

- **The timeframes proscribed for processing complaints and requests of citizens/clients should be shortened.** The timeframes in which the respective policy decisions are made should be shortened also through changes in the legal framework, while preserving the strict observation of its provisions. Now, decisions regarding complaints and requests are deliberately delayed, laws are interpreted arbitrarily, etc. Such actions increase the corruption pressure on the clients of the customs.
- Introduction of **modern personnel policy**, which would stimulate professional growth of officials through various forms of training, examinations and assessment of their acquired knowledge and skills. This will create preconditions for successful professional growth and will guarantee transparency in appointment to executive positions.
- Overcoming the present discrepancy between the large public and economic importance of the work of customs officials and **the level of payments in this sector.**
- **Timely and appropriate sanctioning** of customs officials, committing offenses. More efficient use of mechanisms of publicity will put pressure on activities of the entire customs administration.
- **Informing the public on rights and obligations of customs officials.** Citizens need to know not only the jurisdictions, but also the duties of customs officials. They also need to know whom they can turn to if officials fail to perform their duty. This would limit the possibilities for dishonest officials to abuse their professional status and to violate rights and interests of their clients.

These recommendations are in line with conclusions, contained in the *2002 Regular Report on Bulgaria's Progress Towards Accession to the EU*. The Report recommends to Bulgaria to "focus on further alignment with the Community customs acquis, strengthening information technology and human resource policy, as well as on completing major projects on revenue collection, transit control and risk analysis."⁴⁴

4.2. ACTIVITIES OF THE MINISTRY OF INTERIOR FOR COUNTERING SMUGGLING, TRAFFICKING AND CORRUPTION

4.2.1. INSTITUTIONAL STRUCTURE

According to the Ministry of Interior Act, fight against corruption is one of the main priorities of this Ministry (Article 7, Section 3 from the Ministry of Interior Act). This task is performed by several specialized departments.

The main task of **the National Security Service (NSS)**⁴⁵ is the fight against corruption, linked to the involvement of foreign services and organizations. In other words, the NSS investigates those cases of corruption, which directly threaten security and legal exercise of the functions of state institutions. At the same time, the NSS investi-

⁴⁴ Commission of the European Communities. *2002 Regular Report on Bulgaria's Progress Towards Accession to the EU*.

⁴⁵ Precise description of its functions is: the NSS conducts independently or in cooperation with other state organs counter-intelligence activities for surveillance, detection, prevention and frustration of planned, prepared or realized violations against the national security, linked to corruption.

gates and counters smuggling practices in which are involved state servants from the system of the Ministry of Interior.

According to this service, the main risk represent the state institutions with jurisdiction over privatization of state property, those in charge with public procurement, the customs, the departments with jurisdiction to sanction, and organizations working with important economic, political and organizational-governing data. The sharp rise in illegal immigration has significantly increased the corruption pressure on agencies, involved in border protection and on those charged with granting of refugee status and Bulgarian citizenship.

On the other hand, the experience from the transition period has showed that due to its high importance, the NSS itself was subject to political pressure, expressed by the attempts of those in power to use it against the opposition. However, the accusations that the NSS become a party agency and serves to compromise political opponents are very difficult to prove because of the thick curtain of secrecy, which covers the work of this institution.⁴⁶

The National Service for Combating Organized Crime (NSCOC) plays an exceptionally important role in the efforts to curb smuggling and the related corruption. The NSCOC is a specialized operational and investigative police service with the goal of countering organized crime and corruption (Article 90, Paragraph 1, Section 10 of the Ministry of Interior Act). For this purpose, the agencies of the NSCOC:

- Establish, control and document activities of official persons who offer their services to criminal groups and organizations
- Investigate and trace the accumulation and transformation of possessions, acquired by public officials as a result of corruption violations and corrupt practices

The NSCOC performs similar tasks in countering corruption within the Ministry of Interior.

The NSCOC's focus on the fight against organized crime presupposes its exceptionally active contribution to the interception of smuggling of goods and narcotics, and of human trafficking, which represent the main "economic" activities of criminal groups in the country. This explains why the most important disclosures of such crimes are the result of the work of the NSCOC.

