



## Scottish Parliament Consultation

# Proposed Sanitary Products (Free Provision) (Scotland) Bill

December 2017

## 1. Aim and approach

a) 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.*

Together welcomes the proposed Member's Bill to create a universal right of access to free sanitary products for everyone in Scotland.

The proposed Bill would help to respect, protect and fulfil a range of children's rights as laid out in the United Nations Convention on the Rights of the Child (UNCRC). These include article 2 (non-discrimination), article 24 (right to the highest attainable standard of health), article 27 (right to an adequate standard of living), and Article 28 (right to an education).

More specifically, the UN Committee on the Rights of the Child (UN Committee) has emphasised the importance of adopting comprehensive gender and sexually-sensitive sexual and reproductive health policies for adolescents in their General Comment 20 on the Implementation of the Rights of the Child During Adolescence.<sup>1</sup> The General Comment states that access to sexual and reproductive health services, including those relating to menstrual hygiene, should be free, confidential, and non-discriminatory. The Committee has also highlighted the importance of prioritising universal access to health-care services for children and young people in their General Comment 15 on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health.<sup>2</sup>

Following the passing in Scottish Parliament of the Child Poverty (Scotland) Bill<sup>3</sup>, which places a statutory duty on Ministers to significantly decrease child poverty levels by 2030, the proposed Bill will make a positive contribution to achieving these targets by alleviating the monthly financial burden on families of buying sanitary products.

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<sup>1</sup> CRC/C/GC/19: see Para 59 and 60.

<sup>2</sup> CRC/C/GC/15: Para 3(b).

<sup>3</sup> Child Poverty (Scotland) Bill 2017

## 2. Universal Provision of Sanitary Products

a) 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.*

A universal, card-based system will be an effective means of providing sanitary products as it will allow all those who need them, regardless of income, age, or refugee status to easily access sanitary products.

In order to ensure the principle of non-discrimination (article 2) is fully embedded within this system, the following things should be considered:

- Registration for cards should be made as easy as possible and should be kept anonymous.
- There should be no age restriction on the system as menstruation can begin as early as 8 years old. There should also be no gender restriction so that everyone who menstruates, including transgender women or those who identify as non-binary, has equal access.
- Efforts should be made to ensure the system is accessible to those from particularly vulnerable groups, including looked after children, children who do not attend mainstream school, Gypsy/Traveller children, refugee and asylum-seeking children, LGBTQI children, and children with a disability. Attention should also be paid to those living in rural communities so that there is equal access to the system across Scotland.

This should involve an awareness raising campaign of the system to ensure the number of sign-ups among these groups is optimal. Cards should also be distributed not only in schools, but in healthcare settings, by youth workers, and by voluntary organisations. Organisations who are responsible for distributing cards should be well-informed on the system and should also be encouraged to raise awareness of the system amongst the young people who they work with.

b) Which of the following best expresses your view in relation to a card based 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.*

To ensure the card system is compliant with children's UNCRC rights including the principle of non-discrimination, the card-based system should be universal and there should be no limit on the number of products that can be claimed by card holders.

By making the card available to everyone, the stigma associated with collecting products will be minimised. Further, this system ensures a person who needs to collect sanitary products for someone else using their own card, as well as themselves, can do this without complication. For example, if a parent has a child who is also menstruating but who does not want to collect products themselves, this system ensures the family can receive the number of products they need.

**c) 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)?**

To ascertain which locations are most suitable for the disposal of free sanitary products, consultation should take place with a range of groups including children and young people. Article 12 of the UNCRC ensures the right of children to express their views on matters that affect them and meaningful engagement with children and young people on this issue will ensure the system meets their needs and requirements. Consultation will help to identify and remove any barriers that users may have in accessing the service, particularly those from vulnerable groups such as Gypsy/Traveller children and young people.

### **3. Schools, colleges and universities**

**a) 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.*

Together agrees that there should be specific obligations on schools, colleges and universities to make sanitary products available for free.

Recent research from Plan International UK has found that one in ten girls has been unable to afford sanitary products and that this often results in girls improvising sanitary wear due to affordability issues.<sup>4</sup> Anecdotal evidence from various charities across England has also found that girls are missing school as they struggle to afford menstrual products. Further, some girls who cannot afford sanitary products will ask their teachers for help or will use unsuitable alternatives such as socks.<sup>5</sup>

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<sup>4</sup> Plan International UK (2017) 1 in 10 girls have been unable to afford sanitary wear, survey finds. <https://plan-uk.org/media-centre/1-in-10-girls-have-been-unable-to-afford-sanitary-wear-survey-finds> [Date accessed: 5.12.2017].

