

Engender Parliamentary Briefing: Period Products (Free Provision) (Scotland) Bill

BACKGROUND

1. About Engender and our work on period dignity and gender equality

Engender is a feminist policy and advocacy organisation working across Scotland to realise women's equality with men. Although half of the population will experience menstruation at some point, awareness of how it can impinge upon women's daily lives is underappreciated. The development of the Period Products (Free Provision) (Scotland) Bill and evidence which led to the development of the Scottish Government's own policy on free period products has cast a light upon the ways in which lack of access to period product provokes shame, discomfort, distress and health risks for women and girls, limiting their enjoyment of school, work and leisure.

The Bill's intention is that "Everyone in Scotland who needs to use period products has the right under [s.1] to obtain them free of charge." Engender remains convinced that legislative protection for a right to universal access is a necessity. With 21% of women in the UK experiencing poverty;¹ pervasive negative stigmas and taboos surrounding periods and control over reproductive faculties within domestic abuse, a right to free and universal access whenever period products are needed would send a clear message about Scotland's ambitions to elimination gender inequality, poverty and ensure dignity throughout our public services.

We therefore call on Parliament to support the Bill at Stage One, and agree the principle that everyone who needs access to products to manage their period has a right to access them in Scotland on a free and universal basis.

SPECIFIC CONSIDERATIONS

1. Why do we need legislation to protect access to period products?

Menstruation is painful, inconvenient and expensive. More than 20% of women experience such severe menstrual cramps that they report it interferes with their

¹ Women's Budget Group (2018) [The Female Face of Poverty](#) UKWBG

daily activities.² **It is estimated that a woman will, over her lifetime, spend approximately £5,000 on tampons, pads or other sanitary products,**³ ensuring that managing menstruation with dignity is a privilege reserved for those who can readily afford it.

Normalisation of menstruation, and of period products as essential everyday health and hygiene products would challenge the stigma of periods as ‘women’s issues’ or something to be managed in secret, enabling women and girls to concentrate fully on education, work and leisure, reducing the financial burden imposed upon them, and improving their quality of life and wellbeing.

2. Isn’t the Scottish Government’s existing scheme meeting the needs of women?

The Scottish Government’s approach to date has been a targeted one, based on the evidence surrounding ‘period poverty’ among girls and young women in education in particular.⁴ **Despite the welcome speed of action, there remains gaps in the evidence about the experiences of other women that may indicate different needs,** e.g. experiences of older women, disabled women, and women for whom English is not their first language and refugee women. Heavy and irregular periods during perimenopause require additional or different products, so the experiences of women in middle years are also important to capture.

Engender’s perception of the current scheme is that access to products is variable, with examples of good practice and bad. We are also aware that some organisations not covered by the scheme have begun providing free products on a voluntary basis, in different distribution models.

The principle of universal access, protected in legislation, both future-proofs and embeds the work already underway to ensure that there is access to period products, and provides the basis for their expansion to ensure all groups of women and all circumstances have their needs met by schemes operating across the country. The right set out at the top of the Bill will also send a message to women in Scotland that public services understand their very basic needs.

If we are to develop schemes that give effect to this basic right for women, it is imperative that the right exists in legislation, from which national and local schemes can claim resource and political will. We have seen time and time again that when equality issues are left out of legislation they drift down the agenda, and become either squeezed or bloated with additional considerations and pressured resources.

² American Family Physician (2012) [Clinical Evidence Handbook – Dysmenorrhea](#) AAFP

³ See [Bloody Good Period](#):

⁴ See Girl Guiding (2018) [Girls in Scotland Survey](#) Girlguiding Scotland

Of course, it is vital that schemes are fit for purpose and funded properly. **However much of the discussion to date has ignored the human costs of using inappropriate products.** Furthermore, it has ignored the health costs associated with serious conditions directly linked to period management such as toxic shock syndrome, and the costs to the economy from absence because women have not been able to access a period product.

3. How can we give effect to the rights the Bill sets out?

The Period Products Bill establishes a principle of universality, and a minimum legal duty to establish an 'opt-in' universal scheme for access to period products in very broad terms, which must be seen as a floor rather than a ceiling. Engender categorically supports this aspiration.

Engender sees a need for legislation to protect and expand the progress made so far and endorses the existence of the right for everyone who needs period products to access them. We do see that further debate around the specifics of a scheme would be worthwhile. However, it is not possible to have detailed conversation about the specifics of the Bill and how a universal provision scheme could best support women and girls without support at Stage 1 to embed the principles that drive it.

The Scottish Government should consult on the different preferences ahead of the introduction of a national scheme, with particular focus on gathering the views from groups of women whose needs remain relatively unstudied.

4. Why should MSPs support the Bill at Stage 1?

Engender is clear that menstrual care is a women's health issue, and that barriers to accessing essential products have a negative impact on women and girls' access to education, work, leisure activities and their wellbeing.

This Bill has the potential to respond to the increased awareness of 'period poverty' and embed the work to-date, particularly that which responds to the growing evidence about the impacts of unaffordability for girls and young women in education. However the Bill has wider potential to address the impacts of lack of access to period products because of women's financial poverty and their time poverty, those needing additional products because of gynaecological health conditions or the menopause, and ensuring the dignity of women who are simply 'caught short', all of which can contribute to tackling the stigma surrounding periods.

Universal access must also be seen through a Human Rights lens which acknowledges the specific human rights frameworks for women, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which ensure

substantive equality in areas such as employment and health. NGOs Human Rights Watch and WASH United have highlighted that “The simple biological fact of menstruation shouldn’t be a barrier to gender equality or stymie women’s and girls’ realization of their human rights.” They further note that “Understanding good menstrual hygiene management within the context of human rights requires a holistic approach to women’s and girls’ human rights.”⁵

We believe that the provision of free products to those who need them has the potential to:

- Maximise women and girls’ participation in education and work;
- Eliminate the need to rely on inappropriate products (e.g., socks, newspaper) to manage a period and therefore reduce health risks posed to women and girls;
- Reduce the stigma experienced by those who are forced to rely on charity donations for menstrual products; and
- Start a public dialogue on menstrual care. There is a poverty of understanding of menstruation which needs tackling, and stigma which needs challenging.

We therefore urge MSPs to continue the conversation about the best way to give effect to a right to access period products, and support the Bill at Stage 1. This will show women, girls, and anybody who menstruates, that Scotland is committed, not only in the immediate term, to ensuring their basic needs are met, that our society is arranged on the basis of equality between women and men and that dignity is preserved regardless of individual circumstances.

FOR FURTHER INFORMATION

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ABOUT US

Engender is a membership organisation working on feminist agendas in Scotland and Europe, to increase women’s power and influence and to make visible the impact of sexism on women, men and society. We provide support to individuals, organisations and institutions who seek to achieve gender equality and justice.

⁵ Human Rights Watch (2017) [Menstrual Hygiene a Human Rights Issue: A Simple Guide to Ending Discrimination, Abuse](#) HRW