

MSP Briefing

Period Products (Free Provision) (Scotland) Bill

Established by the Commissioner for Children and Young People (Scotland) Act 2003, the Commissioner is responsible for promoting and safeguarding the rights of all children and young people in Scotland, giving particular attention to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner has powers to review law, policy and practice and to take action to promote and protect rights.

The Commissioner is fully independent of the Scottish Government and Parliament.

The Commissioner warmly welcomes the commitment from across the Scottish Parliament to supporting the Period Products (Free Provision) (Scotland) Bill at Stage 1. Passing legislation that provides universal access to free period products would demonstrate Scotland's ambition to place human rights at the heart of policy and legislation.

Universal free provision of period products supports the right to the fullest attainable standard of physical and mental health, with that right extending to adequate hygiene, as enshrined in the Universal Declaration of Human Rights (UDHR)¹; the International Covenant on Economic, Social and Cultural Rights (Article 12)² and in the UNCRC (Article 24)³. In 2015, the UN General Assembly adopted a resolution on rights to sanitation and water, highlighting the importance of these rights to women⁴. Article 8 of the European Convention on Human Rights⁵ and Article 16 of the UNCRC define respect for private life to encompass a person's physical and psychological integrity and require States to ensure that provision is made to support that integrity. This includes the right to manage your periods discreetly and with privacy.

In the case of children and young people, the availability of a non-means tested scheme which gives them access to period products is particularly important. The work of our office and others on children's experiences of poverty shows that children are often acutely aware of their family's financial situation and many are reluctant to ask for money, in some cases even for essentials and there is evidence that significant numbers of children do not receive pocket money, regardless of family income.

Research by Plan International shows that 17% of girls have struggled to afford period products and 12% had been forced to improvise period products due to affordability issues. Period poverty particularly impacts already vulnerable groups such as children from asylum seeking families; unaccompanied asylum-seeking children and those who are homeless⁶.

¹ <https://www.un.org/en/universal-declaration-human-rights/>

² <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

³ <https://www.cypcs.org.uk/rights/uncrcarticles/article-24>

⁴ https://www.un.org/waterforlifedecade/pdf/human_right_to_water_and_sanitation_media_brief.pdf

⁵ https://www.echr.coe.int/Documents/Convention_ENG.pdf

⁶ <https://plan-uk.org/media-centre/plan-international-uks-research-on-period-poverty-and-stigma>

Evidence presented to support this bill during Stage 1 shows that period poverty has a direct impact on children's right to an education (Articles 28⁷ and 29⁸ of the UNCRC), both in terms of attendance and by creating a barrier to accessing a broad education which encourages the development of children's talents and mental and physical abilities to their fullest potential and in the corresponding rights in relation to play and recreation (Article 31 of the UNCRC)⁹. Plan International's research shows that 49% of girls reported missing a day of school due to their period and 64% had missed a PE or sport lesson.

Children and young people themselves have spoken eloquently about this issue. Young women from GirlGuiding Scotland have emphasised the importance of addressing period poverty through provision of free products as part of their campaign to end period poverty and reduce the stigma surrounding periods. As one of their members states:

Period poverty is unfair and unnecessary – everyone deserves fair access to this most vital health product. ¹⁰

Availability of products in girls, gender neutral and disabled school toilets, and those toilets being freely accessible throughout the school day will ensure children and young people's right to manage their periods with dignity and privacy is respected. However, a great deal of children's lives are lived outwith school and provision solely focussed on school and other educational establishments will exclude those not attending school, which include those absent from school due to ill health or disability (including mental health conditions) and those who are no longer in formal education.

We therefore support the introduction of a flexible scheme making products available nationally to everyone who needs them and ask that all possible measures are taken to ensure these are available to all children. We recommend that the Scottish Government include children and young people in the design of the scheme, in line with their rights under Article 12 of the UNCRC¹¹, to ensure that their needs are met. It is vital that this scheme is seen as complementary to, not a replacement for, provision of products via schools and other community facilities.

Members can find further details of the human rights benefits of universal free provision of period products in our Stage 1 written evidence on this bill to the Local Government and Communities Committee¹².

For further information, please contact Megan Farr, Policy Officer, at megan.farr@cypcs.org.uk

⁷ <https://www.cypcs.org.uk/rights/uncrcarticles/article-28>

⁸ <https://www.cypcs.org.uk/rights/uncrcarticles/article-29>

⁹ <https://www.cypcs.org.uk/rights/uncrcarticles/article-31>

¹⁰ <http://www.girlguidingscotland.org.uk/what-we-say/campaigns/ending-period-poverty/consultation-response/>

¹¹ <https://www.cypcs.org.uk/rights/uncrcarticles/article-12>

¹² <https://www.cypcs.org.uk/policy/evidence/local-government-and-communities-committee-evidence-on-the-period-products-free-provision-scotland-bill>