

Title Exploring abortion knowledge and opinion among an important yet overlooked stakeholder group in Mexico: lawyers

Introduction

Unsafe abortion is a serious public health problem and one of the leading causes of maternal mortality, especially in developing countries. Latin America and the Caribbean (LAC) has one of the highest rates of unsafe abortion in the world (an estimated 35 - 50 per 1000 women aged 15-45 on average), in part due to severe restrictions (e.g. Mexico, Brazil) or complete bans (e.g. Nicaragua, Chile) on legal abortion. In Mexico, abortion is the 6th leading cause of maternal mortality and remains illegal except for the cases of rape in all 31 states and additional circumstances determined by state (e.g. risk to the woman's life, health reasons, fetal malformations). Even in cases when abortion is legal, women may face logistic and bureaucratic barriers to access (Lara et al., 2006). Mexican abortion laws and policies are anything but static or straightforward. The key actors shaping the public debate has grown ever more complex and now encompasses legislators, academics, vocal civil society groups (both pro- and anti-choice), physicians, public health officials, and lawyers. The passage of the groundbreaking Mexico City law in April 2007, which legalized elective abortion in the first trimester, ushered in a more positive era for women's rights and also marked a new stage in the ongoing abortion debate in Mexico. This study describes the abortion knowledge and opinions of Mexican lawyers, a group that is instrumental in shaping the public debate on abortion yet whose perspectives are not well understood.

Mexico has undergone significant social and political change over the past decade, as have abortion laws. Perhaps the most accelerated changes in abortion laws—both positive and negative-- have occurred in the past two years since the passage of the Mexico City abortion law. The comprehensive Mexico City law legalized elective abortion up to twelve weeks gestation and mandated that Mexico City public hospitals provide these services to any woman requesting them regardless of place of residence. Policy makers, lawyers, women's rights groups, and academic institutions all played key roles in the ultimate approval of this historic law, which is considered to be one of the most progressive in the region. As of August 2009, over 28,000 women had received abortions through the public health system's legal abortion program. However, the new law generated a surge in public debate from both sides as well as an immediate counter-response by conservative groups, who challenged the law's constitutionality in the National Supreme Court on the grounds that it violated the right to life of the fetus. The Supreme Court ruled in favor of the law's constitutionality in August 2008, marking a second decisive victory for women's rights. Another round of conservative backlash has emerged, this time at the state level. Following the Supreme Court decision, several states have passed nearly identical reforms to their local constitutions to eliminate legal abortion in all cases by declaring that life begins (and therefore should be protected) at the moment of conception. As of September 2009, 16 states in the country have proposed initiatives or already passed reforms, of which women's rights groups are working tirelessly to repeal. These changes create additional barriers to women's already limited access to legal abortion. In addition, they add another layer of uncertainty to the contested terrain of reproductive rights in Mexico, making it even more challenging for those in favor of more progressive abortion laws to move forward.

Abortion public opinion research plays an important role in abortion politics and policy in Mexico and the region, especially since the passage of the Mexico City law (Yam, Dries-Daffner, García 2006). There are only a few high-quality representative public opinion surveys on abortion in Mexico to date and several smaller studies among convenience samples of women and physicians (Silva M, Billings DL, García SG, Lara D. 2009; Nunez-Fernandez L, Shrader-Cox E, Benson J. 1994; Becker, Garcia, and Larsen 2002; Yam, Dries-Daffner, García 2006). These recent studies suggest that Mexican public opinion on abortion tends to be more progressive than the laws permit (post-reform Mexico City being the exception) and generally favor legal abortion in some cases. This helps dispel the notion that a majority Catholic country—around 80% self-identify as Catholic—would necessarily have socially conservative views on abortion. In fact, representative public opinion studies have found that factors that seem to influence more favorable abortion opinion include less frequent Church attendance (rather than Catholic identity alone), being male, more education, and higher socioeconomic levels (Garcia et al. 2004; Bailey et al. 2003; Becker, Garcia, and Larsen 2002; Alves Duarte et al. 2002; Cesar et al. 1997; Casanueva et al. 1997; Núñez-Fernández, Shrader-Cox, and Benson 1994; Duarte Osis et al. 1994). Abortion opinion also varies by geographic region; those living outside Mexico City and in politically conservative states (e.g. Guanajuato) tend to hold less favorable view of abortion (Garcia et al. 2004; Becker, Garcia, and Larsen 2002).

Given the complex and highly politicized context surrounding abortion in Mexico, it is important to understand the perspectives and roles of all stakeholders involved. Lawyers, specifically criminal attorneys, play an important role in shaping abortion public debate in Mexico but have been virtually absent in abortion opinion research, with the exception of one qualitative study of Mexican decision makers which included two lawyers (van Dijk 2007). Lawyers help draft new abortion laws and policies, provide legal opinion on whether abortions are being offered according to law, and occasionally represent a woman (or the state) in cases of service denial. Yet, it is unclear how informed they are about abortion laws, especially given significant variation in state laws, their opinions about abortion and women who seek them, and to what extent they support or hinder women's access.

