



# IRISH CENTRE FOR HUMAN RIGHTS

## Period Poverty as a Human Rights Issue: A Bloody Mess

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## **GLOSSARY**

ATOTM – Any Time of The Month

AUB – Abdominal Uterine Bleeding

CEDAW – Convention on the Elimination of all forms of Discrimination Against Women

CESCR – Convention on Economic Social and Cultural Rights

CRC – Convention on the Rights of the Child

CRPD – Convention on the Rights of Persons with Disabilities

ESCR- Economic, Social and Cultural Rights

FEAD- Fund for European Aid to the Most Deprived

HPI – Homeless Period Ireland

HSE - Health Services Executive

ICESCR - International Covenant on Economic, Social and Cultural Rights

ICCPR – International Covenant on Civil and Political Rights

ILO – International Labour Organization

MHM – Menstrual Hygiene Management

NGO – Non-Governmental Organization

PL- Plan International

PHS – Public Health Services

SDGs – Sustainable Development Goals

U.N – United Nations

UNICEF – United Nations Children Fund

UK – United Kingdom

VAT – Value Added Tax

## METHODOLOGY

This report is the outcome of extensive research work carried out by three students of the Human Rights Law Clinic at the Irish Centre for Human Rights - Amanie Issa, Chinyere Obinna Constance and Oluwatoyosi Ayodele, in partnership with The Hygiene Bank Galway. The Hygiene Bank Galway is a grassroots group of volunteers working to alleviate hygiene poverty through the collection and donation of hygiene products to people who need them in Galway.

The report documents the issue of period poverty as a global societal problem, with a precise focus on how it can be viewed as gender inequality. All the data, statistics and information relied upon in this report were drawn from credible sources made readily available on the web.

Following a well-founded analysis of period poverty, as human rights law students, it was imperative to explain how this is a human rights issue and the subsequent role of the law in proffering a long-lasting solution to it. Four international human rights treaties and their treaty bodies' general comments/recommendations were relied upon to provide a thorough insight into the protection of menstrual health management, as a human right.

Due to the COVID-19 pandemic, it was impossible to physically engage with partners and other groups working on similar issues within Ireland. Nonetheless, virtual networks were established with two groups in Ireland (Any Time of the Month, and Homeless Period Ireland), who provided invaluable insights into some of the analysis contained therein.

The report draws from infographics, documentaries, academic journals, articles, newspaper publications, podcasts, virtual workshops and discussions, publications of United Nations affiliated bodies, findings from the report of the sub-committee on the National Strategy for

Women and Girls in Ireland, the two bills currently at the Irish Seanad, YouTube videos, and personal lived experiences of the authors.



## EXECUTIVE SUMMARY

This report discusses period poverty as a global problem affecting all persons who menstruate, across the world, with particular emphasis on Ireland. Menstruation is an integral part of life for menstruators, but often, discussion about it only comes up in the context of reproductive health. Anchored in the understanding that a world without period poverty and stigma is possible only where the rights of individual persons are respected and guaranteed, we find that;

- Period poverty is a global problem shrouded in silence, nonetheless, requires utmost priority from the government in Ireland.
- Menstrual health management is a human right, closely linked to the enjoyment of other internationally guaranteed human rights. Hence, the government have an inherent duty to ensure period poverty is expunged from society.
- Period poverty is a threat to achieving gender equality and amplifies existing stereotypical roles for women and girls.
- The lack of adequate formal and informal education about menstruation and MHM contributes to the continued exclusion, neglect, discrimination, shame, and stigma attached to menstruation and menstruators.
- There are ongoing efforts at national and local levels towards eradicating period poverty in Ireland.
- Providing MHM products in public institutions and buildings, in the same way tissue papers are provided, is a prompt response to eliminating period poverty in Ireland.

- The Irish government should intensify ongoing efforts towards eliminating period poverty in Ireland, by promptly passing legislation on the provision of free period products for all persons who menstruate.

## DEFINITION OF TERMS

**Abdominal Uterine Bleeding:** Also known as heavy menstrual bleeding, is an 'excessive, erratic or prolonged loss of menstrual blood that affects the overall quality of life for persons who menstruate.'<sup>1</sup>

**Dysmenorrhea:** The occurrence of abdominal pain before or during a menstrual cycle. The level of pain can range from mild to severe in different persons. This is also known as menstrual pain/cramping.

**Endometriosis:** A condition that occurs when similar tissues as those found in the uterine lining grow outside the uterus and cling on to other organs, thereby causing pain before or during menstrual periods, prolonged bleeding and in extreme cases, infertility.

**Menarche:** This is the occurrence of the first menstrual bleeding in a person. It typically happens during the age of adolescence/puberty.

**Menstrual hygiene management:** The private and unfettered use of clean materials and products (including clean water and soap), to 'absorb or collect' menstrual blood.'<sup>2</sup>

**Menstruation:** Also known as menses or period, is the monthly discharge of blood and 'other material from the lining of the uterus, at intervals of about one lunar month, from puberty until menopause.'<sup>3</sup>

**Pre-menstrual syndrome:** The physical and emotional symptoms experienced before the beginning of a menstrual period. These may include anxiety, stress, loss of confidence,

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<sup>1</sup> Claire Henry, Alec Ekeroma and Sara Filoche, 'Barriers to Seeking Consultation for Abnormal Uterine Bleeding: Systematic Review of Qualitative Research' (2020) 20 BMC Women's Health 1.

<sup>2</sup> WHO/UNICEF Joint monitoring programme (JMP) for water supply and sanitation, 'Consultation on Draft Long List of Goals and Indicator for Future Global Monitoring of Water, Sanitation and Hygiene' 2012. <<https://washdata.org/sites/default/files/documents/reports/2017-06/JMP-2012-post2015-consultation.pdf>>.

<sup>3</sup> 'Menstruation and Menstrual Rehab' (*Physiopedia*, 2021) <[https://www.physiopedia.com/Menstruation\\_and\\_Menstrual\\_Rehab](https://www.physiopedia.com/Menstruation_and_Menstrual_Rehab)> accessed 19 May 2021.

irritation,

migraine,

tiredness,

etc.

## HUMAN STORIES

Period Poverty is a global threat to the enjoyment of fundamental freedoms and liberty for menstruators. In this section of the report, the authors share their experiences of period poverty, in its different forms.

1. I have been quite fortunate to be able to afford period pads to manage my monthly flow. For me, it was the constant fear of insecurity and embarrassment that came with my period, constantly looking behind my back, making sure I walked ‘properly’ to avoid a menstrual embarrassment in the public. I would walk into a shop, pick up a pack of period pads and feel a need to buy other things, just so I do not feel embarrassed at the payment point and always ask for a bag to hide the pack of pads. I guess I was so shy for people to know I menstruate.
2. I did not experience period poverty myself but definitely experienced the feeling of not having access to it. During difficult times where occupation military curfews were enforced on our area, and we could not go out to buy bread or any other necessities. Eventually, I and my mother and sister ran out of pads and other menstruation products, so we had to use paper towels and a piece of cloth to stop the bleeding. It felt strange, humiliating and wrong on so many levels. And as an endometriosis warrior myself, I can confirm that menstruating becomes a more difficult experience with endometriosis. It challenges every bit and pieces of the physical and mental wellbeing.

# 1 INTRODUCTION

Over the last few years, period poverty and menstrual justice have taken centre stage in the discussions of various non-governmental organizations, media outlets, health institutions and more importantly, in the works of policymakers, with a long-overdue recognition of menstrual health management as a human right.<sup>4</sup> In Ireland, there have been various concerted efforts towards eliminating period poverty by acknowledging the gruesome multifaceted effects it has on the livelihood of menstruators, which has been further exacerbated by the lack of / inadequate funding for menstrual health management products and services.

Indeed, period poverty is a menace that nearly half the global population grapple with, nonetheless, it appears to receive little to minimal attention by governments across the world, as a human right worthy of equal protection as its contemporaries. According to Amanda Klasing, senior women's rights researcher at Human Rights Watch, most people 'often do not fully understand the impact a woman's monthly period may have on her ability to go about her life if she doesn't have what she needs to manage it.'<sup>5</sup> While this statement may appear trite, it does not provide an all-encompassing account of the real-life effects of period poverty on the entire menstruating population; especially menstruators who do not conform with the societal construct of gender or sex.

Our understanding of period poverty within the context of this report extends beyond the binary notion of gender, to include every person who menstruates. It also challenges all stereotypical notions about menstruation, by acknowledging the lack of education about periods as a form of societal poverty.

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<sup>4</sup> Inga T Winkler, 'Human Rights Shine a Light on Unmet Menstrual Health Needs and Menstruation at the Margins' (2019) 133 3, 235.

<sup>5</sup> Human Rights Watch 'Menstrual Hygiene a Human Rights Issue | MHDAY' 2017.

<<https://menstrualhygieneday.org/menstrual-hygiene-human-rights-issue/>> accessed 17 April 2021.

In 2019, Scotland became the first European country to introduce legislation on the free provision of period poverty in all public places and governmental institutions. Flowing from this recent success, other countries have begun to follow suit by intensifying all existing efforts towards bridging the inequalities and discrimination caused by period poverty. In most recent times, these efforts have culminated into the introduction of two separate bills in the Irish Seanad in early 2021, both seeking to bring an end to the undignifying terrain of period poverty in Ireland, through the proposed provision of period products by the government.

