

I_Menstruate

I_Menstruate Movement's Menstrual Health Equity Bill

(A Bill for the Promotion of Menstrual Health Equity, Safety and Dignity in South Africa)

November 2024

I Menstruate

PREAMBLE:

WHEREAS, menstrual health is a fundamental aspect of overall health and well-being, affecting millions of girls, women and individuals who menstruate, and is a matter of dignity, equality, equity and human rights;

AND WHEREAS, access to adequate, safe and dignified menstrual products, education, and sanitation facilities is crucial for ensuring the dignity, physical and mental health, and well-being of menstruators, thereby promoting gender equality, eradicating period poverty, and addressing the systemic barriers faced by vulnerable populations, especially children who menstruate;

AND WHEREAS, the South African Constitution, notably the Bill of Rights, guarantees the right to equality (Section 9), right to human dignity (Section 10), the right to freedom and security of the person, including bodily and psychological integrity (Section 12 (2)), the right to access adequate healthcare services (Section 27), and the right to education (Section 29);

AND WHEREAS, international frameworks such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), declarations by the World Health Organization (WHO) and United Nations (UN) on menstrual health and Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), reaffirm the rights of menstruators to accessible, adequate healthcare, education and equality;

AND WHEREAS, South Africa has committed to the Sustainable Development Goals (SDGs), notably Goal 3 (Good Health and Well-being), Goal 4 (Quality Education), Goal 5 (Gender Equality), and Goal 6 (Clean Water and Sanitation) that recognise menstrual health as a critical component of achieving global justice and equity;

NOW THEREFORE, the Parliament of South Africa is urged to enact this Menstrual Health Equity Bill as follows:

I_Menstruate

CHAPTER I: DEFINITIONS, PURPOSE, AND OBJECTIVES

1. Definitions:

- 1.1. "Menstrual Health" refers to the comprehensive physical, mental, and social well-being in relation to the menstrual cycle.
- 1.2. "Menstrual Products" refer to menstrual pads, tampons, menstrual cups, menstrual underwears, menstrual towels, and any other legitimate and safe products designed for menstrual hygiene management.
- 1.3. "Menstruator" includes girls, women, transgender individuals and non-binary individuals who menstruate.
- 1.4. "Period Poverty" refers to the lack of access to safe menstrual products, menstrual education, dignified sanitation facilities, water and menstrual waste management.
- 1.5. "Free Provision" refers to the distribution of menstrual products at no cost to those in need.

2. Purpose:

The purpose of this Bill is to:

- 2.1. Promote menstrual health equity by ensuring equitable and free access to safe and appropriate menstrual products for all menstruators.
- 2.2. Improve comprehensive menstrual health education in schools, institutions of higher learning, public and community spaces , to eliminate stigma and discriminatory social and cultural practices related to menstruation.
- 2.3. improve access to comprehensive, integrated, and person-centred reproductive health-care services related to menstrual health, including appropriate psycho-social support.
- 2.4 Establish and enforce national regulatory standards for the safety, quality and distribution of menstrual products.
- 2.5. Provide access to adequate, safe, hygienic and dignified water, sanitation and hygiene (WASH) facilities which respond to the needs of menstruators.
- 2.6. Establish and maintain sustainable, eco-friendly and context-appropriate menstrual waste management systems within communities.
- 2.7. Promote co-ordination, accountability, and effective oversight by all levels of government in implementing and monitoring menstrual health initiatives.

3. Objectives:

This Bill aims to:

I Menstruate

- 3.1. Recognise Menstrual Health as a fundamental human right, connected to dignity, education, health, equality and bodily integrity.
- 3.2. Guarantee universal access to safe menstrual products, specifically in public institutions such as schools, institutions of higher learning, public libraries, health-care facilities, shelters, unhoused populations (homeless populations), all government institutions, workplaces and public spaces.
- 3.3. Incorporate comprehensive menstrual health education into school curriculum and community outreach programmes that target all genders to dismantle stigma, to advance gender equity and expose the systemic injustices associated with menstruation.
- 3.4. Strengthen the integration of menstrual health within public health systems, through access to reproductive health services and psycho-social support.
- 3.5. Legally ensure the provision of safe, adequate and dignified WASH facilities in all public institutions including schools, public libraries and all public space.
- 3.6. Regulate and monitor the safety, quality and supply of menstrual products in South Africa.
- 3.7. Clearly define the duties, responsibilities and accountability mechanisms among national, provincial and local governments to ensure effective implementation of this Bill.

