

ALL MUSLIM DOCTORS AND ALL MUSLIM DOCTOR ORGANISATIONS AND ALL IMAMS MUFTIS, LEADERS AND LAWYERS SHOULD **PROTEST AND OPPOSE** THE DECISION BY THE CROWN PROSECUTION SERVICE (CPS) NOT TO PROSECUTE THE BRITISH DOCTORS WHO AGREED TO ABORT FEMALE GIRLS???

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### SPUC (Society for the Protection of Unborn Children) challenges CPC decision not to prosecute sex-selective abortionists



JOHN SMEATON, SPUC DIRECTOR

SPUC's general secretary and senior political officer Paul Tully has sent me the following commentary:



The announcement by the Crown Prosecution Service that it is not going to charge doctors for offering 'sex-selection' abortion smacks of a politically influenced decision.

There is little appetite in the pro-life movement for vindictive prosecution of doctors or others who kill babies, but we should expect the rule of law to be upheld, fairly and justly.

The CPS' decision that it is not 'in the public interest' to bring charges is clearly wrong by at least six of the seven points in its [code of practice](#), The Code for Crown Prosecutors, CPS, Jan 2013. This spells out (section 4.12) seven questions to help determine whether a prosecution is in the public interest. How do they apply in this case?

Here are the questions, with my comments:

"a) How serious is the offence committed?"

These doctors planned to kill children. Whether charged under the law on abortion or the law on child destruction, the crime carries a life sentence. It is among the most serious crimes on the statute book.

"b) What is the level of culpability of the suspect?"

The suspects (the doctors) in these cases were professionally trained, and were evidently prepared to falsify statutory declarations (abortion registration forms) to achieve their purpose. It is hard to think of any situation where a higher degree of culpability could be shown.

"c) What are the circumstances of and the harm caused to the victim?"

The intended victims would technically have been 'under the care' of the doctors aborting them; and the harm intended was to kill them.

"d) Was the suspect under 18?"

No.

"e) What is the impact on the community?"

A lack of prosecution may suggest to the communities that seek sex-selection abortions that they can continue breaking the law with impunity.

"f) Is prosecution a proportionate response?"

The Code for Crown Prosecutors makes clear in its explanatory notes that the concern here is that some prosecutions are very expensive to mount, involve complex crimes like fraud, and take months and months in court. None of that seems likely to apply here.

"g) Do the sources of information require protecting?"

The sources of key information are named journalists who published the story in the national press – of course they don't need protecting. While clearly wrong, the decision is less hypocritical than the faux prosecution of Dr Anthony Hamilton in 1980, who was charged with attempted murder (but not abortion or child destruction) after aborting a disabled baby well over the legal time limit which then prevailed. The prosecution failed, predictably, for lack of evidence of intent to commit murder.

#### Discrimination

In the more detailed notes, under question (c) the Code says:

Prosecutors must also have regard to whether the offence was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or the suspect demonstrated hostility towards the victim based on any of those characteristics. The presence of any such motivation or hostility will mean that it is more likely that prosecution is required.

Does hostility toward a baby girl, motivated explicitly by her gender, and perhaps also by her age, not merit prosecution in this situation?

The fact that the child is in her mother's womb makes a difference in the eyes of the law, but not for the doctor who must kill her either surgically (by means such as dismemberment), or more commonly now, by use of chemical agents.