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The Executive Office
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15 September 2023

Re: *Period Products (Free Provision) Act Consultation Response*

Thank you for the opportunity to comment on the implementation of the Period Products (Free Provision) Act (NI) 2022. We are professors who have researched, written, and presented on the Period Products (Free Provision) (Scotland) Act 2021.¹ Section I contains our recommendations as to the how, where and what products to provide in response to the consultation's specific questions. Section II contains additional recommendations to enhance implementation and increase menstrual justice in Northern Ireland.

But first, as subject matter experts and people who menstruate with lived experiences under Scotland's law who also have travelled to Northern Ireland, we congratulate Northern Ireland on passing this critical law. It is an important step towards greater justice for those who menstruate. It will both help to destigmatize menstruation over time and to address some current needs related to the menstrual cycle. Thank you also for your work helping to achieve these goals.

We specifically commend that the law takes a universal and gender-inclusive approach, uses positive and clear language, places the duty to ensure provision on the Executive Office rather than local authorities, seeks stakeholder feedback, and ensures regular evaluation and reporting.

¹ For information, Bettina Bildhauer is co-founder of the [Menstruation Research Network UK](#). The Menstruation Research Network UK brings together international academics and activists on menstrual policy and research. She was Lead Investigator of the research project "Ending period poverty in Scotland: A historical and international perspective", funded by the Royal Society of Edinburgh; and Principal Investigator of the research project "Menstrual cups vs tampons: An interdisciplinary analysis of barriers and changing attitudes to sustainable period products in contemporary Scotland", funded by the Scottish Funding Council.

Marcy Karin is the Jack and Lovell Olander Professor of Law and Director of the Legislation/Civil Rights Clinic at the University of the District of Columbia David A. Clarke School of Law in Washington, D.C., USA. She has authored multiple articles about menstrual justice. She also has provided technical assistance to government staff and testified in support of American laws to: (1) provide menstrual products in public buildings and congregate setting; (2) supply products in schools, colleges, and universities; (3) require medically accurate education for students of all genders starting in primary school about the menstrual cycle, its cessation, and related conditions; and (4) remove the sales tax on menstrual products. She was the 2022-2023 Distinguished Fulbright Scholar at the University of Edinburgh's Institute for Advanced Studies in Humanities, which included the research project "Menstrual Justice at Work and School: Public Policy Lessons from Scotland's Period Products Law."

Camilla Mørk Røstvik is Associate Professor in History at the University of Agder, Honorary Lecturer in Medicine at the University of Aberdeen, Honorary Research Associate in Art History at the University of St. Andrews, and lead investigator of the Menstruation Research Network UK. She has published several books and articles on period products and on the history, economy and politics of menstruation.

Section I: Recommendations in Response to the Consultation's Questions

Based on our scholarly and applied research and work on the Period Products (Free Provision) (Scotland) Act 2021 and free product laws in Washington, D.C. (United States), we recommend:

1. Provide users with the broadest range of options possible to obtain free products (the “how”).

Building on the Act's commendable commitment to universal access rather than means-testing or associating periods with poverty, we recommend that the broadest range of options be offered to obtain products. We also recommend:

Mail order and delivery. We recognize that the law does not require postal delivery, but we ask the Department to remember the goal behind the law in assessing any costs for packing and delivering these products, in particular to alleviate the financial and practical burden of menstruators with additional needs related to mobility, illness, disability, rural locations, homelessness or domestic abuse. A 2022 survey of menstruators in Scotland found that the people who struggled the most to access free period products were precisely those least able to afford period products, specifically people in lower income households, in rural locations and with disabilities.² If free products are much easier to access for mobile affluent urbanites than for others, period inequalities will be exacerbated rather than alleviated. We strongly encourage that delivery be permitted without additional cost to the user, or the need to show that the user could not reasonably obtain the products in another way (para. 29).

Online, phone and mail order methods are needed to allow people without access to the internet or with language issues to choose their preferred method, again remembering that the people most likely to need free products are also those likely not to have steady internet or even phones.

Access to reusable products. We understand the cost concerns but do not agree that a different process is needed to access reusable products. Sustainable products are important for shifting menstrual stigma among young people in particular (as they can be seen as “cool”), so should be provided to help the success of this scheme as well as for environmental reasons.³ They are available along with other products in some locations in Scotland, and we have observed no run on them. In the long term, they are significantly cheaper than single-use products.⁴

2. An expansive set of locations should provide period products free of charge (the “where”).

These locations should ideally include:

² [Social Research](#), ‘Access to Period Products: Baseline Survey Results’, Scottish Government, November 2022

³ [Bildhauer](#), Bettina, and Lara Owen, ‘Menstrual stigma rearticulated as environmental pollution in contemporary Scottish policy-making’, *Women's Reproductive Health*, submitted 1 Dec 2021, accepted 27 Jun 2022, published 23 July 2022, DOI: 10.1080/23293691.2022.2097034.

