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Prostitution and Public Policy in Post-Socialist Bulgaria

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Summary

The article examines prostitution in Bulgaria, which has become a widespread phenomenon in the post-socialist period when the number of sex workers increases and the places where sex services are offered proliferate. At the same time, the policies towards prostitution remain archaic and inadequate to the new circumstances.

The text draws on an empirical base, mixing qualitative and quantitative research conducted in the period 2008-2022. Results of two nationally representative surveys of public opinion on the subject are analyzed. Additionally, reviews of court cases, other documents and Internet forums of clients using paid sex services are discussed. Results from monitoring of specialized police operations related to prostitution are presented.

The first part of the text presents the historical development of prostitution in Bulgaria – before socialism and during the communist regime. The second part focuses on the rise of prostitution in post-socialist Bulgaria – development of the sex market is traced; main layers of prostitution and social mobility patterns are analyzed; the role of the third party is discussed. The third part examines the current policies regarding prostitution in Bulgaria. In the concluding section, the article discusses the potential for developing new policies on prostitution in post-socialist Bulgaria.

Keywords: Prostitution, Public Policies, Post-Socialism, Bulgaria

Introduction

Prostitution¹ is a phenomenon that can be found in different historical periods and societies. Its presence over time has attracted the attention of many scientists. The focus on prostitution has become particularly strong in recent decades, when pub-

¹ In this article, the focus is on prostitution, which is only one form of sex work.

lic debates began in some Western European societies (e.g., France in 2013) about prostitution-related policies. Scientists from different disciplines have explored diverse aspects of this phenomenon, such as the relationship between modern transformations and change in attitudes towards intimate life (Giddens, 1992; Bauman, 1998; Bernstein, 2007), the various forms of paid sex services (Harcourt and Donovan, 2005; Pitcher, 2019), the risks and vulnerabilities of those involved in prostitution (Church *et al.*, 2001; Sanders, 2005; Footer *et al.*, 2020), the social stigma with which prostitution is charged (Hammond, 2015; Grittner and Walsh, 2020), the physical and mental health of sex providers (Seib *et al.*, 2009; Rossler *et al.*, 2010); the structure and organization of prostitution (Lucas, 2005; Weitzer, 2009). New studies of policies on prostitution in Europe (Jahnsen and Wagenaar, 2019; Crowhurst and Skilbrei, 2018) and in other countries around the world (Skilbrei, 2019) are being published.

Despite its presence, prostitution remains a taboo and is under-researched. This is especially true for most post-socialist countries, where the problem has remained outside the focus of public debate, and where the elaboration of policies on prostitution has been based on ideology rather than on empirical research (Radačić and Pajnik, 2017). What research there is has been generally limited to comparisons between the legislation on prostitution in two or three post-socialist countries (see for instance Kalikov, 2004; Radačić and Pajnik, 2017; Reinschmidt, 2016). Also under-studied are important aspects such as the characteristics of the sex market, the organization and stratification of prostitution, the influence of state policies on prostitution, etc.

The present article contributes to filling this gap by presenting ample empirical information on the condition of commercial sex in Bulgaria. Although the example is from only one country, this discussion may contribute to understanding the situation in other post-socialist countries as well, as it reveals how inadequate regulation and the taboo nature of sex work in these countries influences the way in which the state treats the phenomenon, applying legal norms that are left over from the time of the socialist regimes, interwoven with archaic moral meanings.

In Bulgaria scientific research and public debate on the topic remains poorly developed, especially compared to global developments on the issue (Petrunov, 2020). From 1944 to 2006, only one large-scale empirical study was done in Bulgaria (Zagorova, 1995), which focused on sex workers and their life stories. After that, research on the topic is available, but it lacks systematic analysis, especially research based on empirical data.

The lack of scientific research and public debate on how prostitution should be treated by the state is in strong contrast to its development in post-socialist Bulgaria. Since the early 1990s, prostitution has become widespread, generating hundreds of

millions of euros annually, under the control of organized crime and pimps (Petrunov, 2020; CSD, 2020). A number of factors contribute to this, including public policies towards prostitution, which may be defined as archaic and inadequate by 2022, and then as completely absent.

The aim of the article is to present a comprehensive and detailed picture of prostitution, and public policies related to it, in post-socialist Bulgaria. The article begins with a methods section following with a short historical overview of the development of prostitution in the country, tracing the state's position on prostitution in different periods. After that, the author examines the stratification of prostitution in post-socialist Bulgaria and discusses the specificities of each stratum. In the last section of the article, the focus is on public policies and their impact on various levels of prostitution in the contemporary context. In conclusion, some policy recommendations are offered.

Research Methods and Sources of Information

The text draws on empirical data collected in the period 2008-2022 through a mix of qualitative and quantitative research methods. The use of mixed methods enables us not only to study the various aspects of the problem but also to identify the details and characteristics of these aspects in ways that a single method could not. This is because, when a variety of methods is used, the gathered data complement and clarify one another (Bryman, 2012). An important argument in support of the mixed-method approach is that the problem under study has multiple dimensions, with various research questions needing to be addressed (Parmelee, Perkins and Sayre, 2007).