In order to fill this critical gap in knowledge, we conducted a quantitative study among criminal lawyers from four regions in Mexico with the following objectives: 1) describe their abortion knowledge, attitudes about current abortion laws; and 2) determine correlates of favorable or unfavorable abortion opinion. This information also will help gauge the extent to which lawyers in Mexico could play a greater role in advocacy for more progressive abortion laws and access.

Methods

Sampling

From August to December 2008, we carried out a quantitative survey among a convenience sample of 250 criminal lawyers in four major cities in Mexico (Mexico City, Tijuana, Tlaxcala, and Leon). We selected these cities since they are located in states with a range of

conservative (Leon, Nuevo Leon) to progressive abortion laws (Mexico City). Abortion falls under the criminal code in Mexico which is why we sampled criminal lawyers, who were most likely to be experienced with abortion laws.

Sample recruitment was more difficult than anticipated; and, given that this is the first abortion opinion study among a large sample of Mexican lawyers, it is worth describing in detail how we overcame these sampling challenges. It was impossible to generate a random sample since there is no central registry of criminal lawyers or national bar association with large membership. Public sector lawyers typically can be contacted through the Ministries of Justice at the state level; although, at times the Ministries are reluctant to release this contact information to outside groups. Private sector attorneys who work in firms or non-governmental organizations are more dispersed and difficult to identify.

Therefore, we conducted a pilot phase to test the survey instrumented as well as the feasibility of recruiting our sample of lawyers in different states through various channels including universities, phone/internet listings of private firms, and public sector records (Ministry of Justices at the state level). Findings from the pilot suggested that it was feasible to obtain our desired sample (n= 250) in all four cities through the recruitment channels described above and that survey questions seemed understandable to this group. In addition, most lawyers who participated in the pilot found the survey questions understandable.

We implemented the full study in the four cities from October to December. We aimed to recruit roughly equal proportions of public and private sector criminal lawyers in each city. Private sector lawyers were best recruited through a “snow ball” sampling approach. We obtained the sample of public sector lawyers through the Ministries of Justice. For the private sector lawyers, we first generated lists of firms from phone books and web directories in each city then attempted to contact criminal lawyers from those lists. We asked firms who did not have any eligible participants (i.e. criminal attorneys) or did but did not want to participate to recommend another firm from which to recruit.

Once we had our final participant list, we conducted face-to-face interviews that lasted about one hour. The survey covered several topics related to abortion in Mexico in addition to sociodemographic characteristics, including knowledge of state laws and the new law in Mexico City; abortion opinion; and, experience/willingness to defend a woman who has been denied a legal abortion; and familiarity with the concept of reproductive rights.

Analysis

All results were entered into SPSS v 14.0 for analysis. We generated descriptive statistics and performed bivariate and multivariate (logistic) regression. Our outcomes of interest were abortion opinion in different circumstances (measure as an index, described below), the Mexico City law (legal abortion on demand) and opinion about the health indication. About one third of Mexican states permit legal abortion for health reasons, which is considered to be the most progressive indication and an opportunity to promote full depenalization at the state level. Therefore, supporting abortion under the health indication

is an indicator of more progressive abortion opinion. In the bivariate analysis, we assessed significant associations between abortion knowledge and opinion, geographic location, and other sociodemographic characteristics using chi-square tests ($p < 0.05$ level). We included all significant variables from the bivariate analysis into the logistic regression models with abortion opinion index, opinion on the Mexico City law, and the health indication as outcomes, respectively.

Since there were several questions that assessed knowledge and opinion of abortion laws (circumstances when abortion is legal), we developed indices for each. The knowledge index was included as an independent variable. The knowledge index consisted of responses to seven questions (know/does not know that a circumstance is legal). We then created a variable with three categories “least knowledgeable” (knew 0-2 circumstances), “moderately knowledgeable” (knew 3-5 circumstances), and “most knowledgeable” (knew 6 or 7 circumstances), based on the distribution of correct knowledge in the sample.

We created a similar index for abortion opinion based on nine circumstances when abortion could be legal (rape, malformations, risk to the woman’s life, risk to her health, minor of age, artificial insemination without consent, contraceptive failure, poverty, and being a single woman). The abortion opinion index was an outcome in one of the models. We recodified the variable and took the average responses for each (“agreed” or “disagreed”). Based on the distribution of responses, we chose an index with two categories—“more progressive” (favored abortion in 6 or more circumstances) and “more conservative” (favored it in 5 or fewer circumstances). All variables were added into the regression models forward-step wise manner.

Results

Overall, 250 criminal lawyers completed the survey from Mexico City (40%), Leon (23%), Tijuana (23%) and Tlaxcala (14%). Just over half (53%) worked in the public sector while 47% worked for private firms; this pattern generally held in all four cities. Overall, there were more men than women (70% vs. 30%), the average age was 40 years, and the average time in practice was 15 years. The majority was Catholic (92%) and had no political party affiliation (62%).