⁴ [Zero Waste Scotland](#). ‘Consumer attitudes towards reusable menstrual products in Scotland’, Research undertaken by Progressive Partnership, 2019.

- Public buildings and places where public services are provided.

People presume that menstrual products will be available not just locations directly run by local authorities and government, but also in public places such as train stations, stadiums, sports clubs, community centres, venues, airports, museums, hospitals etc. We have observed disappointment in Scotland when they are not provided — or when they are available but continue to require a fee to access the toilets and/or for products in them. Why are menstrual cups provided free of charge in the V&A museum in Dundee but a single pad is sold for £3 in some Edinburgh museums, or hidden behind a fee for entering the toilets in Edinburgh Waverley station? The resulting confusion and disappointment belies the goal of these types of laws. Working with such institutions and organisations also offers great opportunities to involve the community in highly visible campaigns for greater equality.⁵

- Places accessible out of “normal” business hours.

We recommend this because menstrual bleeding is not limited to the opening hours of libraries or seasonal public toilets. Fears of abuse of the scheme by people taking from free available locations more than they need did not materialise in Scotland. We ourselves have experienced first-hand how difficult it was to obtain products in the early mornings, late nights, or on Sundays.

- Private locations inside toilet spaces, ideally in self-contained cubicles with sinks and bins for rinsing menstrual cups and changing pads and tampons.

We recommend this because, as the Act recognises, many people try to hide their bleeding from being seen, heard or smelled by others.⁶

- Men’s and gender-neutral toilet spaces as well as women’s toilets.

Building on the law’s commendable gender-inclusive approach, we recommend this because some men menstruate. For menstrual justice it would be best if all toilets were gender-neutral to avoid safety issues for trans or non-binary men ‘outing’ themselves when they access period products. In the meantime, products must be provided in these spaces to ensure access to all who menstruate and need them.

3. A varied range period products be obtainable free of charge (the “what”).

Based on experiences in Scotland, we recommend:

- **Initially providing more pads than tampons, underwear or cups.**

People in Scotland prefer pads to tampons,⁷ as do pupils in Northern Ireland,⁸ indicating this will be the product most in demand. Pads also are an important option to prevent retraumatizing some survivors of gender-based violence.

⁵ [Pandemic Periods](#), Scottish Local Authorities Implementation Policy Assessment, Period Products (Free Provision) (Scotland) Act 2021, 2023.

⁶ [Bildhauer](#), Bettina, and Lara Owen, ‘Menstrual stigma rearticulated as environmental pollution in contemporary Scottish policy-making’, *Women’s Reproductive Health*, submitted 1 Dec 2021, accepted 27 Jun 2022, published 23 July 2022, DOI: 10.1080/23293691.2022.2097034.

⁷ [Social Research](#), Access to Period Products: Baseline Survey Results, Scottish Government, November 2022

⁸ [Council for the Curriculum, Examinations and Assessment](#), “Period Dignity: School Follow-Up Survey”, February 2022.

- **Providing sustainable products.**

Almost all industrially produced disposable menstrual products contain plastics, which can end up through sewage in the marine environment.⁹ Sustainable products are increasingly popular with younger people and should be provided as well as conventional single-use products.¹⁰ Aside from reusable pads, pants, panty liners and cups mentioned in the consultation, the options should also include single-use pads, liners and tampons made without plastics from compostable materials such as bamboo; and reusable tampons. Some people think they will have to share reusable products with other people. It should be explained that they can take them away and not share them with anyone.

This is also consistent with experiences in Washington, D.C. Building on the recommendations of young people, the Period Equity Righting an Injustice of District Residents Act of 2022 (“PERIOD Act”) aims to reduce the plastic imprint of the products. It does this by requiring that products be “made from certified organic cotton” that “do not contain...(1) Synthetic fibers; (2) Plastics, including a plastic applicator; (3) Chlorine; (4) Fragrances; or (5) Other substances hazardous to user health.”¹¹ The goal is to distribute products that are sustainable for the community, minimize harm to the end user, and provide some information about what is used in products. Northern Ireland could set similar goals for its implementation and procurement processes.

Section II: Additional recommendations

In addition, we make the following related recommendations:

1. **Publicise** the locations for pick-up, including by providing an app (such as Pick Up My Period), social media posts and maps for where products can be accessed, and update the information frequently.