The concrete methods used for collecting empirical information include:

– In-depth interviews as the main qualitative method. It was chosen as it can be adapted to the challenges of fieldwork (Kaplowitz and Hoehn, 2001); it enables not only collecting information but also generating understanding of sensitive topics (Guest, Namey and Mitchell, 2013). Also, the in-depth interview provides detailed information on the personal viewpoint, on people's experiences, feelings and the meaning they attach to a certain topic (Morris, 2015). Semi-structured interview was conducted, which enables participants to relate their experience and even helps expand the initial questions and expected answers (Mishler, 1986). The interview protocol is organized thematically into general topics and topics specific to various types of participants. In all, 247 interviews with participants from different groups were collected: sex workers (123), third-party representatives (17), clients (21), and experts from governmental and non-governmental organizations (86). The interviews were conducted in 16 Bulgarian cities and tourist resorts. Despite the different distribution of the participants, the size of the sample in each group follows the principle of saturation (Bernard, 2011) – the point at which no further significant

information is revealed that might contribute substantially to answering the research questions. Having in mind the basic principles for establishing a sample of suitable size for qualitative inquiries (Guest, Namey and Chen, 2020), I am confident that the number of interviewed persons in the different groups is sufficient for the purposes of this research.

Taking into account the limitations of non-random sampling techniques (Hendricks and Blanken, 1992), in selecting the participants, I used convenience and snowball approaches, which permit studying hard-to-reach groups, or the so-called "hidden populations", such as sex workers and pimps (Faugier and Sargeant, 1997). To ensure the initial access to participants from this group, I mainly used the help of members of non-governmental social centers who had many years of contacts with sex workers, as well as the mediation of people known to me. The basic criteria for placing a person within the sample were two: gender (female) and the fact of offering (now or in the past) paid sex services. A large share of the interviews were personally conducted by the author. Nevertheless, in order to ensure greater confidence in the study, some of the interviews with sex workers and pimps were conducted by members of non-governmental organizations who had had many years of contact with these people. In such cases, the interviewers received detailed instructions about the goals, methodology, etc., of the research.

Similar to the first group of participants, access to third-party representatives (who control prostitution) was gained through members of non-governmental social centers. In-depth interviews with representatives of this group were conducted in some cases through personal contacts and contacts of intermediaries.

Most of the interviews with representatives of law enforcement and judicial organs were conducted with the official permission of the leadership of the respective institutions; however, the author's long years of acquaintance and joint activities with some of these participants were important for the depth of the interviews and for gaining the interviewees' trust.

Access to clients using paid sex services was provided with the assistance of professional recruiters and through the author's personal contacts.

The interviews were conducted at locations familiar to the participants, in an environment conducive for calm conversation. The information gathered through the in-depth interviews was analyzed by means of thematic analysis, which provided a rich and detailed account of the data (Braun and Clarke, 2006).

- Analysis of publications on two Internet sites of clients using paid sex services - www.alo.bg in the section "Escorts" and www.forums.data.bg in the subforum "Sex and Eroticism". The analysis covers information published on websites in the period 2009 - 2022. The choice of sites as appropriate for the research topic (which is an important step in conducting analysis of information obtained from the Inter-

net (Holtz, Kronberger and Wagner, 2012)), was based on the popularity of the sites among sex workers and among clients in Bulgaria. This Internet space and the discussion forums there offer unique information, which can hardly be collected otherwise, as Internet, in preserving the anonymity of contributors, ensures freedom of expression in an informal environment that reduces the clients' inhibition to share information (Horswill and Weitzer, 2018). Qualitative thematic analysis was applied; some of the themes were: reasons for using paid sex services; access to paid sex services; choice of a particular sex worker; the relation between client and sex worker; risks for clients.

- Analysis of 54 court cases. Cases concerning prostitution and related pimping, human trafficking and organized crime groups were studied. All the cases dated from the period 2008-2020 and were chosen based on their accessibility. Of significant importance for gaining access to judicial cases were the author's many years of personal contacts with magistrates. The cases in Bulgaria included detailed description of the factual circumstances; thus, I was able to reach information about the Bulgarian sex market, its participants, etc.
- Observation of 16 specialized police operations related to prostitution in the period 2008-2010. The author received permission to participate in the observation from the Ministry of the Interior of the Republic of Bulgaria. I was present from the preparation stage of the police operations to their implementation, and observed the subsequent actions of the police and prosecutor organs.
- Two nationally representative opinion polls. These were omnibus studies which used protocols developed by the author. The first survey was carried out in July 2010 by the National Center for Public Opinion Research, in which 1,000 adult residents of the country were interviewed with semi-standardized face-to-face interviews in 125 nests. A random sample based on the Leslie Kish method was used ("next birthday").² The selection of respondents was made using a starting address and a fixed step for subsequent selection of respondents. The maximum stochastic error for the 50th-percentile relative shares is 3%. The second survey was conducted in August 2020 by the Trend Research Agency, in which 1010 adult residents in the country were interviewed through semi-standardized face-to-face interviews in 104 nests. A two-stage nesting sample was used after preliminary stratification by settlements and size of the settlement, and a random route on the territory of the nest. The maximum permissible stochastic error is 3.1%.

² In order to ensure an equal chance that a person falling into the scope of the survey might be included in the sample, Leslie Kish (Kish, 1949) proposes choosing, based on a specific schema, only one household member (Kish grid). A modified version, which facilitates the selection and also provides an equal chance for each person in the household to be included in the sample, uses the "next birthday" selection criterion (Salmon and Nichols, 1983).

The empirical information used in the paper is not representative and the results obtained refer to the units which have been studied. The results of the two public opinion surveys conducted in 2010 and 2020 are representative of the adult population (above 18 years of age) of Bulgaria.

