

Europe's Blind Spot: The Movement Against Corruption in Bulgaria

An interview with Radosveta Vassileva

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The people of Bulgaria have been on the streets protesting against endemic government corruption since July. Meanwhile, leading European politicians continue to pretend that everything is fine. We spoke to legal scholar and activist Radosveta Vassileva about the state of democracy in Bulgaria, the anti-corruption protests, and the hopes for a progressive alternative.

Green European Journal: Protests that began in July were triggered by a police raid on President Rumen Radev's office but the underlying reason is said to be endemic corruption. Can you tell us more about the protests?

Radosveta Vassileva: There have been over 100 days of protests since the presidential office was raided by armed personnel and two presidential advisors arrested on obscure charges. For many Bulgarians, this was the last drop in a sea of corruption scandals. From a constitutional perspective, it was a violation of the principle of the separation of powers, as well as the principle of presidential immunity guaranteed. The president is a member of the opposition, and critical of Prime Minister Boyko Borissov. Pro-government media have indicated that the prosecutor's office was trying to pave the way for the president's impeachment.

The day after the raid, people spontaneously started gathering in the streets to express their support for the rule of law. People came from across the political spectrum, left-wingers and right-wingers uniting against endemic corruption. Much has been achieved in these first 100 days. For the first time in a long while, international media is interested in events in Bulgaria: *Der Spiegel*, *Le Monde*, *La Repubblica*, and *Politico*, among others, are criticising Borissov and calling out Bulgaria as a mafia state.

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In what way is corruption endemic in Bulgaria? Is it concentrated at the highest level or do people experience it in their daily lives?

We see both kinds but the true shock is the scale of high-level corruption. Bulgaria has been permanently shaken by corruption scandals, involving among others the prime minister and the prosecutor's office. Since Borissov came to power in 2009, one of the most prominent scandals was "Yaneva Gate". Two senior judges were recorded discussing how they receive orders from the prosecutor's office, the Prime Minister Borissov, and other politicians regarding how to handle cases. It was clear evidence that there is no separation of powers. Several corruption scandals have implicated Borissov himself: he was investigated for money laundering in Spain, he was recorded boasting about instructing the prosecutor's office to charge particular people and raid their businesses, and pictures

of his bedroom showing exorbitant amounts of cash and gold were leaked (experts estimated the equivalent of 1 million euros in the picture). I could also mention the abuse of EU funds. In the “Guest House Gate” scandal, it was revealed that politicians and their relatives were using structural development money to build luxury houses. The prosecutor’s office is a political puppet and pretends that nothing is going on.

So far there are no consequences?

Not even an investigation. Even though people expect legal consequences, these days citizens are more interested in prevention. They want to know how we can curtail corruption on this scale in future.

Why is the prosecutor’s office so influential?

The prosecutor’s office has excessive powers and an entirely vertical structure: all decisions depend on the top. It is a Soviet model that has barely been reformed since the Communist era. It is easy for a serving prosecutor general to abuse their power and there is no accountability mechanism. The magnitude of this problem was revealed by the brutal murder of Prosecutor Nikolay Kolev in 2002 after he challenged the prosecutor general’s authority. This crime has not been prosecuted; the murderers were never found. Following the decision in *Kolevi v Bulgaria* by the European Court of Human Rights, the Council of Europe has been insisting on an independent investigation into his murder and a reform of the prosecutors’ office to introduce checks and balances and accountability.

This superstructure is one of the greatest rule of law challenges in Bulgaria. But the Supreme Judicial Council is also problematic. This body is responsible for the election, appointment and promotion of all prosecutors, investigators, and judges. But the people it promotes are always convenient candidates for the prosecutor general. Meanwhile, the two highest ranking judges – the presidents of the two supreme courts for cassation and administration – are technically elected by prosecutors, but members of the council elected by the parliament form the majority in this body.

Where does Borissov’s political support come from?

Since Borissov’s Citizens for European Development of Bulgaria (GERB) party took power, it has doubled the size of the public administration. Many people that support Borissov are happy about these jobs and they form his base. Many people also do not see an alternative. The biggest opposition party, the Bulgarian Socialist Party, is the direct successor of the Bulgarian Communist Party. The memory of communism is still fresh in the country, and its legacy is unacceptable for many voters. Borissov is seen as a right-winger, even if his policies and rhetoric swing between far right and left.

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GERB and its allies implemented a crackdown on human rights and freedoms in violation of international conventions, encouraged xenophobia, especially against the already marginalised Roma minority, and propagated intolerance towards the LGBT community. At the same time, GERB doubled public sector employment and relies on left-populist strategies to maintain popularity, such as blaming the rich for the country’s problems, giving pensioners a 25 euro bonus, and claiming that a managed economy is a panacea for Bulgaria’s economic turmoil. Many of GERB’s members, including Borissov, were formerly members of the Communist Party. Borissov was the personal bodyguard of Bulgaria’s last Communist leader, Todor Zhivkov, after he was overthrown.

