

A red envelope graphic with a white interior. The envelope is open, with the flap pointing downwards. The text is centered within the white space.

ATTN: EVERYONE

WE NEED TO TALK ABOUT MENSTRUATION.

Author's Note

Lia Barnhard

I am a privileged menstruator. I remember telling my mom that I got my period for the first time. She smiled, threw her hands in the air, gave me a big hug and said “Mazel Tov!” As for the rest of my family, there is a male to female ratio of 4:2. It's my dad, my three older brothers, my mom, and me. Although menstruation has been widely taboo, my family openly talks about reproductive health because my dad is an obstetrician and he focuses on high-risk pregnancies. I am also very fortunate that menstruation management has never been an issue for me. My menstrual blood flow has always been fairly light, I rarely get period cramps, and my parents have been able to financially support my menstrual management.

I am also an oppressed menstruator. In school, I was never taught about menstruation; we were kind of just told that it happens. I remember me and the other menstruators avoiding “the menstrual walk of shame” at all costs. Before going to the bathroom to take care of our bodies, we would stick menstrual products in our boots or ask a fellow menstruator if we could borrow their sweatshirt to hide our menstrual products. We were raised to believe that menstruation was something to keep quiet, that it was gross to talk about, that it was taboo.

During high school, I became more interested in reproductive health but it wasn't until recently that I began to question the menstrual taboo and why I know so little about menstruation.

I remember my dad coming home from one of his trips to Tanzania when I was sophomore in high school. He brought “mabinti dolls” which are these little beaded dolls that are handmade by women recovering from obstetric fistula. Obstetric fistula is a tear in the tissues of the birth canal, due to prolonged or obstructed labor, that leaves people incontinent — and almost always results in the death of the baby. Most often it affects young people.

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Thinking about these people drew me to this seemingly obscure topic. I designed an independent study to understand the science and learn more about these devastating experiences, but the mabinti dolls in my room reminded me that simply knowing the facts about fistula was insufficient. I didn't just want to know about this issue, I wanted to help in some way. The following year, I accompanied my dad on his trip to Tanzania. Back from Dar, I decided to host an event that would raise awareness about this issue. After securing permission to screen *A Walk to Beautiful*, the PBS documentary about obstetric fistula, I organized a school event to honor the International Day to End Obstetric Fistula. I rehearsed and delivered a 50-minute presentation to explain its causes and the social ramifications. I also designed and distributed a pamphlet which helped answer the five W's about fistula and highlighted peoples personal stories.

My first time engaging with “menstrual activism” was during the fall semester of my junior year of college when I was in a public speaking course and I spoke about menstruation publicly for the first time. I decided to deliver a speech about the unfair taxes on menstrual products across the U.S. and I highlighted the clear, but often unquestioned, reality of public restrooms: FREE toilet paper, paper towels, and soap but menstrual products? nope. A few months after delivering this speech, I created an art gallery prototype in order to demonstrate how we can use art to capture the public's attention about the unfair taxes on menstrual products and challenge the stigmas attached to menstruation. Although I still strongly believe in the removal of taxes on menstrual products and that restrooms should be equipped with necessary supplies, I've recently developed a more nuanced understanding about how to use intersectionality as a tool which has made me recognize varying menstrual realities and the importance of approaching the issues of period stigma and period poverty with an intersectional lens.

When I first began thinking about the WGS Capstone project, I knew I wanted to focus on my overlapping interests regarding education, intersectional

Author's Note

feminism, and menstrual activism. Initially, I wanted to create a platform where people could learn about menstruation, period stigma, and period politics. As I began reading more and more about period stigma, period poverty, and menstrual activism, I gathered a lot of advice from menstrual activists that have been (and still are) working hard to raise awareness and change society's view and treatment of menstruation and for menstruators. In a recent panel discussion among five lawyers passionate about menstrual equity, the activists were asked "What advice do you have for lawyers, law students, activists, or concerned citizens who want to get more involved in menstrual equity issues?" There are two particular pieces of advice that stood out to me and challenged me to rethink my original project idea:

"Do the research and work collaboratively. The number one lesson I learned over 30 years with a draft tampon tax lawsuit in my drawer is that effecting change takes smarts, persistence, and collaboration...No laws were simply "introduced," nor did well-placed articles simply appear. They were deliberately conceived and pitched to legislators and the media."

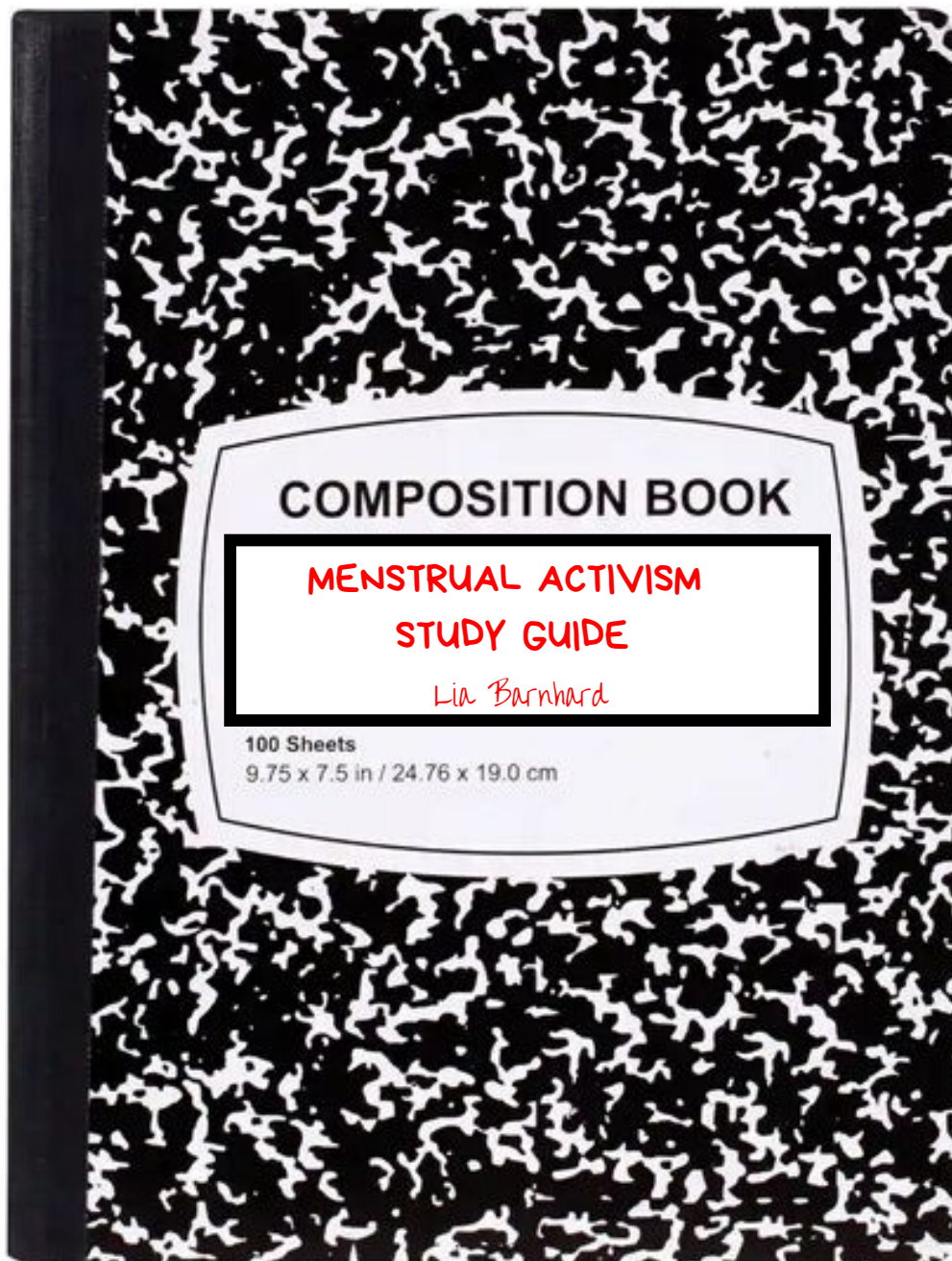
-Laura Strausfeld (Menstrual Equity Panel, 2019)

