

Article


Menstrual injustice: the lack of recognition of menstruation as an integral aspect of health and well-being

Injustiça menstrual: a falta de reconhecimento da menstruação como um aspecto integral da saúde e de bem-estar

Injusticia menstrual: la falta de reconocimiento de la menstruación como un aspecto integral de la salud y el bienestar

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Abstract

Objective: to verify whether Brazilian legislators recognize menstrual dignity as an interdisciplinary issue and show concern for the health of the menstruating population, aligning themselves with internationally discussed practices and concerns on the subject. **Methodology:** this was a study with a qualitative and quantitative approach, focused on the documentary analysis of legislative proposals available on the official websites of the Chamber of Deputies and the Federal Senate, using the following search terms: “menstruation,” “sanitary pads,” “menstrual dignity,” “hygienic pads,” and “menstrual health”. **Results:** a total of 94 legislative proposals were identified, of which 40 directly addressed the topic. After screening, 21 distinct Bills remained for analysis, organized into three categories: (i) menstrual leave (n=4), referring to the impact of menstruation on productivity and workplace well-being; (ii) promotion of menstrual health (n=11), with measures such as free distribution of pads and educational campaigns; and (iii) tax exemption (n=6), aiming at reducing or eliminating taxes on menstrual products. **Conclusion:** the scarcity of projects addressing this topic highlights the extent to which the Brazilian Legislature neglects the demands of the female body, exacerbating barriers and hindering the social and political trajectory of women in the country. This omission also reveals a lack of understanding by the legislature regarding the interdisciplinary nature of the issue.

Keywords: Menstrual Poverty; Anti-Discriminatory Public Policies; Menstrual Dignity; Absorbent Pads; Menstrual Hygiene Products.

Resumo

Objetivo: verificar se os legisladores brasileiros reconhecem a dignidade menstrual como um tema interdisciplinar e mostram preocupação com a saúde da população que menstrua, alinhando-se às

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práticas e preocupações discutidas internacionalmente sobre o assunto. **Metodologia:** tratou-se de pesquisa que adotou abordagem qualitativa e quantitativa, com foco na análise documental de proposições legislativas disponíveis nos portais da Câmara dos Deputados e do Senado Federal, a partir dos seguintes termos de busca: “menstruação”, “absorventes”, “dignidade menstrual”, “absorventes higiênicos” e “saúde menstrual”. **Resultados:** foram identificadas 94 proposições legislativas, das quais 40 tratam diretamente do tema. Após a triagem, 21 projetos de lei distintos permaneceram em análise, sendo organizados em três categorias: (i) licença menstrual (n=4), refere-se ao impacto da menstruação na produtividade e no bem-estar laboral; (ii) promoção da saúde menstrual (n=11), com medidas como distribuição gratuita de absorventes e campanhas educativas; e (iii) isenção fiscal (n=6), visando à redução ou eliminação de tributos sobre produtos menstruais. **Conclusão:** a escassez de projetos voltados à temática evidencia o quanto o Poder Legislativo brasileiro negligência as demandas do corpo feminino, agravando obstáculos e dificultando a trajetória social e política das mulheres no país. Essa omissão revela, ainda, a falta de compreensão por parte do legislativo quanto à natureza interdisciplinar do tema.

Palavras-chave: Pobreza Menstrual; Políticas Públicas Antidiscriminatórias; Dignidade Menstrual; Absorventes Higiênicos; Produtos de Higiene Menstrual.

