

Response to the public consultation by Monica Lennon MSP for the Proposed Sanitary Products (Free Provision) (Scotland) Bill



Submission from the Scottish Youth Parliament
December 2017

Introduction

The Scottish Youth Parliament represents Scotland's young people. Our vision for Scotland is of a nation that actively listens to and values the meaningful participation of its children and young people. Our goal is to make this vision a reality, in order to ensure Scotland is the best place in the world to grow up.

Our democratically elected members listen to and recognise the issues that are most important to young people, ensuring that their voices are heard by decision-makers. We exist to provide a national platform for young people to discuss the issues that are important to them, and campaign to effect the change they wish to see.

SYP's Values are:

Democracy - We are youth-led and accountable to young people aged 12 to 25. Our democratic structure, and the scale of our engagement across Scotland, gives us a mandate that sets us apart from other organisations.

Rights - We are a fundamentally rights-based organisation. We are passionate about making young people aware of their rights, and ensuring that local and national government deliver policies that allow those rights to be upheld.

Inclusion - We are committed to being truly inclusive and work tirelessly to ensure the voices of every young person from every community and background in Scotland are heard.

Political Impartiality - We are independent from all political parties. By working with all stakeholders, groups, and individuals who share our values, we can deliver the policies that are most important to young people.

Our approach

SYP welcomes the opportunity to respond to Monica Lennon MSP's public consultation on her proposal for a Proposed Sanitary Products (Free Provision) (Scotland) Bill, hereinafter referred to as the Bill.

On 26 March 2017, SYP approved the following policy statement with 99% agreement, the highest current percentage of agreement for any SYP policy:

'The Scottish Youth Parliament believes that access to menstrual hygiene products is a basic human right, and that more effort should be made to ensure that those in disadvantaged financial situations have access to these products.' - Members' Motion by Suki Wan MSYP for Glasgow Shettleston.

Last year, Suki Wan MSYP for Glasgow Shettleston (Vice Chair of SYP and former Convener of SYP's Equalities and Human Rights Committee [EQU]) led an informal evidence gathering session on menstrual hygiene for the Scottish Parliament's EQU Committee. Zee Timmins MSYP for LGBT Youth Scotland (and Convener of SYP's Equalities and Human Rights Committee) then participated at the launch of Monica Lennon MSP's consultation.

SYP wishes to respond to this public consultation as part of its *Right Here, Right Now* national campaign on young people's rights, which launched in October 2017 after MSYPs voted to focus on this topic at the 63rd National Sitting in West Dunbartonshire in June 2017. This was following consultation with over 5,000 young people across Scotland.

Right Here, Right Now will work to ensure that Scotland's young people are aware of and understand their own rights, and are empowered to take action to defend their own rights and those of others. Furthermore, *Right Here, Right Now* calls for Scotland's decision-makers to take a human rights-based approach to all policy-making, service provision, and planning, ensuring young people's voices are at the heart of decisions affecting them.

One of the objectives of this campaign is to influence law, policy, and practice in order to strengthen the protection of young people's rights. To prevent breaches of young people's rights in Scotland, MSYPs will seek to persuade MSPs and others to support legislative and policy mechanisms, such as the Bill.

In this light, at the 64th National Sitting (SYP64) at the Scottish Parliament on Friday 27th October 2017, Monica Lennon MSP hosted a consultation workshop with approximately 30 Members of the Scottish Youth Parliament (MSYPs), co-facilitated by Zee Timmins MSYP. For more information on the demographic of SYP's current membership, please see [here](#).

Prior to SYP64, we conducted an online survey ('PreSYP64 Consultation Survey') aimed at young people aged 12-25 on issues including Period Poverty. This survey received 81 responses, from 21 of all 32 Local Authorities across Scotland. The gender balance of responses was as follows: 56.58% female, 40.79% male, and 2.63% who identify with another gender. Responses came from young people currently in school, college, university, full-time or part-time work and training. 69.74% of responses came from young people in school.