This report seeks to complement the ongoing efforts at national and local levels towards elimination period poverty in Ireland, by giving a brief explanation of the meaning, causes and effects of period poverty for all persons who menstruate. Premised on the recognition of MHM as a human right, period poverty is viewed from a human rights lens, to ascertain the international obligations of States under various international human rights treaties, in performing the international three-fold responsibility to respect, protect and fulfil the human rights of all persons who menstruate.

Often, period poverty is viewed from a standpoint of victimization by depicting the suffering and discrimination it causes for the menstruating population. While this is important for a pictorial understanding of the lived experiences of affected persons, it has resulted in States adopting a lackadaisical approach, anchored in goodwill and a supposed availability of resources, rather than a clear understanding of internationally imposed duties and obligations to its citizens, in eliminating period poverty. Indeed, access to free period products is not a matter of charity or donation, but a matter of rights, internationally guaranteed rights which individuals should demand from the government.<sup>6</sup>

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<sup>6</sup> Houses of the Oireachtas, 'Free Provision of Period Products Bill 2021: Second Stage – Seanad Éireann (26th Seanad) – Monday, 8 Feb 2021 – Houses of the Oireachtas' (8 February 2021) <<https://www.oireachtas.ie/en/debates/debate/seanad/2021-02-08/15>> accessed 10 March 2021.

Finally, the human rights lens adopted here affords an opportunity to view menstruators as rights holders, by placing a focus on any gaps in international human rights law and its subsequent implication for persons within the menstruation population, who remain marginalized. This report provides an understanding of the ‘lived experiences of all menstruators shaped by marginalization, discrimination, and inequalities, to look beyond access to products and menstrual hygiene in addressing menstrual stigma, and to address the underlying structural causes of unmet needs’ associated with menstruation.<sup>7</sup>

## **1.1 What is period poverty?**

Period Poverty is defined by UNICEF as the inability to have access to sanitary or menstrual products such as pads and tampons due to financial difficulties.<sup>8</sup> Full access to adequate sanitation and menstrual hygiene management is a struggle for half of the global population, and it is estimated that around 500 million people who menstruate do not have access to safe, healthy methods to deal with their periods.<sup>9</sup>

The lack of access to MHM products, owing to financial difficulty, coupled with the stigma and taboos associated with menstruation is a public health crisis that creates multifaceted challenges for persons who menstruate. Period poverty has a massive impact on the daily lives of persons affected, shuts them out of active participation in public life, education, and exposes them to heightened vulnerabilities and marginalization.<sup>10</sup>

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<sup>7</sup> *ibid.*

<sup>8</sup> UNICEF, ‘Menstrual Health and Hygiene’ 2019 <<https://www.unicef.org/wash/files/UNICEF-Guidance-menstrual-health-hygiene-2019.pdf>> accessed 15 March 2021.

<sup>9</sup> Tamara Hume, ‘The Price Of A Period: Period Poverty Is Widening The Gender Equality Gap’ March 4, 2021 <<https://www.humanrightspulse.com/mastercontentblog/the-price-of-a-period-period-poverty-is-widening-the-gender-equality-gap>> accessed March 31, 2021

<sup>10</sup> Erica Sanchez and Leah Rodriguez, ‘Period Poverty: Everything You Need to Know’ *Global Citizen*, 2019. <<https://www.globalcitizen.org/en/content/period-poverty-everything-you-need-to-know/>> accessed 15 March 2021.



## 1.2 Causes of period poverty.

The major causes of period poverty are non-affordability/non-availability and stigma/taboo associated with menstruation.

**Non-affordability and non-availability:** The cost and availability of suitable period products are major causes of period poverty. Economic inequalities within a society may lead people on a low income to choose between necessities such as food, clothing, or shelter and period products to manage their menstrual flow. People also experience period poverty through limited or no access to hygiene management facilities, to change and dispose of sanitary products.<sup>11</sup>

**Taboos and stigmas:** Stigma and shame are regularly attached to menstruation. Popular stereotypical words used to describe menstruation are ‘impure’, ‘dirty’, and ‘weakness’, even the common term ‘sanitary products’ implies bad hygiene. These stereotypes are born from cultural and religious sentiments and have been passed on for generations.<sup>12</sup> Closely linked to the causes of period poverty identified above, is the general lack of adequate formal and informal education about periods, and the negative societal attitude, gruesome effects of unsafe or inadequate MHM on the reproductive and sexual life of menstruators.<sup>13</sup> Menstruation is still seen as a weakness, an anomaly, rather than a ‘biological function’ and a significant part of human life.<sup>14</sup>

In a bid to cope with these societal stigmas, menstruators often choose ‘ignorance over knowledge’ to avoid embarrassment and shame, which subsequently fuels more myths about

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<sup>11</sup> Veronicah Kiende, ‘Examining Period Poverty’ *UAB Institute for Human Rights Blog*, 2019  
<<https://sites.uab.edu/humanrights/2019/11/11/examining-period-poverty/>> accessed March 31, 2021

<sup>12</sup> Ibid.

<sup>13</sup> Hume (n 8).

<sup>14</sup> Jill Litman, ‘Menstruation Stigma Must Stop. Period.’ *International Health*, 2018.  
<<https://pha.berkeley.edu/2018/06/05/menstruation-stigma-must-stop-period/>> accessed 15 April 2021.

menstruation.<sup>15</sup> It is important to note that taboos and stigma about menstruation may differ from one region/culture to another, nonetheless, the consequential discrimination and marginalization of menstruators is a global phenomenon.

### **1.3 Effects of Period Poverty**

In lieu of sanitary and menstruation products, menstruators may find themselves forced to use alternative items such as paper towels, rags, piece of clothes or cardboard.<sup>16</sup> The use of these unsuitable alternatives has proven to be unhygienic, unhealthy, and expose menstruators to heightened risks of infections, urinary tract infections and bacterial vaginosis.<sup>17</sup> The consequences of period poverty extend beyond physical health, as the mental state of mind of persons who menstruate is also affected, with the lack of access to products and facilities resulting in anxiety, depression and stress.<sup>18</sup>

The links between MHM, mental wellbeing and the overall quality of life of persons who menstruate are intertwined. Persons who struggle with period poverty often find themselves struggling with daily activities, for example: skipping school, losing jobs, seclusion from public life, or the suspension of personal hobbies and activities owing to the constant feeling of embarrassment and shame that come with getting ‘stained’ in a public space. The effect of period poverty may be more severe for some more than others, such as people with disabilities, marginalized communities, and people suffering from other medical issues such as endometriosis.

People with disabilities face different barriers daily, particularly in accessing public places and services. In addition to the negative societal images projected on impairments and

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<sup>15</sup> Kiende (n 10).

<sup>16</sup> Ashley Rapp and Sidonie Kilpatrick, ‘Changing the Cycle: Period Poverty as a Public Health *Crisis*’ *School of Public Health, University of Michigan*, 2020 <<https://sph.umich.edu/pursuit/2020posts/period-poverty.html>> accessed 15 March 2021.

<sup>17</sup> *ibid.*

<sup>18</sup> *ibid.*

disabilities.<sup>19</sup> All these, coupled with period poverty, pose an extra layer of exclusion and marginalization for PwDs.<sup>20</sup> Travellers and Roma are other disadvantaged groups facing difficulties in accessing education, and accommodation. According to the Period Poverty Sub-Committee on the National Strategy for Women and Girls, ‘Traveler and Roma women and girls have a high risk of experiencing consistent poverty and may also be at high risk of experiencing period poverty.’<sup>21</sup> Period poverty may also have a heightened impact on other communities, such as migrants, transgender people or other marginalized groups of society.

Another group of menstruators who may be highly affected by lack of access to period products are persons diagnosed with endometriosis. Around 10% of women worldwide (176 million) are diagnosed with endometriosis,<sup>22</sup> with the most common symptoms of this condition being chronic period cramps and heavy bleeding during menstruation.<sup>23</sup> According to several studies conducted, endometriosis has a highly negative impact on the mental wellbeing and overall quality of life, for persons diagnosed with the condition.<sup>24</sup> They may require pain killers, periodic doctors’ appointments and more packs of period products than normally required.

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<sup>19</sup> Centre for Disease Control and Prevention, ‘Common Barriers to Participation Experienced by People with Disabilities *CDC*, 2020 <<https://www.cdc.gov/ncbddd/disabilityandhealth/disability-barriers.html>> accessed 15 April 2021.

<sup>20</sup> UNICEF, ‘Fast Facts: Nine Things You Didn't Know about Menstruation’ 2018 <<https://www.unicef.org/press-releases/fast-facts-nine-things-you-didnt-know-about-menstruation>> accessed March 31, 2021

<sup>21</sup> ‘Period Poverty in Ireland: Discussion Paper | Period Poverty Sub-Committee, National Strategy for Women and Girls 2017–2020 (February 2021)’

<sup>22</sup> Peter AW Rogers and others, ‘Priorities for Endometriosis Research: Recommendations from an International Consensus Workshop’ (2009) 16 *Reproductive Sciences* (Thousand Oaks, Calif.) 335.