Regarding knowledge of abortion law, 90% responded correctly that outside the capital, abortion is illegal except under specific circumstances. Of interest, 56% reported that they knew a woman who had had an abortion. Most participants were knowledgeable of abortion laws in their respective states, with some inconsistencies--for example, in Leon 74% thought abortion was legal under the health indication when in fact it is not. Knowledge of the Mexico City law was less consistent. Only 45% reported being very familiar with the new law and only 34% of lawyers from Mexico City mentioned without being prompted that elective abortion is legal there up to 12 weeks gestation.

Overall, 61% of the sample was in favor of the Mexico City law and 37% was against it. Not surprisingly, a greater percentage of lawyers from Mexico City were in favor of the law compared to those from other sites (77% vs. 50%). In addition, a greater percentage of

lawyers from private practice supported the law compared to those in the public sector (69% vs. 54%). The majority (54%) thought the woman should make the final decision about an abortion, followed by her treating physician (32%), or the couple (17%). As we have seen in other abortion opinion surveys, lawyers generally supported legal abortion in extreme cases (89% for rape) but not less extreme cases (28% for economic need). When asked specifically about the health indication, only 44% of participants said that it was a legal clause in some states, but 76% were in favor of it, with some differences by site (from 60% in Tijuana to 91% in Mexico City).

Only 10% of participants knew a lawyer who had represented a woman who had been denied a legal abortion. However, most mentioned at least one legal option a woman would have in such cases--report it to the appropriate legal institution (37%); demand that the authorities of the hospital allow the service (21%); and get a second medical opinion (18%). Interestingly, 84% said that they were ready to defend a woman in the case of service denial. Among those who said no (15%), the primary reason was moral objection (56%) or religious beliefs (16%).

In bivariate analysis, several variables were significantly associated with the three opinion variables of interest including city of residence ($p < 0.01$), age ($p < 0.05$), frequency of religious service attendance ($p < 0.001$), and knowledge of abortion laws (using index) ($p < 0.01$).

In the multivariate analysis of abortion opinion, Mexico City residents were more than three times more likely to hold “progressive” views of abortion (agree with at least six legal circumstances) compared to those living in the other sites (aOR 3.10, 95% CI 1.27 -7.56). However, those who attended religious services more frequently (at least once a week) were only 38% as likely to hold “progressive” views of abortion compared to those who attended religious services less frequently (aOR 0.385, 95% CI 0.159 – 0.93).

Significant correlates of supporting the Mexico City law were living in the capital, having the most knowledge of abortion laws, and not attending religious services frequently. Specifically, lawyers from Mexico City and those with the most knowledge of abortion laws were nearly three times more likely to favor the law compared to those from the other cities (aOR 2.8, 95% CI 1.27 – 6.10) and compared to those less knowledgeable (aOR 2.9, 95% CI 0.1 – 2.91). In contrast, participants who attended religious services more frequently (once a week or more) were only 30% as likely to support the Mexico City law as those who attended religious services less frequently (aOR 0.27, 95% CI 0.12 – 0.62).

The model of opinion about the health indication revealed similar findings. Mexico City residents were seven times more likely to support this indication compared to those in other states (aOR 7.03, 95% CI 2.71 - 18.24), and those participants with greater knowledge of the circumstances when abortion is legal in Mexico were four times more likely to support the health indication (aOR 4.2, 95% CI 1.50 – 11.92). No other variables were significant in the three models.

Discussion

In general, the majority of lawyers are in favor of abortion in most circumstances and specifically under the health indication. Most have some knowledge about abortion laws in their respective states, but with some clear inconsistencies, such as Mexico City lawyers' limited knowledge of the new reform. Those who were more knowledgeable about legal circumstances for abortion were significantly more likely to have a favorable opinion about the Mexico City law and the health indication. Differences in opinion also exist by region. Those lawyers from conservative states (Leon, Guanajuato in particular) held more conservative views on abortion compared to those from Mexico City. Frequency of religious attendance was found to be significantly associated with abortion opinion; specifically, more frequent attendance was significantly associated with more conservative abortion opinion. This suggests that religious attendance appears to be a better indicator of one's personal alignment with the Church's opposition to abortion than simply self-identifying as Catholic. The findings regarding both regional differences in opinion and religious attendance as an improved indicator support findings from previous public opinion studies in Mexico (Garcia et al. 2004; Becker, Garcia, and Larsen 2002).

Mexican lawyers' views about abortion can significantly influence the public debate around its legality and access, whether through drafting the language of abortion laws, litigating in a case of legal abortion denial, or advocating for or against legal abortion in other public forums. Findings from this study suggest many lawyers could be allies rather than opponents of women's rights. The majority of lawyers stated that they would represent a woman in the case of service denial. This not only suggests that they are open to playing a more positive and visible role in promoting legal abortion reform, but could also prove especially useful in opposing restrictive legislation at the state level.

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