dossiers that they sometimes also specialise in making lawyers available if the judicial authorities are prosecuting human traffickers. It seems rather that they have withdrawn from money-laundering operations and the provision of “useful” services, including prostitution, in which they themselves were previously engaged. The size of the money-laundering operations arising from human trafficking should not be underestimated. In its most recent report, the Belgian anti-money laundering unit CFI pointed out the fact that “human trafficking and trading in clandestine workers is increasing in importance in the reported money laundering dossiers. Together with dossiers relating to the exploitation of prostitution these dossiers represent 15.6% of the money laundering reported in 2008” (CFI, 2008).

THE SHIFT TOWARDS “PROACTIVE LEARNING ORGANISATIONS”

These Bulgarian business networks are difficult to combat. The criminal entrepreneurs remain in Bulgaria and ensure via their “madams” that the money from prostitution comes back to Bulgaria, where they invest it in their companies and hotels. In doing this, they risk nothing and operate from within Bulgaria, where they strengthen their position of respect.

The Bulgarian human traffickers active in Belgium establish structures that interrupt the direct link between the coordinators and the actual prostitution or labour exploitation. The sex workers and the illegally employed and exploited workers end up in a position in which, at least, the appearance is given that they are working autonomously. This makes the production of evidence in the context of combating human trafficking more difficult. For the Belgian police and judicial authorities, for whom the payment of monies is an important piece of evidence, it has become much more difficult to prove, for example, on the basis of observations, that the monies handed over exceed the rental costs or are the proceeds of prostitution. In fact the “madam” is the person who has taken up a key position in the dynamics of the financial transactions.

In addition to the position of the “madam”, the attribution of “agency” to the sex worker herself is clearly the effect of a learning process among the Bulgarian entrepreneurs. In contrast to the presence of the “madams”, the “agency” for sex workers had already emerged and been noticed in several dossiers from the previous years. The “madams” were probably also concurrently present then, but their specific role had not really attracted attention in previous dossiers (Leman and Janssens, 2008). Within the legal structure, the sex workers often work as self-employed persons who have expressly taken on the responsibility for what they do by means of an agreement signed by them in advance. Sometimes via their signature they obtain, often without knowing it, a share – although very limited – within the company that rents rooms for prostitution. The sex workers, but also the construction workers who work for rock-bottom prices, get the impression they are working in a win-win situation. Victim statements are thus more difficult to obtain and, in itself, prostitution on one’s own initiative is, if you are not being exploited, legally permitted in Belgium.

It does occur occasionally that a sex worker has managed to cover herself against financial exploitation and has, for example, stipulated in advance the acquisition of a property (land or a villa) in Bulgaria. What the person concerned misses, however, is that everything can be undone via a notary in the region of origin, who allows

him/herself to be corrupted and replaces the name of the woman in the deed of sale by that of the Bulgarian entrepreneur.

In Belgium, too, the police and court investigation of the management companies involved who rent brothels for prostitution, is likewise not an easy task. What we see in these companies is that there are people who have taken on the job of business manager for a small sum. These people belong to the marginal and financially less well-off Belgian *milieu* and, for that matter, they do not have the slightest clue what the company of which they are directors actually does. However, they are the people who can legally be called to account after the completion of an investigation, whereby it has to be stated that financially nothing can be recuperated, because the persons involved have nothing. In addition, these people are completely useless when it comes to collecting additional information about the structure's set-up.

The money flows have themselves become much less easily traceable, because they run via couriers and almost never via regular banking systems.

CONCLUSIONS

The image that comes to the fore from our analysis is one of organisations that are successful in all sorts of ways at covering themselves against police- and judicial investigations, and that, at the same time, in many places and many ways – both in the regions of origin and in the country in which the activities take place – they manage to infiltrate the economy. This allows them to get stronger and to interweave themselves better into the life of the broader society.