<sup>23</sup> Endometriosis Foundation of America, ‘Endometriosis: Fast Facts’ 2010 <<https://www.endofound.org/faq>> accessed March 31, 2021

<sup>24</sup> Casey Hribar, ‘The Connection Between Endometriosis and Mental Health’ *Endometriosis.net*, 2018. <<https://endometriosis.net/health-conditions-linked/depression-anxiety>> accessed March 31, 2021

Moreover, period poverty no doubt widens existing gender gaps and hinders menstruators from living a safe and healthy life, devoid of any restrictions as a result of the occurrence of their menstrual flow.

## 2 OVERVIEW OF PERIOD POVERTY IN IRELAND

Period poverty in Ireland and its implications for people who menstruate show similarities to the global societal construct surrounding menstruation/periods. There is currently no exact statistics to ascertain the full effect of period poverty in the country, as most of its occurrences take place behind closed doors and away from the glare of the public eye. Existing databases on period poverty in Ireland are fragmented, accounting for small, disjointed fractions of the entire population of people who menstruate.

A 2018 Plan International survey carried out amongst 1100 young girls aged 12-19 years old shows that 50% of Irish girls have experienced financial difficulty accessing period products, with girls having also reported missing school as a 'direct result of their periods.'<sup>25</sup> 61% of the girls surveyed were embarrassed to have open conversations about their periods with their families and friends, and 15% of them did not have prior knowledge about menstruation.<sup>26</sup> Similarly, research carried out within the student community at the University of Limerick shows that 35% of those surveyed found it difficult to pay for period products, while 75% of them have attested to wearing period products for longer than the health recommended four hours, owing to financial constraints or unavailability.<sup>27</sup>

It has been reported that an estimated projection of 85,000 persons across Ireland may be at the risk of period poverty and lack of access to MHM.<sup>28</sup> Vulnerable groups such as homeless people, single parents, people in Direct Provision, minority groups, irregular migrants and

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<sup>25</sup> Plan International Ireland, 'We Need to Talk Period. Lifting the Barriers to Girl's Education' <<https://www.plan.ie/we-need-to-talk-period/>> accessed 31 March 2021.

<sup>26</sup> *ibid.*

<sup>27</sup> See generally the website of the students' led initiative 'Anytime of the Month' for more information on the work they do. Website can be assessed at 'ANYTIME OF THE MONTH- Creating a Network of Friendly Strangers' (2020) <<https://anytimeofthemoth.com/>> accessed 31 March 2021.

<sup>28</sup> Noel Baker, 'Up to 85,000 Irish Women at Risk of Period Poverty' *Irish Examiner* (Ireland, 8 February 2021) <<https://www.irishexaminer.com/news/arid-40222721.html>> accessed 31 March 2021.

other marginalized communities are at an increased risk of period poverty.<sup>29</sup> In the absence of a representative and comprehensive database for all people affected by period poverty, the Period Poverty Sub-Committee on the National Strategy for Women and Girls has estimated a somewhat lower, yet equally concerning number of approximately 53,100-84,857 women and girls at risk period poverty in Ireland.<sup>30</sup> This estimation was made by accessing the 2019 poverty rates conducted by the Fund for European Aid to the Most Deprived (FEAD) program amongst women and girls in Ireland's various welfare schemes.<sup>31</sup> However, it is important to note that the latter statistic makes no consideration for other groups such as those who identify as non-binary, transgender, intersex, or gender fluid.

A recent market survey conducted at the time of writing this report shows that a pack of period pad in Ireland costs between €1- €6.<sup>32</sup> Depending on each individual's menstrual flow, some people may require two or more packs per menstrual period, including the cost of pain killers, heating pads, and other menstrual pain-relieving medications, which can range from €5 to €15.

Homeless people in Ireland are highly likely to have a more severe experience of period poverty. Amidst the uncertainty of a roof over their head and the continuous struggle for where the next meal will come from, period products may be far-fetched luxurious items for them. Some people may have no choice but to walk around in blood-stained underwear for days without access to MHM, and in extreme situations, may resort to shoplifting sanitary

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<sup>29</sup> *ibid.*

<sup>30</sup> Period poverty sub-committee, National strategy for women and girls 2017-2021, 'Period Poverty in Ireland: Discussion Paper' (Department of children, equality, disability, integration and youth 2021) 18 <<https://assets.gov.ie/122535/db3c2a18-297a-40de-a2bd-c5707961799e.pdf>>.

<sup>31</sup> Period poverty sub-committee, National strategy for women and girls 2017-2021 (n 78).

<sup>32</sup> Prices of period products are determined by the quality, brand, and quantity of the period product.

pads and tampons.<sup>33</sup> In one of many such situations, a woman resorted to contraceptive injections to stop her menstrual bleeding.<sup>34</sup> Without a doubt, this is dehumanizing and negatively impacts on their human dignity. Nonetheless, this is the reality for many who are experiencing homelessness.

In Ireland, there is zero VAT on period products.<sup>35</sup> Period pads, tampons and panty liners are tax-free, while a reduced rate of VAT applies to other MHM products such as menstrual cups, menstrual pants and menstrual sponges.<sup>36</sup> The tax rates on other menstrual products, albeit reduced, are not zero, thus, reflect the fact that menstruators may not be able to access the most suitable products for their MHM, given the higher cost.

In Ireland, it is estimated that people who menstruate spend an average of €132 every year on period pads/tampons.<sup>37</sup> While this may be an inconsequential cost for a fraction of the society, it remains a 'substantial' cost for people who are homeless, living in Direct Provision, living below the poverty line or students.<sup>38</sup> The Covid-19 pandemic has further heightened period poverty and its risks for those who menstruate. A Plan International Ireland survey, carried out amongst over 50 menstruators in Ireland shows that 1 in 5 people found it difficult to access information or discuss their periods with anyone during the lockdown.<sup>39</sup> Similarly, sharing a home with other family members during the lockdown has made privacy impossible

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<sup>33</sup> Nora-Ide McAuliffe, “‘We Have More Dignity’”: Taking the Dread out of Periods for Homeless Women’ *The Irish Times* (Ireland, February 2019) <<https://www.irishtimes.com/life-and-style/health-family/we-have-more-dignity-taking-the-dread-out-of-periods-for-homeless-women-1.3790025>> accessed 31 March 2021.

<sup>34</sup> *ibid.*

<sup>35</sup> Value-Added Tax Consolidation Act 2010 para 13 (3) schedule 2.

<sup>36</sup> Irish ‘Tax and Duty Manual: VAT and Certain Sanitary Products’ <<https://www.revenue.ie/en/tax-professionals/tdm/value-added-tax/part03-taxable-transactions-goods-ica-services/Goods/certain-sanitary-products.pdf>>.

<sup>37</sup> Houses of the Oireachtas, ‘Period Poverty: Motion – Dáil Éireann (32nd Dáil)’ <<https://www.oireachtas.ie/en/debates/debate/dail/2019-03-13/30>> accessed 31 March 2021.

<sup>38</sup> *ibid.*

<sup>39</sup> Plan International Ireland, ‘Periods Don’t Stop during a Pandemic’ (*Periods dont stop during a pandemic*, 2021) <<https://www.plan.ie/stories/periods-dont-stop-during-a-pandemic/>> accessed 31 March 2021.

for people who menstruate.<sup>40</sup> Four out of ten menstruators interviewed by Plan International said that accessing period products during the Covid-19 pandemic has been more difficult than usual.<sup>41</sup> With social distancing in place and the closure of shops and markets, there may be limited options of available period products, especially in remote areas.

Even though menarche is an important stage in the life of menstruators, formal and informal education about menstruation in Irish secondary schools curriculum is minimal.<sup>42</sup> Conversations about menstruation, as a biological process and a natural phenomenon for which no shame or embarrassment ought to be tolerated, are often taught in the context of biological sciences, with no real conversations about the changes that occur during these formative stages, including the lack of access to MHM products and services, and existing societal stigmas associated with periods. As a result of this deficit in knowledge and information sharing, many young menstruators risk becoming bound to existing stereotypical notions about their periods, experience constant period shaming, and accept their periods as an anomaly that must not be discussed publicly.

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<sup>40</sup> Plan International Australia, 'Periods in a Pandemic. Menstrual Hygiene Management in the Time of COVID-19' (2020) ABN 49 004 875 807 10 <<https://www.plan.ie/wp-content/uploads/2020/05/Periods-in-a-Pandemic-Report-Final.pdf>>.

<sup>41</sup> Plan International Ireland, 'Periods Don't Stop during a Pandemic' (n 88).

<sup>42</sup> National Council for Curriculum and Assessment (NCCA), 'Curaclam Ar Line (Curriculum Online)' (2021) <<https://www.curriculumonline.ie/Home/>> accessed 21 May 2021.



### 3 PERIOD POVERTY FROM A HUMAN RIGHTS LENS

The international human rights normative framework makes no specific reference to menstrual health management as a human right, and the right of access to safe and affordable menstrual products for persons who menstruate have been implicitly derived from other internationally guaranteed rights. This section of the report relies heavily on interpretation tools, such as general comments and recommendations adopted by UN treaty bodies, to provide a human rights-based lens to understanding menstrual health management as a human right. Indeed, the work of treaty monitoring bodies has helped to provide a holistic understanding of states' obligations, under the various international human rights treaties.