CHAPTER II: RIGHTS AND OBLIGATIONS

4. Right to Menstrual Health:

- 4.1. Every menstruator has the right to have their menstrual health recognised and realised as an essential element of the rights to dignity, health-care services, education, equality and bodily autonomy.
- 4.2 The State must take reasonable legislative and other measures, within its available resources, to progressively realise menstrual health equity, including access to safe, adequate and appropriate menstrual products, education, health-care services and psycho-social support.

5. Non-Discrimination and Elimination of Stigma:

- 5.1. No person shall be subjected to discrimination based on menstruation, gender or socio-economic status as prohibited by Section 9 of the Constitution.
- 5.2. The state must implement awareness campaigns and public education programmes to address menstrual stigma, misinformation and misconceptions.

6. Duties of the State and Public Institutions:

- 6.1. The Department of Women, Youth and Persons with Disabilities, Department of Basic Education, Department of Social Development, Department of Higher Education

I Menstruate

and Training, National Department of Health, together with all relevant governmental departments, including provincial government departments and local government must:

- (a) Provide free menstrual products in public institutions and other public spaces including schools, institutions of higher learning, public libraries, health-care facilities, shelters, unhoused populations (homeless populations), and all government institutions; and
- (b) Develop comprehensive menstrual health mass education programmes.

6.2. The Department of Labour shall provide free menstrual products to menstruators in all workplaces.

6.3. Local Governments must provide free menstrual products, adequate water, sanitation, and hygiene (WASH) facilities to support menstrual health in local public spaces including community centres, public libraries, shelters, unhoused populations (homeless populations) and informal settlements.

CHAPTER III: PROVISION OF FREE MENSTRUAL PRODUCTS

7. Free Provision of Menstrual Products:

7.1. The State must provide free, safe menstrual products to all menstruators in public institutions and other public spaces including:

- (a) Schools including all public and private schools primary, all higher institutions of learning and public libraries;
- (b) Healthcare facilities, including hospitals and clinics;
- (c) Correctional facilities and other places of detention;
- (d) Shelters for vulnerable persons, including those for the unhoused (homeless), survivors of domestic violence, sex workers and refugees; and
- (e) Public and public government spaces including youth centres, community halls, churches and all public toilets.

8. Standards for Menstrual Products:

8.1. The Department of Women, Youth and Persons with Disabilities and the National Department of Health, together with the South African Bureau of Standards (SABS), the South African Health Products Regulatory Authority (SAHPRA), the National Regulator for Compulsory Specifications (NRCS), and the Department of Trade, Industry and Competition (DTIC), must develop, prescribe and enforce national standards for the safety, quality, composition, labelling and distribution of menstrual products sold and distributed in the country.

8.2. In developing the national standards contemplated in subsection 8.1, the Department must ensure alignment with applicable health and safety standards, including those prescribed by the World Health Organization (WHO) and relevant South African regulatory frameworks.

I_Menstruate

8.3. The national standards contemplated in subsection 8.1 must establish:

- (a) The regulations to ban the use of toxic and hazardous material in menstrual products;
- (b) The mandatory requirements for labelling menstrual products which requires manufacturers to list all materials and ingredients used in the manufacture of the relevant menstrual product;
- (c) The requirements for all menstrual products to undergo pre-market safety testing, certification and quality assurance before being marketed and sold in South Africa; and
- (d) Any other measures necessary to ensure the protection of public health, safety and dignity.

8.4. No menstrual product may be procured, distributed or made available through any public programme unless such product complies with the standards prescribed in terms of this section 8.

8.5. The Ministers must, by regulation and after consultation with the relevant authorities, prescribe measures to monitor compliance with, and enforce, the provisions of this section 8.

9. Budgetary Allocations:

9.1. The state must, within their respective budgetary frameworks, allocate adequate and ring-fenced funds annually to ensure the effective implementation of this Act.

9.2. The National Treasury and the Department of Women, Youth and Persons with Disabilities, in collaboration with relevant governmental departments, must ensure the timely allocation and disbursement of funds for the procurement, distribution and management of menstrual products in all designated public institutions and government spaces.

9.3. In accordance with section 27(2) of the Constitution, the National Treasury must, through appropriate budgetary allocation and fiscal measures, progressively realise the right of access to menstrual health, including menstrual products.

9.4. In giving effect to subsection 9.3, the National Treasury must implement interim and progressive measures to address gender-based taxation and pricing of menstrual products, including:

- (a) The Removal of taxes on all menstrual products;
- (b) Measures to ensure the affordability and equitable access to menstrual products across all sectors of society; and
- (c) Allocation of sufficient budgetary resources for the provision of free menstrual products in public institutions and designated public spaces.

9.5. The National Treasury must, in collaboration with relevant government departments, ensure that fiscal policy, budgetary frameworks, and public expenditure priorities support the progressive realisation of menstrual health equity.