Resumen

Objetivo: verificar si los legisladores brasileños reconocen la dignidad menstrual como un tema interdisciplinario y demuestran preocupación por la salud de la población que menstrúa, alineándose con las prácticas y preocupaciones discutidas internacionalmente sobre el asunto. **Metodología:** se trató de una investigación con enfoque cualitativo y cuantitativo, centrada en el análisis documental de proposiciones legislativas disponibles en los portales oficiales de la Cámara de Diputados y del Senado Federal, utilizando los siguientes términos de búsqueda: “menstruación”, “toallas sanitarias”, “dignidad menstrual”, “absorbentes higiénicos” y “salud menstrual”. **Resultados:** se identificaron 94 proposiciones legislativas, de las cuales 40 trataban directamente el tema. Tras la selección, permanecieron en análisis 21 proyectos de lei distintos, organizados en tres categorías: (i) licencia menstrual (n=4), que se refiere al impacto de la menstruación en la productividad y el bienestar laboral; (ii) promoción de la salud menstrual (n=11), con medidas como la distribución gratuita de absorbentes y campañas educativas; y (iii) exención fiscal (n=6), que busca la reducción o eliminación de impuestos sobre productos menstruales. **Conclusión:** la escasez de proyectos relacionados con esta temática evidencia el grado en que el Poder Legislativo brasileño descuida las demandas del cuerpo femenino, agravando obstáculos y dificultando la trayectoria social y política de las mujeres en el país. Esta omisión también revela la falta de comprensión, por parte del poder legislativo, de la naturaleza interdisciplinaria del tema.

Palabras clave: Pobreza Menstrual; Políticas Públicas Antidiscriminatorias; Dignidad Menstrual; Almohadillas Absorbentes; Productos para la Higiene Menstrual.

Introduction

Menstrual dignity has become a priority in public policy, especially in developing countries like Brazil, where access to menstrual hygiene products is still a challenge for millions of women and people with uteruses⁽¹⁾. In Brazil, menstrual poverty goes beyond the scarcity of pads: it also includes the lack of basic sanitation, difficult access to drinking water and the absence of emancipatory menstrual education. These factors, combined with misinformation and the persistence of taboos, produce a scenario of stigmatization and social exclusion for menstruating people⁽¹⁾.

On the other hand, countries such as the United Kingdom, the United States and New Zealand have already implemented public policies aimed at distributing free menstrual products in schools and public spaces, accompanied by educational campaigns aimed at combating the stigma of menstruation

and promoting reproductive health. These actions consolidate menstrual dignity as a fundamental part of promoting gender equality and global public health⁽²⁾.

In the Brazilian context, menstrual poverty reflects historical inequalities of gender, class, race and religion⁽¹⁾ which are deepened in scenarios of economic and health crisis. Girls, women, trans men and non-binary people who menstruate face these barriers unequally, which compromises their educational and professional paths, reinforcing cycles of social exclusion⁽¹⁾. It is therefore a question of social justice⁽³⁾ that demands structured action from the state.

Menstrual poverty is characterized by a lack of access to hygiene products, precarious sanitary infrastructure in public and private spaces, and a lack of information about caring for the body and menstrual health. In view of this, it is essential to create and implement public policies that make the state responsible⁽⁴⁾ for guaranteeing these rights, involving health, education and gender equity⁽⁵⁾.

Menstrual dignity is understood as a set of strategies aimed at ensuring access to menstrual products, adequate infrastructure and quality information so that menstruation can be experienced with dignity⁽⁶⁾. Actions in this field include the free distribution of pads and hygiene items, tax exemptions or reductions on these products, menstrual health education programs and the formulation of specific public policies that recognize menstrual dignity as a human right⁽⁶⁾. Added to this is the promotion of sustainable solutions, such as menstrual cups and reusable pads, through subsidies or free distribution⁽⁶⁾.

The World Health Organization (WHO) defines menstrual hygiene management as the use of clean and safe materials to absorb or collect menstrual blood, with the possibility of changing them in privacy as often as necessary, as well as access to water, soap and adequate facilities for disposing of used materials⁽²⁾.

This perspective reinforces the connection between menstrual dignity and the right to health. The right to health, which ensures universal access to health, incorporates menstrual dignity by recognizing that the safe management of menstruation requires minimal infrastructure - such as drinking water, adequate toilets and access to hygiene products⁽¹⁾. The absence of these resources puts the physical and mental health of menstruating people at risk, especially those in vulnerable situations, and compromises their dignity⁽⁷⁾. Thus, guaranteeing the right to safe management of menstruation is also guaranteeing the right to health.