Over 800 million persons menstruate daily across the globe.<sup>43</sup> This figure shows the severity of period poverty as an urgent societal problem that must be collectively addressed, in a bid to protect and promote human rights for everyone. This report has identified four international human rights treaties that have relevant direct and indirect provisions for the elimination of period poverty. These are; the International Covenant on Civil and Political Rights (ICCPR);<sup>44</sup> the International Covenant of Economic, Social and Cultural Rights (ICESCR);<sup>45</sup> the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW);<sup>46</sup> the Convention on the Rights of the Child (CRC).<sup>47</sup>

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<sup>43</sup> Indiana Hehir, 'Why We Need to Rethink the Way We View Periods.' *Plan International Australia*, 2019 <[www.unicef.org.au:80/Blog/Stories/May-2019/800-Million](http://www.unicef.org.au:80/Blog/Stories/May-2019/800-Million)> accessed 3 May 2021.

<sup>44</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171)

<sup>45</sup> International Covenant on Economic, Social and Cultural Rights (Adopted and opened for signature, ratification, and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976.

<sup>46</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

<sup>47</sup> Convention on the Rights of The Child (adopted on 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC).

### 3.1 Right to Health

Health is defined as ‘the state of being free from illness’, and it covers both the physical and mental condition.<sup>48</sup> The right to health is firmly established in international law as a prerequisite to the enjoyment of other rights.<sup>49</sup> Article 12 of the CEDAW places an obligation on states to ensure the elimination of discrimination against women in access to healthcare services. Undoubtedly, inaccessibility to adequate menstrual hygiene and period products may negatively affect the reproductive rights of persons who menstruate, forcing them to resort to the use of unsafe materials (such as pieces of rags, toilet papers, animal skin, and other impure materials to absorb menstrual blood). As noted above, research shows that poor MHM may increase the chances of reproductive tract infections and bacterial vaginosis.<sup>50</sup> In other situations, it could result in urogenital infections, vaginal irritation, other long-term havoc to the reproductive organs of the body or general discomfort.<sup>51</sup>

The ICESCR recognizes the right of 'everyone' to the 'highest attainable standard of physical and mental health.'<sup>52</sup> Acknowledging menstruation as a biological factor closely linked to the reproductive health of people who menstruate, the CEDAW Committee interpreted the scope of the internationally guaranteed right to health<sup>53</sup> as inclusive of States duty to make and implement policies that address the special and distinctive needs of women and girls, as it relates to their menstrual health/needs.<sup>54</sup> Moreover, non-discrimination is an obligation of

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<sup>48</sup> Oxford Dictionary and Thesaurus

<sup>49</sup> Committee on Economic, Social and Cultural Rights, ‘General Comment No 14 (The Right to the Highest Attainable Standard of Health)’ U.N. Doc: E/C.12/2000/4’ para 3. (See also; Art 12 ICESCR, Art 5 (iv) ICERD, Art 24 CRC, Art 12 CEDAW).

<sup>50</sup> Padma Das and others, ‘Menstrual Hygiene Practices, WASH Access and the Risk of Urogenital Infection in Women from Odisha, India’ (2015) 10 PLOS ONE e0130777.

<sup>51</sup> Julie Hennegan and others, ‘Measuring the Prevalence and Impact of Poor Menstrual Hygiene Management: A Quantitative Survey of Schoolgirls in Rural Uganda’ (2016) 6 BMJ Open e012596.

<sup>52</sup> ICESCR (n 46). Art 12.

<sup>53</sup> CEDAW (n 47) Art 12.

<sup>54</sup> Committee on the Elimination of All Forms of Discrimination Against Women, ‘General Recommendation No. 24: Article 12 of the Convention (Women and Health) 20th Session’ para 12.

immediate nature,<sup>55</sup> thus, it can be argued that in fulfilling the obligation under Article 12 of the CEDAW and ICESCR, state parties must provide free and affordable menstrual products for women and girls who need them.

In its General Comment No 14, the CESCR Committee succinctly states that the right to health transcends the mere ‘absence of disease and infirmity’ and embraces a wider range of all biological and socio-economic determinants that influences the extent of access to health.<sup>56</sup> Hence, we argue that access to water, safe, free or affordable menstrual health management products, are contributors to the achievement of the right to the highest attainable standard of living for everyone that menstruates.

The CEDAW makes no specific reference to menstrual health management in the text of the convention, nonetheless, in interpreting the extent of the rights contained therein, its committee has advised states to ‘ensure adequate sanitation and hygiene, to enable women and girls are able to manage their menstrual hygiene and have access to sanitary pads.’<sup>57</sup> As part of states’ obligation to ensure the highest attainable standard of health for all persons, the CESCR Committee in its General Comment No. 22 on sexual and reproductive rights, relevantly notes the obligation of state parties to ‘take special measures’ to combat, eliminate and prevent discrimination, negative stereotyping and archaic practices that ‘hinder access to sexual and reproductive rights.’<sup>58</sup>

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<sup>55</sup> Committee on Economic, Social and Cultural Rights, ‘General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights (Art. 2, Para. 2, of the International Covenant on Economic, Social and Cultural Rights)’ (2009) U.N Doc: E/C.12/GC/20 para 7.

<sup>56</sup> Committee on Economic, Social and Cultural Rights, ‘General Comment No 14 (The Right to the Highest Attainable Standard of Health) U.N. Doc: E/C.12/2000/4’ (n 20) para 4.

<sup>57</sup> Committee on Elimination of All Forms of Discrimination Against Women, ‘General Recommendation No. 34 on the Rights of Rural Women. U.N. Doc: CEDAW/C/GC/34’ para 85 (b).

<sup>58</sup> Committee on Economic, Social and Cultural Rights, ‘General Comment No. 22 on the Right to Sexual and Reproductive Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)’ (May 2016) para 31.

Recognizing the environment as an important influence in the development of societal norms and practices, the Committee on the Rights of the Child advises states to adopt 'health-seeking behaviours' that encourages support, access to information, self-awareness, and knowledge about the anatomical, physiological emotional changes and, maturation processes for children, as a pre-requisite for the adoption of 'responsive behaviour.'<sup>59</sup> Even though menarche represents an important stage in the life of children who menstruate as it may be linked with multiple transition phases, personal development, and self-identity; the CRC, as well as other international human rights treaties, has failed to explicitly provide clear obligations for states to ensure the protection of the right to MHM. Nonetheless, we firmly posit that information about menarche should be read within the guidance developed by the CRC Committee (as stated above), to provide access to information about the physical, anatomical, and physiological changes that occur at the age of menarche.

### **3.2 Right to Education**

Education is a widely recognized, fundamental right for every human being.<sup>60</sup> Article 13 of the ICESCR succinctly explains the importance of education to the full development of the human person. It states that: '[e]ducation shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms.'<sup>61</sup> The school plays an important role in the life of many adolescents, as the venue for learning, development, and socialization. The lack of access to

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<sup>59</sup> Committee on the Rights of the Child, 'General Comment No. 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (Art. 24). U.N. Doc: CRC/C/GC/15' para 30.

<sup>60</sup> See ICESCR Art 13; CERD Art 5; CMW Art 30; CRPD Art 24; CRC Art 28

<sup>61</sup> ICESCR (n 46) Art 13.

sanitary products and pain relief to treat menstrual cramps in these venues may contribute to an increase in absenteeism and poor educational records for young girls in school.<sup>62</sup>

The CRC recognizes under Article 28, the right to education as a precursor to the progressive realization of equal opportunities for every human being.<sup>63</sup> Similarly, the CEDAW Committee, in its General Recommendation No. 36 on the right of girls and women to education, recommends that state parties take all necessary measures to encourage regular attendance at schools, and limit dropouts or absenteeism of girls.<sup>64</sup>

As introduced, lack of access to adequate MHM and negative stereotypes about menstruation, such as the fear of getting stained in public, and the subsequent humiliation that accompanies it, may result in discrimination, skipping of classes and subsequent drop out from schools, by people who menstruate. In explaining the extent of the internationally guaranteed right to non-discrimination, the CEDAW Committee recommends that state parties eradicate any physical or structural barriers to the successful completion of education faced by girls from the age of menarche, this includes the provision of adequate water, sanitation, and hygiene facilities for schoolgirls.<sup>65</sup> In eliminating sexual or gender-based discrimination, states should take both temporary special measures or adopt general social policies designed to ensure that women and young girls live a life of dignity, inclusion and non-discrimination.<sup>66</sup> Without a doubt, this should take into account period poverty and the adoption of measures to alleviate it.

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<sup>62</sup> United Nations Population Fund, 'Menstruation and Human Rights - Frequently Asked Questions' 2020 </menstruationfaq> accessed 31 March 2021.

<sup>63</sup> CRC (n 48) Art 28.

<sup>64</sup> Committee on the Elimination of All Forms of Discrimination Against Women, 'General Recommendation No. 36 on the Right of Girls and Women to Education. U.N. Doc: CEDAW/C/GC/36' para 31.

<sup>65</sup> Committee on the Elimination of All Forms of Discrimination Against Women (n 35) para 31.