Prostitution Before and During Socialism in Bulgaria

In this section, a short historical overview of the development of prostitution in the country is presented in order to trace the state's position on prostitution during various periods. This enables comparisons to be drawn between the state's treatment of sex workers in the post-socialist society and previous periods.

Throughout the centuries-long history of Bulgaria (founded in 681), maybe prostitution has been present, albeit at varying levels. In the period from the end of the 14th to the end of the 19th century, Bulgaria was under Ottoman rule. Even in this period, prostitution was present, as another study (Petrunov, 2020) shows; however, given the huge share of the rural population, with its extremely strict patriarchal morality and religious beliefs, it was a rather rare phenomenon. Immediately after the Russian-Turkish War of Liberation in 1878, new circumstances emerging in the country contributed to a wider spread of prostitution – the country transitioned to industrial economy, cities began to develop and grow, which influenced a change in the values and morality of the people migrating there from the countryside in search of livelihood. Studies (Keremidarska and Toney, 2006, p. 95) show that at the end of the 19th century prostitution in Bulgaria grew rapidly – official brothels were opened in about 30 cities in the country; the number of sex workers and associated pimps increased. Official data on the number of sex workers, quoted by Parvanova (2008, p. 88), show that 649 persons were officially registered in 1895-1896; in 1902 their number grew to 1,268; in 1925-1926 there were already 1,626 sex workers, according to official police data; in 1927 the registered sex workers numbered 2,026, increasing to 3,560 in the period 1932-1934.

The changes that occurred in the social and economic life in the country after the Liberation from Ottoman domination contributed to the development of prostitution in the big Bulgarian cities. During four decades (1878-1918) the country followed a policy of regulating prostitution. Gradually, the system of regulations became less restrictive which led some researchers (Mikov, 2013) to define the regime in force between 1918 and 1944 as tacitly permissive. With the adoption of the Public Health Act in 1929, the opening of brothels was finally banned (*ibid*.). The regulationist approach was no longer supported and brothels were prohibited; nevertheless, the attitude towards sex workers remained mild until the change of power on September 9, 1944, when Bulgaria fell under the Soviet sphere of influence.

In the emerging socialist state, prostitution was regarded as a disgraceful legacy of the bourgeois-capitalist way of life. As some studies show (Garvanova, 2016), sex workers under socialism were defined as a "dangerous proletariat", they were considered and treated as "labor saboteurs"; their work was defined as unproductive and not useful to society.

Prostitution became the object of heavy restrictions in the first months of the new socialist regime. The penalties envisaged for sex workers in the first socialist legislation were equated with the penalties for pimps and repeat offenders who had committed other crimes. All of these groups of people were sent to special colonies (labor camps), where the detained were forced to live, study, and work; these dorms were built next to state-owned farms or factories, most often in remote villages, by an order of the Minister of the Interior. Sex workers were also subject to other restrictive measures during the period of socialism. Such measures were envisaged in the Decree on the People's Militsia (police force) of 1955 (State Gazette, issue 25 of 29 March 1955); they included forced resettlement in other settlements and detention in a labor camp if the person could not satisfactorily prove a source of permanent income to the police (Marcheva, 2016). Sex workers were also prosecuted under Art. 329, para. 1 of the Criminal Code, adopted in 1968, for "social parasitism and laziness". The Penal Code of 1968 was in force in post-socialist Bulgaria and Art. 329, para. 1 was applied until 2022; the criminal law provisions are dealt with in detail in the last part of the article, which is devoted to public policies on prostitution. The criminal law provisions in the Code were complemented during the years of socialism by the Law on the People's Militsia adopted in 1976 (State Gazette, issue 80 of 9 November 1976), which provides for preventive administrative measures for persons who lead a systematically immoral life. These measures include a ban on living in or visiting certain cities/villages or parts thereof, prohibition to visit certain public establishments such as restaurants and hotels, prohibition to leave the dwelling at certain times of the day, and others (Mikov, 2013, p. 191).

Consequently, the spread of prostitution in Bulgaria from the mid-1940s to the 1960s was significantly reduced and reached the lowest levels in the 20th century. This was the result of both the repressive and re-educational measures implemented against sex workers and pimps, as well as of a number of trends that took place in the first five-year periods of socialist society.

After the 1960s, prostitution began to slowly resurface. Researchers (Panev and Raykovski, 1988) associate this with the newly built tourist resorts along the Black Sea coast and with the emergence of sex workers whose clients are mainly foreign tourists. As early as the 1960s, a new practice (Gruev, 2015), which continued to develop and expand in the 1970s and 1980s, emerges: the communist security services used sex workers for operational purposes and intelligence gathering.

In the late 1980s prostitution was no longer limited to major cities and tourist resorts. It became ever more visible and sex workers offered their services on international roads and roadside restaurants. According to a survey of sex workers conducted in 1987, pimping was not very prevalent under socialism – only 3% of sex workers indicated they had a pimp (Georgiev, 2004, p. 20). Yet, interviews conducted by the current author show that, especially among those who offered paid sex on international highways, pimping was widespread. One of the interviewed participants started his activity in 1988 in a parking lot: "At that time there were six pimps... I started with one girl, ending with five." The main customers were foreign truck drivers. They paid in foreign currency, which was in shortage under socialism.