It seems improbable that the battle against international human trafficking, as constructed in our files, can be won without coherent, political and judicial action within the European Union, and without a very active, effective and efficient approach to the financial transactions and possible money laundering operations that we see taking place around certain entrepreneurs in these countries. It is most unlikely that the fight can be won if the focus is mainly and almost solely placed on the sex workers or the illegally employed workers, where it is obvious that the entrepreneurs can be hit primarily by an investigation of possible fraudulent companies and their complete financial dismantlement. These entrepreneurs have no reason whatsoever to cease their activities if their proceeds are not taken away from them and their initiatives are not additionally subject to serious financial penalties.

As the situation is now evolving, the entrepreneurs, with the approach that they have adopted at present, have little chance of being punished, which also entails that they have no reason at all to stop their activities.

REFERENCES

- APIIAH, Kwame Anthony (2005). *The Ethics of Identity*. Princeton: Princeton University Press.
- BLACK, Christopher, VANDER BEKEN, Tom, FRANS, Bruno and PATERNOTTE, Marc (2001). *Reporting on organised crime: a shift from description to explanation in the Belgian annual report on organised crime*. Antwerp: Maklu.
- BLOCK, Alan A. (1991). *Perspectives on organizing crime: essays in opposition*. Dordrecht: Kluwer Academic Publishers.
- BLOK, Anton (1974). *The Mafia of a Sicilian Village, 1860–1960: A Study of Violent Peasant Entrepreneurs*. Oxford: Blackwell.
- CFI (2008). *Jaarverslag 2008*. Zie hoofdstuk 4, Typologieën, pp. 57–78, http://www.ctif-cfi.be/menu.php?lang=nl&page=typ_ctif_cfi.
- CHAMBLISS, William (1978). *On the Take: From Petty Crooks to Presidents*. Bloomington: Indiana University Press.
- “Criminal Procedure Code” (2005), *Published State Gazette*, N° 86/28.10.2005, effective 29.04.2006, amended, SG N° 46/12.06.2007, effective 1.01.2008, amended and supplemented, SG N° 109/20.12.2007, effective 1.01.2008, amended SG N° 69/5.08.2008. Republic of Bulgaria.
- JANSSENS, Stef and LE COCQ, Patricia (2008). *Jaarverslag mensenhandel -smokkel 2007*. Brussels: Centrum voor gelijkheid van kansen en voor racismebestrijding.
- JANSSENS, Stef and LE COCQ, Patricia (2009). *Jaarverslag mensenhandel -smokkel 2008*. Brussels: Centrum voor gelijkheid van kansen en voor racismebestrijding.
- KENNEY, Michael (1999). “When Criminals Out-smart the State: Understanding the Learning Capacity of Colombian Drug Trafficking Organisation”, *Transnational Organized Crime*, vol. 5, no. 1, pp. 97–119.
- KLEEMANS, Edward, BERG, E.A.I.M. van de and BUNT, Henk van de (1998). *Georganiseerde criminaliteit in Nederland: rapportage op basis van de WODC-monitor*. Den Haag: Wetenschappelijk Onderzoek- en Documentatie Centrum (Onderzoek en beleid, 173).
- KLERKS, Peter and KOP, Nicolien (2004). *De analyse van criminele infrastructures. Verslag van een pilotproject*. [Appeldorn]: Onderzoeksgroep politicacademie.
- LEMAN, Johan and JANSSENS, Stef (2006a). “An Analysis of Some Highly-Structured Networks of Human Smuggling and Trafficking from Albania and Bulgaria to Belgium”, *Migracijske i etničke teme*, vol. 22, no. 4, pp. 231–245.
- LEMAN, Johan and JANSSENS, Stef (2006b). “Human smuggling and trafficking from/via Eastern Europe: the former ‘intelligence’ and the intermediary structures. An analysis of 50 Belgian case studies covering the period 1995–2003”, *Kolor: journal on moving communities*, vol. 6, no. 1, pp. 19–40.
- LEMAN, Johan and JANSSENS, Stef (2007a). “Travel Agencies as a Linking Element for Human Smuggling and Trafficking from Eastern Europe”, *Studi Emigrazione/Migration Studies*, vol. 44, no. 166, pp. 443–459.
- LEMAN, Johan and JANSSENS, Stef (2007b). “The Various ‘Safe’-House Profiles in East-European Human Smuggling and Trafficking”, *Journal of Ethnic and Migration Studies*, vol. 33, no. 8, pp. 1377–1388.
- LEMAN, Johan and JANSSENS, Stef (2008). “The Albanian and Post-Soviet Business of Trafficking: Women for Prostitution. Structural Developments and Financial Modus Operandi”, *European Journal of Criminology*, vol. 5, no. 4, pp. 433–451.