<sup>66</sup> Committee on the Elimination of Discrimination Against Women, 'General Recommendation No. 25: Article 4, Paragraph 1 of the Convention (Temporary Special Measures) 13th Session'.

States have a duty to actively work towards the elimination of taboos and misconceptions about menstruation, by modifying ‘social and cultural patterns ... based on the inferiority or superiority’ of one sex over the other.<sup>67</sup> This duty engages education undertaken through formal and other informal venues, and the CRC Committee recommends that comprehensive sexual education must be prioritized in all schools as part of the mandatory curriculum.<sup>68</sup> Inclusive learning about menstruation, as a natural process in the growth cycle of a human being, coupled with the understanding of the biological anatomy of people who menstruate; in a safe, non-condescending way, may boost confidence, eliminate existing ignorance, the culture of shame, and other societal/culturally imposed stereotypes about menstruation.<sup>69</sup>

### **3.3 Right to Work**

The right to work is an inalienable right of all human beings.<sup>70</sup> An average person menstruates for about 3000 days during their lifetime - a rough estimate of eight years of continuous menstrual bleeding.<sup>71</sup> This shows that menstruation is a natural phenomenon, and the lack of access to period products will likely result in continuous seclusion from public life, increased poverty, discrimination, and non-participation of people who menstruate in political and socio-economic activities.

The CEDAW Convention places an obligation on states, particularly in the fulfilment of political, socio-economic, and cultural rights, to take appropriate measures, including enactment of legislation and policies necessary to guarantee the enjoyment of the full

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<sup>67</sup> CEDAW (n 47) Art 5.

<sup>68</sup> Committee on Economic, Social and Cultural Rights, ‘General Comment No. 22 on the Right to Sexual and Reproductive Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)’ U.N. Doc E/C.12/GC/22 para 28; Committee on the rights of the child, ‘General Comment No. 20 on the Implementation of the Rights of the Child during Adolescence. U.N. Doc: CRC/C/GC/20’ para 61.

<sup>69</sup> CEDAW (n 47) Art 10.

<sup>70</sup> ICESCR Art 11(a) (n 46); CEDAW Art 11 (n 47).

<sup>71</sup> United Nations Population Fund (n 33).

development and human rights of women and young girls.<sup>72</sup> Lack of access to period products when needed, dignified WASH facilities at places of work, public lavatories, coupled with societal or cultural stereotypes about menstruation, may act as a hindrance to the full development of people who menstruate. This lack of access to adequate MHM may force people who menstruate to remain at home during their monthly period, thereby inhibiting active participation in daily work life and other personal/ career developmental opportunities.

Article 7 of the ICESCR provides for the right to just and favourable conditions of work for all human beings, especially as it relates to equal employment opportunities, safe and healthy work environment.<sup>73</sup> Given the societal construct of women as sole menstruators, the lived realities of period poverty may have a ripple effect on the socio-economic, mental, and physical health of women in particular.<sup>74</sup> The CESCR Committee in its General Comment No 23 on the right to just and favourable conditions of work advised States to provide 'daycare services in workplaces and flexible working arrangements' to promote equal conditions of work for women.<sup>75</sup> The provision of flexible working arrangements should invariably take into consideration the various hormonal and physical changes that occur during a monthly cycle; ranging from severe cramps, endometriosis, mood swings, period products, heavy menstrual flow, and accessibility of WASH facilities in a working space, for all people who menstruate.

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<sup>72</sup> CEDAW (n 47) Art 3.

<sup>73</sup> ICESCR (n 25) Art 7.

<sup>74</sup> Some studies have shown that extreme cramps may be compared with labour pain, coupled with hormonal imbalances during menstrual cycle, heavy flow of blood, inaccessibility or unavailability of period products and WASH facilities in public places, etc.

<sup>75</sup> Committee on Economic, Social and Cultural Rights, 'General Comment No. 23 on the Right to Just and Favourable Conditions of Work (Article 7 of the International Covenant on Economic, Social and Cultural Rights. U.N. Doc: E/C.12/GC/23' para 47.

### **3.4 Right to Privacy and Dignity**

Many people lack access to safe/properly designated toilet facilities, clean water and period products needed to maintain their menstrual hygiene. Research shows that at least five hundred million women and girls lack a private place to change their sanitary protection during menstruation.<sup>76</sup> However, it is important to note that this data excludes transgender and non-binary persons who may also lack access to private places to dispose of their period products.

Article 17 of the ICCPR provides that, '[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, or to unlawful attacks on his honour and reputation'.<sup>77</sup> The right to privacy for all human beings is imperative and ought to be fulfilled with due regard to the overall objective of equality as envisaged in international human rights law, without distinction and by the adoption of measures necessary to meet the specific needs of the various groups of persons within the society.<sup>78</sup>

### **3.5 Right to Equality and Non-Discrimination**

The right to equality and non-discrimination is one of the fundamental principles of international human rights law.<sup>79</sup> The goal of international human rights law as provided in Article 7 of the Universal Declaration of Human Rights is to see that every person within the State enjoys their human rights, on equal ground and without any form of discrimination.<sup>80</sup>

Article 6 of the United Nations Declaration on the Elimination of All Forms of Racial

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<sup>76</sup> UNICEF, 'International Women's Day: 10 Quick Facts on Girls' 2015  
<[https://www.unicef.org/media/media\\_81135.html](https://www.unicef.org/media/media_81135.html)> accessed 31 March 2021.

<sup>77</sup> ICCPR (n 25) Art 17.

<sup>78</sup> *ibid* Art 2.

<sup>79</sup> Icelandic Human Rights Centre, 'The Right to Equality and Non-Discrimination'  
<<https://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/substantive-human-rights/the-right-to-equality-and-non-discrimination>> accessed 21 March 2021.

<sup>80</sup> Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) Art 7.



Discrimination provides that ‘[n]o discrimination by reason of race, colour or ethnic origin shall be admitted in the enjoyment by any person of political and citizenship rights ...everyone has the right of equal access to public service in his country.’<sup>81</sup> This provision, therefore, sets out the standards of probable discrimination especially for minority groups, refugees, transgender and other non-binary menstruators, whose needs are often not given priority in national policies.

States should eliminate discrimination, in the form of taboo or stigma about menstruation,<sup>82</sup> and enhance the achievement of the right to equality and non-discrimination, by ensuring that every human being, regardless of their sexual orientation and gender identity has access to necessities of life as right holders. Article 2, 17, 24 and 26 of the ICCPR provides that state parties should respect, promote the principle of non-discrimination ‘without distinction of any kind...’<sup>83</sup> States are further obliged to abolish indirect discrimination - in the form of laws and policies which may appear neutral on a face value but have a disproportionate effect on other internationally guaranteed rights.<sup>84</sup> For example, the right to education and other socio-economic or political rights may be far-fetched for persons who are unable to afford period products or access safe menstrual hygiene. Similarly, the availability of toilet paper as a hygiene product in public toilets, government facilities and other public spaces, and the non-provision of period products in the same facilities, for equally hygienic purposes may be a form of indirect discrimination against persons who menstruate. It is important to note that all

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<sup>81</sup> United Nations, ‘Universal Declaration of Human Rights’ (*United Nations*) article 6  
<<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> accessed 21 March 2021.

<sup>82</sup> Menstrual Hygiene Day, ‘Menstrual Hygiene as a Human Rights Issue’ *MHDay* 2020.Citation

<sup>83</sup> ICCPR (n 46).

<sup>84</sup> Committee on Economic, Social and Cultural Rights, ‘General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights (Art. 2, Para. 2, of the International Covenant on Economic, Social and Cultural Rights)’ (2009) U.N Doc: E/C.12/GC/20 para 10.

MHM barriers and stigma, represent an impediment to the enjoyment of fundamental human rights, and consequently perpetuate gender inequalities.<sup>85</sup>

### 3.6 Right to Water and Sanitation

Water and sanitation are essential to the life of every human being. This position was affirmed in May 2011, by the World Health Organization (WHO), through Resolution 64/24; when it called on states ‘to ensure that national health strategies contribute to the realization of water- and sanitation-related Millennium Development Goals.’<sup>86</sup> The importance of these rights was further affirmed by the United Nations General Assembly resolution of December 2015 as ‘a human right that is essential for the full enjoyment of life.’<sup>87</sup> Every individual in a state is a right holder and can claim the right to water and sanitation under the different international agreements entered into by states.<sup>88</sup> The right to water and sanitation is breached when citizens of a state do not have access to safe bathing facilities and MHM products, in the most humane and dignifying manner. When there are no proper sanitation facilities for the disposal of period products or other sanitary products, many school children and working-class adult menstruators may prefer to stay at home during their menstrual flow.<sup>89</sup> The human right to water and sanitation for all should be interpreted as including the provision of safe and readily accessible facilities for disposal of used materials or for drying sanitary materials, if reusable.<sup>90</sup>

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<sup>85</sup> Kiende (n 10).

<sup>86</sup> United Nations Water, ‘International Decade for Action “Water for Life” 2005-2015. Focus Areas: The Human Right to Water and Sanitation’ <[https://www.un.org/waterforlifedecade/human\\_right\\_to\\_water.shtml](https://www.un.org/waterforlifedecade/human_right_to_water.shtml)> accessed 23 March 2021.