SYP consulted the Monica Lennon MSP and her team on the development of the survey, workshop questions and session plan.

MSYPs consulted widely with the young people they represent in their constituencies and voluntary organisations using the survey questions before the workshop, using their unique democratic mandate to ensure they represented the views of as wide a group of young people as possible. Therefore, our comments are fundamentally shaped by the genuine views of young people. However, as our membership represents young people aged 12-25, SYP's response is not representative of children below the age of 12. Furthermore, the survey was subject to relatively strict time constraints which limited the overall quantity of responses.

Our response will be structured around the [Period Poverty SmartSurvey](#) questions, with reference to SYP's consultative work on Period Poverty as described above.

Questions

About you

1. Are you responding as:

- an individual - in which case go to Q2A
- on behalf of an organisation? - in which case go to Q2B

2B. Please select the category which best describes your organisation:

- Public sector body (Scottish/UK Government or agency, local authority, NDPB)
- School, college or university
- Commercial organisation (company, business)
- Representative organisation (trade union, professional association)
- Third sector (charitable, campaigning, social enterprise, voluntary, nonprofit)
- Other (e.g. clubs, local groups, groups of individuals, etc.)

3. Please choose one of the following:

- I am content for this response to be attributed to me or my organisation

Please provide your name or the name of your organisation as you wish it to be published:

Name: The Scottish Youth Parliament

- I would like this response to be anonymous (the response may be published, but no name)
- I would like this response to be confidential (no part of the response to be published)

4. Please provide details of a way in which we can contact you if there are queries regarding your response. (Email is preferred but you can also provide a postal address or phone number. We will not publish these details.)

Contact details: laura.p@syp.org.uk

Your views on the proposal

Aim and approach

1. Which of the following best expresses your view of the proposed Bill?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

Period Poverty is a violation of human rights, which can particularly affect young people who menstruate. On 26th March 2017, SYP approved the following policy statement with 99% agreement, the highest current percentage of agreement for any SYP policy:

'The Scottish Youth Parliament believes that access to menstrual hygiene products is a basic human right, and that more effort should be made to ensure that those in disadvantaged financial situations have access to these products.' - Members' Motion by Suki Wan MSYP for Glasgow Shettleston.

In our Pre-SYP64 Consultation Survey, 80% of those consulted agreed that access to free sanitary products should be available to everyone. The majority of consultation workshop participants were also in agreement. In both, many responses referenced rights, and that the new law would 'allow women and girls in vulnerable positions the ability to stay clean and keep their dignity even in times of hardship'.

Most of the respondents stated that a new law would improve cleanliness, health, confidence, and break the 'taboo' and 'embarrassment' around menstruation. It would silence the minority who 'make fun' of periods.

They also referenced the fact that young people who menstruate would be less likely to be absent from school or work if they had free access to menstrual hygiene products, which would ensure they don't miss out on their education, social lives, and can generally get on with their lives 'stress free' with equal opportunities.

They thought the Bill would help people with a low household income, assisting them financially to be able to afford 'the bare necessities'. It was recognised that having a period is neither a 'choice' nor a 'luxury', and that the Bill would tackle poverty and help raise awareness around it.

Many of the respondents spoke from lived experience:

'This would mean that students are not making the ridiculous choice between safe menstr[u]ation and eating! Products are really expensive and we shouldn't be left to make those types of decisions - they are a right not a luxury.'

'Being unhealthy, buying sanitary products is very expensive, I have gone through times where just using a rag. So I do think they should stop charging females for certain sanitary products. We can't help what happens to us once a month.'

'Period Poverty is an issue. For families like mine with 6 sisters as a Mum buying sanitary products is a real issue.'

In turn, respondents fully agreed that the legislation would result in Scotland becoming a world-leader in giving all citizens the right to access sanitary products:

'If the law is a success Scotland will be renowned for establishing it and other countries may do the same.'