"I recommend working with the community of persons affected by the menstrual injustice you seek to address. Recognize the capacity and capability of those community members. Ensure they have a voice and leadership on the issue. Seek to model your process for advocacy on empowerment, participation, and inclusion so that your goal of justice in the outcome is matched in your process."

-Margaret Johnson (Menstrual Equity Panel, 2019)

Author's Note

Reading through the transcribed panel discussion encouraged me to hold off on developing the type of platform that I initially had in mind because I realized that I had a lot of learning to do before I could make an effective platform. Ultimately, I decided to continue my research and I have created a personal research journal to document everything that I have been learning about. In many ways, this journal is my "Menstrual Activism Study Guide" because I see it as a resource that will help inform the ways I get involved with menstrual equity issues and the ways I go about sparking conversations about menstruation moving forward.



MY MENSTRUAL ACTIVISM STUDY GUIDE

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1

PERIOD STIGMA AND PERIOD POVERTY

Throughout history, periods have been taboo and menstruation has been met with shame, humiliation, silence, and oppression.

“Period stigma” is perpetuated by cultural narratives, lack of education, discriminatory policies and practices, and period poverty.

Period poverty refers to inadequate access to safe menstrual health products and, for both menstruators and non-menstruators, inadequate menstrual health education.

2 MENSTRUAL EQUITY

"The phrase "menstrual equity" refers to the idea that society needs to recognize openly (and without shame or stigma) and take into account the fact that approximately one-half of the human population menstruates for a large portion of their lives."

-Bridget Crawford (Menstrual Equity Panel, 2019)

"The belief that menstrual equity is a beginning step on the path to gender equity motivates this work. As activist and attorney Jennifer Weiss-Wolf has said, "Our issues aren't all the same, but whether you're dissecting it by poverty or gender or any issues that affect things like access, participation, equality, justice, democracy [menstrual equity touches] all those things. This is why we can't leave it out." In other words, by focusing on the basic needs of menstruators, the architects of law and society can find a way to address every single issue that impacts gender equity. Menstrual equity, then, is "the ground we all need to stand on."

-Bridget Crawford (Menstrual Equity Panel, 2019)

"This work offers opportunities for bipartisan collaboration at a time when those opportunities are few and far between. President Trump's Department of Justice twice issued operations memoranda allowing access to some products in federal prisons. Republican governors, like Bruce Rauner of Illinois, have signed tampon tax repeals and school access bills, and Republicans in Congress did not file a joint resolution to block the enactment of the D.C. tampon tax repeal, even though they have done so on other local issues."

-Marcy Karin (Menstrual Equity Panel, 2019)

Sex and Gender

"There is a strong connection between menstruation and biological sex, but a distinction in gender. Ciswomen and girls menstruate. Transgender boys and men menstruate. Intersex persons menstruate. Gender nonbinary persons menstruate. Gender is the social construction of identity based on biological sex, gender roles, gender performance, and gender identity. Women and menstruators are not the same set of persons because a transgender man may menstruate but a transgender woman may not. Therefore, aligning the menstrual equity movement with the gender equity movement may not be a perfect match. But a menstrual equity movement aligns with a gender equity movement in that both address social justice issues that impact persons because of their biological sex and the social constructions and assumptions about gender. Through policy work, advocacy, and writing, advocates like Jennifer Weiss-Wolf have ensured that good legislative and policy reform happens and have kept the spotlight on important menstrual equity issues."

-Margaret Johnson (Menstrual Equity Panel, 2019)

"Sex and gender are different, and they do not always match up. However, when it comes to periods, society tried to make us believe exactly that. Menstruation is almost always tied to womanhood. To illustrate the flaws in that logic, let's take a moment to think about the following questions: If "periods = womanhood," does not having the ability to menstruate make you a man? And if menstruating is what makes you a woman, then are women who may not have periods, for a variety of health reasons,

MENSTRUAL EQUITY

not real women? What about trans women? Are they not women because they do not have the capacity to menstruate? What about women who have entered menopause — have they lost some of their womanhood simply because an organ in their body has stopped shedding blood and tissue?"

-Cass Bliss (*Period Power*, Okamoto, 2018)

"Menstruators"

Use the term "menstruators" because this is not simply a "women's issue." There are menstruating people of all genders. Many women menstruate, other women don't, and some people that identify as transgender or nonbinary menstruate too. But don't be fooled, "menstruators" are not unidimensional and there is definitely not one universal menstrual experience. People have different physical menstrual experiences AND period stigma and period poverty affect menstruators differently depending on both the intersections of their identity and their physical location.

The Importance of Intersectionality

In her essay, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, Kimberle Crenshaw (1991) talks about the issue of conflating or ignoring intragroup differences. She coined the term "intersectionality" to argue that we must "account for multiple grounds of identity when considering how the social world is constructed," because individuals are situated in multiple "social groups" and are therefore affected by intersecting privileges and oppressions. She explains that intersectionality is about "how structures make identities the vehicle for vulnerabilities" and when you employ intersectionality

MENSTRUAL EQUITY

as a tool, you are able to “rethink how you go about structuring a problem without having one particular signifier” (Ramsden, 2016). Similarly, in her book *Pursuing Intersectionality, Unsettling Dominant Imaginaries*, Vivian May (2015) writes, “Intersectionality is meant to be applied to real-world problems, to unsettle oppressive logics, to plumb gaps or silences for suppressed meanings and implications, and to rethink how we approach liberation politics” (VII-VIII).

As Johnson explains, “the structures of institutions such as schools, workplaces, government institutions, family, religion, and the law all contribute to pervasive and intersectional menstrual injustices” (Menstrual Equity Panel, 2019). Since all menstruators deserve menstrual dignity and menstrual equity, we must use an intersectional approach to solve period poverty and to smash the period stigma.

Understanding Equity VS. Equality

“There is a key conceptual distinction between equality and equity. Equality demands the same treatment for all people, regardless of their differences. Equity seeks fair treatment for all people, in light of their differences.”