The National Border Police Service⁴⁷ is a specialized protective, operational and investigative police agency, which is especially active in countering human trafficking across the state border and in the interior of the country.

⁴⁶ Such accusations were directed also against the former head of the NSS, General Atanas Atanasov, who resigned in November 2001, directly before the government of NDSV and DPS took office.

⁴⁷ The National Border Police Service is specialized protective, operational and investigative police agency, performing tasks on countering corruption. Its jurisdiction covers corruption violations linked with smuggling of goods, smuggling of stolen vehicles, human trafficking and other crimes conducted in border areas and on international airports and ports (Article 95, Paragraph 1, Section 4 of the Ministry of Interior Act).

The National Police Service (NPS) is a protective, operational and investigative police agency. The investigation of signals for corruption is performed by the department of Economic Police within the Directorate of the National Police Service and by regional departments of Economic Police in the Regional Directorates of Internal Affairs.

4.2.2. ANTI-CORRUPTION REFORM IN THE MINISTRY OF INTERIOR

The government program defines the following priorities for the Ministry of Interior in the fight against corruption:

- Limitation of corruption through creation of efficient mechanisms for countering various manifestations of corruption
- Development of anti-corruption legislation with respect to its harmonization with international legal instruments and the EU law
- Strengthening of the cooperation with other law-enforcing agencies, the judiciary, media and civil society for countering corruption

Level of the public support for the work of the Ministry of Interior rose during 2002. The positive public image of the Chief Secretary of the Ministry, General Boyko Borisov, and some other leading figures had a decisive impact on this development. A more favorable social environment helped to define **the following priorities in the reform within the Ministry of Interior:**

- **Stress upon professionalism within the Ministry of Interior**
This is a very important task due to the systemic destruction of public trust into institutions, including the police. The professional honor of the Ministry of Interior employees can be reestablished and preserved only if the Ministry is cleaned from its corrupt officials, who damage the reputation of this institution.
- **Importance of concrete measures for overcoming the "war among institutions"**
Among the most important activities of the Ministry of Interior in 2002 were the initiatives of its management for overcoming the differences in the approach between various law-enforcing institutions – courts, the Ministry of Justice, prosecution and the Ministry of Interior. These initiatives reflect the public demand that the law-enforcing institutions stop opposing each other, since this contributes to the spread of crime and corruption.
- **Further de-politicization of the Ministry of Interior**
The modern definition of cooperation between the political government and the professional community in the framework of the public sector contributes to de-politicization of the most sensitive in this respect institution – the Ministry of Interior.

The specific anti-corruption actions, listed as tasks of the Ministry of Interior in 2002 are linked with:

- Improvement of the coordination between various services and departments

- Creation of a mechanism for information exchange
- The public and the other state institutions have to be better informed on anti-corruption actions of the Ministry
- Initiation of changes in the Criminal Code in order to criminalize the trade, supported by public officials, cooperating with criminal groups and organizations

The Ministry of Interior plans to realize a number of projects before 2005 for increasing public intolerance towards corruption. The projects will be implemented in cooperation with media and non-governmental organizations. More precisely, in the Academy of the Ministry of Interior, special courses on Anti-corruption will be held, in which topics related to the legal, institutional and practical counteraction of corruption on national and international levels will be discussed. Projects, aimed at increasing the level of professionalism and ethics of the Ministry of Interior employees will also be conducted.

The new management of the Ministry undertook **the following measures for countering corruption in the Ministry of Interior:**

- Status of departments, working on countering corruption, has been raised
- A mechanism for an internal control over corruption was established
- Measures for increased transparency in the work of the Ministry administration were adopted
- The rights, duties and procedures in regard to exercise of discretion jurisdiction (taking expedient decisions) were clearly regulated; mechanisms for prevention of conflict of interests were introduced
- Criteria for and control over the process of recruitment of candidates, their training and transition to full-time employment were improved
- Anti-corruption training for employees on various levels within the Ministry and its departments was introduced

In regard to the better coordination of anti-corruption activities within the Ministry of Interior, **an Internal Council headed by the Deputy Minister and responsible for the cooperation between services in fight against organized crime and corruption was created.**

In the Inspectorate Service, a department named Counteraction against Corruption in the Ministry of Interior was established. It exercises direct control over the execution of instructions, given by the management of the Ministry of Interior. Its tasks include generalization of information, collected by all services on cases of corruption among the employees of the Ministry, and submission of this information to the management of the Ministry.

