

The Conviction of Justyna Wydrzyńska

Wednesday 28 June 2023, by [GRANT Rebecca](#) (Date first published: 23 June 2023).

The Polish activist became the first person in Europe to be convicted for helping another woman get an abortion—and galvanized a movement behind her.

WARSAW—On March 14, Justyna Wydrzyńska [arrived](#) for her final day of court dressed in a magenta pantsuit, an orange blouse, and a gold necklace that read “Mife/Miso,” a reference to the two drugs used for medication abortion. As she got out of the car and began walking down the sidewalk, a cheer went up from the crowd of demonstrators who had turned out to support her.

Wydrzyńska was flanked by Kinga Jelińska and Natalia Broniarczyk, two of her fellow founders of the Polish activist group Abortion Dream Team, or ADT, who were wearing matching black track jackets that read “Choose Life/Have an Abortion.” The trio hummed with conviction and swagger as they strode past a swarm of news cameras and the dozens of police officers who lined the barricades in front of the courthouse.

It was a gray and drizzly morning in Warsaw, and many of the demonstrators waved signs that read “*Jak Justyna*”—“I Am Justyna.” They had set up a tent and a sound system, in part to drown out the church music emanating from the anti-abortion contingent across the street.

That day marked Wydrzyńska’s sixth court appearance since she was [arrested](#) in November 2021 for sending a woman a package of abortion pills in the mail. In Poland, where abortion is [illegal](#) with very limited exceptions, aiding an abortion is a crime with a possible prison sentence of up to three years. Wydrzyńska was facing two charges: intent to aid an abortion and unauthorized distribution of a pharmaceutical. If found guilty of the first charge, Wydrzyńska would be the first activist in Europe convicted of this type of crime. The prosecution and defense were slated to make their closing statements, and although the verdict and sentencing were scheduled for March 27, there was a chance the judge would issue a ruling that day.

The three-year ordeal had been exhausting, but Wydrzyńska said she was feeling “power inside.” During her court appearances, in front of the judge, the prosecutors, and the news cameras, Wydrzyńska never denied mailing the abortion pills; rather, her defense was that doing so was not a crime but an act of human rights, of compassion and grace, of one woman reaching out to help another. She was innocent, she said; it was the state that was guilty. Her lawyers also argued that the law, which was intended to target people who performed illegal abortions, should not apply to an activist like Wydrzyńska.

“It is very stressful, and for [ADT], the hardest moment in our lives,” Wydrzyńska told *The Nation* in an interview in February. “But our strength is we are together in this. This is about more than being in a court. Access to abortion is...our work, and we don’t want this to be taken from us.”

Poland has [not always](#) been so hostile to abortion rights. In 1932, the country legalized abortion for cases in which the pregnant person’s health was threatened and for pregnancies that were the result of rape. This made it the first country in Europe (not including the Soviet Union) to do so, and it was a progressive policy for the time. During World War II, when parts of Poland were under the control

of Nazi Germany, abortion was liberalized further, made generally legal as part of a broader eugenicist campaign to prevent “defective people” of “inferior stock”—meaning non-“Aryan” people—from procreating. The Nazis forced many women, especially Jewish women in concentration camps, to end pregnancies. In 1945, the law reverted back to its status before the war.

Then in 1956, the Polish parliament amended the law to make abortion available to women who faced “difficult living conditions,” without any state intervention or reporting requirements. This came a year after the Soviet Union legalized abortion as part of a pronatalist effort to boost fertility rates and fortify reproductive capacity and in response to concerns about the harm that illegal abortions had on women’s health. Women traveled to Poland from other parts of Europe to access the procedure. But the permissive landscape changed with the fall of the Soviet Union. The Catholic Church, which had played a key role in resisting Communist rule, helped smooth Poland’s transition to democracy, and by 1993, its growing influence led to the passage of one of the most restrictive abortion laws in Europe. The law provided legal protection to “conceived children” and permitted abortion only in cases of a serious threat to the health and life of the mother, a fetal anomaly, or rape. Article 152 of the Polish criminal code did not make it a crime to have an abortion, but it did institute penalties that included imprisonment for the person who performed an abortion or who helped someone get one. When the US Supreme Court overturned *Roe v. Wade* in the summer of 2022, the United States joined Poland as one of only two high-income countries to roll back abortion rights in the 21st century.

As in the US, abortion is a perpetually ongoing debate in Poland—a heavily Catholic country where recent polls have shown that over two-thirds of the population support the liberalization of abortion laws. Among young people in particular, there is a trend toward secularization, and many citizens have been alienated by the Catholic Church’s hard-line views, support for authoritarianism, and cover-ups of sexual abuse. In 2015, the right-wing, pro-Catholic [Law and Justice Party](#) won the parliamentary elections and took actions that put Poland “on the road to autocracy,” as the outgoing president of the Constitutional Tribunal put it. The following year, the Law and Justice Party proposed a law that would have banned abortion altogether and imposed jail time for women who had abortions as well as their doctors. At the time, there were around 1,000 legal abortions in Poland each year, and the proposal kicked off what became known as the [Black Protests](#), in which masses of citizens took to the streets and went on strike, ultimately preventing the legislation from passing.

