

Joint Transparency Register Secretariat
European Commission / European Parliament

Cc:

Věra Jourová, Vice President of the European Commission for Values and Transparency
Ilze Juhansone, Secretary-General of the European Commission

Re: EU Transparency Register Entry Complaint (TR number 206499215012-94)

We, the undersigned Members of the European Parliament, are writing to lodge a formal complaint regarding the EU Transparency Register entry for “Instytut na rzecz Kultury Prawnej Ordo Iuris” (EN: *Ordo Iuris Institute for Legal Culture*), TR number: 206499215012-94.

In our opinion this organisation has a suspicious, dangerous background due to its ties with ultra-right, fundamentalist organisations and likely connections to Russian oligarchs and authorities. In addition, there is ample evidence of this organisation engaging in highly-harmful activities. As such, it is submitted that this organisation has violated and continues to violate multiple clauses of the TR Code of Conduct, in particular:

1. Clause a) *always identify themselves by name and, by registration number, if applicable, and by the entity or entities they work for or represent; declare the interests, objectives or aims they promote and, where applicable, specify the clients or members whom they represent;*

The organisation fails to mention in its TR entry the fact that it represents the interests and goals of the “Agenda Europe” think tank, which - according to its manifesto¹ - aims to “reverse the ‘achievements of the cultural revolution’ of the 60’s in Europe”. As reported by the European Parliamentary Forum for Sexual & Reproductive Rights (EPF)² and later the Grand Coalition for Equality and Choice (a coalition of nearly 100 human rights NGOs)³, “*The ‘cultural revolution’ that they aim at reversing and against which they operate is nothing else but emancipation of women, recognition of their equal rights, as well as equality of LGBT+ persons, national and ethnic minorities in both public and private sphere. Equal rights for women mean access to contraception, to sexuality*

¹ “Restoring the Natural Order, An Agenda for Europe,”

<https://agendaeurope.files.wordpress.com/2019/05/rtno-2014.pdf>

² The religious extremists’ vision to mobilize European societies against human rights on sexuality and reproduction,” https://www.epfweb.org/sites/default/files/2020-05/rtno_epf_book_lores.pdf

³ “Cultural and religious counterrevolution. Is Polish Law under the Threat of Christian Fundamentalists’ Ideology? Publication – Context and Summary,” https://www.wielkakoalicja.pl/wp-content/uploads/2020/02/OI_EN_wer-2.pdf

education and the right to terminate pregnancy; for LGBT+ persons – legalization of same-sex relationships, protection of trans and intersex persons' rights, respecting their agency and their freedom of self-determination. Those specific regulations constitute a consequence of the development of human rights which guarantee equality of people irrespective of gender, origin, or skin colour and protect all of us against discrimination and harassment."

As reported by EPF, one of the main funders of the "Agenda Europe" think tank is far-right Russian oligarch Konstatin Malofeev, sanctioned by the US and the EU following his actions undermining the territorial integrity, sovereignty and independence of Ukraine (Council Implementing Regulation No 826/2014 of 30 July 2014⁴). Malofeev is also widely known as a close ally of Russian president Vladimir Putin⁵, organising and financing pro-Russian separatists in Eastern Ukraine⁶.

This is not Ordo Iuris Institute's only highly-suspicious link, undisclosed in their TR entry. The Institute was founded by the Piotr Skarga Foundation and Association, a branch of the ultra-conservative Tradição, Família e Propriedade (TFP) organisation, as admitted by then-president Aleksander Sępkowski in 2017⁷ and as visible in the National Court Registry entry of the Foundation, where the founders are TFP members Leonard Przybysz, Mathias Gero von Gersdorf and Caio Xavier da Silveria^{8 9}. The TFP organisation was described as a "Brazilian sect" following an investigation by award-winning journalist Tomasz Piątek¹⁰, a "far-right sect" by German researcher and political sociologist Karin Priester¹¹ and listed in a report on sects by the Investigative Commission on Sects of the French National Assembly, in the "pseudo-catholic" category¹². The US Consulate in São Paulo claimed there were "unconfirmed reports of TFP's involvement in acts of terrorism and sabotage", as well as that TFP has a paramilitary section, which trains its members in the use of firearms incl. automatic rifles and in anti-guerilla warfare¹³. Juan Fernández y Krohn, who attempted to assassinate Pope John Paul II in 1982, also claimed his allegiance to TFP¹⁴.

