

Bolivia Defends the *Nasciturus*

By Gaby Peña¹

The Citizen Platform for Life and Family,² which is organized in the different departments of Bolivia, represents institutions, associations, civil and civic organizations, and citizens in general. It has been positioned since 2005 as a retaining wall to prevent the enactment of laws that decriminalize abortion that international organizations try to exert pressure to impose.³

Although abortion in Bolivia is criminalized, there are three circumstances in which it is exempt from punishment. In 2005, the first attempt at decriminalization occurred, with the so-called “Law 810 on Sexual and Reproductive Rights.” Deceptively, they used the rights of women and adolescents to try to decriminalize abortion. This initiative included some provisions aimed at reducing the powers of parental authority over children, and the promotion of sexual relations from the age of 12 and homosexual unions. Although the bill had already been passed in both houses (deputies and senators), without any consultation or socialization as our constitution requires in articles 241 and 242, protests and demonstrations by different civil organizations and the collection of signatures presented before the Constitutional Court influenced the outcome, and then-President Carlos Mesa was forced to veto it.

It should be noted that the guarantee of the life of the “nasciturus” from conception is established in Law 548 Adolescent Boy / Girl Code (Art. 5. Subsection a; Art. 16 paragraph I and II), in accordance with the Political Constitution of the State (CPE) in its Art. 15 and international treaties such as the Pact of San José de Costa Rica in Art. 4.

Social Actions

We believe it is relevant to highlight the main social actions directed to this effect and to demonstrate that coordination between civil society actors has been the essential element to defend the culture of life in Bolivia.

The actions developed have allowed us, through this coordination, to achieve important results in public policies to implement the defense of life from conception to natural death and the family, as an inviolable, inalienable and imprescriptible right, inherent in the human being.

“Raise your voice, be the voice of children who are not allowed to be born.”

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² https://www.facebook.com/pg/YoAmoLaFamilia/about/?ref=page_internal

³ <https://www.noticiasfides.com/nacional/sociedad/crece-rechazo-a-la-ley-sobre-derechos-sexuales-y-reproductivos-290268>

On November 23, 2012, the first great March for Life - Bolivia was organized in Santa Cruz de la Sierra, in defense and promotion of human life from conception to natural death, against the decriminalization of abortion. This massive march sensitized society, giving a face to those who are the most defenseless, the unborn. Surveys carried out at that time showed that nearly 70% of citizens disapproved of the decriminalization of abortion.⁴ Notarized books with signatures collected in the different departments were also presented to the Constitutional Court in Sucre, the capital city of Bolivia.

"We are going for the natural family"

On August 27, 2013 Bolivia organized the second March for Life under the motto "Let's go for the natural family." About two hundred thousand people took to the streets of Santa Cruz, and thousands more, in towns and capital cities of Bolivia, marched to defend the family. As a result of these actions, on February 15, 2014 the Multinational Constitutional Court issued judgment 0206/2014, in which it ratified respect for life from conception to natural death.

"I love life"

On December 15, 2017, Law 1005 of the new Criminal Procedure System Code was promulgated; the prior approval process in both houses (deputies and senators) was carried out "in the wee hours," because the 681 articles were not analyzed with the various social sectors of the Bolivian population, who were not consulted on the matter.

Before the promulgation of this new penal code, the first to demonstrate were the organizations that make up the Citizen Platform for Life and Family, because one of the articles in the new Penal Code increased the exceptions for abortion, practically decriminalizing it; while another criminalized medical practices by denying the right to conscientiously object. Protests took place over these provisions and others of the New Penal System Code that violated fundamental human rights to the life of the person conceived, to the family, work, civil rights, free expression and demonstration.

The first demonstration was channeled through a public complaint, in May 2017. Then, 148,000 letters were collected in Santa Cruz asking that the pro-death articles be repealed;⁵ when those of the rest of the country were added, it was possible to present to the parliament 300,000 requests. However, neither a hunger strike conducted against the articles,⁶ nor the letters in different departments managed to sensitize the government.

To these protests, other social sectors⁷ were added, such as the medical college, transporters and others. The country convulsed, and a month after the law was

⁴ <https://www.paginasiete.bo/sociedad/2015/6/21/despenalizar-aborto-encuestados-opone-60630.html>

⁵ https://eldeber.com.bo/122297_comite-civico-reune-firmas-contr-el-aborto

⁶ https://www.eldia.com.bo/index.php?cat=362&pla=3&id_articulo=240645;https://www.facebook.com/YoAmoLaFamilia/photos/a.1238969399454440/1942245475793492/?type=3&theater

⁷ <https://www.lostiempos.com/actualidad/pais/20180106/siete-sectores-rechazan-codigo-penal-pese-al-anuncio-cambios>

promulgated to put the new code into effect, under so much pressure, the Code of Criminal Procedure System was repealed in its entirety.