<sup>87</sup> UN-Water, ‘Human Rights’ (*UN-Water*) <<https://www.unwater.org/water-facts/human-rights/>> accessed 17 April 2021.

<sup>88</sup> *ibid.*

<sup>89</sup> Elisha Shrestha, ‘Without Proper Sanitation Facilities, Girls Keep Missing School during Menstruation’ *The Kathmandu Post*, 2019. <<https://kathmandupost.com/national/2019/12/31/without-proper-sanitation-facilities-girls-keep-missing-school-during-menstruation>> accessed 16 April 2021.

<sup>90</sup> ‘Examining Period Poverty – UAB Institute for Human Rights Blog’ (n 85).

Article 14(2) of the CEDAW Convention provides that

‘states parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to women the right (...) (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply...’.

This invariably includes the provision of toilet facilities with tissue papers, sanitary pads, disposal bins, washing line and other basic facilities that guarantee the enjoyment of the rights.

The right to water and sanitation is further strengthened by the CESCR Committee, in its General Comment No. 15 on the right to water.<sup>91</sup> It states that the ‘human right to water is indispensable for leading a life of human dignity,’ and therefore called on states to mitigate the risk of persons contracting water-related disease by making the rights to water available, and accessible.<sup>92</sup> Similarly, the Special Rapporteur on the human rights to safe drinking water and sanitation has urged states to adopt and apply the vertical and horizontal realization strategies in the progressive realization of the human right to water and sanitation.<sup>93</sup>

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<sup>91</sup> ‘General Comment No. 15: The Right to Water’ 18.

<sup>92</sup> Committee on Economic, Social and Cultural Rights, ‘General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant)’ (2003) United Nations Committee on Economic, Social and Cultural Rights E/C.12/2002/11 paras 1, 3 and 12  
<<https://www.google.com/search?q=General+Comment+No.+15%3A+The+Right+to+Water%E2%80%99+18%2C&oq=General+Comment+No.+15%3A++The+Right+to+Water%E2%80%99+18%2C&aqs=chrome..69i57j0j15&sourceid=chrome&ie=UTF-8>> accessed 28 April 2021.

<sup>93</sup> UNCHR, ‘Report by Special Rapporteur on the human rights to safe drinking water and sanitation U.N Doc ‘A/HRC/45/10 - E - A/HRC/45/10 -Desktop’ <<https://undocs.org/en/A/HRC/45/10>> accessed 15 March 2021.

### 3.7 Period Poverty and the SDGs.

Neither menstrual hygiene nor period poverty are expressly mentioned in the UN Sustainable Development Goals. Nonetheless, some of its goals are only achievable when menstrual hygiene is prioritized. Providing access to sanitation, hygiene, and ending public defecation, with specific attention to the needs of women, girls and all persons who menstruate is crucial to the achievement of clean water and adequate sanitation for all.<sup>94</sup> Furthermore, the SDGs are closely linked to each other; the realization of each goal is dependent on the execution of the others. For instance, quality education<sup>95</sup> is crucial for socio-economic empowerment and serves as a key to escape poverty.<sup>96</sup> Therefore, building and upgrading of education facilities that are gender-sensitive and the provision of a safe, inclusive, and effective learning environment,<sup>97</sup> makes the prioritization of menstrual hygiene a pre-requisite for the achievement of quality education.

Gender equality is a fundamental human right and one of the core foundations for a ‘peaceful, prosperous and sustainable world.’<sup>98</sup> The provision of free period products and other menstrual hygiene materials will no doubt result in fewer girls dropping out of school or skipping classes during their menstrual cycle. This will in turn contribute to the reduction of early / forced marriage for girls,<sup>99</sup> and ensure the full and effective participation of women and girls in leadership and decision-making processes.<sup>100</sup>

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<sup>94</sup> Sustainable Development Goals, ‘The United Nations Sustainable Development Goals 2030 (Adopted by U.N. Member States)’ (*United Nations Sustainable Development*, 2015) Goal 6, target 6.2  
<<https://www.un.org/sustainabledevelopment/water-and-sanitation/>> accessed 29 March 2021.

<sup>95</sup> Sustainable Development Goals (n 94) Goal 4.

<sup>96</sup> *ibid* Goal 1.

<sup>97</sup> *ibid* Target 4.A.

<sup>98</sup> *ibid* Goal 5.

<sup>99</sup> *ibid* Target 5.3.

<sup>100</sup> *ibid* Target 5.5.

## 4 NATIONAL EFFORTS AT COMBATING PERIOD

### POVERTY IN IRELAND

The recognition of MHM as a societal problem has gained increased momentum across Ireland. Non-profit organizations, student led initiatives, private individuals and other groups are making efforts within their spaces to shine the spotlight on the issue of period poverty amongst the menstruating population, with a view of informing policy reforms, and bringing an end to the societal stigma and shame associated with menstruation.

These commendable efforts have been systematic, progressive, and gradual; addressing period poverty as it affects different fractions of the Irish population. The activities of these groups have in turn contributed to the introduction of two bills in the Seanad, both seeking to bring an end to period poverty in Ireland. This section of the report provides a quick overview of these identified groups, their educational and campaign work normalizing periods and eliminating period poverty, as well as ongoing efforts in providing suitable period products for people who may be unable to afford these products.

#### 4.1 NGO initiatives

- **Public Health Service (PHS) group Dublin:**<sup>101</sup> As Ireland's leading hygiene services provider, this organization works to see that all girls have 'access to free sanitary products as a necessity, not a luxury.'<sup>102</sup> PHS works with educational institutions to create period equality through the provision of free period products using a coin free-vending machine which saves women from the anxiety and humiliation of not being able to purchase period products.<sup>103</sup> From its inception, the organization has

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<sup>101</sup> Hereinafter referred to as 'PHS'

<sup>102</sup> 'Period Equality' (*phs Washrooms*) <<https://www.phswashrooms.ie/about-us/period-equality/>> accessed 26 March 2021.

<sup>103</sup> *ibid.*

contributed to the formation of a task force, whose mandate is to address the issue of period poverty through advocacy, education and an established synergy with existing experts who have worked in the area of period poverty, with enhanced skills for ending the stigma and inequality about menstruation.<sup>104</sup>

- **The Hygiene Bank Galway:**<sup>105</sup> The Hygiene Bank Galway forms part of the Irish branch of the United-Kingdom based organization ‘The Hygiene Bank’. THB Galway is a volunteer-based initiative currently run by Úna Reynolds, alongside other volunteers. They work with community partners, family resource centres, asylum communities and day centres, to collect and donate hygiene products to persons who need them in Galway.
- **Homeless Period Ireland (HPI):**<sup>106</sup> This is a non-profit organization associated with the Homeless Period (UK). HPI is an initiative that was started in December 2016 with a view of working to alleviate period poverty, by reaching out to women and girls who cannot access basic period products. To achieve its objective, HPI uses social media campaigns, education, and its distribution strategy to collect donations of period products from individuals, organizations, and companies and drops them off to people who need them.<sup>107</sup> They aim to break the stigma and stereotypes about menstruation, educate people about MHM, and encourage charitable practices by all,

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<sup>104</sup> *ibid.*

<sup>105</sup> ‘The Hygiene Bank Galway | Facebook’ <<https://www.facebook.com/thbgalway/>> accessed 21 May 2021.

<sup>106</sup> ‘The Homeless Period Ireland | Facebook’ <<https://www.facebook.com/homelessperiodIreland/>> accessed 26 April 2021.

<sup>107</sup> Kat O’Connor, ‘Make a Difference: How You Can Support Homeless Period Ireland’ (*SHEmazing!*) <<https://www.shemazing.net/heres-how-you-can-help-support-homeless-period-ireland/>> accessed 26 March 2021.

taking into consideration those who might be unable to afford period products for their monthly flow.<sup>108</sup>

- **Plan International Ireland:**<sup>109</sup> The Irish branch of an international non-governmental, development and humanitarian organization working across the globe to advance the rights of children and promote equality for the girl child. Plan International Ireland has conducted surveys amongst teenage girls and women to show the severity of period poverty and stereotypes about menstruation, in Ireland.<sup>110</sup> In 2018, Plan International launched the campaign titled ‘We need to talk period’- to combat period poverty and bring an end to period shame, stigma and stereotypes. According to a widely referenced survey conducted by Plan International Ireland, nearly half of teenage girls struggle to afford sanitary towels and tampons, despite the current zero VAT rate on selected period products in Ireland.<sup>111</sup> Plan International works to break the silence, stigma and shame felt by girls about menstruation as well as ensure that girls have access to female-friendly sanitation facilities whether at home and school.<sup>112</sup> The research has elicited proactive actions from the Irish government and has contributed to ongoing efforts aimed at combating period poverty and inequality.<sup>113</sup>

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<sup>108</sup> ‘Make a Difference: How You Can Support Homeless Period Ireland’ (*SHEmazing!*) <<https://www.shemazing.net/heres-how-you-can-help-support-homeless-period-ireland/>> accessed 26 April 2021.

<sup>109</sup> ‘Plan International Ireland’ (*Plan International Ireland*) <<https://www.plan.ie/>> accessed 26 April 2021.