It was in this context that the [Abortion Dream Team](#) was formed. Each of the group’s four founding members had experience working as a reproductive rights activist. Wydrzyńska, a chemist by training, had spent a decade providing Polish women with information about abortion through the website *Kobiety w Sieci* (Women on the Net). During her own experience with abortion in 2006, Wydrzyńska found that the process of taking the medication was simple but that finding accurate and reliable information was not, and so she launched the site as a place for people to have honest discussions about reproductive health. From Amsterdam, Jelińska ran Women Help Women, an international nonprofit that enabled access to self-managed abortion by mailing people pills and connecting them with resources. Broniarczyk, a researcher and sex educator, and Karolina Więckiewicz, a lawyer, had both worked for the Federation for Women and Family Planning (FEDERA), a prominent Polish NGO focused on reproductive rights. (Więckiewicz is no longer with the group.) Jelińska said the foursome came together because they were tired of the cautious, reactive approach to abortion advocacy that always seemed to have them on the defensive.

“When we came together in 2016, we were annoyed that we were all in the shadows,” Jelińska said. “Abortion was not really spoken about publicly, and the way it was spoken about during the Black Protests was still extremely conservative. The message lacked this radical edge of being unapologetic about it, and we wanted to speak about abortion unapologetically, boldly, and loudly.”

They drew inspiration from the #ShoutYourAbortion movement in the US, which the activist Amelia Bonow started in 2015. Much of their work was dedicated to destigmatizing and normalizing abortion by sharing their own experiences and by traveling the country to collect and publish other people's abortion stories. They also provided practical support to women seeking abortions abroad, shared information and resources about the procedure, and held workshops that taught people how to self-manage abortion with pills. In 2018, they were anointed the "Abortion Dream Team" by a popular Polish women's magazine, which featured them on the cover wearing T-shirts that read "Abortion Is Okay."

Part of what was radical about ADT was their open support for self-managed abortion. To many activists—in the US and Poland and elsewhere around the world—helping people access abortion, regardless of what the law says, is a moral responsibility. They reject the idea that something as fundamental as the right to control one's body can be taken away by politicians or a court and are unwilling to accept abortion bans as the status quo. "The real story is that this whole construct of how we used to think about abortion—that we need legal tools to actually provide access—is false, and it has always been false," Jelińska said.

In an age when information and resources about where to get abortion pills and how to use them circulates freely online, it is safer and easier than ever before to self-manage abortion. It is not, however, without legal risk, both for the people taking the medication and for the people facilitating access to it. What constitutes "intent to aid" remains open to interpretation, and as self-managed abortion has become more accessible—and thus less controllable—a clash seemed inevitable.

In 2019, ADT—along with Kobiety w Sieci, Women Help Women, Abortion Network Amsterdam, the Berlin-based Ciocia Basia (Aunt Basia), and the UK-based Abortion Support Network—launched a cross-border network called [Abortion Without Borders](#) that helped Polish women travel abroad for abortion care. Like abortion funds in the US, the coalition provided practical information and counseling, funding, help with appointment booking, translation services, and logistical support, such as finding people a place to stay when they traveled for a procedure. The network also helped people who were interested and eligible to self-manage their abortions through Women Help Women, which shipped abortion medication from abroad and so fell outside of Polish jurisdiction.

In February 2020, a woman named Ania reached out to the network, desperate for help. Ania said that at first, hers was a wanted pregnancy, as she had been hoping for a sibling for her 3-year-old child. Soon, however, she became grievously ill with hyperemesis gravidarum, a condition she had also suffered from during her first pregnancy. When Ania couldn't stop vomiting and could barely get out of bed, she was admitted to the hospital. She feared not only for her physical, mental, and emotional well-being but also for her life—yet when she expressed her concerns to an ob-gyn, she said the doctor laughed and dismissed them.

"I was simply terrified," Ania said. "I knew if I was going to suffer like this until the next seven months, until the end of the pregnancy, I would be a wreck of a person. I would get such depression from which I will not recover for years, and maybe the rest of my life. And it was there, in that very hospital, that I made a decision that I am going to terminate this pregnancy regardless of the consequences."

Ania got herself discharged from the hospital by lying about her weight and how much she was eating, drinking, and urinating. Once back home, she scoured the Internet for any resources she could find. She contacted Ciocia Basia about traveling to Germany for a surgical abortion, but it proved impossible given her weakened physical condition. She was also contending with an abusive, controlling partner who did not want her to end the pregnancy. When Ania realized travel was not an option, she also reached out to Kobiety w Sieci to ask about accessing abortion medication to take

in secret at home.