-Bridget Crawford (Menstrual Equity Panel, 2019)

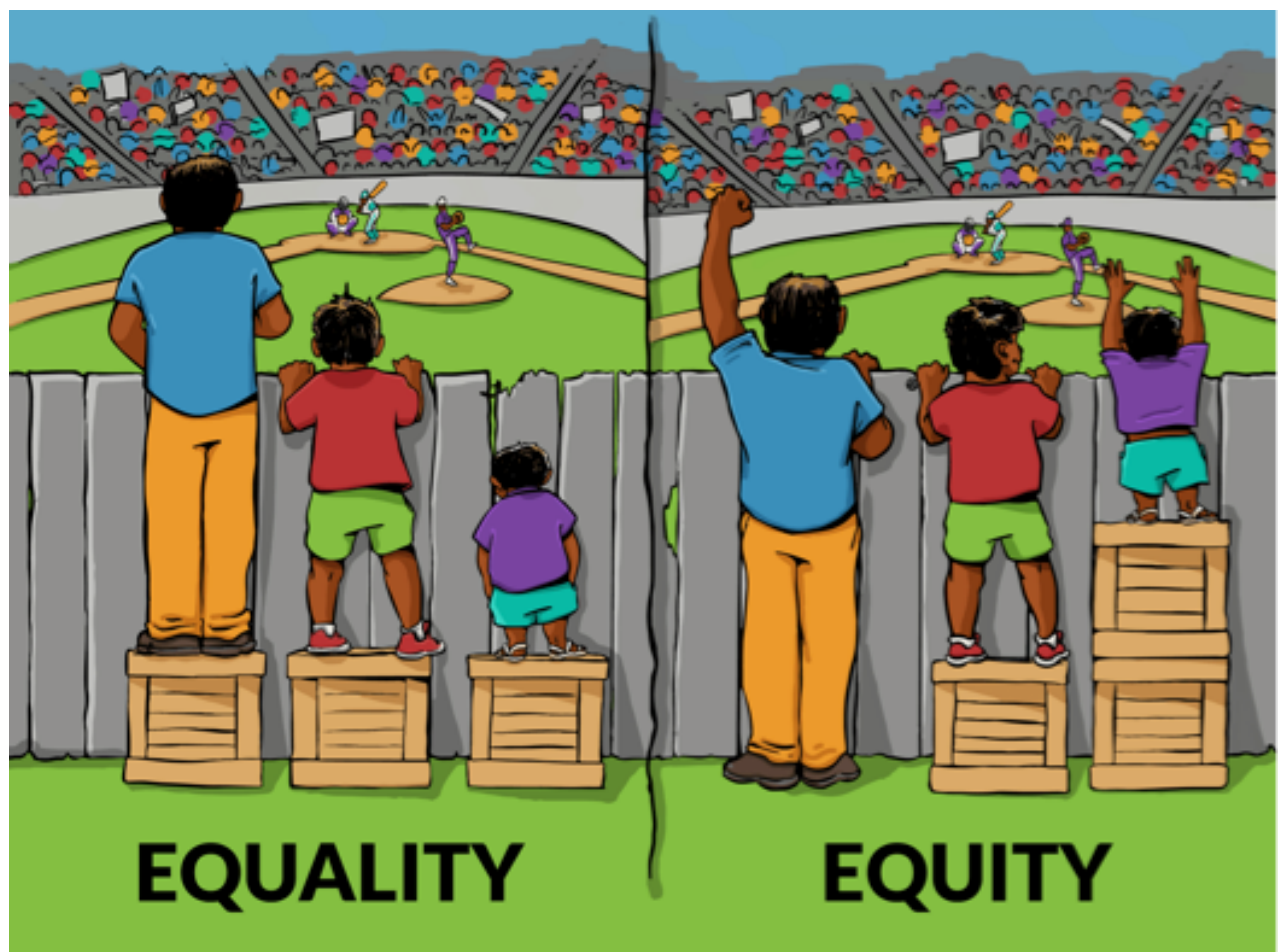
“Equity means taking into account individuals’ differences, and treating them in a way that allows them to reach the same goal, even if that means giving some people special consideration or a “boost” of sorts.”

-Bridget Crawford (Menstrual Equity Panel, 2019)

MENSTRUAL EQUITY

"There is a popular graphic that shows three people of different heights trying to look over a fence to watch a baseball game. The first frame shows all three people standing on identically-sized boxes. The shortest person still cannot see the game, even with the boost. That frame illustrates equality. All three people are treated the same, regardless of height. In the cartoon's second frame, each person stands on the number of boxes necessary to give a clear view of the game. The shortest person needs two boxes; the mid-height person needs one; the tallest needs none. Now all can see over the fence and watch the game. That frame illustrates equity. Simply put, give each person the necessary means (a boost in height) to reach the same result (the ability to see over the fence)."

-Bridget Crawford (Menstrual Equity Panel, 2019)



Source: interactioninstitute.org

MENSTRUAL EQUITY

Gender Equality and Menstrual Equity

"While gender equality sounds great, it can be limiting because it seeks only to bring treatment of one group to the level of another group, whether or not the overall treatment is just. It can also be limiting because formal or substantive equality may address individual disparate treatment without addressing the systemic and structural operation of power that can cause oppression. The equality framework can be limiting because it examines issues without looking at the intersecting forms of oppression that include patriarchy, white supremacy, transphobia, and classism, for example, that create menstrual injustices."

-Margaret Johnson (Menstrual Equity Panel, 2019)

"In many—indeed most— cases involving education, employment, and other aspects of public life, there is no reason to treat men, women, and people of all genders differently from each other. On the other hand, as Emily mentioned, approximately half of the population may experience certain biologically-related processes and conditions (menstruation, pregnancy, and breast-feeding). There is the biological fact that approximately half the population menstruates for a large portion of their lives and, for a particular window, has the ability to become pregnant and breastfeed. Menstruation, pregnancy, and lactation are not disabilities. They are normal processes and functions of the human body. There are good reasons for law and society to make certain accommodations for those who are menstruating, pregnant, or lactating. Biological differences bring to the surface cases in which formal equality may not be enough to achieve fairness."

-Bridget Crawford (Menstrual Equity Panel, 2019)

Dominant Cultural Narratives:

- **“overlearned stories communicated through mass media or other large social and cultural institutions and social networks”**
- **(Rappaport, 2000)**
- **“systems of representation that function as subtle mechanisms of oppression and social control that shape cultural norms and personal beliefs, while concealing the processes that produce them” (Hasford, 2016)**

We have been socially conditioned to believe that menstruation is a “women’s issue”, taboo, unhygienic, something to be ashamed of and something to keep private. Throughout history, many cultural narratives have deemed menstruation a taboo topic and stimulated “period stigma” and menstrual shaming. These narratives are reflected in a number of religious texts and practices, philosophical teachings, and menstrual product advertisements.

DOMINANT CULTURAL NARRATIVES

PHILOSOPHY AND RELIGION

Historically, menstruators have been restricted from taking part in certain activities or entirely isolated from their communities while they have their period. Many texts interpreted menstruation as destructive and dangerous, suggesting that menstruators are impure and unclean.

Christianity

The Book of Leviticus says that you are dirty and impure for a day if you touch a menstruating person or their bed. And if you sleep with a menstruating person, you are dirty and impure for seven days. To avoid making others impure, Christian women were traditionally isolated during their periods. It was also traditionally believed that menstruators needed a priest's sanctification and an animal sacrifice in order to be "re-purified". Even in the 1920s, many churches did not allow those who were menstruating to enter. This practice has since been repealed by the Catholic Church but many other Christian and Orthodox religions continue to restrict menstruating individuals from participating in religious rituals.