We are pleased that the Act includes a duty for the Department to publish information about the locations where period products are provided. We recommend that this published information be widely advertised and contextualised, because in our research we have frequently encountered the false expectation that ‘universal’ access means that period products will be free in shops.¹² Allowing people to see where they can access products manages expectations. Social media are the most common way in which people hear about period products in Scotland, and this is not likely to be different in Northern Ireland.¹³

We also recommend that whatever methods are used to show where and which products are publicly available also include a mechanism for people to report when the provided

⁹ [Cole](#), George et al. ‘Mapping economic, behavioural and social factors within the plastic value chain that lead to marine litter in Scotland’. Report prepared for The Scottish Government by Resource Futures, 2019.

¹⁰ [Bildhauer](#), Bettina, and Lara Owen, ‘Menstrual stigma rearticulated as environmental pollution in contemporary Scottish policy-making’, *Women’s Reproductive Health*, submitted 1 Dec 2021, accepted 27 Jun 2022, published 23 July 2022, DOI: 10.1080/23293691.2022.2097034.

¹¹ Section 2 (b), D.C. ACT [24-687](#).

¹² [Bildhauer](#), Bettina, Camilla Mørk Røstvik and Sharra Vostral, ‘Introduction: The Period Products (Free Provision) (Scotland) Act 2021 in the Context of Menstrual Politics and History’, *Open Library of Humanities* 8: 1 (2022). doi: <https://doi.org/10.16995/olh.8159>.

¹³ [Social Research](#), Access to Period Products: Baseline Survey Results, Scottish Government, November 2022

information is incorrect, for example, when the bathrooms in a particular building do not have products or when the stock of tampons is depleted.

2. Carry out a systematic review of and issue best practice guidelines for the language used in publicity, reports, websites and educational material to avoid suggesting that menstruation is unhygienic or only an issue for women.

We commend the Act for using clear and positive language about menstruation, and avoiding gendered and hygiene vocabulary. Terms like “hygiene products” in the Global North further stigmatise menstruators by creating the impression that menstruation is unhygienic and a threat to sanitation and health if it is not managed by products.¹⁴ The Act also avoids euphemisms that make speaking directly about menstruation seem shameful. By speaking of “persons”, it makes clear not that only women menstruate. However, stigmatising terminology persists in other related locations, such as in the Act’s definition section (“sanitary towels”) or on the Council for the Curriculum, Examinations and Assessment’s publications on the Period Dignity scheme (“feminine hygiene products” on the website, “feminine wipes” in its 2022 survey).¹⁵

3. Fund and engage in education campaigns to reduce menstrual stigma and increase knowledge about safe use of a range of menstrual products and the biology underlying the menstrual cycle and related conditions.

The Act has already contributed to greater visibility and discussion of menstrual products in public. Building on this, the government should fund further education about various products and counter common misconceptions about the menstrual cycle and people who experience it. For example, campaigns could explain why the following statements – all of which we have heard in the past few years in Scotland – are inaccurate:¹⁶

- only women menstruate,
- all women menstruate,
- periods last 5-7 days every 28 days,
- period pain is normal,
- losing more than an eggcup full of blood is normal,
- menstruation is a failed opportunity for pregnancy (in fact it most likely protects the body from unviable pregnancies),¹⁷
- menstruation is just the monthly bleed (in fact the whole menstrual cycle keeps the body healthy during the lifecycle),
- periods are unsanitary,
- periods synchronise when women live together,
- periods coincide with the phases of the moon, and
- inserting a tampon destroys someone’s virginity.

¹⁴ [Bildhauer](#), Bettina, and Lara Owen, ‘Menstrual stigma rearticulated as environmental pollution in contemporary Scottish policy-making’, *Women’s Reproductive Health*, submitted 1 Dec 2021, accepted 27 Jun 2022, published 23 July 2022, DOI: 10.1080/23293691.2022.2097034.

¹⁵ [Council for the Curriculum](#), Examinations and Assessment, “Period Dignity”.

¹⁶ [Priority List](#) of Indicators for Girls’ Menstrual Health and Hygiene: Technical Guidance for National Monitoring. (2022). Global MHH Monitoring Group. Columbia University. New York.

¹⁷ [Critchley](#), Hilary et al. Menstruation: science and society. *American Journal of Obstetrics and Gynecology*, 223: 5 (2020), 624–664.

This training and information could be accomplished in conjunction with the Department of Education’s pending revisions to the Relationship and Sexuality Education (RSE) curriculum.¹⁸ Including medically accurate, age-appropriate instruction on menstrual health as part of the RSE standards would provide a strong baseline for future generations in Northern Ireland.¹⁹ Countering menstrual stigma and misconceptions also addresses plastic pollution, as stigma is the main barrier that prevents the use of sustainable products in Scotland.²⁰

In addition to primary and secondary school students, campaigns should be funded to target:

- Medical students and practitioners, to enable them to recognise menstruation as a ‘fifth vital sign’ of health, and to diagnose menstrual disorders and related conditions such as endometriosis or adenomyosis more quickly.²¹
- People just before entering menopause to be prepared for and alleviate any symptoms.
- The general public, including by providing education and tackling stigma through media and social media. While ultimately stymied by the pandemic, Scotland’s “Let’s Call Periods, Periods” (#TalkPeriods) campaign could serve as a model.²²
- Disabled menstruators and their caregivers.

