

# ON THE HUMAN RIGHT TO HEALTHY MENSTRUATION

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## ABSTRACT

*This short essay introduces the Bellagio Declaration on the Human Right to Healthy Menstruation, a statement signed by an interdisciplinary group of academics, artists, policymakers, clinicians, and practitioners in 2024. The Declaration frames the human right to healthy menstruation as including (1) non-discrimination on the basis of menstruation; (2) dignity in all matters related to menstruation; (3) access to facilities, resources, and supplies that facilitate the management of menstruation in a manner that is affordable and safe and that fosters a clean, healthy, and sustainable environment; (4) lifelong access to timely and medically accurate information about all aspects of menstruation; (5) lifelong access to informed and affordable menstruation-related health care; and (6) menstruation-related privacy, including privacy protection for menstruation-related data. The Declaration immediately follows.*

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## I. ESSAY

Period poverty—lack of access to menstrual products and the sanitation/supplies needed for menstrual hygiene—is a major reason that many girls all over the world do not attend school when menstruating.<sup>1</sup> Relatedly, menstruating students may drop out of school entirely because of menstruation-related bullying or harassment.<sup>2</sup> Adults, too, may have difficulty managing menstruation because

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1. See, e.g., UNESCO, PUBERTY EDUCATION AND MENSTRUAL HYGIENE MANAGEMENT 15 (2014), <https://perma.cc/5KJ4-CXS5>; see also Bridget J. Crawford & Emily Gold Waldman, *Period Poverty in a Pandemic: Harnessing Law to Achieve Menstrual Equity*, 98 WASH. U. L. REV. 1569, 1572 (2021) (defining “period poverty” slightly more broadly to also include lack of adequate menstrual education).

2. Compare Team Varthana, *Period Shame: How It Affects Girls’ Education in Early and Middle School*, VARTHANA (Apr. 26, 2023), <https://perma.cc/A7KL-PTFD> (opining that, in many parts of India, “stigma makes girls vulnerable to dropping out of school, gender discrimination, exclusion, and hygiene issues”), with Vishna Shah, Helen Nabwera, Bakary Sonko, Fatou Bajo, Fatou Faal, Mariama Saidykhani, Yamoundaw Jallow, Omar Keita, Wolf-Peter Schmidt, & Belen Torondel, *Effects of Menstrual Health and Hygiene on School Absenteeism and Drop-Out Among Adolescent Girls in Rural Gambia*, 19 INT’L J. ENVTL. RES. & PUB. HEALTH 3337, 3337 (2022) (finding that “menstrual pain, cultural beliefs, fear of peers knowing menstrual status, and poor school WASH facilities led to school absenteeism, however, they had no impact on school drop-out”).

they lack access to water and sanitation,<sup>3</sup> or products that are affordable.<sup>4</sup> Indeed, too many people face an impossible choice between providing food for one's family or period supplies for oneself, making it difficult to work or otherwise participate in public life.<sup>5</sup> Furthermore, in some cultures, menstrual taboos may also mean exclusion from family life.<sup>6</sup> All around the globe, stigma and shame surrounding menstruation operate to limit the well-being of girls, women, trans boys, trans men, gender-expansive individuals, and others who menstruate.<sup>7</sup>

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3. See, e.g., Aishwarya Rohatgi & Sambit Dash, *Period Poverty and Mental Health of Menstruators During COVID-19 Pandemic: Lessons and Implications for the Future*, 4 FRONTIERS OF GLOBAL WOMEN'S HEALTH Mar. 1, 2023, at 2 ("Menstruators require access to sanitary facilities, clean water, and affordable, safe menstrual products in order to have a healthy and secure period."); PLAN INTERNATIONAL, PERIODS IN A PANDEMIC: MENSTRUAL HYGIENE MANAGEMENT IN THE TIME OF COVID-19 9 (2020), <https://perma.cc/J32R-5SM3> (describing how pandemic-related stay at home orders made it difficult to access clean water to manage menstruation).