According to official information, the number of sex workers registered by the militsia in 1987 was 3,131 women (*ibid*.). Key factors for the growth of prostitution in the last years of socialist Bulgaria were: the change in moral values; the rapid growth of extramarital sexual relations; the use of sex for climbing up the social ladder; the increasing use of sex workers for operational purposes and intelligence gathering; the culture of hedonism; access to scarce foreign currency and Western goods through foreign clients. These factors, combined with the new socio-economic conditions in post-socialist Bulgaria, were important for the rapid expansion of prostitution after the collapse of the socialist state.

Prostitution in Post-Socialist Bulgaria

In the first months after 10 November 1989, when the socialist period in Bulgaria came to an end, chaos and uncertainty gripped the country. Old values and norms quickly disintegrated, and new ones had not yet taken root. In conditions of anomie, prostitution grew rapidly. It developed on international highways and roadside restaurants, on the streets and hotels of major cities and resorts. This is confirmed both in in-depth interviews with law enforcement officials and pimps operating during this period, and in court cases. For example, in one of the cases, a person who worked in a four-star hotel in the capital city relates: "In the period from 1989 to 1990, the hotel was full of Roma people who bothered customers offering sex services." Zagorova (1995, p. 14) shows that in this period sex workers were found in different places and used various advertising strategies. The study presents a variety of profiles of sex workers from the early 1990s of the twentieth century – from minors to very young women to women over thirty; of different ethnicities; some doing it for pleasure, others for money; some others because they were left without income and prospects, including unemployed single mothers who could not feed their children. The majority of sex workers in post-socialist Bulgaria are Bulgarian citizens, and only a few sex workers from abroad are found – mostly Russian, Ukrainian, and Moldovan.

Types of Prostitution in Post-Socialist Bulgaria

In post-socialist Bulgaria from the early 1990s to the present day several main types of prostitution are characteristic. In general, these are urban, roadside or highway, resort and border-region prostitution. Each of the main types has its own specifics.

Urban prostitution is found in almost all major Bulgarian cities. This is due to various factors, like the large number of the population in cities; higher income levels compared to other parts of the country; internal migration (especially young people moving to large cities), the influx of foreigners, etc. In the cities, street areas, squares and parks are places where sex workers offer their services. Paid sex is offered in brothels, massage parlors, erotic bars, hotels, internet sites and more. In cities, paid sex services are also offered in luxury mansions and by fashion agencies. A migration flow of sex workers is associated with daily commute from smaller to larger cities.

Roadside prostitution occurs on intercity roads and highways in Bulgaria. It is found both at turn-offs along the road, as well as in parking lots and motels where customers, mainly drivers, use paid sex services.

Border-region prostitution is found in settlements located near the state border, mainly with Greece and Turkey. Typical for this form of prostitution is that a significant part of the clients are foreign citizens. Paid sex is available in streets, pubs, hotels and more. Short-term migration of sex workers from neighboring districts to border areas also takes place on weekends.

Resort prostitution is found in both summer and winter tourist resorts, where it is concealed mainly under the official activity of erotic bars. Street prostitution is found in the summer resorts. Customers are mainly foreigners; there are cases in which Bulgarians are not allowed in erotic bars. The migration that is most characteristic of resort prostitution is seasonal. The same staff and sex workers move from winter resorts to summer resorts and back. From May to October they are in the summer resorts, and in the period from December to March – in the winter resorts.

Prostitution and Organized Crime in Post-Socialist Bulgaria

Prostitution very quickly attracted the interest of the emerging organized crime in post-socialist Bulgaria. In addition to the in-depth interviews, this is confirmed in a publication from 1992 of the Council for Criminological Research at the Prosecutor General's Office of the Republic of Bulgaria: "Verified data point to a high degree of organization of prostitution in our country [...] and the participation of pimps..." (Stankov, 1992, p. 10). From the in-depth interviews it becomes clear that racketeers operate in the hotels, collecting money from sex workers and their pimps. In

parallel with the control of prostitution in hotels, according to information from indepth interviews, in 1992 the racketeering of street prostitution also began.

Prostitution in post-socialist Bulgaria quickly came to be exploited by the socialled "power groups", also known by the popular name "mutri" (mugs) (for details see Petrunov, 2006), which specialized in violence entrepreneurship and sale of protection back in the early 1990s. These groups were initially registered as security firms and subsequently as insurance companies (Bezlov *et al.*, 2007; Nikolov, 1997). Organized crime achieved an almost complete monopoly on prostitution in the country at the beginning of the first decade of post-socialism and retained it to a large extent in the following years. Other authors also point to that circumstance: "They paid 'racket' to the 'mutri'. Years ago, they might not have paid and most often for this 'transgression' they were beaten until they started paying" (Zagorova, 1995, p. 88). Full control by organized crime is a key feature of prostitution under post-socialism, which defines its other characteristics as well.

In the 1990s, power groups began to control prostitution not only in the cities and on the roads of the country, but also in the seaside and winter resorts. Zagorova writes: "The situation in the whole country and especially on the Black Sea coast was already so changed that no sex worker could go wherever she wanted, with whom she wanted and as much as she wanted, without being racketeered" (*ibid.*, p. 232). In an interview from my research, a ski resort policeman relates:

Already in 1991-92 there were prostitutes in the night bars of the hotels, in the lobbies they were together with the thugs [...] Around that time they started building the houses in the center, which were first shops and afterwards became erotic bars.

On the most central streets of the resorts there are houses where various commercial activities go on, but some of them are adapted and function as erotic bars: strip dancing is offered on the first floor and on the second floor there are separate bedrooms for paid sexual services.