Judaism

The Book of Exodus deemed menstruators as "incompatible with service at the altar" and menstruating women as unclean. While this understanding has generally died out, some Judaic practice still operates with this line of thought. For example, Orthodox Jews are taught that sex and physical touch are a no-go while a woman is on her period and for seven days after her period. They are told that husbands and wives can physically reconnect only after the women "purifies" herself in a mikvah, which is essentially a pool or large bathtub filled with water from a natural source. Additionally, many Orthodox Jewish men won't touch other women "for fear she may be menstruating, thus rendering him impure" (p. 17).

DOMINANT CULTURAL NARRATIVES

Islam

In Islam, you must be “pure” to engage in religious acts, such as the five daily prayers, fasts, reading from the Quran, pilgrimage to Mecca, and entering into a mosque. People who are bleeding are thought to be impure and therefore, people are not allowed to participate in these religious acts while they are on their period. Islam also forbids sex with menstruating women.

Hinduism

In Hinduism, menstruating women are seen as impure and impurity is viewed as contagious. As a result, Hindu women are often isolated from their families while they menstruate and some Hindu religions bare menstruating women from religious ceremonies.

****Although many religions have moved away from these interpretations, it is important to realize that traditional narratives contributed to the development of negative period stigma.*

(Johnson, 2019)

PHILOSOPHY

Many philosophers also taught about the evils of menstruation. For example, Pliny the Elder, the Ancient Roman philosopher, suggested that menstrual blood should be feared when he wrote “Contact with it turns new wine sour, crops touched by it become barren, grafts die, seed in gardens are dried up, the fruit of trees falls off, the edge of steel and the gleam of ivory are dulled, hives of bees die, even bronze and iron are at once seized by rust, and a horrible smell fills the air; to taste it drives dogs mad and infects their bites with an incurable poison.” Similarly, farmers and hunters feared the evils of menstruation: “Eskimo men were not permitted to have contact with a menstruating woman prior to hunting because it was believed that an invisible vapor would attach itself to the man, making him visible to game, and Bukka women were forbidden from going into the sea for fear that menstrual blood would spoil the fish.”

(Wheeling, 2016)

DOMINANT CULTURAL NARRATIVES

ADVERTISEMENTS

While many ads have worked to silence conversations about menstruation, other advertisements have spread the message that menstruation is unhygienic and gross.

In the 1940s through the 1970s, Modess, a brand created by Johnson and Johnson, had an advertising campaign featuring models in gowns with the text: "Modess...Because." The ads provided no product description which highlights that periods were seen as an unmentionable topic.



Modess...because



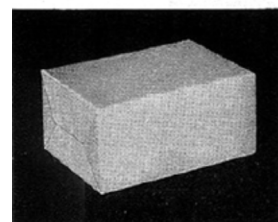
Modess...because



Modess...because

In the 1950s, Modess described their tampon packaging as "it's the wonderful new shape-box...the sharpest eye couldn't guess what's inside the wrapping" and promoted their product by saying "Modess—new-shape box comes ready-wrapped to save embarrassment!" Many brands continue to promote period-shame in their menstrual product advertisements.

Her guess was wrong! Is yours right?



We challenged a young teacher, "Guess what's in this wrapped box!"



"My guess is . . . facial tissues," she said. But she was wrong.

Time and again, people guess wrong about the contents of this wrapped box. It's *designed* to baffle them! But confidentially . . .

It's Modess . . . in the wonderful new-shape box! So skillfully shaped *not* to look like a napkin box, that the sharpest eye couldn't guess what's inside the wrapping.

And to make sure you'll *always* get it neatly wrapped . . . Modess now wraps the boxes before they even reach your store. No delay or embarrassment for you.

Of the leading brands, only Modess brings you these two keep-a-secret extras.

Same number of fine Modess napkins per box; same price. Regular, Junior, or Super Modess sizes.



Modess—new-shape box comes ready-wrapped to save embarrassment!

DOMINANT CULTURAL NARRATIVES

In 2015, Softcup released an ad that pictured a couple in bed and was accompanied by the following text: "12-hour leak protection so you can sleep. Or not." At first glance, this ad seems to be promoting positive narratives about period sex but the Softcup was designed so that a menstruator could go about their life, or sex life, "without him knowing." In other words, the ad is contributing to the narrative that periods are something to hide.



A 1969 Pristeen advertisement for vaginal deodorant argues that people should use their product in order to be an "attractive, nice-to-be with girl."

In 2014, Always used similar messaging for their panty liners: "Keep that 'Just Showered' feeling all day long."

DOMINANT CULTURAL NARRATIVES

ISSUES OF REPRESENTATION

These narratives have not only contributed to period stigma but they have also excluded a lot of menstruators.

NOT ALL WOMEN MENSTRUATE:

Some women have health conditions that suppress menstruation. Some women are on medications that suppress menstruation such as contraceptives. Some women don't menstruate because of menopause. Some women don't menstruate because they are transgender women.

OTHER PEOPLE MENSTRUATE:

Many transgender men and nonbinary individuals menstruate!

"I am a nonbinary trans menstruator — someone with a uterus that bleeds monthly, but who identifies outside of the fixed categories of male and female. Because of that, I have to navigate the challenges of getting my period every month in a world that refuses to acknowledge that not everyone who gets their period is a woman, and not every woman gets their period."

–Cass Bliss (2018)

"Menstrual product manufacturers have stigmatized menstruators of color by using white supremacy stereotypes in their marketing. Specifically, the manufacturers have used wealthy, white women as spokesmodels who portrayed the products as clean and desirable thereby creating the inference that women of color were dirty. Further, this same marketing excluded menstruators of limited economic means and gender nonbinary menstruators altogether as members of the group of menstruators."

(Johnson, 2019, p. 76)

INADEQUATE AND DISCRIMINATORY LAWS AND PRACTICES

Menstrual realities are not unidimensional.

- It should be clear that menstruators are often victims of overlapping and intersecting forms of discrimination, including but not limited to sexism, racism, classism, ableism, and transphobia.
- In the U.S., “many of our legal remedies examine issues of inequality only on a unidimensional axis, such as on the basis of sex by examining differential treatment of cis men versus cis women, or on the basis of race by examining differences between African American persons and white persons, for example. Under the Equal Protection Clause of the U.S. Constitution’s Fourteenth Amendment and civil rights laws, such as Title VII of the Civil Rights Act, the law scrutinizes treatment of a unidimensional protected class, such as race or sex, but not the intersection of both” (Johnson, 2019, p. 74).
- Beneficiaries of the Federal Supplemental Nutrition Assistance Program (SNAP) and Women, Infants and Children Program (WIC) are currently not allowed to use those benefits to buy menstrual health products (Menstrual Equity Panel, 2019).

What are we putting in our bodies....?!

- The FDA does not require menstrual product manufacturers to disclose information about the components in their products.
- Limited FDA regulation regarding menstrual products!
- "Laboratory analysis of some menstrual pads shows the presence of toxins that could cause cancer, reproductive system harms, and autoimmune illnesses. In addition, because disposable menstrual products create environmental landfill and other issues, there should also be a push towards structural change in restrooms to provide private sanitation access for cleaning reusable, environmentally sustainable products" --Margaret Johnson (Menstrual Equity Panel, 2019).