When Wydrzyńska heard Ania's story, she felt compelled to help. She had once been a victim of domestic violence herself, and she understood the fear, the risk, and the loneliness of being in that position. Furthermore, Covid was starting to shut down borders in Europe and cause international shipping delays, and Ania, who was around 12 weeks pregnant, was running out of time, as the World Health Organization only recommends a medication abortion up to 12 weeks.

"She was very desperate to end her pregnancy," Wydrzyńska said. It was not illegal in Poland to possess the pills for personal use, and Wydrzyńska had a small supply in her home, so she put a box in an envelope and dropped it in the mail. The next day, Ania reached out to say that her partner had discovered she'd received the pills and called the police, who had confiscated them. "I was very angry that it happened," Wydrzyńska said. "I had this thought, 'Fuck, we will have a court case,' because my phone number [was] on the envelope."

Wydrzyńska knew that some sort of consequence was imminent. In 2020, Poland's Constitutional Tribunal had removed fetal abnormalities as an exception to the abortion law, so the legal environment was becoming more extreme, and it seemed likely that a case would be pursued. But months went by, and then a year, with no action. On June 1, 2021, there was a knock at Wydrzyńska's door: The police had arrived to search her home. They told her to give them all the abortion pills she had, and she replied, "Come, they are in my drawer." Wydrzyńska said the police seemed surprised to see only a single box, as if they were expecting to find a massive cache. The police also took all the computers in the apartment as well as her phone, so she had to use one of the officer's phones to call her lawyer. On November 22, 2021, criminal charges were filed, and the investigation closed the following month. Her first court date was set for April 8, 2022.

Wydrzyńska's arrest kicked off an international outcry. Nearly 100 members of the European Parliament [signed](#) a letter to the Polish government calling for the charges to be dropped, as did four United Nations special rapporteurs. Amnesty International collected more than 50,000 signatures on a petition, and organizations like the International Planned Parenthood Federation, IBIS Reproductive Health, and the International Federation of Gynecology and Obstetrics sent letters and submitted amicus briefs. ADT took the opportunity to attract as much attention as they could—rallying their supporters at demonstrations, posting on social media, and granting interviews to journalists—to spotlight the existence of abortion pills (they often held up boxes of mifepristone during press conferences) and the harms of restricting abortion access. "What Justyna has done is, even though she herself is on trial, she has actually put on trial Polish abortion laws," said Charlotte Fischer, the chair of the Abortion Support Network.

The trial began on April 8, and predictably, it was a circus. The Law and Justice Party—which had changed the process of appointing judges to make them less independent—seemed to want to make an example of Wydrzyńska. The courtroom was small, and the judge denied entry to representatives from human rights groups and European embassies, but allowed someone from the Ordo Iuris Institute for Legal Culture, an ultraconservative Catholic think tank, to participate in the prosecution to represent the supposed interests of the fetus.

In court, Wydrzyńska openly acknowledged that she had mailed the pills but argued that her actions did not violate the law. In part, this was because Ania never took the medication. Furthermore, her defense argued that the law itself was unjust and outdated. It was intended to punish doctors who performed surgical abortions, not activists who supported self-managed abortion. Ania had made it clear that she was willing to go to extreme measures and cause herself harm to end the pregnancy. Wydrzyńska had mailed the pills not in any sort of formal capacity, but because she was moved by a sense of empathy and concern.

"I know the importance of believing that you can [make decisions] for yourself," Wydrzyńska said during her first day in court. "It's very difficult in an abusive relationship. For me, my abortion was the beginning of fighting for myself and my children's safety. Giving this person pills, I wanted her to make a decision for herself and her life. My intention was not for her to abort the pregnancy, but that she could choose for herself, so that holding the tablets in her hands she could decide her life."

Ania's partner was supposed to give testimony on April 8 but failed to show up for the trial. On July 14, the trial date was delayed again when neither Ania nor her partner arrived to testify. Meanwhile, the US Supreme Court issued the *Dobbs* decision, and Wydrzyńska warned that cases like hers were becoming a "real possibility" in the United States. "People will always be finding ways to help other people, and medication abortion is available in the US, so it can absolutely happen there as well," she said in a statement outside the courthouse that day.