- LUPSHA, Patrick (1983). “Networks Versus Networking: Analysis of an Organized Crime Group”, in: Gordon Waldo (ed.). *Career Criminals*. Beverly Hills: Sage, pp. 43–87.
- McILLWAIN, Jeffery Scott (1999). “Organized Crime: A Social Network Approach”, *Crime, Law and Social Change*, vol. 32, no. 4, pp. 301–323.
- RAUB, Werner (1997). *Samenwerking in duurzame relaties en sociale cohesie*. Rede ann de Universiteit Utrecht op donderdag 18 september 1997, <http://www.fss.uu.nl/soc/iscore/papers/paper115.pdf> (03. 02. 2010).
- WOOLCOCK, Michael (2001). “The Place of Social Capital in Understanding Social and Economic Outcomes”, *Isuma Canadian Journal of Policy Research*, vol. 2, no. 1, pp. 1–17.

Johan LEMAN, Stef JANSSENS

Bugarsko trgovanje ljudima u Belgiji i proaktivno poduzetničko učenje: razvoj 2002. – 2009.

SAŽETAK

U radu se raspravlja o mehanizmima proaktivnog učenja u bugarsko-belgijskom trgovanju ljudima između 2002. i 2007. putem tri profila, svaki put počinjući studijom slučaja. Profili i slučajevi rezultat su dubinske analize šesnaest belgijskih sudskih spisa. Analiza otkriva tri profila: naknadno nasilno poduzetništvo u prostituciji (2002. – 2005.), međunarodno i međuetničko poduzetništvo u prostituciji (2004.) i izrabljivanje rada (2004. – 2005.). Svaki se put u poduzetnikâ može primijetiti napredak u učenju usporedimo li njihove aktivnosti s onima njihovih prethodnika opisanim u prijašnjim radovima istih istraživača. Iz te se analize izdvaja predodžba da je riječ o jednoj od organizacija koje se na sve načine uspješno štite od policijskih i sudskih istraga, a da se istodobno na mnogim mjestima i na mnogo načina – kako u regijama porijekla tako i u zemlji u kojoj se odvijaju te aktivnosti – uspijevaju infiltrirati u gospodarstvo.

KLJUČNE RIJEČI: Bugarska, trgovanje ljudima, izrabljivanje rada, napredak u učenju

Johan LEMAN, Stef JANSSENS

Le trafic d'êtres humains de la Bulgarie vers la Belgique – un apprentissage proactif : développements 2002 – 2009

RÉSUMÉ

L'article explique les mécanismes d'apprentissage proactif au sein des trafics bulgare-belges produits entre 2002 et 2007, à travers trois profils découlant chacun d'une étude de cas. Les données de l'article reposent sur une étude approfondie de seize dossiers judiciaires belges. L'on distingue trois profils: un entrepreneuriat violent développé dans la prostitution (2005–2005), un entrepreneuriat international et interethnique lié à la prostitution (2004) et un entrepreneuriat d'exploitation nette du travail (2004–2005). Dans chacun des cas est visible l'évolution des entrepreneurs par rapport aux activités de leurs prédécesseurs, décrites par les mêmes chercheurs dans des articles antérieurs. Dits profils laissent transparaître de véritables mécanismes d'apprentissage et donnent l'image d'organisations très performantes ayant appris à s'assurer une protection efficace contre toutes sortes d'actions policières et judiciaires. Elles y parviennent de diverses façons, aussi bien dans leur pays d'origine que de destination – là où elles opèrent – et réussissent à infiltrer l'économie locale.

MOTS CLÉS : Bulgarie, traite, exploitation du travail, apprentissage proactif