



# General Assembly

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## Human Rights Council

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Agenda item 8

### Follow-up and implementation of the Vienna Declaration and Programme of Action

## **Joint written statement\* submitted by Sikh Human Rights Group, Centre for Public Health, non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2022]

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\* Issued as received, in the language of submission only.



## **Changing Attitudes to Menstruation With Positive Language and Abolishing Taxation on Menstrual Products**

This written statement was originally planned for presentation at the 50th session of the Human Rights Council, 13 June-8 July 2022

Period, on the rag, time of the month, lady business, and red wedding are just some of the code words used in place of menstruation. This is due to stigma and lack of sufficient education on this topic which means we are losing the proper language for menstruation. The Resolution A/HRC/RES/47/4 eloquently stresses, 'Mindful that the silence, stigma, misconceptions and taboos around menstruation, undermine the dignity, rights and well-being of women and girls.'

In many cases, women are taught from a very young age that menstruation is gross and advised not to talk about it. When people menstruate, it is one of the only times a person will bleed for roughly 7 days straight and is expected not to speak about it.

We at the Sikh Human Rights Group, along with 50 other organisations as members of the Global South Coalition for Dignified Menstruation, believe the UN can lead in changing attitudes by using a positive terminology that can shift the perception of menstruation as an unhygienic period to an understanding that it is part of a woman's health and of being a female. We suggest that the Menstrual Hygiene Day be called Menstrual Health Day.

By changing the name to Menstrual Health Day, we would be widening the conversation we have every year on the 28th of May. We would not be limited to the discussion on access to clean water and sanitation or managing menstruation hygienically but we would also be moving towards 'normalising' menstruation as part of a woman's health and exploring approaches to remove the taboos and negativity around menstruation.

Menstrual Health Day would allow us to talk about the menstrual items used globally, it was noted in the 47/4 resolution "that the management of used menstrual hygiene management products is often neglected, resulting in inappropriate and unsafe disposal practices and leading to unsanitary living conditions and environmental degradation, as well as to health risks". Widening the conversation allows us to discuss education on alternative menstrual items to provide dignity for the user and the planet- particularly in countries that can afford to move from plastic in menstrual pads to corn starch.

By having a menstrual health day, we start the conversation around classifying all menstrual products as health items rather than luxury items or clothing. This will bolster the movement across the globe on removing the tax on all menstrual items which is clearly an example of gendered-based discrimination. This will help to achieve the aim of A/HRCRES/47/4, 1 (b) To eliminate or reduce sales taxes on menstrual hygiene management products, including sanitary pads, and to provide support to women and girls in situations of economic vulnerability.

Sikh Human Rights Group feels that the campaign to eliminate taxation on menstrual products can be helped by working with countries that have removed it. By working with them the Panel can help to create a step-by-step guide to overcome the challenges a State may face when removing the tax.

Removing the tax clearly complies with the Convention on the Elimination of Discrimination Against Women, and the Vienna Declaration and Programme of Action. Specifically, section 3 on the equal status and human rights of women, point 39 reads [WCHR] "urges the eradication of all forms of discrimination against women, both hidden and overt". Only 21 have zero-rate tax/ tax exemption on the sale of menstrual products. The removal of taxation on all menstrual products is an essential step in the implementation of the Vienna Declaration.

A woman's right to be free from discrimination is infringed when menstrual hygiene products are subject to sales tax. There are no similar products that men must use because of an involuntary, biological monthly occurrence, and when the closest analogous products used primarily by men are not subject to taxation, this is clearly gender discrimination. Taxing products used primarily, or even exclusively, by women is to tax them based on their gender, something which is prohibited by international human rights norms.

The resolution mentions “Recalling also that the human rights to safe drinking water and to sanitation are derived from the right to an adequate standard of living, and are inextricably related to the right to the enjoyment of the highest attainable standard of physical and mental health and to the right to life and human dignity” We wholeheartedly agree with this, but we also believe that human dignity goes beyond access to adequate water and sanitation when discussing menstrual health. For a person to have dignified menstruation we need to look at the menstruator, and the access to the education they have received about their own body and ensure it empowers them rather than discriminates or shames them or encourages a culture of child marriage.

Dignified menstruation is the ability to have access to menstrual products, the existence of a tax on any menstrual item marginalises society and sends the message that if a person can afford the items, they deserve dignified menstruation but if they cannot, they must find an alternative. Dignified menstruation is ensuring we can be kind to our planet, we must encourage countries who are able, to push and invest in sustainable menstrual items while working with countries who are unable to ensure they have items that are safe for the menstruator. Dignified menstruation is also ensuring the items used are safe and the cotton used is not covered in fertilizer and is sourced ethically and not collected by prisons in internment camps.

## **Education**

In the 47/4 resolution it states, ‘that the right to the enjoyment of the highest attainable standard of physical and mental health includes access to medical care and medicines to identify and treat menstruation-related health issues or pain, and to information relating to menstrual hygiene management’.

Menstrual Health Day would improve the education that young people receive globally on menstruation to a positive one; it would allow us to consider creating a working definition for menstrual health and a global guidance as well as exploring the possibility of teaching menstruation separate from sex education for children between 6-12 years old, particularly in countries and cultures where combining the two is an obstacle to awareness teaching about menstruation.

Quoting from Dr. Julie Hennegan’s paper, ‘The term “menstrual health” has seen increased use across advocacy, programming, policy, and research, but has lacked a consistent, self-contained definition. As a rapidly growing field of research and practice a comprehensive definition is needed to (1) ensure menstrual health is prioritised as a unified objective in global health, development, national policy, and funding frameworks, (2) elucidate the breadth of menstrual health, even where different needs may be prioritised in different sectors, and (3) facilitate a shared vocabulary through which stakeholders can communicate across silos to share learning. To achieve these aims, we present a definition of menstrual health developed by the Terminology Action Group of the Global Menstrual Collective.’

In conclusion, changing the name to Menstrual Health Day and having a panel on menstrual health will allow us to tackle issues of child marriage; gendered-based tax discrimination; environmental impacts; rights to education; rights to the child; rights to work as well as access to adequate water and sanitation with a positive language that resonates with the natural health of women.

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Dreams of the Youth Uganda (DROTY) AFCOD Uganda Malawi Chapter, NGO(s) without consultative status, also share the views expressed in this statement.