4. See, e.g., Mahlet Atakilt Woldetsadick, *Women's Menstrual Hygiene in India: The Health and Environmental Implications*, RAND (Aug. 22, 2014), <https://perma.cc/2K5T-48KX> (claiming only 12% of women in India can afford "commercially available sanitary napkins" and that most women in rural India "employ clothes and rags for feminine hygiene," making safe menstruation more challenging).

5. See, e.g., DePaul's Center for Journalism Integrity and Excellence, *Women Forced to Choose Between Food and Menstrual Products*, TWWT (Nov. 20, 2019, 6:04 PM), <https://perma.cc/WGV3-EGVM> (describing the experience of one temporarily unhoused individual who explained her thought process as: "If I'm very short on money, what should it be? Food? Lunch? Or get the pad?").

6. See, e.g., Arijita Dutta, Aishika Chakraborty & Olivia Sarkar, *Experiences of Menstrual Restrictions: Freedom Lost and Never Regained*, 7 INT'L J. OF ED. RES. OPEN, 2024, at 3 ("The taboos and low-level knowledge about menstruation often leads to common practices that are followed in India, like refraining women from religious practices, serving the guests, looking into the mirror, entering the kitchen during their menstrual cycles etc.").

7. See, e.g., Margaret E. Johnson, Emily Gold Waldman & Bridget J. Crawford, *Title IX and Menstruation*, 43 HARV. J. OF L. & GENDER 225, 228 (2020) (noting that "transgender boys and men, as well as gender non-binary and intersex persons, menstruate as well"). "Transgender and gender diverse" is the phrase used by the World Professional Organization for Transgender Health for a "member of the many varied communities globally of people with gender identities or expressions that differ from the gender socially attributed to the sex assigned to them at birth." Edmond Coleman, A.E. Radix, W.P. Bouman, G.R. Brown, A.L.C. de Vries, M.B. Deutsch, R. Ettner, L. Fraser, M. Goodman, J. Green, A.B. Hancock, T.W. Johnson, D.H. Karasic, G.A. Knudson, S.F. Leibowitz, H.F.L. Meyer-Bahlburg, S.J. Monstrey, J. Motmans, L. Nahata, T.O. Nieder, S.L. Reisner, C. Richards, L.S. Schechter, V. Tangpricha, A.C. Tishelma, M.A.A. Van Trotsenburg, S. Winter, K. Ducheny, N.J. Adams, T.M. Adrián, L.R. Allen, D. Azul, H. Bagga, K. Başar, D.S. Bathory, J.J. Belinky, D.R. Berg, J.U. Berli, R.O. Bluebond-Langner, M.B. Bouman, M.L. Bowers, P.J. Brassard, J. Byrne, L. Capitán, C.J. Cargill, J.M. Carswell, S.C. Chang, G. Chelvakumar, T. Corneil, K.B. Dalke, G. De Cuyper, E. de Vries, M. Den Heijer, A.H. Devor, C. Dhejne, A. D'Marco, E.K. Edmiston, L. Edwards-Leeper, R. Ehrbar, D. Ehrensaft, J. Eisfeld, E. Elaut, L. Erickson-Schroth, J.L. Feldman, A.D. Fisher, M.M. Garcia, L. Gijs, S. E. Green, B.P. Hall, T.L.D. Hardy, M.S. Irwig, L.A. Jacobs, A.C. Janssen, K. Johnson, D.T. Klink, B.P. C. Kreukels, L.E. Kuper, E.J. Kvach, M.A. Malouf, R. Massey, T. Mazur, C. McLachlan, S.D. Morrison, S.W. Mosser, P.M. Neira, U. Nygren, J.M. Oates, J. Obedin-Maliver, G. Pagkalos, J. Patton, N. Phanuphak, K. Rachlin, T. Reed, G.N. Rider, J. Ristori, S. Robbins-Cherry, S.A. Roberts, K.A. Rodriguez-Wallberg, S.M. Rosenthal, K. Sabir, J.D. Safer, A.I. Scheim, L.J. Seal, T.J. Sehoole, K. Spencer, C. St Amand, T.D. Steensma, J.F. Strang, G.B. Taylor, K. Tillemann, G.G. T'Sjoen, L.N. Vala, N.M. Van Mello, J.F. Veale, J.A. Vencill, B. Vincent, L.M. Wesp, M.A. West, & J. Arcelus, *Standards of Care for the Health of Transgender and Gender Diverse People, Version 8*, INT'L J. OF TRANSGENDER HEALTH S1, S11 (2022).

