



The Period PROUD Act: Menstrual Health is not a Hygiene Issue, it's a Human Rights Issue.

Introduction

Every day, over 300 million people¹ across the world menstruate.² In total, “it is estimated that 1.9 billion people menstruate—nearly a quarter of the world’s population.”³ Even so, roughly 500 million people with periods lack comprehensive menstrual health, including access to adequate and acceptable menstrual products.⁴ For many, a monthly period brings embarrassment, gender inequality, and the hardships of period poverty.⁵

This Report will focus the reframing of menstrual health as a human rights issue, rather than a hygiene issue, and on the implications of period poverty. A discussion of various measures

¹ Although much of the discussion surrounding menstruation speaks only to its impact on women and girls, it is important to note that people of all genders menstruate. This includes transgender men and intersex and non-binary people.

² *Menstrual Health and Hygiene*, THE WORLD BANK (May 12, 2022), [https://www.worldbank.org/en/topic/water/brief/menstrual-health-and-hygiene#:~:text=On%20any%20given%20day%2C%20more,menstrual%20hygiene%20management%20\(MHM\)](https://www.worldbank.org/en/topic/water/brief/menstrual-health-and-hygiene#:~:text=On%20any%20given%20day%2C%20more,menstrual%20hygiene%20management%20(MHM).). [https://perma.cc/GQ2J-CL7G].

³ Susan McLoughlin, *Period Poverty – A Global Crisis*, WOMEN IN INT’L SEC. (June 2, 2021) [hereinafter McLoughlin], <https://wiisglobal.org/period-poverty-a-global-crisis/> [https://perma.cc/AX5T-WQK7].

⁴ *A Bloody Problem: Period Poverty, Why We Need To End It And How To Do It*, THE KULCZYK FOUND. (Oct. 2020), <https://kulczykfoundation.org.pl/uploads/media/default/0001/05/465728000cda27b8f50a3acc18d77c7b4df8b482.pdf> [https://perma.cc/TQD2-59MG].

⁵ *High Commissioner for Human Rights Statement on Menstrual Health*, UNITED NATIONS OFF. OF THE HIGH COMM’R FOR HUM. RTS. (June 21, 2022) [hereinafter High Commissioner’s Statement], [https://www.ohchr.org/en/statements/2022/06/high-commissioner-human-rights-statement-menstrual-health#:~:text=Menstrual%20health%20is%20an%20integral,and%20the%20Sustainable%20Development%20Goals](https://www.ohchr.org/en/statements/2022/06/high-commissioner-human-rights-statement-menstrual-health#:~:text=Menstrual%20health%20is%20an%20integral,and%20the%20Sustainable%20Development%20Goals.). [https://perma.cc/F22G-R92D].

countries have taken to address this crisis will follow, such as the United States' Period PROUD Act of 2022 and Scotland's Period Products Act of 2021.

Menstrual Health as a Human Right

In June of 2022, the Human Rights Council discussed menstrual health for the very first time at the panel discussion on human rights, gender equality, and menstrual hygiene management.⁶ In a subsequent statement, the High Commissioner for Human Rights explained that the menstrual movement across the world was crucial in solidifying the recognition of menstrual health as a gender equality, public health, and human rights issue.⁷ Grass-roots workers and activists shed light on the barriers faced by those who do not have the means to properly manage their periods.⁸ In doing so, it became clear that period poverty impacted the opportunities of menstruating people, such as “their rights to education, work, water and sanitation, non-discrimination and gender equality – and ultimately to health.”⁹

The World Health Organization (“WHO”), happily welcomed the inclusion of menstrual health on the global agenda.¹⁰ In response, WHO demanded menstrual health be “recognized, framed and addressed as a health and human rights issue, not a hygiene issue[.]”¹¹ The High Commissioner for Human Rights similarly emphasized the importance of menstrual health being grounded in human rights in the following statement:

Menstrual health is an integral part of sexual and reproductive health and rights. It is an important determinant for the realization of all human rights of [people who menstruate] in all their diversity, the achievement of gender equality and the Sustainable Development Goals. To reach these goals, it is critical that policy makers, practitioners and other relevant actors adopt a comprehensive, multi-sectoral and full life cycle approach to menstrual health, grounded in human rights.¹²

By solidifying menstrual health as a human right, the Human Rights Council implicated international human rights obligations by States in relation to menstrual health.¹³ For States to safeguard menstrual health and meet individual's menstrual health needs, it is vital they understand what period poverty is and how to combat it.

Period Poverty

The phenomena known as “period poverty” describes the struggle many menstruating individuals face while trying to access or afford menstrual products.¹⁴ The term also encompasses the “increased economic vulnerability [people with periods] face due [to] the

⁶ *Id.*

⁷ *Id.*

⁸ *WHO Statement on Menstrual Health and Rights*, WORLD HEALTH ORG. (June 22, 2022), <https://www.who.int/news/item/22-06-2022-who-statement-on-menstrual-health-and-rights> [<https://perma.cc/7CNH-WYAP>].