Borissov is also suspected of electoral fraud. Data published by the [Eurobarometer survey](#) shows that many Bulgarians do not trust elections.[1] Voting buying is a major issue in every election. Journalists find and even interview people who openly admit that they have sold their votes. “Dead souls” or phantom voters are also problem, deceased people who are registered and reported as having cast a vote. Experts estimates that they might make up 18 per cent of the electoral roll.

Why is there no EU response to systemic electoral fraud?

Borissov is a valued member of the European People’s Party and Bulgaria is of strategic importance to the EU due to its location. Bulgaria borders Turkey and Turkey scares people in the EU, because they associate it with migration and trafficking. EU politicians believe that Borissov can control these threats.

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On paper, there are efforts to strengthen the rule of law in Bulgaria through the Cooperation and Verification Mechanism (CVM).[2] When Bulgaria and Romania joined the EU, they did not fulfil the accession criteria. This mechanism was supposed to put them on track but, sadly, it has been hijacked. The latest reports do not correspond to reality and portray Borissov and his reforms in a very positive light. Various parts of civil society have criticised the EU reports, but Bulgaria is a small country with a different language and alphabet so this criticism does not necessarily reach Brussels.

What is the problem with the EU’s mechanism?

The mechanism was a priori badly designed, and maybe the Eurocrats don’t even have the capacity to evaluate progress. The Commission usually focuses on technical, and less political issues, such as the workload in courts, the judicial inspectorate, and capacity building through anti-corruption strategies and legislation. If you set the bar low, it is easier to say that something has been achieved. The Commission neither focused on the big picture, nor on the longstanding challenges compromising the integrity and core values of the justice system: the excessive powers and lack of accountability of the prosecutor’s office, the subjugation of the judiciary by the executive, and the heavy politicisation of the Supreme Judicial Council. Success in the Commission’s terms does not correspond with the facts on the ground. Had it been that successful, Bulgaria would not be the most corrupt country in the EU according to all major indexes.

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There are strong reasons to believe that behind-the-curtain arrangements were made between the Commission and Borissov. Hristo Ivanov, former justice minister who resigned because Borissov did not support his proposals for an in-depth judicial reform, has spoken publicly on such complicity. In 2016, Commission President Jean-Claude Juncker [publicly promised](#) Borissov he would lift the mechanism for Bulgaria despite ongoing scandals and the findings of the Commission’s own reports. On several occasions, the Commission’s methodology has proved flawed. For instance, attacks on the rule of law, such as legislation seemingly violating the Bulgarian Constitution and the European Convention on Human Rights, were recognised as progress in reports on Bulgaria. This indicates that the government’s justifications were taken at face value. Meanwhile, the benchmark on judicial independence was closed as early as 2018 even as judges complained about harassments.

Not even the pre-accession Copenhagen criteria on democratic governance and human rights for potential EU members helped?

In the negotiation stage, the EU institutions had more leverage and some progress was made. But once a country is an EU member, there are no consequences for non-compliance.

The European Commission published its report on rule of law across Europe in September. Many people have criticised it as too soft. What was your impression?

I subscribe to the view: the reports appear one-sided and euphemistic. Everything in the Bulgarian country report is factually correct but it represents only 40 per cent of the picture. Key problems have been omitted and the nature of the current protests has been misrepresented. The report acknowledges ongoing protests against corruption, but it does not mention that the protest are specifically against the alleged corruption of Borissov and the prosecutor's office. You have a stark contrast between Bulgaria's rule of law report and the resolution by the European Parliament. The resolution was much more critical and detailed on the decay in the rule of law and systemic breaches of fundamental rights in Bulgaria.

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the facts on the ground.*

Are Bulgaria's issues with the rule of law similar to the situations with Hungary and Poland?

The rule of law decay in Bulgaria is certainly comparable to the rule of law crises in Hungary and Poland. One observes the same zeal to capture the judiciary, weaponise the prosecuting authorities, remove checks and balances, and curtail human rights. Nevertheless, there are key differences. Unlike Bulgaria, Poland and Hungary were stable democracies when they joined the EU. The assaults on the rule of law we now witness in Poland and Hungary were Bulgaria's reality at the time of accession.

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Over the years, the Commission created the illusion that Bulgaria was making steady progress so that the international community felt no need to scrutinise developments in the country. In practice, the Commission seems to have provided an umbrella for Borissov's regime. GERB's quest for an arsenal of repressive tools was portrayed as commitment to fighting corruption by the Commission. The truth is that corruption cannot fight itself.

Unlike the leadership of Fidesz in Hungary, GERB present themselves as pro-European. They have not overtly engaged in anti-EU rhetoric, they have not made bold ideological claims about building an illiberal democracy, and they have not overtly refused to implement judgments issued by European courts. Instead, while pretending to promote EU values, they undermine them discreetly.