It is important to point out that the arguments for wanting to decriminalize abortion in Bolivia are biased. The Platform and the Medical College of Santa Cruz denounced IPAS Bolivia for the falsity of figures it presented,⁸ because there is no way to control or manage official statistics regarding deaths from clandestine abortion; therefore, the mortality rates presented by this source are not reliable.

On May 24, 2017, the Fourth March for Life⁹ was organized around society's demands for the repeal of the new code of the criminal procedure system. Advocates demanded that the votes referring to the articles of abortion and euthanasia be carried out by nominal and explanatory vote so that the people could know who voted for or against life.

Bolivia showed unity in its fight against broadening the exceptions to abortion, which would practically decriminalize it. The conscience of the People is greater and stronger than the culture of death.

Since then, annual marches have been organized in Bolivia for the protection of life of the unborn, in which thousands of people participate every year throughout the national territory.¹⁰

"National Convention for Life and Family"

At the same time, in order to consolidate the movement for the protection of unborn life in Bolivia, the Citizen Platform for Life and Family organized the "National Convention for Life and Family of Bolivia" in which around 200 leaders from around the country gathered. The event took place in the city of Santa Cruz de la Sierra.

In the concluding text of this first national convention, the participants pledged to take on the challenge of playing a leading role in the generation of social, political and economic

⁸IPAS is a non-governmental organization that promotes, among other things, the creation of the right to abortion, under the motto that every woman has the right to determine her own future. They are based in Bolivia. More about the organization: <https://www.ipas.org/>

See journalistic note on the falsity of the figures they disclose: https://anteriorportal.ربول.com.bo/noticia/genero/14072013/ipas_plantea_que_aborto_sea_pe_rmitido_hasta_12_semanas

⁹<http://www.ucbscz.edu.bo/es/NoticiaAmpliada/Marcha-por-la-Vida>;

<https://www.paginasiete.bo/sociedad/2017/5/24/masiva-marcha-vida-138719.html>

¹⁰ March 2013 <https://www.aciprensa.com/noticias/este-jueves-bolivia-marcha-por-la-vida-y-contra-el-aborto-57406>

March 2016 <http://www.ucbscz.edu.bo/es/NoticiaAmpliada/Convocatoria-a-la-Marcha-por-la-Vida>;

<https://www.facebook.com/YoAmoLaFamilia/videos/1241457652538948/>

March 2017 <https://www.radiofides.com/es/2017/04/29/la-plataforma-por-la-vida-y-la-familia-alista-100-mil-cartas-y-marcha-contra-causales-del-aborto/>; <https://www.iglesiaviva.net/2017/05/16/bolivia-marcha-por-la-vida/>

Concentration 2018 <https://www.facebook.com/YoAmoLaFamilia/>

March 2019 <https://www.facebook.com/watch/?v=673471493095724>;

https://eldeber.com.bo/113321_marcha-por-la-vida-congrega-a-miles-de-personas-en-santa-cruz;

<https://www.aciprensa.com/noticias/bolivia-celebro-el-dia-del-nino-por-nacer-en-las-calles-91942?fbclid=IwAR2rYS-O9GE2eZ5hUnkW1mZrmGhAwK7aFk0SWW5lPOAg8o02q6LC2S4jWHg>

conditions so that the respect and promotion of the value of human life is guaranteed, as well as the dignity of every person and the strengthening of the family.

In this way, the leaders participating in the convention establish that they recognize and express the need to have in the different legislative instances (Multinational Legislative Assembly, Departmental Legislative Assembly and Municipal Councils) representatives of the Platform for Life and Family, so that they are the ones who directly assume the defense of this cause, in response to the clamor of the great majority of the Bolivian people. For this reason, it was felt necessary to enter the political party life of our country.

Under this foundation, Bolivia is declared a pro-life country, rejecting gender ideology and any attempt to implement its pro-death agenda in our country.

We also highlight that the fight continues to defend the fundamental pillars that support the actions of the Platform, according to the laws and regulations in force: the right to life from conception to natural death; strengthening the family as the basic unit of society, rejecting all attempts to distort it through deceptive laws; the freedom of parents to choose the education of their children, free from all foreign ideology; and religious freedom, together with freedom of conscience, as the essential basis of all human freedom. Likewise, we also fight for strengthening the role of women in society, recognizing their complementarity with men, and the rejection of all kinds of domestic violence.

This conference made it clear that the successes in defense of life in Bolivia throughout its history have been the result of a coordinated and unified effort of the different movements and organizations that defend life, coordinated by the Platform.

Illustrative Cases of the Defense of the Unborn Person

A baby survives an I.L.E.