<sup>5</sup> Guardian (2017). Girls from poorer families in England struggle to afford sanitary protection. <https://www.theguardian.com/society/2017/mar/17/girls-from-poorer-families-in-england-struggle-to-afford-sanitary-protection> [Date accessed: 5.12.17].

Similar evidence from Scotland has resulted in the launch of a pilot scheme in Aberdeen to provide women and girls on low incomes with sanitary products.<sup>6</sup>

In cases such as these, lack of access to sanitary products is infringing on a child's right to education (Article 24) and their right to an adequate standard of living (article 27). Negative health outcomes that can occur as a result of using unsuitable alternatives to sanitary products also affect a child's right to the highest attainable standard of health (article 26).

The provision of free sanitary products would ensure that those who menstruate are able to easily access sanitary products in educational institutions without incurring any personal financial costs. This will help to alleviate the financial burden some children and young people face when menstruating and would mitigate some of the negative effects that they can experience as a result of not being able to afford sanitary products. Further, accessibility to sanitary products is often an issue for children and young people in educational settings and these obligations on schools, colleges and universities would make sure that there is minimal disruption to a child or young person's education during menstruation.

To support this obligation, educational institutions should be encouraged to allow pupils access to the bathrooms at all times and to raise awareness of the scheme amongst pupils.

#### 4. Financial Implications

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

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**

Colleges and universities

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

Businesses (including suppliers/retailers of sanitary products)

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

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<sup>6</sup> BBC News (2017). Free tampons and towels in pilot tackling 'period poverty'  
<http://www.bbc.co.uk/news/uk-scotland-40566524> [Date accessed: 7.12.17].

- Some reduction in cost
- Significant reduction in cost
- **Unsure**

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

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

As the Bill aims to establish a universal system which provides access to free sanitary products, it is unlikely that this could be achieved more cost effectively than what is currently laid out in the consultation documents. Any attempts to reduce costs or increase savings should not limit availability or accessibility of sanitary products to certain groups.

## 5. Equalities

a) 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.*

The proposed Bill will have an overall positive impact on equality as it will ensure everyone in Scotland has access to free sanitary products regardless of age, socioeconomic status, or gender identification.

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

There is unlikely to be significant negative impact of the Bill on equality. To ensure any potential risks are identified and mitigated, impact assessments of the Bill should be carried out including a Child's Rights and Wellbeing Impact Assessment (CRWIA).

## 6. Sustainability

a) 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.*

Any economic cost incurred with this Bill will be outweighed by the positive social impact that it will have on people in Scotland, particularly on those from vulnerable groups.

Evidence suggests that some girls who cannot afford menstrual products do not attend school for this reason. By creating a universal right of access to free sanitary products, the number of school and work days missed by those who cannot afford, or access, sanitary products will be minimised. This itself will result in a positive economic impact. In addition, the provision of free products will relieve families of a significant financial burden each month and this will be particularly advantageous for those families on low incomes and/or families with multiple girls or women.

## 7. General

a) Do you have any other comments or suggestions on the proposal?

Together recommends that a full Child Rights and Wellbeing Impact Assessment (CRWIA) is carried out to inform the development of the Bill as it passes through Parliament. This will ensure that the impact of the Bill on the rights of children and young people is fully understood and that any further opportunities to further children's rights can be progressed.

Together also recommends that the implementation of the Bill is accompanied by meaningful and comprehensive sexual and reproductive health education as was recommended by the UN Committee in their 2016 Concluding Observations.<sup>7</sup> This should include age-appropriate information on menstruation and how to access free sanitary products. Information on the Scottish context of the UN Committee's Concluding Observations can be found in Together's *State of Children's Rights* report 2016.<sup>8</sup>

Scottish Government should actively consult with children and young people on the best and most effective ways to deliver these proposals, in line with the UN Committee's General Comment 4 on Adolescent Health and Development in the Context of the Convention on the Rights of the Child.<sup>9</sup> The General Comment states that adolescents should have the opportunity to participate actively in planning and programming for their own health and development. Together therefore recommends that engagement with children and young people is undertaken regarding the proposed Bill.

Further comments from the UN Committee relating to adolescent sexual and reproductive health services can be found in [General Comment No. 20](#) on the implementation of the Rights of the Child During Adolescence.<sup>10</sup>

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<sup>7</sup> CRC/C/GBR/CO/5

<sup>8</sup> Together (2016). *State of Children's Rights report 2016*, p.102  
<http://www.togetherscotland.org.uk/pdfs/TogetherReport2016.pdf>

<sup>9</sup> CRC/GC/2003/4.

<sup>10</sup> CRC/C/GC/19: see Para 59 and 60.

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