Initially, the power groups collect proceeds mainly from prostitution, but quickly begin to create their own venues for paid sex services, in which the money is most often split fifty-fifty with the sex workers. As early as the mid-1990s, almost all power groups have their own brothels, housed most often in apartments on the first floor in residential buildings, mainly in the central parts of cities, including also erotic bars and massage parlors that offer paid sex. At a later stage, slightly more luxurious clubs, called VIP houses, are built, in which higher-priced services are offered by selected sex workers. Erotic bars in different resorts and cities of the country have the same names, most often denoting ownership of the same group, advertised with huge red signs to make it clear to customers.

The emergence of facilities owned by the power groups and persons associated with them continues intensively and their number rises significantly in the se-

cond half of the 1990s and in the first years of the 21st century. Some authors argue that "[i]n Bulgaria there are over three thousand night bars, clubs and offices for escorts and as many massage parlors, parking lots, roadside pubs and motels employing over ten thousand girls practicing the most ancient profession" (Velikova, 2008, p. 93). These estimates for over six thousand places offering paid sex are inflated, but there are certainly several hundred places where prostitution is offered.

The scale of prostitution also changes over the years. Data on known sex workers by the Ministry of the Interior are available only for two years: 4,611 sex workers were found throughout the country in 2003, and 1,326 were identified in 2010. Attempts to assess the scale of prostitution in post-socialist Bulgaria in the 20th century have been made by various NGOs. According to a study published in 2007, which is one of the most cited, sex workers in Bulgaria numbered between 5,000 and 8,000 (TAMPEP, 2007, p. 7). It is based on expert assessments of health officials working in the field. Similar is the assessment from a more recent study (CSD, 2019), according to which the number of sex workers is between 6,000 and 10,000. Information about clients can be found in the results of the two nationally representative public opinion surveys, which include the question: "Have you personally used paid sex services?" The results of both surveys are similar. Almost the same percentage of Bulgarian men say that they have used paid sex services, respectively, 6% in 2010 and 5% in 2020. The percentages of men who did not want to answer the question were high, 9% in 2010 and 11% in 2020. Other studies (CSD, 2019; 2020) show that 6% in 2009 and 5% in 2010 responded affirmatively; in 2018, 13% responded that they had used paid sex, whereas for 2019 this percentage dropped to 9. These studies provide an estimate of the number of users of paid sex services in the Bulgarian market. In 2018, the regular users (with an average of 10 services used) were estimated at 11,503, and the episodic users (with an average of 3 services used) at 126,538. The number of sex tourists is also indicated – 524,153, covering foreign citizens who had used paid sex services in Bulgaria.

Stratification of Prostitution in Post-Socialist Bulgaria

Prostitution in post-socialist Bulgaria is made up of three main layers – low, medium and high. Each of them has a specific way of functioning, participants, forms of manifestation, etc. Besides prestige, the stratification of the three layers is the result of differences in the amount of income received; the places where the activity is carried out; the model of work; privileges, clients and other differentiating characteristics.

The low layer includes outdoor prostitution in squares, parks, around railway stations, streets, highways, roadside establishments. In most cases, sex workers

come from poor families, have a low education level, are unemployed, and sometimes without work experience. They are of various ethnic origins, but are predominantly Roma and Bulgarian. Sometimes sex workers are strongly tied to pimps, in some cases living together as a family. Sex workers have a wide age range, from minors to 40-50 years old. The rates for standard sex services at this level vary across regions of the country from 10 to 20 euros for a single act. The interviewees reveal different ways of entering the profession, among the most typical patterns in the lower layer are; on their own initiative; through a girlfriend who is a sex worker; through an offer from an acquaintance or a taxi driver; falling in love. In the low layer, sex workers are at the highest risk of violence by pimps and clients. Interviewed sex workers from this layer do not pay health insurance. For health services they rely on non-governmental social centers, and in emergency cases, on paid medical facilities. Organized crime is seriously interested in and seeks a monopoly on the lower layer. Sex workers in this layer are forced by criminal organizations to pay racket in order to work in the territory they control. In the lower layer, professional truck drivers are among the most frequent users of paid sex services on highways, intercity roads and parking lots.

The middle layer of prostitution is most widespread in post-socialist Bulgaria. Sex workers offer paid sex services indoors, in brothels, massage parlors, VIP houses, erotic bars, as escorts, etc. Typically, sex workers in the middle layer are from 18 to 40-45 years old, but minors are also found; their education levels differ, a significant part have completed high school, others have obtained a college degree or are currently studying. They often have employment contracts with the facility - erotic bars, massage parlors, etc. One of the interviewed women said: "Well, we work at a massage parlor and I have an employment contract. I pay social security." The price of the services offered in the middle layer is not subject to negotiation and ranges from 20 to 250 euro, depending on the type of service. The number of customers per night is usually two to six. Sex workers most often receive half of the money they earn. Pay in the middle layer is usually per hour, with sex workers having more time to establish contact with customers, who sometimes seek conversation, and emotional attachment may grow. The most common ways to enter into prostitution are at one's own initiative/responding to an ad; by an offer from a friend who is already in prostitution; by an offer from an acquaintance. Some of the sites where paid sex is offered have contracts with health clinics for regular checkups of sex workers. In the middle layer of prostitution, a wide variety of clients are observed, from minors to those of retirement age, Bulgarian citizens of different ethnicities and foreigners from different income groups. Clients have different educational backgrounds, marital statuses and professions.