INADEQUATE AND DISCRIMINATORY LAWS

Tampon Tax.

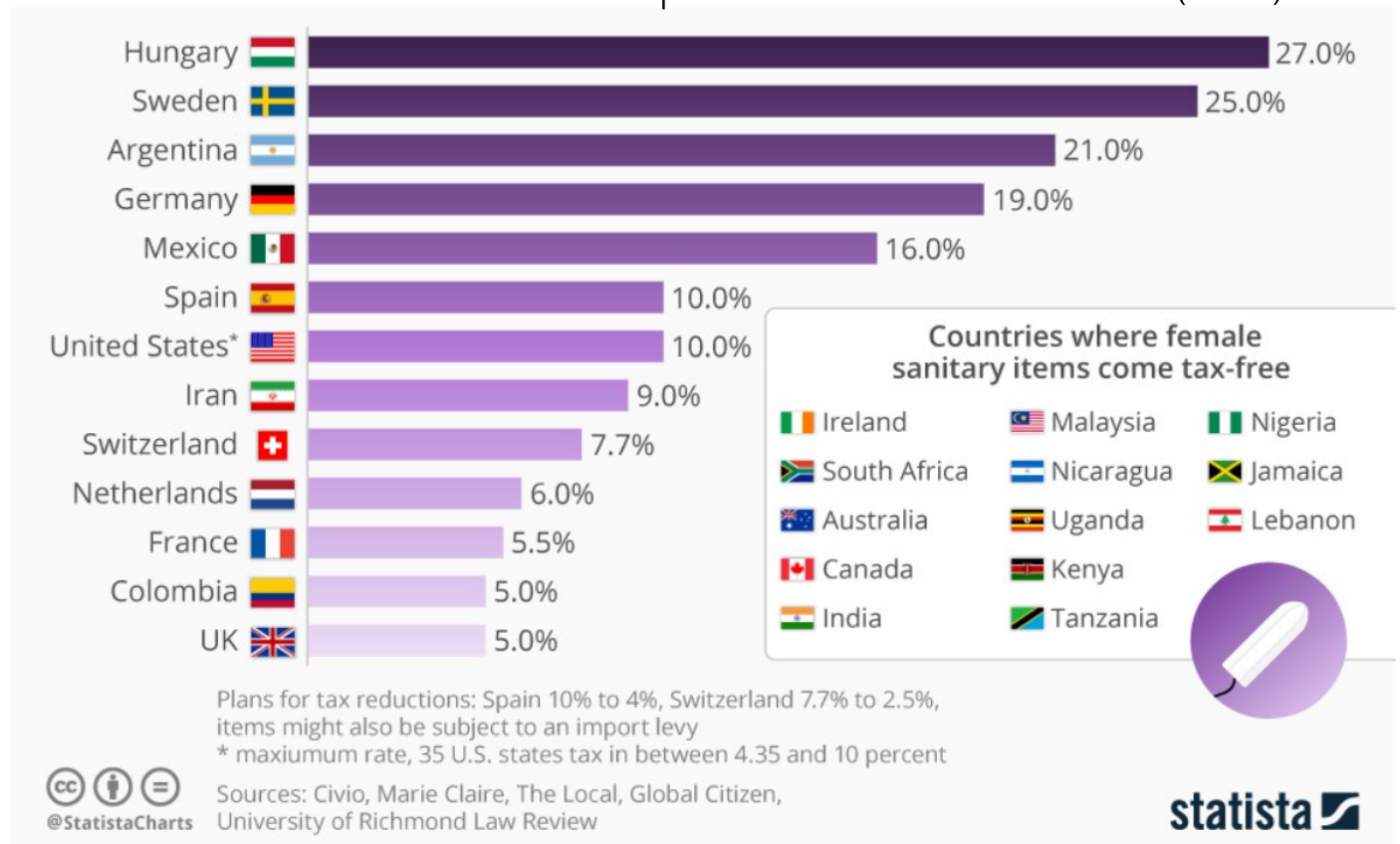
The “tampon tax” is a term that is used to call attention to value-added or sales taxes on menstrual products. Some countries have eliminated “tampon taxes” but many have not.

These taxes hit low-income menstruators and families with multiple menstruators the hardest.

"Removing the sales tax does not make products affordable to all—it helps make them more affordable, but it does not mean that all menstruators will have equitable access to the products needed at the time they are needed."

-Marcy Karin (Menstrual Equity Panel, 2019)

Sales tax rates on menstrual products in selected countries (2019)



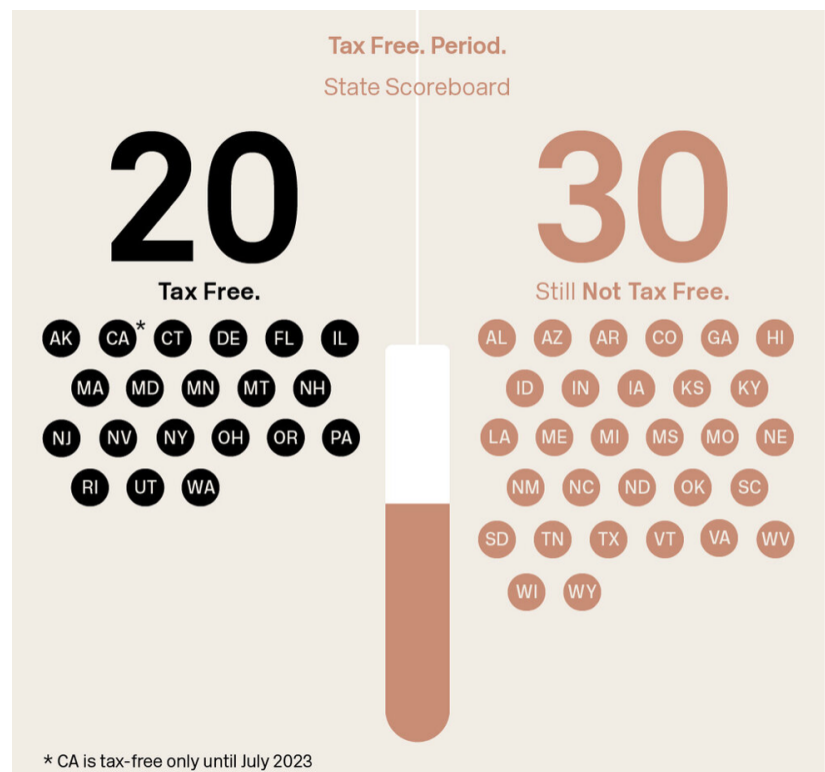
INADEQUATE AND DISCRIMINATORY LAWS

Laura Strausfeld, who moved to New York City in 1989 to attend law school recalls, “buying tampons and Chapstick at the drugstore and noticing the tampons were taxed and the Chapstick wasn’t. I looked up the law and saw that products used “by humans for the preservation of health” were exempt from sales tax. Lip balm fit that regulatory description, but menstrual products did not. The only reason why this was so, I surmised, was that there was an almost-entirely male legislature at the time the law was passed.”- Laura Strausfeld (Menstrual Equity Panel, 2019)

After drafting a case, Strausfeld began working with Jennifer Weiss-Wolf and the estimable civil rights law firm Emery Celli Brinckerhoff & Abady LLP to get the “tampon tax” removed on all menstrual products in New York, successfully doing so in September 2016. Strausfeld and Weiss-Wolf co-founded Period Equity, which is a nonprofit law and policy organization striving for menstrual equity in the U.S.