Furthermore, the Piotr Skarga Association was a "partner organisation" of the "Large Family and Future of Humanity" forum, which took place in 2014 in Moscow, organised by the National Glory Center - an institution created and funded by Russian oligarch Vladimir Yakunin. Yakunin is a former Soviet diplomat and Russian deputy minister, also sanctioned by both the US and the EU following

⁴ "Council Implementing Regulation (EU) No 826/2014 of 30 July 2014," <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R0826>

⁵ "Kremlin-linked tycoon aims to make Vladimir Putin Russia's tsar," <https://www.thetimes.co.uk/article/vladimir-putin-tycoon-aims-to-make-vladimir-putin-russias-tsar-cmdhjwsqh>

⁶ Malofeev Konstantin's profile on Database of Free Russia Forum: <https://www.spisok-putina.org/en/personas/malofeev-2/>

⁷ "Skąd instytut Ordo Iuris wziął 3 miliony złotych," <https://www.rp.pl/Spoleczenstwo/171009673-Skad-instytut-Ordo-Iuris-wzial-3-miliony-zlotych.html>

⁸ Klementyna Suchanow, „To jest wojna - Kobiety, Fundamentalisci i Nowe Średniowiecze”, p. 410, 498

⁹ Entry in the National Court Registry No 0000055504: <https://ekrs.ms.gov.pl/web/wyszukiwarka-krs/strona-glowna/index.html>

¹⁰ "Ordo Iuris, sekta z Brazylii i... dygnitarze Putina" <https://wyborcza.pl/7,75968,21605548,ordo-iuris-sekta-z-brazylii-i-dygnitarze-putina.html>

¹¹ "Die Priesterbruderschaft, die Politik und der Papst" https://web.archive.org/web/20150924015324/http://www.frankfurter-hefte.de/upload/Archiv/2009/Heft_03/PDF/NGFH_Maerz_09_Priester_Web.pdf

¹² "Rapport fait au nom de la Commission d'Enquête sur les Sectes" <http://www.assemblee-nationale.fr/rap-enq/r2468.asp>

¹³ Telegram from US Consulate in São Paulo to the U.S. Secretary of State: http://wikileaks.org/plusd/cables/1979SAOPA00748_e.html

¹⁴ Blog of Juan Fernández y Krohn: <http://juanfernandezkrohn.blogspot.com/2017/02/implosion-de-la-tfp-y-muerte-de-la.html>

Russia's invasion in Crimea. The forum was inaugurated in the Kremlin itself and held next to it¹⁵.

Last but not least, Ordo Iuris Institute expert Ewa Ślizień-Kuczapska was a panellist at the "Forum of the Sanctity of Motherhood" in Minsk in 2018 and in Belgrade in 2019, the former co-hosted by presidents Vladimir Putin and Aleksandr Lukashenko¹⁶, the latter greeted by president Putin¹⁷.

In addition to violating clause A of the Code by not disclosing the above information, it is submitted that an organization with obvious and extensive ties to a dangerous Brazilian sect, the Russian government and individuals sanctioned by the EU should under no circumstances enjoy accreditation and unsupervised access to the European Parliament and other EU institutions.

2. Clause d) *ensure that, to the best of their knowledge, information, which they provide upon registration, and subsequently in the framework of their activities covered by the register, is complete, up-to-date and not misleading; accept that all information provided is subject to review and agree to co-operate with administrative requests for complementary information and updates;*

The information provided by the Ordo Iuris Institute is purposefully highly misleading, as it does not include some of the main fields of the organisation's work where it achieved its greatest "successes" in recent months:

- a) Its ongoing campaign to undermine human rights protection and gender equality, with a particular focus on LGBTI rights, including EU law relating to these issues. The organisation successfully lobbied municipalities across a third of Poland's territory to violate EU law by adopting resolutions - based on the organisation's legal text - against what they called "LGBT ideology"¹⁸, often proclaiming themselves "LGBT-free zones", which EC President Ursula von der Leyen condemned in her SOTEU address by stating: "*LGBTI-free-zones are humanity-free zones and have no place in our union*"¹⁹. The EU also rejected funding for six of those, with Commissioner Helena Dalli explaining: "*EU values and fundamental rights must be respected by Member States and state authorities. This is why 6 town twinning applications involving Polish authorities that adopted 'LGBTI free zones' or 'family rights' resolutions were rejected.*"²⁰
- b) Its Europe-wide campaign calling on the EU not to ratify the 2011 Council of Europe Convention on combating violence against women and domestic violence, known as the Istanbul Convention²¹. The convention was ratified by Poland in 2015, but in line with the Institute's pressure, Justice Minister Zbigniew Ziobro filed an official request with the Ministry for Family, Work and Social Policy, asking it to initiate proceedings for withdrawing the

¹⁵ "Sąd zabronił Marcie Lempart mówić, że Ordo Iuris to 'opłacani przez Kreml fundamentalisci',"

<https://oko.press/sad-zabronil-marcie-lempart-mowic-ze-or-do-iuris-to-oplacani-przez-kreml-fundamentalisci/>

¹⁶ idem

¹⁷ A tweet from Russia government account:

https://twitter.com/KremlinRussia_E/status/1192453315554086913

¹⁸ "A third of Poland declared 'LGBT-free zone'," <https://balkaninsight.com/2020/02/25/a-third-of-poland-declared-lgbt-free-zone/>

¹⁹ "How the EU can stop Poland's 'LGBT-free zones'," <https://www.dw.com/en/how-the-eu-can-stop-polands-lgbt-free-zones/a-55042896>

²⁰ "EU funding withheld from six Polish towns over 'LGBT-free' zones," <https://www.euronews.com/2020/07/29/eu-funding-withheld-from-six-polish-towns-over-lgbtq-free-zones>

²¹ "Stop Gender. Stand for Family. Petition against EU accession to the Istanbul Convention," <https://stopgenderconvention.org/en/>

country from the Convention, and Prime Minister Morawiecki referred the convention's constitutionality to the PiS party-controlled and *unlawfully composed* Constitutional Tribunal²²²³, which according to the EP Resolution of 17 September 2020 *prevents compliance* with EU law²⁴.