Prostitution in the high layer takes place under the cover of modeling agencies, in luxury mansions and among the brokers' networks of contacts. In the organiza-

tion of the high layer, the key figure is the broker who owns the network of contacts with wealthy clients (Petrunov, 2019). Sex workers are in many cases models, winners of beauty contests, ballet dancers, singers, athletes and other popular figures. Very often, women in this layer have an employment contract for the formal job they combine with sex work, and they pay taxes and health insurance. Prices in this layer vary for different sex workers and services from several hundred to several thousand euros; the more popular sex workers have fixed prices which are non-negotiable. Several models of money sharing exist: equal shares; 70% for the sex worker; a fixed amount of the money she receives – for example, out of 300 euros paid, the sex worker receives 250 euros, or 300 euros out of 400 euros paid by the client. Beyond the agreed amounts, information from court cases reveals that in this layer sex workers receive large tips, ranging between 2,000 and 5,000 euros, which they can retain. Most often, the sex worker is engaged for the whole evening, not for an hour, as in the middle layer, or for a single sexual service, as in the case of the low layer. Although high-end sex workers usually have one client a day, the amounts they earn are substantial. Entering the high layer is usually done by recommendation only or through targeted recruitment by women who are already working. Another mechanism is by working as a model in fashion agencies that serve as go-betweens. High-end clients, although a small group, are extremely wealthy, frequently using paid sex and always looking for variety, which is the driving force for this layer of prostitution. The circle of clients is limited to the broker's network and is constant, while sex workers change periodically to satisfy the customers' desires.

Social mobility, both upward and downward, is possible between the strata of prostitution. The empirical information indicates both upward and downward social mobility. Upward mobility is found, for example, in sex workers of the lower layer, who at a certain stage pass into clubs and erotic bars of the middle layer. Changes are also found in the opposite direction – from the middle layer to outdoors prostitution in the lower layer. Cases of social mobility are also found where high-end sex workers move to mid-tier clubs and VIP houses, and vice versa. For example, during the observation of the police operations two sex workers were found in a midtier club, which were also featured on the website of a modeling agency known to work in the high layer. However, mobility is not widespread and sex workers do not usually change positions; they remain in the layer in which they began.

Development of Prostitution in Post-Socialist Bulgaria After EU Accession

Several processes had a significant influence on the development of prostitution in Bulgaria since joining the European Union in 2007. One relates to the migration of sex workers and the reorientation of some organized crime groups towards criminal activities in EU countries. This process started at the beginning of the second millennium with the lifting of visa restrictions for Bulgarians travelling to EU

countries, where the opportunities for profits are much higher due to higher tariffs, a bigger number of clients and legalized prostitution in many of the member states. Not only individual sex workers, but also entire clubs and erotic bars have moved their operations abroad.

Another process relates to the initiation of investigations against organizations controlling prostitution in Bulgaria. The process was initially triggered by explosions outside brothels in 2008 and a shooting in front of one of the erotic bars. The two criminal acts were widely reported in the media and attracted public interest to the topic. Additional factors eventually provoked law enforcement agencies to launch large-scale investigations against some of the power groups and organizations which controlled prostitution. In the following years, police operations were carried out in various cities and key figures from these organizations were charged and some were convicted. However, the trials are taking too long and many have not yet been completed. For example, in 2008 in Varna were arrested the bosses of a group established in the early 1990s (who by 2008 had already become municipal councilors and had entered the legal economy). Some of them pleaded guilty and struck agreements with the prosecution, while the case for the others reached third instance in 2017. The case was returned by the Supreme Court of Cassation for a new hearing and began at first instance, where it is still being reviewed. This is not an isolated case of slow justice. Operations and criminal charges against key members of the power groups have forced many owners to close their clubs and turn to other activities at home or abroad.

After 2010, the monopoly of the power groups from the 1990s on prostitution began to weaken. Many organizations started collapsing. More and more sex workers were given the opportunity to operate without being exploited and racketeered. Information from in-depth interviews conducted in 2019 and 2020 shows that very quickly after the withdrawal of the organizations that emerged at the end of the twentieth century, new ones appeared. A court case shows that such groups are not as well structured, like the former power groups, but have nevertheless managed to quickly force a significant number of those offering paid sex through advertisements on the Internet to pay racket. Pimps build new clubs that are organized so as to create the illusion that sex workers are working independently. For example, two apartments are rented in neighboring buildings; one is used as an office in which pimps and sex workers who advertise themselves on the Internet stay; through intermediaries, the second flat is where the sexual services are provided.

A third process that also influenced the market of paid sex services in Bulgaria in the 21st century is the mass penetration of the Internet and the development of specialized sites where sex workers can advertise independently and find customers. Automated counters in the Internet sites studied for this article show how many

hits each ad has per day, per month, and total since the ad's publication on the site. Some ads have more than 7500 views each daily. Many ads have been viewed hundreds of thousands of times since they were uploaded to the site. The evolution of the Internet, social networks and communication applications create new opportunities for sex workers to remain out of sight of pimps and organized crime.

Public Policies on Prostitution in Post-Socialist Bulgaria

The Penal Code of the Republic of Bulgaria still in force in 2023 was adopted in the socialist period, in 1968. Prostitution is not explicitly prohibited in the Criminal Code, but was prosecuted as a form of social parasitism and idleness under Art. 329, para. 1, which was declared unconstitutional in September 2022. The article, after the latest amendments, which were in force since 2005, reads as follows: "An adult able-bodied person who does not engage in lawful and socially useful labor for a prolonged period, but receives income not earned from employment in an unauthorized or immoral way, shall be punished by deprivation of liberty for up to two years or by probation." The incrimination, as established by judgments of the Supreme Court of Cassation (see Decision No. 231/17.05.2012 on Case No. 663/2012 of the SCC, III c.d.), requires a cumulative relationship between deviation from lawful employment and the procurement of funds in an illicit or immoral manner.