"As a matter of fairness, state governments should not be funding themselves with a tax on products that menstruators—who tend to be mostly women and girls— need in order to work and to go to school."

-Bridget Crawford
(Menstrual Equity Panel, 2019)



The Impact of Period Stigma and Period Poverty

Menstrual Realities for Menstruators of Limited Economic Means

"On any given day there are eight hundred million people on the planet who are menstruating, of whom at least five hundred million lack adequate resources—basic supplies, facilities, information, support—for managing their periods" (Weiss-Wolf, 2019).

A 2019 study regarding the needs of low-income women in St. Louis showed that 64% of the women were unable to afford the needed supply of menstrual products during the previous year, with 21% experiencing a lack of menstrual resources every month. Many of the women reported that they resorted to making DIY menstrual products by using things like rags, tissues, toilet paper, paper towels, and diapers (Kulmann et al., 2019).

In Bangladesh, many low-income families use old clothing in replace of menstrual of products (Sanchez and Rodriguez, 2019).

The Indian ministry of health reported that only 12% of menstruators have access to menstrual products and the rest use alternative materials such as rags (Kerr, 2017).

Homeless menstruators often use rags or bleed through their clothing. Many low-income menstruators struggle to access sanitary items, such as water and soap, which makes menstrual management challenging and can lead to health issues (Johnson, 2019).

MENSTRUAL REALITIES

"Using unclean rags has been found to cause the introduction or growth of unwelcome bacteria, and ultimately, infection."

(BRAWS, 2018)

"The inflated cost of tampons and pads has put women and girls in shelters in an untenable position, forced to choose between food, menstrual products, or other daily supplies. As a result, a number of women and girls in shelters go without necessary menstrual products. Some women may resort to selling the food stamps they receive under programs like SNAP and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in order to pay for pads and tampons."

(BRAWS, 2018)

"Some women simply go without menstrual protection, causing them to bleed through their undergarments and clothing. The result, according to Jennifer Weiss-Wolf, "is not just unsanitary and unhealthy for the days one is menstruating, but also amounts to having to wear blood-soaked clothing for days or even weeks."

(BRAWS, 2018)

MENSTRUAL REALITIES

Menstrual Realities in the Workplace

Menstruators “have been fired, demoted, and have suffered harassment on the job because of menstruation and its intersection with gender, race, class, disability, and other identities. Menstruators have claimed that such adverse treatment is illegal and a violation of their civil rights. Because menstruation in general is underdiscussed in society and law, there are only a few case decisions involving employment discrimination claims by menstruators.” (Johnson, 2019, p. 28-29)

“[I] dream of a world where I can comfortably excuse myself from a meeting because I feel I just went through a pad and blood is going to go through my dress. I can dream that I won’t be seen as weak because my cramps hurt so much that I want to take a day off.” –Jenn, who works at a bank (Feldman, 2019).

“The amount of side-eye, eye-rolling, disbelief and outright shaming I’ve received throughout my career and academic years is ridiculous...Everything from ‘it’s just cramps, get over it’ to ‘ugh, you have your period again?’ would be laughable if it wasn’t so painful and traumatizing...It’s emotionally, physically and mentally exhausting to have to explain that [endometriosis is] a disease, it’s real and it’s every month” -- D., who works in media (Feldman, 2019).

"Existing laws fail to require access to breaks, leave, flexible scheduling, or sanitary and safe spaces to change or apply menstrual products. At the same time, periods and blood are stigmatized, gendered, and subject to religious, social, and other mores. The corresponding shame and lack of menstrual education makes some workers susceptible to discrimination, intimidation, and harassment. This structural mismatch prevents people from properly managing periods at work and ignores the adverse employment decisions that are taken on the basis of menstruation, or otherwise against menstruating individuals."

-Marcy Karin (Menstrual Equity Panel, 2019)

MENSTRUAL REALITIES

Menstrual Realities in Schools

"School girls report the indignity of their schools' limited bathroom access. The limited access results in unnecessary leaks, stigma, and avoidance of attending school while menstruating."

(Johnson, 2019, p. 74)

Nearly 1 in 5 girls in the U.S. have either stayed home or left school early because they didn't have access to menstrual products (Always Confidence and Puberty Local Market Study, 2019).

According to Dahlqvist, author of *It's Only Blood: Shattering the Taboo of Menstruation* (2018), "the statistics on the proportion who stay home while on their period vary, from 20 percent in studies from Ghana, Ethiopia, and Sierra Leone to roughly 30 percent in Nepal, South Africa, and Afghanistan, 40 percent in Senegal, and 50 percent in Kenya" (Lierly, 2018).

"According to the humanitarian organization Plan International, 28% of girls in Uganda miss school when they are menstruating, and 70% of girls in Malawi miss one to three days of school a month. This all too often results in falling behind, increasing the chances of dropping out of school and falling victim to child marriage. In rural India, it is estimated that 20% of girls leave school after getting their first period" (Canning, 2019).

"A 2014 study in Nairobi's Mathare Valley slum found that over 75% of girls had no idea what menstruation was before they got their first period. This caused them to feel anxious, confused and ashamed about their periods" (Littman, 2018).

MENSTRUAL REALITIES

"Without the bins or dispensers, girls on their period would often be forced to stuff sanitary products in windowsills or behind toilets to avoid embarrassment of walking to a trashcan outside the bathroom."

(Girl Scouts, 2019)

"Twelve-year-old Nicole Hartogs shared the story of her fellow Teen Leadership Council member, relating that girls in her school were told to call tampons and pads "turtles" and "penguins" when requesting them from the teacher."

(BRAWS, 2018)

"Some students might be too "nervous" to ask their teacher to go to the nurse's office. The issue of access to menstrual supplies is further complicated for transgender and gender nonconforming students. For instance, in the absence of gender-neutral bathrooms, a transgender boy may need but will likely not find tampons or pads in the bathroom appropriate for their gender identity."

(BRAWS, 2018)

"Plan International UK, a children's charity, surveyed 1,000 girls and young women between the ages of fourteen and twenty-one and discovered that nearly half experienced embarrassment during their period, and a quarter said they felt unprepared when their period began. Furthermore, a shocking 42% of menstruating girls and women surveyed reported that they had to use makeshift menstrual supplies – fashioned out of toilet paper, for example –when they could not afford store-bought products. For these reasons, nearly half of those surveyed admitted that they had missed at least one day of school due to their period, and 68% reported that it distracted them during school or work."

(BRAWS, 2018)

MENSTRUAL REALITIES

Menstrual Realities in Correctional Facilities

"Women who are incarcerated are forced to endure correctional officers making them remove their tampons during strip searches after visits... but [are] not [given] a new product after the search [so they] must return to their cell with blood leaking through their clothes (Johnson, 2019, p. 45-46)."