CHAPTER IV: MENSTRUAL HEALTH EDUCATION

I Menstruate

10. Comprehensive Menstrual Health Education:

10.1. The Department of Basic Education must integrate comprehensive menstrual health education into the Life Skills, Life Orientation or any such course curriculum for all schools.

10.2. The education program must address:

- (a) The biology aspect of menstruation and reproductive health;
- (b) Proper use of both disposable and reusable menstrual products;
- (c) Proper disposal of disposable menstrual products;
- (d) Eliminate cultural stigmas associated with menstruation; and
- (e) The physical and psycho-social effects of menstruation on an individual's health and overall well-being.

10.3. Educational programmes must be inclusive, sensitive and culturally responsive to meet the needs of diverse groups, including transgender and non-binary menstruators.

CHAPTER V: MENSTRUAL HEALTHCARE AND MENTAL WELL-BEING SERVICES

11. Comprehensive Menstrual Health-care and Mental Well-being Services:

11.1. The government must fund, invest in and provide accessible public health services that meet the full scope of sexual and reproductive health needs of the population, including:

- (a) The prevention, screening, diagnosis, treatment and long-term management of menstrual disorders;
- (b) The prevention, screening, diagnosis, treatment and management of reproductive health conditions, including Endometriosis, Polycystic Ovary Syndrome (PCOS) and Uterine Fibroids; and
- (c) The provision of integrated psycho-social services to address the mental, emotional and social effects of menstruation on overall well-being.

11.2. The services contemplated in subsection 11.1 must be provided in a manner that ensures accessible, affordable, quality, safe and dignity, and as part of the general public health delivery model.

11.3. The National Department of Health must collaborate with relevant government departments and civil society organisations to develop and implement programmes, guidelines, and standards to strengthen the integration of menstrual health and mental health services within the public health services delivery model.

11.4. To give effect to this section, the government must ensure that healthcare workers are trained and equipped to provide competent, non-discriminatory, and patient-centred care related to menstrual health and mental health effects of menstruation.

I_Menstruate

CHAPTER VI: WATER, SANITATION AND HYGIENE (WASH)

12. Provision of Water, Sanitation and Hygiene (WASH):

12.1. The Department of Water and Sanitation, in collaboration with relevant departments, including local government must:

- (a) Ensure all public institutions and spaces provide safe, adequate, private and hygienic WASH facilities;
- (b) Ensure access to clean water;
- (c) Provide functional toilets with privacy; and
- (d) Provide facilities for disposal of menstrual waste.

12.2. Prioritise underserved and rural communities.

CHAPTER VII: MENSTRUAL WASTE MANAGEMENT

13. Provision of Menstrual Waste Management:

13.1. The Department of Forestry, Fisheries and the Environment Affairs, in collaboration with relevant government departments including, especially local government, must develop and implement sustainable and eco-friendly menstrual waste management systems.

13.2. All public institutions and public spaces must provide:

- (a) Appropriate disposal facilities for menstrual waste; and
- (b) safe, hygienic and private disposal mechanisms for menstrual waste, including SHE bins.

13.3 The government must promote:

- (a) eco-friendly sustainable menstrual products; and
- (b) public education on menstrual waste disposal.

CHAPTER VIII: MENSTRUAL LEAVE AND WORKPLACE SUPPORT

14. Provision of Menstrual Leave and Workplace Support:

14.1. The Department of Employment and Labour must develop and publish regulation guidelines to:

- (a) Recognise and ensure that menstrual health needs in the workplace; and
- (b) Provide reasonable accommodation for menstruators experiencing severe menstrual disorders, in a manner that ensures dignity, health and equitable participation in the work environment.

14.2. The regulations contemplated in subsection 14.1 must include provisions for:

- (a) Menstrual leave, where necessary and appropriate;
- (b) Flexible working arrangements and reasonable adjustments to the work environment; and

I_Menstruate

- (c) Access to menstrual products in all workplaces.
- 14.3. In accordance with the regulations prescribed under this section, all employers must take reasonable measures to implement and enforce the provisions of this section.

CHAPTER IX: ENFORCEMENT, MONITORING, ACCOUNTABILITY AND OVERSIGHT

15. Provision on Enforcement, Monitoring, Accountability and Oversight:

15.1. Oversight of the implementation of this Act must be exercised by

- (a) Relevant Portfolio Committees of Parliament led by the Portfolio Committee on Women, Youth and Persons with Disabilities;
- (b) Relevant Select Committees of the National Council of Provinces (NCOP) led by Select Committee on Social Services.

With additional oversight, in the exercise of their constitutional mandate, including where called upon and on their own initiative, by

- (c) South African Human Rights Commission;
- (d) Commission for Gender Equality.