In recent years, some governments have taken bold action to remediate period poverty by providing free menstrual products in schools and jails,<sup>8</sup> eliminating the tax on menstrual products,<sup>9</sup> and improving basic menstrual education.<sup>10</sup> The next step is to progressively develop international law toward the recognition of an explicit right to manage menstruation in ways that are healthy, safe, affordable, and free of discrimination, harassment, stigma, and shame. Such development is important for two reasons. First, menstruation should never hold anyone back from full participation in public life. Second, all humans are entitled to basic dignity. Menstruation-related rights overlap with well-recognized, existing human rights to nondiscrimination,<sup>11</sup> education,<sup>12</sup> work,<sup>13</sup> water and sanitation,<sup>14</sup> and dignity,<sup>15</sup> for example. Just as the United Nations has recognized the right to a healthy environment, it should recognize the right to healthy menstruation, broadly defined.<sup>16</sup>

During my residency at the Rockefeller Foundation's Bellagio Center in 2024, I was privileged to be part of an interdisciplinary cohort of extraordinary thinkers to whom I presented these ideas. Over the course of multiple conversations spanning many days, nights, and weeks, a sense of clarity began to emerge: human

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8. *See, e.g.*, Press Release, Office of the Mayor, Mayor de Blasio Signs Legislation Increasing Access to Feminine Hygiene Products for Students, Shelter Residents and Inmates (July 13, 2016), <https://perma.cc/X5AU-YY2U>. (describing the measure passed by the New York City Council to make menstrual products available for free in city-run homeless shelters, schools, and jails).

9. *See, e.g.*, Diana Baptista, *What Is the Tampon Tax and Which Countries Have Axed It?* REUTERS (May 24, 2023, 5:02 AM), <https://perma.cc/WR94-QVXX> (listing seventeen countries that eliminated the value-added tax on menstrual products since 2004, including Mexico and Namibia).

10. *See, e.g.*, Press Release, Office of Mayor Muriel Bowser, District Announces New Menstrual Health Education Standards for DC Public and Charter Schools (May 25, 2023), <https://perma.cc/YMA4-LSW> (describing the District of Columbia's first-of-its-kind legislation in the United States adopting "specific, statewide menstrual health education standards" designed to educate all students).

11. *See, e.g.*, Universal Declaration of Human Rights, G.A. Res. 217 (III)(A), art. 7, UN GAOR 3rd Sess., 183rd plen. mtg., UN Doc. A/810 (Dec. 10, 1948) [hereinafter "Universal Declaration"] ("All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.").

12. *See, e.g.*, Convention on the Rights of the Child, G.A. Res. 44/25, art. 23, UN GAOR, 44th Sess., 61st plen. mtg., UN Doc. A/RES/44/25 (Nov. 20, 1989) (entered into force Sept. 2, 1990) (requiring states to "ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health . . .").

13. *See, e.g.*, Universal Declaration, *supra* note 11 at art. 23.1 ("Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.").

14. *See, e.g.*, The Human Rights to Safe Drinking Water and Sanitation G.A. Res. 70/169, UN GAOR, 70th Sess., UN Doc. A/RES/70/169 (Dec. 17, 2015) (recognizing that "the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use," and that "the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life. . .").

15. *See, e.g.*, Universal Declaration, *supra* note 11 at pmb. (containing a preamble stating that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world").

16. *See, e.g.*, The Human Right to a Clean, Healthy and Sustainable Environment, G.A. Res. A/76/300, UN GAOR, 76th Sess., 76th plen. mtg., UN Doc. A/RES/76/300 (Jul. 28, 2022).

rights reside in people, not institutions. Human rights exist, independently of any statements by international bodies. They take shape and verbal form because justice-minded people insist.