"...residents document that correctional officers have made access to products contingent on certain types of behavior" -Margaret Johnson. (Menstrual Equity Panel, 2019)

"Women who are incarcerated also suffer dignity harms related to limited access to menstrual products. In order to obtain menstrual products that are controlled by correctional officers, they often have to negotiate or beg to get these items that are required to maintain a healthy body and also manage their bleeding (Johnson, 2019, p. 46-47)."

"Generally, correctional facilities require the more than 225,000 women who are incarcerated, and who are disproportionately African- American and Hispanic as well as low-income, to purchase their own menstrual products. Without adequate employment to fund these purchases, their inability to buy products can affect their health. In recent years, more states and the federal government require the provision of free products, but most states do not. Since correctional facilities do not always provide free or a ready supply of menstrual products to menstruators who are incarcerated, the products are available in the commissary, the prison or jail store. These products are usually priced quite high (Johnson, 2019, p. 57-58)."

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"in the state's prisons and jails, these women and advocates say, inconsistent access to tampons and pads has less to do with stock and more to do with power. The facilities have enough supplies, but they are not available equally to all the women who need them."

(Greenberg, 2017)

"Ms. Whaley recalled an episode at Rikers when a correction officer threw a bag of tampons into the air and watched as inmates dived to the ground to retrieve them, because they didn't know when they would next be able to get tampons."

(Greenberg, 2017)

"A client at Rikers asked her social worker not to visit while the client was menstruating, afraid that she would bleed through her uniform and be ashamed."

(Greenberg, 2017)

"Nebraska correctional facilities charge considerably more than outside retailers for tampons and other menstrual products in their commissaries or canteens. The inmates are also not able to purchase or procure these items from any other source. Left with little other recourse...[and] unable to afford the hefty price tag for the menstrual products they need to "hygienically and comfortably care for themselves."

(BRAWS, 2018)

"These are the realities that lead [menstruators]...to construct their own tampons to manage their bleeding, all while risking an in-house charge for making "contraband"...these in-house charges could affect their release dates. "

(BRAWS, 2018)

6 MENSTRUAL ACTIVISM

Menstrual Activism in the United States

"Periods are having their moment. Lots of moments, actually. Ever since Cosmopolitan magazine proclaimed 2015 to be "The Year the Period Went Public," a small but growing number of lawyers and activists in the United States have turned their focus to the intersection of law, public policy, and menstruation. Menstrual hygiene products— meaning tampons, pads, menstrual cups, and the like—are not affordable or available for all who need them. Furthermore, due to lack of regulatory oversight, these products may or may not be entirely safe to use. Concerned about affordability, availability, and safety, these lawyers and activists, with the assistance of some journalists and lawmakers, have taken up the cause of menstrual equity."

-Bridget Crawford (Menstrual Equity Panel, 2019)

"Many people have done a lot of hard work to raise awareness and effectuate change of society's view of menstruation and for menstruators. For instance, Cass Bliss created the comic book character Toni the Tampon to raise awareness regarding menstruation by transgender and gender nonbinary persons. As high school students, Nadya Okamoto and Vincent Furand co-founded the non-profit organization Period. to eradicate period poverty, namely the lack of products, in schools and to address menstrual stigma. Jennifer Weiss-Wolf and Laura Strausfeld founded Period Equity to work on various policy initiatives to create greater menstruator access to menstrual products. And the Society for Menstrual Cycle Research has done work on these issues since 1977. The list, of course, goes on."

-Margaret Johnson (Menstrual Equity Panel, 2019)

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"Massive credit goes to YouTube interviewer Ingrid Nilsen who asked President Obama why some states impose sales tax on menstrual hygiene products. The question definitely got the President's attention. It also made many more young people aware of the issue. The taboo continues to be strong in many parts of the United States and elsewhere, though."

-Bridget Crawford (Menstrual Equity Panel, 2019)

"[T]he media has played a large role. First, traditional media has put stories about periods "above the fold" on the front page, instead of relegating them to specialty sections in the back. Columns have appeared in popular magazines, radio shows have included segments, and stories appear on the nightly news in growing numbers. Second, social media has provided a platform to support people sharing their experiences with menstruation and to connect menstrual advocacy campaigns across the globe. In addition to improving menstrual education, social media platforms provide people who may have once felt isolated the ability to connect easily. It also allows individual voices, messages, and local campaigns to be shared, amplified, built upon, and connected into a larger movement by adding hashtags such as #menstruationmatters, #menstrualequity, #axethetax, or #periodpoverty."

-Marcy Karin (Menstrual Equity Panel, 2019)

"It also helps that legislators are talking about periods at all levels of the government, including both potential legislation and improving policies and practices related to menstrual management in their own offices. Stocking supplies in congressional bathrooms and offices may seem like a symbolic effort. But it matters for menstruating legislators, staffers, and visitors. It also serves as a prompt for conversations in these spaces to

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educate colleagues and visitors about menstrual equity and the importance of access to these supplies."

-Marcy Karin (Menstrual Equity Panel, 2019)

Periods are having their moment **but period stigma is still pervasive, period poverty is still a widespread reality, and overall there's a lot more to do.**

Menstruation is a normal bodily function and a powerful process that allows humans to reproduce. Unfortunately, people are rarely exposed to sufficient, if any, **menstruation education**. Because of this, historic representations of menstruation and cultural narratives have had a lasting impact on the way we talk about menstruation and the way we interact with menstruators' realities. We "need a culture that makes it safe to talk openly about our bodies, **a culture that values and provides comprehensive reproductive health education** that is more than a long commercial for Tampax. Menstrual activists are doing this work, but they need us all to join them" - Chris Bobel (Walden, 2009).

"I hope the menstrual equity movement gets involved in addressing needs in the immigration system, including ensuring **access to menstrual products in family detention centers and at the borders**. The ongoing efforts to reform menstrual management access policies in the criminal justice system offer a strong model for this work."

-Marcy Karin (Menstrual Equity Panel, 2019)

"Existing laws that operate in this space are piecemeal and incomplete. Given all the ways that periods intersect with life, there is no one-size-fits-all legal response. No one law or policy will address all menstrual

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management, access, and affordability needs or cover all menstruating individuals in a way that works for them, their families, communities, employers, and businesses."

-Marcy Karin (Menstrual Equity Panel, 2019)

"**Enforcement of compliance** with the law or policy and educating the stakeholders about the law."

-Margaret Johnson (Menstrual Equity Panel, 2019)

"The New York City Council legislation was a great step toward making menstrual products available to those in need...but **implementation is lagging.**"

-Bridget Crawford (Menstrual Equity Panel, 2019)

"...Getting free **access to** products needs to be coupled with getting **safe products**...Access to products **needs to be free and void of coercion.**"

-Margaret Johnson (Menstrual Equity Panel, 2019)

"There should also be a push towards **structural change in restrooms** to provide private sanitation access for cleaning reusable, **environmentally sustainable products.**"

-Margaret Johnson (Menstrual Equity Panel, 2019)

"There is so much more conversation to be had about the menstrual injustices that exist and a lot more action to be taken to address them. To make change, we need to have these **conversations**, we need solid **research**, and we need affected community members and other advocates who can share this information with courts and policymakers."