This was a case that received international attention. An abortion was carried out on a 14-year-old adolescent at more than 20 weeks of gestation, at the Percy Boland Women's Hospital in Santa Cruz, Bolivia, in June 2019. Despite the doctors' refusal to proceed with the so-called ILE ("Legal Termination of Pregnancy," for its acronym in Spanish) due to the advanced state of gestation, the director of the hospital allowed the process to be carried out, under a court order, because the mother was a victim of rape.

When it learned about this case, the Citizen Platform for Life and Family denounced the judicial order authorizing the abortion, pointing out that it was illegal because it was out of time due to the advanced gestation period; but the attempt to kill that innocent baby could not be stopped.

When the 1-kg baby was born alive, she was assisted by doctors and admitted to intensive care at the hospital center; later she was baptized with the name of "Victoria."¹¹ Today she enjoys life and good health, after a process of recovery from the damage caused to her by having been uprooted from the mother's womb when she was more than 20 weeks

¹¹ <https://es.aleteia.org/2019/06/09/que-podemos-hacer-por-victoria-la-bebe-que-nacio-viva-tras-aborto-legal/>

pregnant. Baby Victoria was eventually released and taken to a foster home. The young mother was assisted with psychological help by the Ombudsman for Children and Adolescents, plus other support organizations that were members of the Platform for Life and Family.

The misnamed “ILE” that has been practiced surreptitiously in Bolivia was established in a constitutional sentence (206/2014) in which abortion was authorized on a woman who was raped and was 12 weeks pregnant. It should be noted that in Bolivia, there is no protocol for carrying out the ILE; labor is simply induced, and in most cases when the baby is born after a few weeks of gestation, it dies because it has no chance of living.

It is a constant for organized civil society in Santa Cruz and Bolivia to be in a crisis mode and raising voices to demand that the authorities be consistent in the protection of human life, as mandated by the Political Constitution of the State, related laws and treaties, in which the right to life from conception is fully recognized. The organizations and institutions that make up the Platform demand that these normative standards be respected, which are a reflection of the will of Bolivians, who have declared Bolivia as a Pro-Life Country.

Complaint to the Inter-American Commission on Human Rights (IACHR)

At the 171th Session of the Inter-American Commission on Human Rights (IACHR)¹² held in Sucre, the constitutional capital of our country, the Citizen Platform for Life and Family went to express a complaint about the serious attacks against the rights to life and family, which violate fundamental human rights in Bolivia, in addition to seeking to reaffirm the fundamental principles that govern the Commission according to its mandate, as a consultative body in the field of human rights for this region.

In the first place, it was urged that the spirit in which the American Convention on Human Rights was drafted (also known as the Pact of San José, Costa Rica), be respected, with the understanding that everyone has the right to have their lives respected, from the moment of conception, and that no one can be deprived of life arbitrarily, in accordance with the second article of the Universal Declaration of Human Rights. Likewise, the Platform demanded respect for our constitution and respective laws.

It was argued that trying to reinterpret this article with another spirit different from the one the parties had when it was drafted would be an alteration and an attack on the nasciturus' right to life; therefore, the defense of the right to life of the unborn and a rejection of any form of attack against it, by way of any method of abortion, was reaffirmed.

Civilian institutions and organizations, committed to the defense and protection of fundamental human rights, supported the arguments presented to the IACHR, to be included in its report before the Permanent Council and the OAS General Assembly; likewise, the government of the Multinational State of Bolivia was urged to abide by its

¹² <https://www.oas.org/es/cidh/prensa/Comunicados/2019/038.asp>

human rights obligations, established in international rights, in the Political Constitution of the State and in the Law.

Conclusions

The aforementioned actions and others¹³ are being carried out in Bolivia in order to counteract the negative effects of waves of pressure that seek to destroy the culture of life that defines our continent. Only the joint and coordinated action of all the actors of civil society will be able not only to stop it but to re-establish positively in its policies and laws a culture that protects and promotes life from conception to natural death. The challenge has been raised.

¹³Pregnant Mother Fair has been instituted in Santa Cruz, promoting Maternal Love; responding to women in vulnerable situations, and facing the danger of an abortion. As a citizen platform we are convinced that there are better proposals to prevent women from reaching abortion and suffering its consequences. This is the objective of this fair, which has already successfully carried out two versions in the years 2018 and 2019, presenting all pro-life organizations that serve pregnant women in a vulnerable state, such as the CAM, the Esperanza project, departmental and municipal agencies, houses and others that care for and accompany women at risk.

<http://www.redbolivision.tv.bo/actualidad/detalles-sobre-primera-feria-mama-gestante-impulsando-amor-maternal---57480>

<https://www.facebook.com/YoAmoLaFamilia/photos/a.1225491697468877/3285094294841930/?type=3&theater>