15.2. Complaints Mechanism

The Minister of Women, Youth and Persons with Disabilities, in collaboration with relevant government departments, must establish a national complaints mechanism through which menstruators may report violations of their menstrual health rights.

The complaints mechanism must

- (a) Be accessible, safe, and confidential;
- (b) Allow for the submission of complaints by individuals and communities; and
- (c) Ensure that all complaints are investigated and addressed timeously.

15.3. Accountability and Consequences for Non-Compliance

Any public or private entity contracted to provide services under this Act, or operating within public institutions or spaces, that fails to provide access to menstrual products in accordance with this Act shall be

- (a) Liable for administrative sanctions, including fines, as prescribed; and
- (b) Subject to corrective action, including enforcement or prosecution, as determined in accordance with applicable laws.

15.4. Duties of Implementing Bodies

I_Menstruate

All implementing departments and entities must:

- (a) Comply with this Act;
- (b) Cooperate with oversight bodies; and
- (c) Be transparent and accountable by providing information required for monitoring, evaluation and learning.

15.5. Reporting to Parliament

The relevant departments must submit annual reports to Parliament on the implementation of this Act, including

- (a) budgetary allocations and expenditure;
- (b) progress made in implementation; and
- (c) challenges experienced and mitigation measures.

15.6. Public Transparency

All reports submitted in terms of this Act must be made easily and publicly accessible.

CHAPTER X: INTERNATIONAL COMPLIANCE AND COOPERATION

16. International Obligations:

16.1. This Bill is aligned with South Africa's commitments to international human rights frameworks, including the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

16.2. The South African government has committed to co-operate with the United Nations (UN), World Health Organization (WHO), and other international bodies to promote and support menstrual equity globally.

CHAPTER XI: GENERAL PROVISIONS

17. Offences and Penalties:

17.1. Any individual, institution or entity that is convicted of hindering the enforcement of the Bill will be liable for fines as determined by the relevant laws.

18. Regulations:

I_Menstruate

18.1. The Minister of Women, Youth and Persons with Disabilities, in consultation with the Minister of Basic Education, Minister of Social Development, Minister of Health, and National Treasury must make regulations to give effect to the provisions of this Bill.

19. Short Title and Commencement:

19.1. This Act shall be called the Menstrual Health Equity Act of 2026.

19.2. This Act shall come into effect on the date of its publication in the Government Gazette.

REFERENCES:

- [The Constitution of the Republic of South Africa, 1996.](#)
- [The Bill of Rights \(Chapter 2\), The Constitution of the Republic of South Africa.](#)
- [U.S. Menstrual Equity For All Act, 2021.](#)
- [Period Products \(Free Provision\) \(Scotland\) Act 2021.](#)
- [Sanitary Dignity Framework Policy, South Africa.](#)
- [Universal Declaration of Human Rights \(1948\).](#)
- [International Covenant on Economic, Social and Cultural Rights \(1966\).](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women \(1979\).](#)
- [Sustainable Development Goals \(SDGs\), United Nations.](#)
- [World Health Organization \(WHO\) Guidelines on Menstrual Health.](#)
- [Bleeding in Silence: Menstrual Hygiene among Schools Girls in South Africa by I_Menstruate Movement](#)
- [The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa \(Maputo Protocol\)](#)

ENDORSEMENTS

- All I_Menstruate Movement schools across South Africa
- National Student Representative Council (NSRC) of the University of South Africa
- Rural Health Advocacy Project (RHAP)
- Sonke Gender Justice
- South African Democratic Teachers' Union (SADTU)
- Equal Education Law Centre (EELC)
- Abahlali Basemjondolo
- Equal Education (EE)
- USAWA for Learning and Healing
- Reclaim the City
- Centre for Human Rights

I_Menstruate

- Treatment Action Campaign (TAC)
- South African Youth Council (SAYC)
- National Association of School Governing Bodies (NASGB)
- South African Council of Churches (SACC)
- Western Cape South African Council of Churches
- Sexual Reproductive Justice Coalition
- Asijiki Coalition
- South African Student Union (SAUS)
- Sisonke
- South African National Taxi Council (SANTACO)
- National Union of Metalworkers of South Africa (NUMSA)
- National Education, Health and Allied Workers' Union (NEHAWU)
- Sex Workers Education and Advocacy Taskforce (SWEAT)
- Triangle Project
- South African Federation for Mental Health (SAFMH)

I_Menstruate Movement's proposed Menstrual Health Equity Bill (draft) © 2024 by I_Menstruate Movement is licensed under CC BY-NC-SA 4.0.

Publication date: 12 November 2024.