-Margaret Johnson (Menstrual Equity Panel, 2019)

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ADVICE AND INSPIRATION FROM MENSTRUAL ACTIVISTS

Laura Strausfeld

Co-founder of Period Equity, the nation's first law and policy organization fighting for menstrual equity

Menstrual Equity Panel, 2019

"Do the research and work collaboratively. The number one lesson I learned over 30 years with a draft tampon tax lawsuit in my drawer is that effecting change takes smarts, persistence, and collaboration...No laws were simply "introduced," nor did well-placed articles simply appear. They were deliberately conceived and pitched to legislators and the media."

"I mean that it happens indiscriminately and often is unplanned, compared to urination, which for most people is voluntary and can be controlled until one has access to a toilet. In my experience, once people who do not menstruate better understand menstruation—for example, by my graphically describing the prospect of "leaking" in public spaces like subway cars—the reaction I often get is a kind of, "Well, in that case, women should have free access to all the tampons and pads they need."

Bridget Crawford

Professor of Law at the Elisabeth Haub School of Law at Pace University

Menstrual Equity Panel, 2019

"My advice is don't wait for someone to respond to a need you see. If your school or local community does not provide free or low-cost menstrual hygiene products to those who most need them, take action. Talk to other students, school administrators, community leaders, and the local press. Enlist the support of anyone who can be helpful. And never forget the power that you have right in your hand—the power of social media. Young people today are especially savvy about how to harness technology in service of social justice. Start a petition on Change.org. Start a hashtag campaign. Get local newspapers involved. Harnessing social media to achieve change is quite an active project. And young people see opportunities and connections that were not available to generations before them. There's much good that can come from social media when trying to change hearts and minds. That's not to say I am naive. The internet can be a cesspool, too. But when used to distribute messages of inclusivity and justice, social media is a powerful tool."

"Open discussion and uncensored representation of menstruation will help move law and society in the direction of recognizing the biological needs of approximately half the population. Normalizing menstruation through communication—whether through activism, scholarship, art, or other formats—is a way to lessen, and hopefully remove, the traditional stigmas associated with the “private” bodily function of involuntary bleeding by menstruators several days a month every month for between thirty and forty years."

Bridget Crawford

Menstrual Equity Panel, 2019

"Laws and policies that take into account the biological processes of half the population need not be realized fully before work can begin (and continue) to eradicate ableism, abuse, apathy, bigotry, child victimization, cruelty to human and non-human animals, despair, destruction of the environment, health disparities, gender discrimination, homelessness, homophobia, indifference, mistreatment of prisoners, over-incarceration, poverty, racism, religious intolerance, transphobia, violence, and xenophobia. The broader justice project is never sequential. It runs along multiple tracks simultaneously. It overlaps, intersects, crosses over itself, and refolds many times, in many directions. Lawyers, activists, and concerned citizens can assist each other by drawing connections between and among their projects, boosting each others' signals, and drawing attention to the interconnectedness of issues. Justice is a mosaic that comes into focus when many individuals and groups make multiple contributions."

Margaret Johnson

Professor of Law, Associate Dean for Experiential Education, the Director of the Bronfein Family Law Clinic, and Co-Director of the Center on Applied Feminism at the University of Baltimore School of Law.

Menstrual Equity Panel, 2019

"I recommend working with the community of persons affected by the menstrual injustice you seek to address. Recognize the capacity and capability of those community members. Ensure they have a voice and leadership on the issue. Seek to model your process for advocacy on empowerment, participation, and inclusion so that your goal of justice in the outcome is matched in your process."

"Underscoring that menstrual injustices impact everyone somehow is a gain. In many ways, the menstrual equity movement has been a twenty-first century consciousness-raising circle conducted through social media and other fora. Through the consciousness-raising, menstruators have been able to surface, share, and connect their stories of menstrual injustices to identify the structured intersectionality at play. Menstrual injustice is a shared general experience, though the actual impact is different based on the structural intersectionality. I think having consciousness-raising around menstrual injustice is a necessary and important gain because it is the necessary predecessor to create and effectuate social change."

Marcy Karin

Jack and Lovell Olender Professor of Law & Director of the Legislation Clinic at the University of the District of Columbia David A. Clarke School of Law (UDC Law)

Menstrual Equity Panel, 2019

"Talk about periods, even if you are like me and uncomfortable doing so. It will help raise awareness. Then look around your own spaces. Chances are that each of us could make a difference in an office, school, business, place of worship, park, or other location in your community. Are products available in these spaces? If not, organize something to cover that need or connect with a group that will. Start at the micro level, and then let's all work together on the national and international movements."

Involve "pre-menstruators, early menstruators, and non-menstruators [in the] matter. They matter in terms of increasing education, combating stigma, and building the next generation of advocates who are growing up without the same types of stigma around blood and biology that I did."

"I'll end with a general observation that this issue already likely touches your work and passion. You just might need to be the one to make the connection. As my work shows, this is a workplace fairness issue. This is about criminal justice reform. This is about constitutional principles, equal protection, and tax. This is about safety, public health, families, and business. And that's not all. If you care about education, equal rights, human rights, immigration, eradicating poverty, or supporting people with disabilities, people who are experiencing homelessness, survivors of violence, or people engaged in military service, this is your issue. Welcome to the movement."

Emily Waldman

Professor of Law and Associate Dean for Faculty Development & Operations at the Elisabeth Haub School of Law at Pace University

Menstrual Equity Panel, 2019

“... squeamishness about discussing menstruation likely played a role in the tampon tax predicament in the first place. For menstrual hygiene products to end up on the list of tax- exempt products, someone needs to raise the issue and talk about it. For too long, that didn’t happen. So it’s really important that we get past that discomfort or sense that this isn’t worth talking about—only then can the issue be addressed.”

“...accommodations are the “boost” that some menstruating students, prisoners, and employees may need so that they are able to function and thrive. There’s no obvious comparator there, since non-menstruating individuals do not require analogous accommodations. But that doesn’t make those needs less important.”

Nadya Okamoto

Founder and executive director of PERIOD, the largest youth-run NGO in women's health, and one of the fastest growing ones in the United States

"...period poverty affects you, too. It affects all of us, whether you bleed or not."

"Start a conversation. Be open to participating in 'girl talk' and don't act weird when you see someone pull a tampon out of their backpack. Listen to the people around you when they talk about things that make their period difficult for them. Speak up when your friends make a rude comment about periods or PMS — dismissing it, or using it to describe any person being too moody, frustrated, or emotional. It is all about changing your reaction, then start moving towards taking action. Maybe that means keeping a pad or tampon on hand in case you run into someone who needs it, or writing to your local government about the importance of access to menstrual hygiene. How you get involved is up to you, the important thing is that you do it."
(Okamoto, 2019)

"Phone banking is extremely simple and straightforward!

- Step 1: Find out who your representatives are. To do so, you can visit <https://www.house.gov/representatives/find-your-representative> and enter your zip code.
- Step 2: After entering your zip code, you will find that your congressional representatives' names have appeared, click on their website link and find the "contact" section. Here you will find their office contact information.
- Step 3: Call your Reps office, it's likely that no one answers the phone, LEAVE A MESSAGE! They do listen to their recorded messages, so be sure to leave a message if your Reps office does not answer your call. It's also extremely important to mention that you are a constituent of that Rep, this leads to them being more open to listening to your concerns."

(Okamoto, 2020)

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