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² High Commissioner's Statement, *supra* note 5.

¹³ *Id.*

¹⁴ *Menstruation and Human Rights - Frequently Asked Questions*, UNITED NATIONS POPULATION FUND (May 2022) [hereinafter *Menstruation & Human Rights*], <https://www.unfpa.org/menstruationfaq> [<https://perma.cc/4VL9-94AQ>].

financial burden posed by menstrual supplies.”¹⁵ Such items include tampons, pads, panty liners, menstrual cups, and other items individuals buy for their monthly periods such as pain medication.¹⁶ In order to fully understand period poverty, it is vital to acknowledge the actual costs that come with managing a period.

Generally, those who menstruate do so for three to seven days every month¹⁷ and for roughly forty years of their life.¹⁸ This equates to 480 total periods for the average person, ranging from approximately 1,440-3,360 days in which menstrual products would be needed, depending on the length of each monthly cycle. To put it into perspective, that means an individual generally spends between 3.9 and 9.2 years of their life actively managing their period, again, depending on the length of each monthly cycle. If the average individual spends around \$20 per cycle¹⁹, that totals \$9,600 per lifetime. With an amount that high, it is easy to understand how period poverty is prevalent around the world. And even though menstruation is a normal biological process for many individuals, numerous countries have the so-called “tampon tax” which factors into the high cost of period products.

The tampon tax “refers to the sales tax rate that a state, county, and/or city government collects on the retail purchase of menstrual products.”²⁰ This is due to menstrual products being categorized as luxury goods rather than what they are—necessities.²¹ Thus, even though necessary goods are typically exempt from sales tax, menstrual products are not.²² This is yet another barrier those who menstruate must face, and the difficulty or inability to acquire or afford menstrual products has extensive consequences for those with periods.²³ This includes the effects on an individual’s overall health²⁴, safety, and their attendance at school and work.²⁵

Implications of Period Poverty

Period poverty regularly leads to the use of unclean materials to manage menstruation.²⁶ Such materials may include reused clothes, toilet paper, or underwear which will be ruined as a result of use.²⁷ The use of unsanitary products has a domino effect on an individual’s health and

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *What is Menstruation?*, AM. PREGNANCY ASS’N, <https://americanpregnancy.org/womens-health/what-is-menstruation/> [https://perma.cc/3XQ2-JXEF]. (last visited Jan. 20, 2023).

¹⁸ *Your menstrual cycle*, OFF. OF THE ASSISTANT SEC’Y FOR HEALTH: OFF. ON WOMEN’S HEALTH, <https://www.womenshealth.gov/menstrual-cycle/your-menstrual-cycle> [https://perma.cc/US2W-5CKX]. (last visited Jan. 20, 2023).

¹⁹ Chloe Williams, *Female Homelessness and Period Poverty*, Nat’l Org. for Women (Jan. 22, 2021), <https://now.org/blog/female-homelessness-and-period-poverty/#:~:text=The%20average%20woman%20spends%20about,few%20items%20per%20menstrual%20cycle.> [https://perma.cc/M4T4-K7NL].

²⁰ *Tampon Tax*, ALLIANCE FOR PERIOD SUPPLIES, <https://allianceforperiodsupplies.org/tampon-tax/> []. (last visited Jan 20, 2023).

²¹ Allegra Parrillo & Edward Feller, *Menstrual Hygiene Plight of Homeless Women, a Public Health Disgrace*, R.I. MED. J. 14, 14 (Dec. 2017) [hereinafter Parrillo & Feller].

²² *Id.*

²³ *Menstrual Hygiene*, UNICEF, <https://www.unicef.org/wash/menstrual-hygiene> [https://perma.cc/BB69-4C52]. (last visited Jan 20, 2023).

²⁴ Parrillo & Feller, *supra* note 21.

²⁵ *Menstruation & Human Rights*, *supra* note 14.

²⁶ Parrillo & Feller, *supra* note 21.

²⁷ *Id.*

can lead to concerns like yeast infections, urinary tract infections, and other reproductive infections.²⁸ These infections and medical concerns can lead to further financial and personal struggles to an already underprivileged group. This includes the cost of any necessary medicine, doctors' appointments, other treatments, and the inability to attend school or work due to being ill.

Struggling to afford menstrual products can also result in individuals staying home from school or missing work simply because they do not have the necessary products to manage their period.²⁹ Such absences have “lasting consequences on [an individual’s] education and economic opportunities.”³⁰ Consequences may include a negative impact on an individual’s grades, the loss of wages for days missed at work, and the potential of having to drop out of school or being let go from a job because of absences.³¹ It may also lead to a lack of opportunity or promotions at work.³² In any case, these outcomes only exacerbate existing vulnerabilities.³³ Because of the implications of period poverty, advocates and activists have been demanding governmental change to end the crisis.³⁴

Governmental Action

Fortunately, governments across the world have responded positively to the call to action from advocates, implementing ways to address menstruation and reduce period poverty globally.³⁵ This has taken form in the elimination of sales tax on menstrual products (the tampon tax), and most importantly, in the funding of access to affordable and adequate menstrual products.³⁶

In an effort to expand accessibility to menstrual products in the United States, two members of Congress, Congresswoman Grace Meng and Congressman Sean Casten, introduced the Period PROUD (Providing Resources to Our Underserved and Disadvantaged) Act of 2022 (“The Period PROUD Act”).³⁷ The Period PROUD Act aims to help eliminate period poverty by removing the cost barrier to menstrual products for those with limited access.³⁸ Because of the average cost of menstrual products, many individuals with periods have had to “make difficult decisions such as choosing between sanitary pads or food.”³⁹ As Congresswoman Grace Meng stated,

²⁸ *Id.*

²⁹ Menstruation & Human Rights, *supra* note 14.