The journalist sometimes mentioned alongside Jan Kuciak and Daphne Caruana Galizia, both murdered in Europe in recent years, is Victoria Marinova, a Bulgarian news presenter. Does her case raise alarms regarding the safety of journalists, activists and human rights campaigners in Bulgaria?

Bulgaria is deeply divided about her murder. The prosecutor's office says that the case is solved, but they probably just covered up the story. Many reputable journalists do not believe that the right murderer has been caught.

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Journalism is dangerous in Bulgaria. During the protests, the police has not only used violence against the protesters but also against journalists. Photographic evidence and testimonies show journalists being beaten up and threatened with violence. A cameraman was hospitalised. Bulgaria has a history of physical assaults against inconvenient journalists – the perpetrators are usually not found. Moreover, state authorities often abuse their powers to scare those who are critical of the regime. In 2018, a journalist from Bivol, the Bulgarian partner of the Organised Crime and Corruption Research Project, called the police to prevent the destruction of evidence regarding the abuse of EU funds. In the end, the journalist was arrested. Others have received obscure charges or been harassed by the tax authorities.

Is there sufficient independent news in Bulgaria?

Bulgaria ranks 111th on the Reporters Without Borders World Press Freedom Index. Most media are directly or indirectly controlled by Borissov or his partners. Borissov and his partners are celebrated, while opponents are accused of misconduct. Inconvenient judges, businessmen or civil society members are tarnished in the media. Independent outlets are few and information is hard to find. We mainly rely on social media these days. Sadly, even those are censored: key civil society members have seen their profiles blocked and posts deleted – most likely because trolls report them at a mass scale.

Is there a progressive alternative in Bulgaria?

The only real opposition in parliament is the Bulgarian Socialist Party. All other parties in parliament – right-wing formations such as the Internal Macedonian Revolutionary Organisation (IMRO)-Bulgarian National Movement, the National Front for the Salvation of Bulgaria, Ataka, the Movement for Rights and Freedoms, and Volya – are openly or covertly allied with Borissov. However, some potential alternatives outside of parliament are gaining visibility in the protests. The Democratic Bulgaria coalition – composed of Democrats for Strong Bulgaria, Yes, Bulgaria!, and the Bulgarian Greens – is gaining ground because of its stance against corruption and calls for judicial reform. It appeals to centrist voters as well as classic right-wingers. Some of the key organisers of the protests – the so-called “Poisonous Trio” – have combined forces with former ombudsman turned opposition leader Maya Manolova and may provide an option for centrist and left-wing voters. Citizens are insisting on early elections so that new faces can enter parliament, push for reforms, and correct Borissov's behaviour if he stays in power.

Is there support for progressive alternatives?

Citizens of diverse backgrounds will support these alternatives. Key members of Bulgaria's intelligentsia are supporting the protests. Young people are also very visible. Due to the coronavirus, many Bulgarian students who study abroad spent their summer in Bulgaria and seeing all these young faces was very refreshing.

The situation is complicated by the fact that Bulgaria is the poorest country in the EU. 22 per cent of the population lives below the poverty line. A huge social group is mainly concerned with surviving and it is hard to talk about

values and justice when they don't have food on the table. These groups are often more reluctant to support more progressive ideas.

How can progressive European forces such as the Greens/EFA help drive change in Bulgaria?

The European Greens have been surprisingly active in the fight for the rule of law and against corruption in Bulgaria. They are the only European party that took an overt stance against Bulgaria's corruption. Green MEPs traditionally support protests in Bulgaria, Ska Keller attended the anti-corruption protests dedicated to saving the Pirin National Park from construction and damage a few years ago. This year, Daniel Freund joined the anti-corruption protests. All Green MEPs supported the resolution on Bulgaria, and they were very active during the debates on the rule of law at the European Parliament. This is somewhat ironic, given that we do not have a Green MEP ourselves. I hope we will have one soon. The Bulgarian Greens have a good reputation for sticking to their principles and hopefully will manage to grow their constituency.

Footnotes

[1] According to the survey results 72 per cent of Bulgarians worry that the final results of elections are manipulated (contrast with the 56 per cent EU average), 81 per cent of Bulgarians fear that votes are being bought or sold (contrast with the 55 per cent EU average), and 72 per cent of Bulgarians believe people are coerced to vote a certain way (contrast with the 52 per cent EU average).

[2] The Cooperation and Verification Mechanism (CVM) is a joint commitment between the EU and the participating member states, it was established at the accession of Bulgaria and Romania to the European Union in 2007 as a transitional measure to facilitate the countries' efforts in the areas of judicial reform, organised crime and corruption.



Radosveta Vassileva is a legal scholar who specialises in comparative public and private law, and EU law. Her opinions have been published in Euronews, the EUobserver, New Eastern Europe, The Brussels Times, and others. She earned her law degrees at Sciences Po Paris and Université Paris 1 Panthéon-Sorbonne and she holds a PhD in Law from University College London.

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