This is already reflected in grassroots campaigning on this issue, for example, during *SYP Rights Week* (3-10th December 2017), MSYPs across the country have been talking with constituents online and in person about Period Poverty, encouraging people to sign this consultation, collecting donations of menstrual hygiene products for local food-banks, and raising the issue with local decision-makers. A good campaigning example is available here: <http://bit.ly/2gzZ6c9>. The law now needs to catch-up with this good practice on tackling Period Poverty.

Universal provision of sanitary products

2. Do you think a universal, card-based system (modelled on the C-card system for free condoms) would be an effective means of providing sanitary products for free to those who need them?

- Yes
- Unsure
- No

Please explain the reasons for your response.

Universal access would mean it would be open to people of all gender identities, for example, it would be 'easier for trans-men to access menstrual supplies without shame'. It would save young people having to ask for products, be inclusive of young carers, and it would prevent a potentially gendered approach to the provision of menstrual hygiene products. Consultation respondents generally prefer universal access, as opposed to access on a means-tested basis, highlighting that the crux of period poverty is human dignity, and referring to the provision of free prescriptions for all as a good example to follow. Respondents thought universal access would be relatively easy to do, and extremely helpful for young people who menstruate.

3. Which of the following best expresses your view in relation to a cardbased system?

- The card should be available to anyone; card-holders should have unlimited access to free sanitary products
- The card should be available to anyone; its use should be restricted (e.g. by limiting the number of products that may be claimed each month)
- The card should be available only to those on low incomes or in receipt of benefits; card-holders should have unlimited access to free sanitary products
- The card should be available only to those on low incomes or in receipt of benefits; its use should be restricted (e.g. by limiting the number of products that may be claimed each month)
- There is no need for a card scheme
- Other (please specify)

Please explain the reasons for your response.

Consultation workshop respondents do not think people would take advantage of this provision, and given that the amount of menstrual hygiene products used during a single period varies from individual to individual, limiting the number of products that may be claimed each month may exclude some people who require an above average number of tampons or towels.

4. Do you have a view on which locations would be most suitable for dispensing free sanitary products (e.g. GP surgeries, pharmacies, community centres, health clinics)?

Respondents to our consultations identified the following locations for dispensing free sanitary products:

- Doctors surgeries.
- Shops.
- Chemists/Health clinics.
- Youth clubs.
- Community centres.
- Schools.
- Leisure facilities.
- All public bathrooms.

Schools, colleges and universities

5. Do you agree that there should be specific obligations on schools, colleges and universities to make sanitary products available for free (via dispensers in toilets)?

- Yes
- Unsure
- No

Please explain the reasons for your response.

This would ensure people who menstruate do not miss out on their studies and academic/vocational achievements just because they are menstruating. It would ensure they have access to equal opportunities. This would also encourage young people who menstruate to take up the offer of free sanitary products because they may be discouraged from doing so if they have to go to a GP surgery etc. to pick them up. We feel that, overall, this obligation would increase uptake among the young people who need these products the most.

[Personal experience (questions 6 and 7 are for individual respondents only)]

8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

(a) Government and the public sector (e.g. local authorities, the NHS)

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(b) Colleges and universities

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(c) Businesses (including suppliers/retailers of sanitary products)

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(d) Individuals (including consumers of sanitary products)

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

Please explain the reasons for your response.

SYP has responded according to the financial estimations given on pp. 19-21 of the consultation documents for the Bill proposal. While there are cost implications, these are mitigated by the potential long-term cost-saving benefits to the NHS due to improved health outcomes.

9. Are there ways in which the Bill could achieve its aim more cost effectively (e.g. by reducing costs or increasing savings)?

As stated in the consultation document for the Bill proposal, products could be sourced for lower and varying prices when organisations are purchasing them in bulk or choosing non-branded items, however, our consultation respondents noted that quality should be maintained. Re-useable and sustainable menstrual hygiene products could also be considered.

Equalities

10. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation?