<sup>110</sup> *ibid*

<sup>111</sup> Abortion Rights Campaign, ‘Let’s Talk About: Period Poverty’ (*Abortion Rights Campaign*, 9 October 2019) <<https://www.abortionrightscampaign.ie/2019/10/09/lets-talk-about-period-poverty/>> accessed 26 March 2021.

<sup>112</sup> ‘We Need To Talk. Period.’ (*Plan International Ireland*) <<https://www.plan.ie/we-need-to-talk-period/>> accessed 26 March 2021.

<sup>113</sup> Department of Children, Equality, Disability, Integration and Youth (n 77).

- **Any Time of the Month (ATOTM)**<sup>114</sup>: A student-led group founded in 2019 by Clodagh Guerin, a student at the University of Limerick, who is passionate about ending period poverty for students within their university community.<sup>115</sup> The movement works within the community to make real tangible change and reduce the effect of period poverty amongst people who menstruate. They identify as a network of friendly strangers who wear a logo on their jacket or display it on any object within their possession as an indication of the solidarity move to end of period poverty and show that they can help anyone in need of period products.<sup>116</sup> With their work, they have contributed to the existing database of people affected by period poverty in Ireland, and continue to organize sensitization workshops, training, and capacity building events across Ireland. They have an active presence on social media, where they campaign for the elimination of period poverty in a digital-friendly way to sustain online engagement. Through the sale of their solidarity merchandise, funds are raised to provide period products and other hygiene products for persons who may need them.

## 4.2 Irish Government Interventions

Some government-led efforts towards eliminating period poverty in Ireland include:

- **A Dublin City Council Motion:** This is one of the earliest moves made in March 2019 towards ending period poverty in Ireland. The motion was proposed by Labour

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<sup>114</sup> ‘Anytime of the Month – Creating a Network of Friendly Strangers’ (*Anytime of the Month*) <<https://anytimeofthemonth.com/>> accessed 26 April 2021.

<sup>115</sup> Ibid ‘Our Story – ANYTIME OF THE MONTH’ <<https://anytimeofthemonth.com/about-us/>> accessed 8 April 2021.

<sup>116</sup> ‘ANYTIME OF THE MONTH – Creating a Network of Friendly Strangers’ <<https://anytimeofthemonth.com/>> accessed 8 April 2021.



Party Senator Rebecca Moynihan and supported by councillors.<sup>117</sup> The motion aimed at breaking the stigma around menstrual periods and making accessible free sanitary products in government buildings, community centres, swimming pools and libraries.<sup>118</sup> Although the logistical and financial implication for achieving the objectives of the motion was not immediately stated at the meeting, Moynihan, while supporting the move stated that ‘low-income families shouldn’t have the additional burden of struggling to afford sanitary products, and homeless women should not have to suffer on the streets, or young girls missing school once a month because they just can’t afford sanitary protection.’<sup>119</sup> Hence, it sought that the government take steps to address the issue of period poverty affecting women, girls and transgender people in Ireland.

- **Irish Women's Parliamentary Caucus Motion:** The Irish Women's Parliamentary Caucus is a cross-party forum for Irish women parliamentarians established in 2017 to discuss and campaign on issues predominantly affecting women.<sup>120</sup> On the 19<sup>th</sup> of March 2019, the Caucus introduced a motion in the Dáil and the Seanad highlighting the hardship women and girls as well as trans people who menstruate encounter in accessing period products in Ireland; and called on the government to provide free sanitary products in all public buildings including schools, universities, direct provision centres, refugee camps, garda stations, hospitals and prisons.<sup>121</sup> The motion was passed in the Dáil on Wednesday, March 13, 2019, and in the Seanad on Wednesday, March 27, 2019, and was sent on to the National Strategy for Women

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<sup>117</sup> Órla Ryan, ‘Free Sanitary Products to Be Provided in DCC Community Centres and Libraries’ (*TheJournal.ie*) <<https://www.thejournal.ie/sanitary-products-dublin-city-council-4247014-Sep2018/>> accessed 27 March 2021.

<sup>118</sup> *ibid.*

<sup>119</sup> *ibid.*

<sup>120</sup> Houses of the Oireachtas, ‘Irish Women’s Parliamentary Caucus – Houses of the Oireachtas’ (4 March 2021) <<https://www.oireachtas.ie/en/members/womens-caucus>> accessed 27 March 2021.

<sup>121</sup> *ibid.*

and Girls (NSWG) Strategy Committee, led by the Department of Justice and Equality and other representatives across other governmental agencies.

- **National Strategy for Women and Girls (NSWG) Strategy Committee:** The Minister of Health, Simon Harris, in 2019 set up a committee to address the issue of period poverty in Ireland, as well as develop strategies that will enhance its elimination.<sup>122</sup> The Committee was chaired by the Department of Health, with representation from the National Women’s Council of Ireland, the Department of Finance and other representatives from the government and NGO sector.<sup>123</sup> The Committee commenced work immediately and on the 8<sup>th</sup> of February 2021, they published a report examining the prevalence and impact of period poverty in Ireland. As stated in its launch, ‘the report sets out in very clear terms the complexity of period poverty in Ireland, which goes beyond the basic need for period products and associated hygiene, also including wider factors such as stigma, menstrual health literacy and gender equity.’<sup>124</sup> The report was a continuation of the conversation to address gender and socio-economic inequalities resulting from period poverty.

In its key findings, it explained the consequences of period poverty and made recommendations that will assist the government in addressing the stigma and lack of awareness associated with menstruation. Remarkably, the report emphasizes that ‘period poverty is not just a result of austerity or economic strain; it can stem from

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<sup>122</sup> Ailbhe Conneely, ‘More Research Required to Examine Period Poverty - Govt’ NP <<https://www.rte.ie/news/ireland/2021/0208/1195750-period-poverty/>> accessed 8 April 2021.

<sup>123</sup> Christina Finn, ‘Minister Sets up Period Poverty Committee: “Menstruation Is Not a Choice”’ (*TheJournal.ie*) <<https://www.thejournal.ie/period-poverty-committee-4838579-Oct2019/>> accessed 27 March 2021.

<sup>124</sup> ‘Launch of “Period Poverty in Ireland” Report | Minister for Health and Minister for Children, Equality, Disability, Integration and Youth Welcome the Period Poverty in Ireland Report’ <<https://www.gov.ie/en/press-release/7cf62-launch-of-period-poverty-in-ireland-report-minister-for-health-and-minister-for-children-equality-disability-integration-and-youth-welcome-the-period-poverty-in-ireland-report/>> accessed 16 March 2021.

lack of education and generations of taboo and stigma.<sup>125</sup> Hence accessibility to period products should not be seen as a luxury but a guaranteed right that should be enjoyed by all people who menstruate.<sup>126</sup> Period poverty is an ongoing urgent issue in society, and the report missed a crucial opportunity to call for action. The Committee's next steps will be focused mostly on strengthening their evidence base and data, and addressing the stigma associated with periods. The provision of period products is not listed as a high priority, despite it being able to provide relief for those struggling with period poverty a lot sooner than changes within society regarding stigmatization or collecting further data.<sup>127</sup>

### **4.3 The Period Poverty Bills**

As part of measures to tackle inequality and end period poverty in Ireland, Senator Rebecca Moynihan of the Labour party, and Fianna Fáil's Lorraine Clifford-Lee both introduced two separate bills into the Seanad, seeking to eliminate period poverty in Ireland. The first bill, Period Products (Free Provision) Bill 2021, was introduced by Labour Senator Rebecca Moynihan and was modelled after the Scottish legislation, with the aim of providing sanitary products free of charge to all persons who need them.<sup>128</sup> The objective of the Bill is to ensure the availability of free and reasonable range of selection of suitable period products in education institutions/schools, and public service buildings, in a manner that prioritizes the dignity of all persons who menstruate.<sup>129</sup> It further explains the proposed extent of the legal obligations of the State and guides the execution of the aims of the Bill. It emphasizes the

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<sup>125</sup> *ibid.*

<sup>126</sup> *ibid.*

<sup>127</sup> *Ibid* p. 36

<sup>128</sup> Aoife Moore, 'New Bill Proposes Free Period Products in All Public Buildings' (*Irish Examiner*, 2 February 2021) <<https://www.irishexaminer.com/news/arid-40218905.html>> accessed 8 April 2021.

<sup>129</sup> Sylvia Thompson, 'Period Poverty: "It's Important Products Are Readily Accessible at No Cost like Toilet Roll or Soap"' (*The Irish Times*) <<https://www.irishtimes.com/life-and-style/health-family/period-poverty-it-s-important-products-are-readily-accessible-at-no-cost-like-toilet-roll-or-soap-1.4431631>> accessed 22 February 2021.

need for consultation with affected fractions of the society and transparency in the rollout of progress report to the public.<sup>130</sup>

The second Bill, Free Provision of Period Products Bill 2021, was introduced by Fianna Fáil's Lorraine Clifford-Lee who is Spokesperson for Justice, Children and Youth Affairs.<sup>131</sup>

The objective of the Bill is to ensure that 'everyone who needs to use period products may obtain them free of charge.'<sup>132</sup>

#### 4.4 Analysis of the Bills

The existence of the two bills represents significant progress in the struggle for menstrual justice in Ireland. The bills, albeit authored by two individuals from different political parties, have a similar objective, which is the free provision of period products to everyone who needs them. At a first glance, the first notable observation is the similarity of the titles. The Labour Bill is titled 'The Period Products (Free Provision) Act 2021'<sup>133</sup>, while the Fianna Fail bill is titled 'Free Provision of Period Products Act.'<sup>134</sup>The Fianna Fail Bill defines period products as 'manufactured articles for the purpose of which is to absorb or collect menstrual flow.'<sup>135</sup> While the Labour Bill elaborates on the range of period products to be made freely available upon passage of the Bill into law, as 'manufactured articles the purpose of which is to absorb or collect menstrual flow; including tampons, sanitary towels and articles which are reusable.'<sup>136</sup> Although both definitions seem quite similar, the precision given to different ranges of period products, as well as the provision of reusable articles, in the Labour Bill sets

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<sup>130</sup> Jack Horgan-Jones, 'Cabinet Bill on Free Period Products Criticised as Too Limited' (*The Irish Times*) <<https://www.irishtimes.com/news/ireland/irish-news/cabinet-bill-on-free-period-products-criticised-as-too-limited-1.4473491>> accessed 7 April 2021.