³⁰ *Id.*

³¹ *Menstrual Health and Hygiene*, THE WORLD BANK (May 12, 2022), [https://www.worldbank.org/en/topic/water/brief/menstrual-health-and-hygiene#:~:text=On%20any%20given%20day%2C%20more,menstrual%20hygiene%20management%20\(MHM\)](https://www.worldbank.org/en/topic/water/brief/menstrual-health-and-hygiene#:~:text=On%20any%20given%20day%2C%20more,menstrual%20hygiene%20management%20(MHM).). [<https://perma.cc/GQ2J-CL7G>].

³² Menstruation & Human Rights, *supra* note 14.

³³ *Id.*

³⁴ *Id.*

³⁵ High Commissioner’s Statement, *supra* note 5.

³⁶ *Id.*

³⁷ Meng and Casten Introduce Bill to Expand Access to Menstrual Products, CONGRESSWOMAN GRACE MENG (Dec. 15, 2022) [hereinafter Period PROUD Act],

<https://meng.house.gov/media-center/press-releases/meng-and-casten-introduce-bill-to-expand-access-to-menstrual-products#:~:text=The%20Period%20PROUD%20Act%20would,in%20need%20of%20these%20products.>

[<https://perma.cc/C6MR-UCVC>].

³⁸ *Id.*

³⁹ *Id.*

Menstrual products are . . . a human right and no one should have to choose between buying food or buying basic needs like menstrual products. That is why I have led the fight in Congress to combat period poverty and ensure [people with periods] have safe and affordable access to menstrual products . . . Period products are often classified as luxury products making them more expensive and often inaccessible to low-income individuals. The Period PROUD Act would provide funding to help remove cost barriers to menstrual products and [aid] in the fight to end period poverty.⁴⁰

Congressman Casten agreed, stating that “[n]o one should be forced to choose between paying their bills or buying menstrual products,” and that “[t]he Period PROUD Act removes that cost-barrier for the [individuals] living in poverty and ensures that a period will never have to prevent someone from going to school or showing up to work. Menstruation is a natural process and the products it requires should be freely accessible.”⁴¹ A more drastic action has already been taken by Scotland in its passing of the Period Products Act of 2021.

Scotland’s Period Products Act of 2021 (“the Period Products Act”) came into effect in August of 2022.⁴² Under the Period Products Act, access to free menstrual products became a legal right in the country.⁴³ By creating this legal right, Scotland became the first national government in the world to protect the right to free period products for anyone who needs them.⁴⁴ The Social Justice Secretary stated that:

Providing access to free period products is fundamental to equality and dignity, and removes the financial barriers to accessing them. This is more important than ever at a time when people are making difficult choices due to the cost of living crisis and we never want anyone to be in a position where they cannot access period products.⁴⁵

Scotland’s recognition of menstrual health as a human right is “leading the way in recognising [sic] that period products are not a luxury and should be freely available to all.”⁴⁶ By providing menstrual products, individuals in the country will no longer face period poverty and its ramifications. As menstrual health has an impact on the overall health, safety, schooling, and employment of those with periods, it is no surprise that Scotland’s Period Products Act has been praised globally.⁴⁷ Countries such as South Korea, and New Zealand have followed Scotland’s lead and have made similar efforts to reduce period poverty.⁴⁸

⁴⁰ *Id.*

⁴¹ Period PROUD Act, *supra* note 37.

⁴² *Period Products Act Comes into Force*, SCOTTISH GOV’T (Aug. 14, 2022) [hereinafter Period Products Act], <https://www.gov.scot/news/period-products-act-comes-into-force/> [<https://perma.cc/6P8D-SEAS>].

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Period Products Act, *supra* note 43.

⁴⁸ Period Products Act, *supra* note 43.

Conclusion

Both Scotland's and the United States' Acts reflect the view that menstrual health is a human right, and access to menstrual products should be free to anyone who needs them.⁴⁹ The Period PROUD Act is a step in the right direction for the United States, bringing it in closer compliance with international human rights obligations implicated by the Human Rights Council when menstrual health was put on the global agenda. The same can be said of Scotland's Period Products Act which completely removed the cost of period products for all of its citizens. With menstrual health being recognized as a human right, there is promise that policy changes across the world will help to eliminate period poverty and its consequences globally.

⁴⁹ *Id.*