



CLSF Latvijas Cilvēktiesību Komiteja

F.I.D.H. Latvian Human Rights Committee

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Interference in family life – a new development in security services harassing Latvian antifascists

In January 2015, Latvian Human Rights Committee's (LHRC) was requested to provide legal assistance to Dr Valery Engel, whom we know as an activist and one of the leaders of the Jewish and Anti-fascist movement in Europe.

The issue in question revolved around Department of Citizenship and Migration Affairs of Latvia unreasonably delaying Dr Engel's application for an extension of his temporary residence permit, which he submitted on September 15, 2014. The Department has twice postponed its considerations: on October 15, 2014 – delayed until February 9, 2015 (later corrected to January 14), and on January 10, 2015 – delayed until July 14, 2015.

Dr Valery Engel's residence permit expired on November 9, 2014, and while he retains the right to reside in Latvia during the consideration process, he cannot receive a visa or any other document that would allow him to move through Latvian borders.

On July 29, 2006, citizen of the Russian Federation Valery Engel married the citizen of the Latvian Republic Ms Dzheneta Dzeiranashvili in Riga. Based on this, from November 9, 2009, Dr Engel received a temporary residence permit. By that time the family had a daughter, Maria Engela, also a citizen of Latvia, and Dr Engel used his right to family reunification.

In accordance to Latvian legislation, residence permit to a spouse of a Latvian national is given first for one year, then for four years. This was also the case with Dr Engel.

At the end of a five-year stay, a foreign national must take a state language exam (2nd out of 6 categories of difficulty, as classified by ALTE). If the foreign national passes the exam, he is granted a permanent residence permit. Failing to pass the state language exam (as was the case with Dr Engel) grants foreign national the right to a five-year temporary residence only, which is what Dr Valery Engel requested on September 15, 2014.

The formal reason for postponing the consideration of Dr Engel's request was that his wife, Ms Dzheneta Dzeiranashvili, a Latvian citizen, and their daughter Maria Engela (also the citizen of Latvia) were officially registered at another address, because of proximity to a Russian-language school for the child to attend (in accordance to Latvian regulations, children registered in the immediate vicinity of the school are given priority in admission). It seems that competent Latvian authorities used this as basis to assume that the family had *de facto* split up and thus Dr Engel no longer has the right to reside in Latvia.

Spouses immediately explained to the Department of Citizenship and Migration Affairs that they are living together as a happy and strong family; that they do not intend to divorce and that the change in wife's registration was related to facilitating their child's admission to a certain school in Riga. Furthermore, on October 15, 2014, Ms. Dzeiranashvili re-registered at the previous address, where

she lives together with her husband in a jointly owned house. Thus, all official requirements were fulfilled on the same day.

The family also presented other evidence to support the existence of their family – testimonies from their friends, receipts from joint shopping trips, etc.

Thus, all concerns that have been specified in the first decision (October 15, 2014) to postpone the consideration were satisfied.

The second decision (January 10, 2015) to postpone the consideration of Dr Engel's residency did not provide any specific concerns. Instead, it states, "the verification of documents is ongoing. Information has been requested from competent institutions and other activities stipulated by the law are being carried out..."

According to the aforementioned decision to extend the consideration of Dr Engel's residence until July 14, 2015 (all together - 10 months), he will not be able to freely leave Latvia with intent to return after his residence permit expires. Latvia does not issue visas during the period of application for a residence permit. At the same time, Dr Engel's elderly and sick 80-year-old mother, whom he cannot leave unattended for a long time, lives in Russia. In addition, Dr Engel owns a business in Russia (Dr Engel's work permit in Latvia was also not extended).

Thus, Dr Engel is facing an inhumane choice – to lose his business, which provides for the family, but depends on frequent travel within and outside of the EU, to leave his sick mother without help and care, or to leave his family - his wife and his 6-year-old daughter, Maria, who is attached to her father and is sensitive to his long absences from home. Dr Engel's wife cannot follow him to Russia, because she also has an old mother in Riga, and their daughter who is attending crèche in Riga and is getting ready to attend school in Latvia. Dr Engel's wife and daughter are both citizens of Latvia.

Latvian Human Rights Committee notes that Valery Engel is being severely restricted in his rights, which are prescribed to every person under Article 96 (the right to privacy), 104 (the right to substantive replies from government agencies), 110 (family protection and support), the Latvian Constitution, Article 8 of the European Convention on Human Rights and Article 17 of the International Covenant on Civil and Political Rights.

Meanwhile, documents provided by the Department do not give grounds for these restrictions.

The aforementioned situation gives reason to suspect that the real basis for Department's actions is Dr Engel's well-known views and civic activities, which violates Article 91 of the Latvian Constitution that prohibits discrimination.

Dr Engel is an activist and one of the leaders of the Jewish movement in Russia and former USSR. For a long time, he has been a member of the executive committee of the World Jewish Congress and participated in a number of other prominent international Jewish organisations. Today he is also the Member of the European Jewish Parliament. Currently, he lives in Latvia with his family. He is engaged in combating the glorification of Nazism and advocating the rights of national and religious minorities in Europe. Dr Engel is deputy chairman of the Human Rights Movement "World without Nazism" acting against the revival of Nazism in Europe and the glorification of collaborators. He is the editor of a popular book, "White Papers of Hate" – a fundamental study on the issues of radical nationalism, neo-Nazism and discrimination against minorities in 19 European countries. In recent years, Dr Engel has been actively cooperating with the Office for Democratic Institutions and Human Rights (OSCE) and the Office of International Religious Freedom, Bureau of Democracy, Human Rights and Labor, U. S. Department of State. He lives in Latvia since 2006, in connection with marriage to a citizen of Latvia.

In 2014 Dr Engel has been repeatedly harassed by the Latvian authorities. They hindered protest actions that he organised on the Day of Latvian Waffen SS veterans, unofficially celebrated on March 16th. He was subjected to additional inspections by Latvian customs when crossing Latvian borders, under the pretext of being included in a list of people to be subjected to special control, etc.

Because of it, Dr Engel asked OSCE in October 2014 during the Human Dimension Implementation Meeting in Warsaw to take his personal situation under control (<http://www.osce.org/odihr/124630?download=true>).

These measures of influence were applied to several other activists of the antifascist movement in Latvia in 2014. We suspect that the inspection was initiated by the same “competent institutions” that were referenced in the Department’s decision on January 10, 2015, and that put pressure on the Department in Valery Engel’s case.

LHRC notes with concern that while the restriction of antifascist activists’ movement through the border and obstruction in the conduct of public events has been common practice for Latvian special services, the interference in family life is a new measure and a new form of unconstitutional pressure on dissent.

LHRC will continue to monitor Dr. Engel’s case and, if necessary, report its progress to the international community.

We appeal to the international organizations - the United Nations Human Rights Council, the OSCE and the Council of Europe with a proposal to intervene in this process and to prevent the separation of the family of Dr. Engel for political reasons.

Riga. 16 January 2015