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

Please explain the reasons for your response.

Universal access to menstrual products is absolutely crucial for all people that menstruate, especially for young women and transgender people. These groups are disproportionately affected by the stigma and financial hardship surrounding periods. As identified in the consultation document for the Bill proposal, young people at school are particularly disadvantaged as the lack of flexibility of the school day prevents them from independently going to a shop to purchase the products when their period comes unexpectedly. As young people who menstruate are often less likely to be in full-time work with a reliable income, they can struggle to afford these products. Consultation respondents identified young carers as particular beneficiaries of the legislative proposal.

'Periods are regarded as a "women's issue" and highly feminised within our society. If you do not identify as a woman, yet still menstruate, feminine associations with menstruation can make your gender feel very invalidated and may heighten your gender dysphoria, the significant and valid distress transgender people feel due to their body not reflecting the gender they know themselves to truly be. Buying menstrual products can heighten these feelings, as they are perceived to be items only for women.'

As a transgender young person, menstruation and discussions of period poverty can leave me feeling both dysphoric and isolated as my voice often isn't heard or respected, but it is absolutely imperative that there is universal access to menstrual products for everyone.' (Zee Timmins MSYP, <http://bit.ly/2zUPeRX>)

Disabled people who menstruate are also likely to benefit from this new legislation. The United Nations Committee on the Rights of Persons with Disabilities recently recommended that the UK develop policies to eliminate the higher level of poverty among families with children with disabilities (CRPD/C/GBR/CO/1, 3 October 2017, paragraph 21[a]), and this Bill will be a positive step to implementing this Concluding Observation in Scotland.

11. In what ways could any negative impact of the Bill on equality be minimised or avoided?

The discussions, marketing and awareness-raising around ending Period Poverty should aim to avoid gender stereotypes, generalisations and be inclusive to everyone, including transgender people and people with non-binary gender identities.

Sustainability

12. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

No

Unsure

Please explain the reasons for your response.

If the products issued are environmentally friendly, the proposed Bill will result in improved educational and economic outcomes, through improved attendance at school and work of people who menstruate.

General

13. Do you have any other comments or suggestions on the proposal?

The consultation workshop participants also made the following recommendations in relation to Period Poverty:

- They called for period poverty to be a bigger issue, with less taboo and more awareness of Toxic Shock Syndrome. They also called for better gender-inclusive education and teacher training on period poverty, ensuring males, transgender and non-binary gender identities are just as educated as females. They suggested people be taught how to make period treat boxes.
- They called for wide access of these products, for them to be available not just in schools and at the doctors, with free dispensers ‘everywhere’ and the availability of a wide choice of brand and variants to suit allergies, comfort and preference. Sanitary Towel Banks was another suggestion.
- They also suggested the idea of a period care box for first periods (like the baby box).
- The evidence gathering led by Suki Wan MSYP last year with 15 MSYPs and their constituents revealed that young people believe a lack of information and education in the current curriculum around menstruation is a key factor in the taboo status of periods. Former Equalities Committee Deputy Convener and current Vice Chair Suki Wan MSYP said: ‘Many feel embarrassed to speak up on the topic and as such don’t feel comfortable voicing their concerns about pricing and provision. I believe that if this taboo status is broken down there will be much more productive discussion on the matter, and much more done to aid those in need.’ (December, 2016).

Conclusion

SYP's consultation evidences overwhelming support from young people of the Bill. A lack of access to menstrual hygiene products is a human rights issue, and young people are particularly affected. Universal, free access to these products will ensure young people and others have access to rights including the right to education, health (and therefore life), work, play, and to be heard - without discrimination. Action to tackle Period Poverty is necessary *Right Here, Right Now*. With the Year of Young People on the horizon, there is no time like the present to listen to and take into account young people's views on this issue and approve this Bill proposal to prevent this breach of young people's rights in 2017. This will ensure Scotland really is the best place in the world in which to grow up.

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