In this spirit, I began to write a “Bellagio Declaration on the Human Right to Healthy Menstruation.” I circulated multiple drafts to my Bellagio colleagues for comments. Our group was professionally diverse, consisting of members with experience in environmental justice and activism, film, history, human rights, law, medicine, multimedia art, music, nongovernmental and civil society leadership, politics, radio, and storytelling. People took time away from their own projects to participate in long brainstorming and drafting sessions in which we inevitably did not agree on all particular language choices. Nevertheless, we found ourselves united by a vision for equality for people of all genders. The text of the final Declaration, signed by all present, appears below.<sup>17</sup>

## II. BELLAGIO DECLARATION ON THE HUMAN RIGHT TO HEALTHY MENSTRUATION

February 23, 2024

Envisioning a more equitable and just society,

Sharing a common concern about discrimination on the basis of menstruation and the ways this limits equal participation in all aspects of life,

Recognizing the urgent need for the universal application to girls and women of the rights and principles with regard to equality, security, liberty, integrity, and dignity of all human beings,

Noting the rights and principles enshrined in international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination Against Women,

Affirming that all human rights are universal, indivisible, interdependent and interrelated,

Now therefore we make this Declaration:

### **Declaration**

We declare the human right to healthy menstruation. This right includes:

- A. Non-discrimination on the basis of menstruation;
- B. Dignity in all matters related to menstruation;
- C. Access to facilities, resources, and supplies that facilitate management of menstruation in a manner that is affordable and safe and that fosters a clean, healthy, and sustainable environment;

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17. The originally signed Bellagio Declaration on the Human Right to Healthy Menstruation is now part of the collection of the Arthur and Elizabeth Schlessinger Library on the History of Women in America at the Radcliffe Institute for Advanced Study at Harvard University.

- D. Lifelong access to timely and medically accurate information about all aspects of menstruation;
- E. Lifelong access to informed and affordable menstruation-related health care; and
- F. Menstruation-related privacy, including privacy protection for menstruation-related data.

## **Background**

In February 2024, the undersigned individuals gathered in residence at the Rockefeller Foundation's Bellagio Center. We are academics, artists, policymakers, clinicians, and practitioners. During our residency, we benefited from multiple cross-cultural and cross-disciplinary exchanges while we pursued independent projects. Members of our cohort are nationals of, have lived in, or have spent substantial time in countries including Benin, Canada, China, Costa Rica, the Dominican Republic, Ecuador, France, Germany, India, Ireland, Italy, Nepal, the Netherlands, Nigeria, the Philippines, South Africa, Thailand, the United Kingdom, and the United States. Our professional backgrounds include environmental justice and activism, film, history, human rights, law, medicine, multimedia art, music, nongovernmental and civil society leadership, politics, radio, and storytelling.

While our experiences, perspectives, and work are diverse, we are united by our interest in a more just, equitable, and sustainable world. Two themes that have emerged from our past and ongoing dialogues are (1) the need to advance gender equality and (2) the multiple ways that menstruation contributes to limitations on equal participation by all people in every aspect of life.

We do not represent the views of the Rockefeller Foundation. By affixing our signature to this document, each of us expresses our views in an individual capacity only.

We are mindful that the United Nations Population Fund has identified menstruation as a human rights issue for many reasons, including menstruation-related barriers to education, work, health services, public activities, access to water and sanitation facilities, and access to adequate supplies and facilities to manage menstrual health.

As used in this Declaration, "menstruation" means the process in which the uterus sheds blood and tissue through the vagina, as well as related conditions and disorders, at any stage of life, including before the onset of menarche and through and after menopause.

We are desirous that nothing in the present Declaration shall be construed as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights, and any other applicable international instruments.

We make this Declaration and invite others to express support for it. We encourage all people, groups, networks, and communities to support this Declaration. We and those who support this Declaration share a belief in gender equality and the

desire to end discrimination. We invite wide dissemination of this Declaration and translations into multiple languages.

**Signatories:**

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Composer

Roland Kupers

Complexity, resilience, energy transition

Nicolas Bequelin

Senior Fellow, Yale Law School Paul Tsai China Center

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[Expressions of support for this Declaration can be made at Change.org: <https://chng.it/fmGK5W8Cb9> or by scanning the QR code -ed.]