<sup>131</sup> Free Provision of Period Products Bill (2021)

<sup>132</sup> Christina Finn, 'Government Report on Period Poverty to Be Launched next Month' (*TheJournal.ie*) <<https://www.thejournal.ie/period-poverty-bill-5337342-Jan2021/>> accessed 22 February 2021.

<sup>133</sup> Period Products (Free Provision Bill) (2021) 'Art. 1.

<sup>134</sup> Free Provision of Period Products Bill (2021) (n 120) p art. 1.

<sup>135</sup> Free Provision of Period Products Bill (n 119) Art 2.

<sup>136</sup> Period Products (Free Provision Bill) (n 121) (n 122) p art. 2.

out clear responsibility for the state in making these products readily available, for all people who menstruate.

The Labour Bill places a responsibility on the Minister of Health to make regulations by charting a pathway for the issuance of guidance on the execution of the objectives of the Bill. It also prioritizes consultation with the leadership of public service bodies involved in the process, and any other representatives of concerned persons, including the publication of information on its website on the rollout of free and accessible period products across various public service buildings.<sup>137</sup> However, the publication of such information to the public is left solely to the discretion of the Minister, to be done at a time that is considered ‘reasonably practicable.’<sup>138</sup> The publication of information to the public is applaudable in ensuring accountability on the path of the government, however, mentioning that this can be undertaken at a ‘reasonably practicable’ time may result in undue delay.

The Labour Bill recognizes the autonomy of choice with regards to menstrual products and the need to ensure access to period products ‘in a way that respects the dignity of persons obtaining them.’<sup>139</sup> By bearing in mind the global focus on climate justice and the manifold effects of climate change on the human race and its environs, the Bill advances the need for environmental sustainability in the use of period products. According to Moynihan, its implementation will put an end to the stigma and shame that people who menstruate go through during their monthly flow, by acknowledging periods as a part of everyday life.<sup>140</sup> There is however no mention of period stigma in the text of this Bill.

Similarly, the Fianna Fail Bill, in Article 4, places an obligation on the Minister for Health to make regulation and set out a scheme to ensure ‘everyone who needs to use period products

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<sup>137</sup> *ibid* art. 3, 8 and 10.

<sup>138</sup> *ibid* article 8(3).

<sup>139</sup> *ibid* art. 4 and 7.

<sup>140</sup> Jade Hayden, ‘Bill Introduced to Make Period Products Free in Ireland’ *Her.ie*, 2021.

<<https://www.her.ie/health/bill-introduced-make-period-products-free-ireland-517091>> accessed 27 April 2021.

may obtain them free of charge.’<sup>141</sup> No doubt, the text of this Bill fails to critically incorporate the urgency and extent of lack of access to MHM for the menstruating population who are at heightened risk of period poverty. Neither does it set out any pathway(s) for its implementation. Furthermore, the Bill does not contain any plan or structure for the proposed introduction of free period products, and merely states that ‘The Minister for Health may, by regulation, make a scheme to set out and regulate access to free period products by those who need access to such products.’<sup>142</sup>

Worthy of mention is the failure of both bills to define period poverty as the problem it seeks to remedy. This lacuna may water down the severity of period poverty and menstrual justice, an issue that affects about 50% of the population and has a serious implication for the enjoyment of internationally guaranteed human rights. The authors of both bills seem to be cognizant of the extent of period poverty, especially within the Irish context, and are part of concerted efforts over the past few years to combat it. Nonetheless, there is no guarantee that all members of the Irish parliament who will form part of the deliberation processes will have the same in-depth knowledge of the problem.

The concurrent existence of the two bills may be viewed as a duplication as both set out to achieve the same end goal, and this could potentially prolong work and lead to deliberation fatigue for members of the Irish Parliament. Even though both bills have similar objectives, there is the possibility of a conflict of interest between both bills and their subsequent politicization. Although the Bill introduced by the Labour party has more detail and structure, it may be passed over for the Fianna Fáil Bill, as Fianna Fáil is currently part of the coalition government. The risk of politicizing the bills could hamper and prolong the current efforts to provide free period products in Ireland.

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<sup>141</sup> ‘Fianna Fáil Bill’ (n 120) p art. 4.

<sup>142</sup> Free Provision of Period Products Bill (2021) (n 129).

As evidenced from the data and surveys highlighted in this report, there is a widespread notion that menstruation is a problem that affects women only. This stereotype inadvertently pays no attention to other fractions of the menstruating community equally experiencing period poverty, such as trans, and other non-binary persons. The avoidance of solely using the term ‘women’ in both bills demonstrates and includes everyone who may be affected by period poverty, and will no doubt go a long way in ensuring inclusivity for ‘all people who menstruate.’

From previous sections of this report, it is evident that MHM as an internationally guaranteed human right is often viewed in the context of economic, social, and cultural rights. The language of the bills could benefit from the inclusion of a rights-based approach in highlighting the urgency of eliminating period poverty, particularly in terms of addressing gender inequality. There is a likelihood that states to prioritize civil and political rights, such as the right to freedom of speech or the right to vote, at the expense of everyday rights such as the right to access free period products in a non-condescending and non-discriminatory way.

## 5 RECOMMENDATIONS

Eradicating period poverty, shame and other menstruation-related stereotypes will require a collaborative effort of both the government and the people. Period poverty, in its entirety, is a product of the society we live in; hence it will require concerted efforts by all to combat the menace which continues to run deep into the fabrics of society. Normalizing conversations about menstruation will help to remove barriers, shame and embarrassment associated with periods.

In a bid to eradicate period poverty, we recommend:

- The Government to intensify its ongoing effort at passing one period poverty bill into law, taking into consideration all the gaps that have been identified in the current bills, currently before the Seanad.
- The provision of period products in public buildings, schools, universities, and in female and male designated public toilets, taking into consideration the MHM needs of trans and other non-binary persons. Considering the number of persons from poor and low-income families who cannot afford period products each month, we recommend that an adequate budget be set aside by the government yearly to facilitate access to period products.
- A comprehensive update of the current Irish secondary school curriculum, to reflect the education gaps in awareness-raising and normalization of menstruation in both private and mixed schools across Ireland. We posit that eradication of stigmas begins with education in schools and other institutions that constitute the bedrock to the enhancement of an individual's understanding of several significant issues. We submit that the establishment of intersectional alliance(s) is required to build comfortable spaces for conversations on periods to take a place.



- An all-inclusive process involving capacity building and training of teachers and educators to be prioritized in schools and colleges across Ireland. The Ministries of Health, Education and all other relevant stakeholders should be involved in this process, and regular checks must be conducted to ascertain the level of compliance by schools across Ireland.
- Ensuring protection of the human right to a safe and adequate MHM for all menstruators as an utmost priority. Undoubtedly, this must take into account the specific needs of people in minority groups, refugees, stateless persons, migrants, trans and non-binary persons, ensuring that their rights can be exercised without discrimination or exclusion.
- Empower family education centres across Ireland to disseminate information about menstruation, through the use of MHM information flyers, stickers and postcards, to reach a wide range of family units across the country. The family as the first agent of socialization plays a huge role in the development of the human person, hence, conversations about menstruation as a natural occurrence and MHM as a human right accrued to every human being must be prioritized.
- **Support for those who menstruate:** In a bid to reduce infection and, in extreme cases, death, associated with wearing a menstrual product for more hours than recommended by health guidelines, the government should support communities, groups and societies across Ireland, in establishing and implementing health awareness programmes about MHM. As part of the support for those who menstruate, efforts at advocacy and social media education must be intensified at all levels, till MHM is duly recognized as rights accrued to all menstruators by virtue of their humanity, and not a matter of charity or donations.

- **Gaps in International Human Rights Law:** It is evident from this research work that MHM has been paid little to minimal focus within the purview of international human rights law. The mention of MHM rights in international human rights law, and the works of the various treaty monitoring bodies, is largely gendered, often making specific reference to the rights of women and girls, and in the context of sexual and reproductive rights. Furthermore, MHM, as a human right, appears to be closely linked to the fulfilment of other rights, in other words, it is not a standalone right for persons who menstruate. There is a need for the international community to intensify efforts at widening the scope of interpretation, of the rights contained in the various international treaties.