Special regulations for collection of information and especially for access to information were created. Access is now highly restricted and can be granted only by the Minister or the Chief Secretary. The information activities of the Ministry of

Interior for countering corruption will be integrated into the planned National Integrated Information System, which will gather data from the entire state administration, including the customs, tax authorities and official statistics. The management of the Ministry of Interior believes that this will substantially improve the collection of information on corrupt practices of employees.

According to the information of the Inspectorate Service, the number of signals for corruption involving the Ministry employees has somewhat increased in 2002.

Most of the cases, investigated by the Inspectorate Service, were linked to the abuses of professional position for personal gains and were manifested as:

- Assisting the illegal actions of the criminal groups
- Participation in the channels for human trafficking
- Participation in the channels for smuggling of goods and stolen vehicles
- Extortion of citizens
- Unlawful contacts with persons with criminal records

In the first six months of 2002, the NSCOC investigated 183 signals for corruption in state and local administration and within the Ministry of Interior. As a result of these investigations, 13 legal proceedings and 6 preliminary investigations were formed, 11 cases for corruption were forwarded to prosecutor's office to decide on competency, 11 signals resulted in administrative measures being taken, and in 27 cases signals for corruption were found to be unjustified. The remaining 115 signals are still being investigated.

Of 209 investigated persons, 100 were employees of the Ministry of Interior, 31 of the customs, 11 of tax administration, 11 of regional administration, 11 were employed within the judiciary, 11 were medical workers and 19 were employees of state companies.

This situation is not much different from the one in 2001. In 2001, 181 Ministry of Interior employees were investigated for corrupt practices. In 27 of the cases, investigation was terminated, 69 signals are still being investigated, while 85 cases were concluded. 25 employees were discharged, 50 were given disciplinary sanctions, 10 were fired for inappropriateness, and the files of documents for 34 employees were forwarded to the Military Prosecution.

The following corruption situation has been observed within the National Border Police Service:

1. Criminal groups and individuals, conducting illegal acts linked with the violation of state border continue to attract the Ministry of Interior employees to cooperate in smuggling of goods and in human trafficking.

2. The corruption situation in Sofia, Svilengrad, Petrich, Vidin, Varna and Ruse is alarming.

3. Keeping in mind that the migration flow through Bulgaria is redirecting towards its north-west border, an increase of signals for corrupt behavior among the employees in the Vidin region can be expected.

4. Due to changes in the normative acts, the organization and control over the work on corruption disclosure in the Ministry of Interior was improved. Coordination and cooperation between various departments, working on countering corruption, has also significantly improved. As a result, higher efficiency in corruption disclosures could be expected in the coming period.

In connection with the closure of the smuggling channel for stolen cars through the border crossing at Zlatarevo, the management there announced that it would install a new software system to prevent corruption. This software will make it impossible for corrupt policemen to register false data for transiting passengers, vehicles and goods.⁴⁸

Part of the plan for "cleaning the border police of corruption" includes also everyday contact with police officers on the other side of the border. The access of unauthorized persons to the border crossing facilities will also be limited. For this purpose, special permits will be issued

As with other official statistics, numbers alone cannot present the accurate assessment of the real scope of corruption. Many victims of corruption extortion and those whose interests were harmed as a result of corrupt deals fear the reaction of involved officials and have not reported on such violations.

Both the government and civil society have to pay special attention to several vicious practices within the Ministry of Interior, inherited from the past. These include abuse of information on various levels within the Ministry, work without a plan or a clear goal, the use of "disclosures from reserves" to demonstrate that something is being done, unlawful connections with criminal groups, etc.

⁴⁸ To improve fight against car thefts, the Ministry of Interior proposed changes to the Criminal Code. This step is necessary, since the car theft can still be interpreted as "unlawful deprivation of transport vehicle" for which sanctions are much milder. See *Duma*, September 9, 2002.