For the proper application of Art. 329, Interpretative Decision No. 29 of 29.11.1984 of the General Assembly of the Criminal College of the Supreme Court was adopted already during the socialist period; it states that: "socially useful is the work that is put into state enterprises, institutions, cooperatives or public organizations and permitted liberal professions [...] Socially useful is also work done in activities that are not regulated and not prohibited, such as work in the household [...] Such is not the work that is put into prohibited professions or activities, such as illegal trade, entrepreneurship, commissioning, speculation, gambling, etc. [...] Therefore, adults and able-bodied persons were considered not engaged in socially useful activity within the meaning of Art. 329 of the Criminal Code not only when they do not work at all, but also those who exercise prohibited professions and activities or regulated professions and activities for which they do not have a corresponding permit. Income gained in an immoral way is considered any income from leading an immoral lifestyle, such as prostitution, pimping, begging, etc." (Interpretative Decision No. 29/29.11.1984 CSC of the SC). The decision states that the duration of the period for non-exercise of lawful employment must be at least four months in one year, whether continuous or not.

The idea of introducing the text of Art. 329, para. 1 of the Criminal Code can be traced back to the Constitution of the People's Republic of Bulgaria, adopted in 1947. Article 73 provides that every citizen is obliged to engage in community ser-

vice and to work according to her strength and abilities. This is a basic obligation, which is also reproduced in Art. 59 of the next Constitution of the People's Republic of Bulgaria, adopted in 1971. In this article, the obligation to perform socially useful labor is defined as "a matter of honor for every member of socialist society". In this way, Art. 329, para. 1 of the Criminal Code emerges as a typical case for qualifying as a crime cases of non-compliance with a specific constitutional principle. Mikov (2013, p. 201) finds a connection between the development of Bulgarian criminal legislation and the Decree adopted in 1962 in the USSR on strengthening the fight against persons abstaining from labor and leading an anti-social, parasitic way of life; the Decree aims to address the danger of moral decay that such elements can bring into society. Art. 329 of the Criminal Code largely repeats the one adopted in the Soviet Union.

The provision of Art. 329, para. 1 of the Criminal Code was archaic, inadequate and completely superfluous in the modern conditions of democracy and market economy. The text was written in the times of socialism and planned economy, when the state could provide jobs for all. The Constitution of the Republic of Bulgaria of 1991 proclaims in Art. 48 the right of citizens to work. Article 329, para. 1 of the Criminal Code was created in an entirely different historical period and responds to a different social and criminal reality. The application of the norm to sex workers made the policies in Bulgaria prohibitive, without the legislator having formally banned prostitution. The text of the Criminal Code applied most often to sex workers working in the lower tier, which are most visible to society, and to a lesser extent to the middle layer of the world of prostitution, while the high layer remains unaffected by the prohibitive policies.

A number of authors (Madzharov, 1997; Velchev, 2012; Mikov, 2013; Pushkarova, 2010) noted the dissonance between Art. 329, para. 1 of the Criminal Code and the radically changed social conditions, as well as the fact that prostitution was punished without being explicitly banned. In addition, the text in question also contradicted international human rights acts which are in force for Bulgaria, for instance, the European Convention on Human Rights, and specifically the right to confidentiality of registration, the right to respect for private life, etc. (Grozev and Dobreva, 2010).

Despite the strong positions expressed with the decisions (see, for example, Decision No. 140/29.04.2010 under Case No. 73/2010 of the SCC, III c.d.; Decision No. 231/17.05.2012 under Case No. 663/2012 of the SCC, III c.d.) from recent years, the Supreme Court of Cassation confirmed the practice of lower courts on the relevance of the application of Art. 329, para. 1 of the Criminal Code with regard to sex workers and the mandatory prescriptions on the application of the law, given by Interpretative Decision No. 29 of 29.11.1984. The motives of the Supreme Court of Cassation contain, as Mikov (2013) notes, some logical and moral contradictions,

insofar as the behavior of a woman who does not work and sells sex is considered immoral, as opposed to the behavior of a woman who works, as a result of which she has income, but also proposes paid sex. According to the Supreme Court of Cassation, it turns out that for a person who was lawfully employed, the income from prostitution was not considered immoral; in other words, if a person had a job, the court recognized her right to receive additional income from prostitution without being punished for it.

Data from the two national representative surveys, which are referred to in the article, show that the largest share of the interviewees – over half (57%) in 2010 and half (50%) in 2020 – say that the closest to their understanding of prostitution is that it is an immoral activity. Twenty-three percent of the respondents in 2010 and 21% in 2020 say that the closest to their understanding of prostitution is that it is a profession like any other. Nineteen percent of the respondents in 2010 and 15% in 2020 answered that closest to their understanding of prostitution is that it is a crime. In 2010 only 1% of the respondents could not decide how to answer this question and in 2020 this percentage rose to 14%.

Public opinion in Bulgaria is divided between the criminalization and legalization of prostitution; the majority of respondents agree with declaring it an illegal activity, respectively, 48% in 2010 and 37% in 2020, compared to 35% of the respondents considering it legal in 2010 and 23% in 2020. In 2010 16% of the respondents and 20% in 2020 answered that prostitution should be neither legalized nor criminalized. The respondents who could not give an answer to this question were 1% in 2010 and 20% in 2020.