- c) Most importantly, this organisation has played a decisive role in relation to the "judgment" of the unlawfully composed body known as the Constitutional Tribunal²⁵ which introduced in practice a complete abortion ban in Poland. According to a report by Open Democracy²⁶, the Institute "*has infiltrated the Polish state, on a relentless quest to ban abortion*" and has been the driving force behind the ruling party's strategy to use the captured CT instead of seeking to legislate to prohibit abortion fully, which led to the biggest mass protests in Poland since the fall of communism²⁷. The ban is widely viewed as a gross violation of human rights, directly breaching the UN International Covenant on Civil and Political Rights and the UN Convention on the Elimination of All Forms of Discrimination against Women, both that Poland is party to, as per the opinion of UN experts²⁸. The UN Committee Against Torture described the situation awaiting women following the verdict as "tantamount to torture"²⁹.

The contrast between what the organisation's TR entry states and what it does could not be wider. Indeed, the organisation lists seemingly innocent areas of activity - one could say even pro-European - such as "research of European legal culture and promoting its results", "organising events" and "educating young lawyers", all with relation to "human rights and fundamental freedoms, incl. the right to the respect of private and family life, entrepreneurial freedoms, freedom of speech, autonomy of family life and education". As we showed above, their actual, leading field of work is lobbying and corrupting governments to implement their fundamentalist, anti-European agenda.

It is submitted that by not disclosing these main areas of the organisation's activities and obfuscating its true goals and actions the Institute violates clause D of the Code. We are also convinced that an organisation which grossly undermines EU's fundamental rights and proactively aims to help the generalised violation of EU values should be denied access to its institutions and policymakers.

3. Clause f) *in general, respect, and avoid any obstruction to the implementation and application of, all rules, codes and good governance practices established by EU institutions*; as well as clause g)

²² "Poland Begins Push in Region to Replace Istanbul Convention with 'Family Rights' Treaty," <https://balkaninsight.com/2020/10/06/family-rights-treaty/>

²³ "Domestic Violence Treaty Falling Victim to Political Obtuseness," <https://balkaninsight.com/2020/08/04/istanbul-treaty-falling-victim-to-political-obtuseness/>

²⁴ "European Parliament resolution of 17 September 2020 on the proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law," https://www.europarl.europa.eu/doceo/document/A-9-2020-0138_EN.html

²⁵ "Judgment of the Court (Grand Chamber) of 24 June 2019. European Commission v Republic of Poland," <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62018CJ0619>

²⁶ "This ultra-conservative institute has infiltrated the Polish state, on a relentless quest to ban abortion," <https://www.opendemocracy.net/en/5050/ultra-conservative-institute-has-infiltrated-polish-state-to-ban-abortion/>

²⁷ "Women Converge on Warsaw, Heightening Poland's Largest Protests in Decades," <https://www.nytimes.com/2020/10/30/world/europe/poland-abortion-women-protests.html>

²⁸ "Poland has slammed door shut on legal and safe abortions - UN experts," <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26434&LangID=E>

²⁹ "Poland abortion ban: Stripping women of their fundamental human rights," <https://www.theparliamentmagazine.eu/news/article/poland-abortion-ban-stripping-women-of-their-fundamental-human-rights>

not induce Members, officials or other staff of the European Union, or assistants or trainees of those Members, to contravene the rules and standards of behaviour applicable to them;

For the reasons set out in points 1 and 2, the Ordo Iuris Institute, by inciting representatives of EU institutions and Members of the European Parliament to provide them with support in accomplishing their malicious goals, leads them to, whether knowingly or unknowingly, act against the interests of the EU and therefore violate the rules and standards they are bound by.

In conclusion, an organisation representing the interests of a harmful foreign actor and an adversarial foreign power, concealing that fact, conducting activities undermining the integrity of the EU and damaging its values within at least one Member State, should not be allowed to benefit from an entry in the EU Transparency Register.

We therefore demand, together with civil society organisations the Open Dialogue Foundation (ODF) and Solidarity Action Brussels (SAB), that the Joint Transparency Register Secretariat opens an urgent investigation into the breaches of the Code of Conduct listed above and in result removes the Ordo Iuris Institute from the Register, as per Annex IV of the Interinstitutional Agreement on the Transparency Register.

Yours faithfully,

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Fabio Massimo Castaldo MEP, Vice-President of the European Parliament (non-attached, Italy)

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Nathalie Loiseau MEP, Chair, Subcommittee on Security and Defence (RE, France)

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