



Written by [Raven Clabough](#) on September 14, 2011

Canadian Judge: No Jail Time for Infanticide

In a shocking ruling by a Canadian appeal court, a woman who strangled her son with her underwear after secretly giving birth to him will face no jail time because the judge determined that her actions were no different from an abortion.

When Katrina Effert was 19-years old, she gave birth to a baby boy, and immediately strangled the child and threw his body over the fence into the neighbor's yard on April 13, 2005.

Two years ago, a jury found Effert guilty of second-degree murder, but the highest court in the province decided that the jury had made a mistake. The Alberta Court of Appeal overturned the conviction, and replaced it with a lesser charge of infanticide.



The Criminal Code of Canada [classifies](#) infanticide as follows:

A female person commits infanticide when by a wilful act or omission she causes the death of her newly-born child, if at the time of the act or omission she is not fully recovered from the effects of giving birth to the child and by reason thereof or of the effect of lactation consequent on the birth of the child her mind is then disturbed.

In Canada, the punishment for infanticide is "imprisonment for a term not exceeding five years."

The Albert Court of Appeals asserts that Effert should have been given a less harsh sentence based on psychiatric evidence.

When Effert was initially questioned by police, she said that she was a virgin. She later changed her story to indicate that she had given her newborn to her boyfriend. According to Effert's defense team, these actions were indicative of a disturbed frame of mind. Judge Veit asserts that such a state of mind validates her decision to commit infanticide.

She received a three-year suspended sentence by Judge Joanne Veit, but if Effert abides by the court's conditions for the next three years, she will not spend any time in jail.

According to the Judge's ruling, "While many Canadians undoubtedly view abortion as a less than ideal solution to unprotected sex and unwanted pregnancy, they generally understand, accept, and sympathize with the onerous demands pregnancy and childbirth exact from mothers, especially without support."

Responding to the Judge's ruling, LifeSiteNews.com [opines](#): "Translation? Katrina Effert simply engaged in a really, really late-term abortion. Given that we don't, under Canadian law, value human life a few minutes before birth, why a few minutes after?"

The Judge also indicated that infanticide laws and sentencing guidelines were not altered when the



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government made changes to the Criminal Code in 2005, which she views as exemplary of the fact that Canadians view the law as a “fair compromise of all the interests involved.” She writes, “Naturally, Canadians are grieved by an infant’s death, especially at the hands of the infant’s mother, but Canadians also grieve for the mother.”

Judge Veit rejected the arguments from the Crown that asserted a single father and the grandparent also face “the same stresses of the mind” as the mother who kills her own baby.

Meanwhile, the court will later hear arguments on the final issue of Effert’s legal battle — whether Effert should serve 16 days of jail time for throwing her baby’s body over the fence. Effert’s lawyer, Peter Royal, contends that it would be “unjust” and “almost mean to incarcerate her” at this point, and has asked that the court either throw away the penalty or have Effert serve the time on just the weekends.

According to Jonathon Van Maren of LifeSiteNews.com, the abortion movement has celebrated the decision:

The Abortion Rights Coalition of Canada, run by the virulently pro-abortion Joyce Arthur, posted the CBC article on their Facebook page with the heading: “A tragic situation, but yes, there are compelling reasons for infanticide being a lesser crime than murder.” In response to my query simply stating “Such as?” ARCC removed the comment and blocked my asking further questions underneath the article.

Van Maren contends that the Judge’s ruling proves that in Canada, “The age of a human being is directly correlated to their value.” It also seems to underscore the belief that “women are far too mentally weak after childbirth to make any rational decisions.”

The ruling seems to be relying on the belief that post-partum depression can excuse a variety of maternal behaviors, including the strangling of a newborn. As noted by Van Maren, however, “I wonder what they would say if the same judge proposed that new mothers have to prove their sanity before taking custody of their newborn children? It is absurd to simultaneously claim that women are strong enough to do anything they choose in the world, but that childbirth, something they are biologically designed to do, will result in a spasm of murder. The only natural instinct abortion advocates believe women lack is the maternal instinct.”

Unfortunately, this is not the first time infanticide has been compared to abortion, nor is it the first time it has been excused. Peter Singer, an ethicist at Princeton University’s Center for Human Values, actually [endorses](#) it.

Still, Van Maren believes that the Judge’s ruling begs of the people of Canada to come to the realization that the worldview touted by Judge Veit is “not inconsistent with the one of ‘choice.’ ”

“Should humans have the ‘choice’ to kill others?” he asks.



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