We also recommend that these materials be provided in Irish, Ulster Scots, and any other language used by groups of people in Northern Ireland.

4. Acknowledge the limitations of the Act.

The Act, despite its great intentions and effects, much like its Scottish equivalent, is based on the idea that menstrual bleeding is something that needs to be hidden and managed to access the public sphere.²³ Providing products does not dislodge the underlying devaluation of female bodies. Menstrual products do not work as a ‘technological fix’ of this complex social problem.²⁴

5. Build on this success to pass further legislation and enact public policy that advances menstrual justice.

Improving access to menstrual products is important, but it only address one systemic barrier. Many others remain that can be addressed by law and policy. For example, Northern Ireland could enact laws that oblige manufacturers to disclose the ingredients of menstrual products and to ban additives, and to oblige water companies to treat sewage more

¹⁸ [UK Government](#), ‘New requirements for Relationship and Sexuality Education curriculum in Northern Ireland’.

¹⁹ [Johnson](#), Margaret and Marcy Karin, ‘Now More Than Ever, It’s Time for Universal Menstrual Education for Gender Equality’, *Ms.* (June, 2022).

²⁰ [Cole](#), George et al., *Mapping Economic, Behavioural and Social Factors within the Plastic Value Chain that Lead to Marine Litter in Scotland*. Report prepared by Resource Futures for The Scottish Government (2019).

²¹ [Hennegan](#), Julie et al. ‘Menstrual health: a definition for policy, practice, and research’. *Sexual and Reproductive Health Matters*. 29: 1 (2021).

²² [Scottish Government](#), ‘Let’s call periods, periods’.

²³ [Bildhauer](#), Bettina, Camilla Mørk Røstvik and Sharra Vostral, ‘Introduction: The Period Products (Free Provision) (Scotland) Act 2021 in the Context of Menstrual Politics and History’, *Open Library of Humanities* 8: 1 (2022). doi: <https://doi.org/10.16995/olh.8159>.

²⁴ Bobel, Chris, *The Managed Body: Developing Girls and Menstrual Health in the Global South*. Cham, Switzerland: Springer Nature/Palgrave MacMillan (2019).

comprehensively.²⁵ Northern Ireland also could support workplace accommodations and antidiscrimination protection for menstruation and menopause.²⁶ It could abolish the tax on period products such as underwear and it could improve reproductive justice and equal rights issues.²⁷ We hope this work helps build the case for additional needed reforms.

* * *

Our recommendations are designed to help Northern Ireland achieve its objective of destigmatizing menstruation and addressing product-access needs related to menstrual justice. Thank you again for soliciting comments and considering these recommendations. As the rollout of Scotland’s Period Products Act demonstrates, a law’s ability to meet its goals will depend on targeted, transparent, adaptable and well-funded enforcement. For this reason, we also commend the Equality Policy and Legislation Team for timely and thoroughly fulfilling its obligation to seek feedback from the community on its implementation and the Act’s requirement for regular assessment and reporting on its effectiveness.

We can be reached via Professor Bildhauer at Bettina.Bildhauer@st-andrews.ac.uk with any questions, if you would like more information about any of the recommendations, or if meeting with the Menstruation Research Network UK would be helpful to the Department. We would be delighted to support your efforts further.

Sincerely,

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²⁵ [Cole](#), George et al. ‘Mapping economic, behavioural and social factors within the plastic value chain that lead to marine litter in Scotland’. Report prepared for The Scottish Government by Resource Futures, 2019.

²⁶ [Bildhauer](#), Bettina, Camilla Mørk Røstvik and Sharra Vostral, ‘Briefing Paper: Assessing the Period Products (Free Provision) (Scotland) Act 2021 as Model Menstruation Legislation’, *Open Library of Humanities* 8: 2 (2022); Marcy L. Karin, *Addressing Periods at Work*, 16, *Harvard Law and Policy Review* 449 (2022), bit.ly/periodsatwork.

²⁷ [Bildhauer](#), Bettina, Camilla Mørk Røstvik and Sharra Vostral, ‘Briefing Paper: Assessing the Period Products (Free Provision) (Scotland) Act 2021 as Model Menstruation Legislation’, *Open Library of Humanities* 8: 2 (2022).