The police treat sex workers in Bulgaria the same way it treats perpetrators of crimes, which is why they are usually detained for 24 hours under the Ministry of the Interior Act. Moreover, as Mikov (2013) writes, analyzing decisions of military courts, cases of exceeding rights and abuse of power are not uncommon for the police in handling sex workers; for example, sex workers of the lower layer who are taken to a police unit to wash the corridors and "put on a show" that is filmed. The author identifies cases in which outdoor sex workers have been issued traffic violation tickets. Some of the police measures are illegal, for which lawsuits have been filed against police officers in military courts.

In post-socialist Bulgaria, sex workers were not only arrested, but some were also convicted. According to data from the Prosecutor's Office of the Republic of Bulgaria, in the period from 2005 to 2022, 680 persons were subject to the provisions of Article 329 of the Criminal Code; they were convicted by enforceable court decisions and received different types of punishment. At the same time, more than a dozen sex workers have been sentenced to effective imprisonment under Article 329, paragraph 1 of the Criminal Code.

The conviction of sex workers is extremely inadequate and contrary to human rights standards. Even more inadequate are the sentences including effective imprisonment of sex workers, which seem particularly unfair against the backdrop of data on the imposed penalties for trafficking in human beings, in which almost three-quarters of the convicts receive probation.

Moreover, there are cases in which sex workers are charged and convicted not only under Art. 329, para. 1, but also for money laundering as a predicate crime. The statistical system of the Prosecutor's Office of the Republic of Bulgaria does not allow to establish the number of cases for money laundering in predicate crimes, and it is possible that there are other cases of sex workers who have been charged and convicted not only under Art. 329, para. 1 of the Criminal Code, but also for money laundering. Money laundering is a serious crime for which more severe penalties are provided than those under Art. 329, para. 1 of the Criminal Code. As a result, for example, a decision of the Supreme Court of Cassation (Decision No. 231/17.05.2012 under Case No. 663/2012 of the SCC, III c.d.) confirms a sentence of three months' imprisonment under Article 329 (1) of the Criminal Code and a sentence of imprisonment for one and a half years with a fine for money laundering.

The inadequate application of the archaic legal framework in post-socialist Bulgaria has allowed state institutions for several decades to neglect the real problems related to pimping, trafficking in human beings and organized crime, and instead of investigating them, to pursue the arrest, indictment and conviction of sex workers under Art. 329, para. 1 of the Criminal Code. This not only circumvents the real problems, but very often leads to a double victimization of sex workers – once by pimps, traffickers, and organized crime who exploit them, and a second time by the state, which punishes them instead of protecting and assisting them.

In 2022 the Prosecutor General of the Republic of Bulgaria submitted a request for establishing the unconstitutionality of Art. 329 of the Criminal Code. The Constitutional Court of the Republic of Bulgaria, by Decision No. 8 of 27.09.2022, declared this article of the Criminal Code unconstitutional and its application was suspended. The decision of the Constitutional Court terminates the possibilities of bringing charges against and convicting sex workers, which is undoubtedly a positive step. Nevertheless, this seminal decision of the Court did not provoke public debates and encourage the development of public policies on prostitution. The result is a lack of regulation and no coherent policies towards prostitution in post-socialist Bulgaria.

Conclusion

In post-socialist societies, prostitution exists on a large scale and has become an inseparable part of the entertainment industry. Regardless of its broad presence, not all post-socialist countries have a modern strategy for the problem, Bulgaria being an example of such a country. As a result, a number of risk factors, for the sex workers themselves and for society in general, remain concealed or are mistakenly identified. Discussions on prostitution in the post-socialist countries are rare, and the topic remains taboo here, pushed into a grey zone where pimps and organized criminal groups are active. This situation is largely due to the lack of adequate state regulation of this widespread phenomenon. Moreover, the way in which the post-socialist state treats sex workers is closer to the socialist legal norms of the past, making these women subject to double victimization – by the pimps and by the state. All this points to the need to adopt public policies corresponding to the new social conditions, policies that take into consideration the scale of prostitution and its impact on various participants.

In the article, I have shown that prostitution in post-socialist Bulgaria evolves into different forms and strata, each stratum exhibiting its own specifics. The impact of public policies on the different strata varies, too; the strongest effect is on the low and middle layers, which also encompass the largest proportion of sex workers. The upper layer is less influenced by the policies. Such considerations need to be taken into account in the formulation of the respective policies, ensuring that relevant objectives are set and the expected results are well defined.

Although policies cannot affect all forms and strata of prostitution equally, it is important that they are adequate to modern day conditions, international human rights standards and are based on deep understanding of the phenomenon. Any new policies on prostitution in post-socialist Bulgaria have to include the standpoints of the sex workers and enable various options for their (self)organization.

It is recommended that the policies follow the models adopted in other Member States of the European Union, which largely permit prostitution. The leading principles in policy development should be protecting the rights of sex workers; improving their security and the conditions under which they work; striving to eliminate all forms of exploitation; reducing pimping, trafficking in human beings, and organized crime; preventing the use of sex services provided by minors and by victims of forced prostitution.

The empirical information presented in the article may serve as a good basis for public discussion on prostitution in post-socialist societies. When combined, scientific knowledge and wide public discussion serve as a significant precondition for elaborating and passing public policies on prostitution which are adequate to the current state of the problem.

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