In fact, Farah Diaz-Tello, the senior counsel and legal director of the advocacy group If/When/How, said similar cases have already occurred in the US. Even before *Roe* was overturned, people were being prosecuted for distributing abortion pills. In 2013, a Pennsylvania mother was [sentenced](#) to nine to 18 months in prison for ordering abortion pills online for her teenage daughter. In 2020, a New York City woman was [sentenced](#) to two years of probation and given a \$10,000 fine for supplying people with abortion medication through a secret page on her blog. Post-*Dobbs*, the Alabama attorney general has said that people who help others access abortion could face jail time. "As more and more people find it impossible to get abortion care, they are going to turn to their loved ones," said Diaz-Tello. "The intent of these laws is to chill us, to make us so afraid that we don't help."

On the next trial date three months later, October 14, the key witnesses again failed to show up, so the judge [issued](#) a fine of 3,000 zlotys (about \$700) and a court order compelling Ania to testify. When she received it, Ania was shocked, [because](#) she had not seen the previous summonses—her partner had intercepted them and forged her signature. That was also the moment she knew for certain that Wydrzyńska's case, which she'd heard about in the news, was about Wydrzyńska's aid to her. She was scheduled to testify on February 6. "I was worried and fearful, but I knew that I needed to go there and participate, because it actually has lots of significance for the course of this trial," Ania said. "I feel a huge moral obligation to share this story, and I have hope that going public will help at least one person to have a safe abortion."

The day Ania testified proved to be dramatic. Witness confidentiality was supposed to be protected during the trial, but Ordo Iuris had publicly released sensitive information about their identities. The defense team requested that Ordo Iuris be excluded from the proceedings, but the judge refused. The public prosecutor also filed motions against Wydrzyńska, accusing her of "indecent behavior" outside of the courtroom—including her continued commitment to working with Abortion Without Borders—that revealed criminal intent.

"I know I would do it again," Wydrzyńska said later. "I do not feel guilty. It is never a crime to support another woman in need. It's not something any of us should be ashamed of."

The final day of the trial, March 14, started with demonstrations, news cameras, and a scrum of people outside the door to Courtroom 1040, hoping to be allowed in. A policeman blocked the door, so those denied entry waited restlessly in the anteroom and hallway. Inside the courtroom, the judge sat on an elevated bench beneath a red flag with a white eagle emblem—the presidential standard. The public prosecutor sat on the left side with the counsel from Ordo Iuris; on the opposite side, Wydrzyńska and her three-person defense team sat alongside a line of windows that let in the weak spring light.

As the day progressed, the representative from Ordo Iuris gave an impassioned speech about the need to protect unborn children and the importance of motherhood. She argued for a strong sentence for Wydrzyńska, so that the case would serve as a deterrent. In his black robe, the public prosecutor seemed tepid in comparison as he read words off printed sheets of paper. The state asked for a sentence of six months of community service, for 25 hours per month.

When it was their turn, the defense spoke about Wydrzyńska's experiences with abortion and domestic violence and how she wanted Ania to have the same opportunity she'd had to assert agency over her life. Then Wydrzyńska spoke, getting emotional at times. "Freeing yourself from an unwanted pregnancy in an abusive relationship opens the way to freeing yourself from violence in general," she said. "I wanted the same for Ania so that she could experience agency over her life and body, just like me."

At 2 PM, the judge adjourned for a recess and said she would issue her verdict in one hour. When they reappeared just before 3 PM, the Abortion Dream Team had done a costume change and were wearing matching silver sequined blazers. The judge read the verdict and the sentence: Wydrzyńska had been found guilty on both charges and sentenced to eight months of community service at 30 hours per week for helping with an abortion. The judge did not impose the maximum sentence of jail time, but she had convicted Wydrzyńska and given her a heavier sentence than the one the public prosecutor requested. (The day after the verdict, the judge was promoted to an appeals court, in what was widely seen as a reward for the ruling.)

For Wydrzyńska's supporters, the ruling was a blow. In the hallway outside the courtroom, the mood was a mix of sadness, dejection, and outrage. "This was to show society that people who may help someone to get an abortion will surely be punished—even if they help people in such difficult life situations, as in this case," said Justyna Faszczka, a lawyer at FEDERA. "It was meant to intimidate."

But if the goal was to chill activism, the trial seems to have had the opposite effect. Jelińska said ADT worked hard to not let stigma and shame dominate the narrative of the case. A recent poll conducted by Amnesty International found that 47 percent of people living in Poland said they would help with an abortion in a similar situation; among young people, those willing to help were 66 percent. "The trial of Justyna has led to more people being supportive of abortion," Jelińska said. "But also, more people know where to get access to safe abortion because of the publicity."

Wydrzyńska pledged to continue her work. She heard the real verdict, she said, the day she received a letter from Ania thanking her. After the pills were intercepted, Ania induced a miscarriage using an unsafe method, which led to her hospitalization for a serious infection. She has since recovered and is doing well, and she said she appreciates that Wydrzyńska tried to help her when no one else would. "I feel enormous gratitude and admiration for her," Ania said, "because she decided to take a risk in order to attempt to save my life."

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