This approach is covered in the publication “State of the art for promoting menstrual dignity”⁽⁷⁾ which highlights the work of the Brazilian government in formulating measures to tackle menstrual poverty. Between 2017 and the first half of 2024, 211 legislative proposals were presented on the subject in the states and the Federal District⁽⁷⁾. Although some initiatives have made progress at local level, it was only in 2019 that the issue gained national prominence, with the presentation of Bill 4.968/2019 by Congresswoman Marília Arraes (Solidariedade/PE), with the support of the women's caucus, known as the “lipstick caucus”. The bill gave rise to Law No. 14.214/2021⁽⁸⁾ which instituted the free distribution of pads to people in situations of social vulnerability.

Therefore, menstrual dignity must be understood as a human right that integrates the field of health law, requiring intersectoral public policies that ensure universal access to adequate hygiene conditions, health education and gender equity.

Menstrual dignity, as a dimension of human rights, cannot be understood in isolation from other structures of oppression that shape unequal access to basic resources. In this sense, the concept of

menstrual injustice emerges, which refers to the systematic denial of adequate conditions for dealing with menstruation, disproportionately affecting vulnerable groups⁽⁹⁾.

Recognizing menstruation as a matter of social justice⁽³⁾ therefore requires the articulation of public policies, the fight against menstrual poverty and the promotion of gender and racial equality⁽¹⁰⁾ in line with the principles of equity⁽¹¹⁾ and human rights.

As a multidimensional and transdisciplinary phenomenon, menstrual poverty requires equally complex and multisectoral coping strategies, which are related to the Sustainable Development Goals (SDGs) and the Program of Action of the International Conference on Population and Development (ICPD), and which should include actions within the scope of education, health and basic sanitation policies⁽¹⁾.

Brazilian girls live in conditions of poverty and vulnerability which, in addition to deprivation of access to sanitation services and hygiene resources⁽¹²⁾ they also deal with a lack of knowledge about their own bodies⁽¹⁾. There is a kind of ban on discussing menstruation. These cultural impositions on menstruation permeate women's entire lives. From the first menstruation onwards, limiting beliefs are imposed on women, causing shame and restricting their participation in games and social interaction. These discourses also block the guarantee of sexual and reproductive rights, curtailing the right to bodily autonomy and self-determination for Brazilian girls and women⁽¹⁾.

Menstrual precariousness is even more worrying when associated with the Brazilian scenario, which points to the fact that around 13.6 million inhabitants (around 6.5% of the population) live in conditions of extreme poverty (the equivalent of R\$ 151.00 a month) and around 51.5 million people are below the poverty line (1 in 4 Brazilians living on less than R\$ 436.00 a month)⁽¹⁾.

Neglect of menstrual needs results in problems that could be avoidable, from allergies/irritations to those that can result in death, such as toxic shock syndrome⁽⁶⁾. Lack of access to menstrual rights can also result in emotional suffering that hinders the development of the full potential of people who menstruate⁽⁶⁾. Throughout history, menstruation has been surrounded by taboos and prejudices that reflect gender inequalities and the marginalization of women's issues in the public arena. However, in recent years there has been a growing movement to re-signify the menstrual cycle, driven by political, social, environmental and economic initiatives that seek to guarantee menstrual dignity⁽¹³⁾. In this sense, social movements⁽¹⁴⁾ have played a crucial role in broadening the agenda on menstruation, especially in its public and political aspect⁽¹³⁾.

This new view of menstruation is not intended to romanticize it, but to reconnect it with a perspective of resistance to the systemic model that devalues the demands related to the female body. According to Nicolau and Arocas⁽¹⁵⁾ there is a need to transform relations with one's own corporeality, locating the menstrual cycle as a key element in the articulation of feminist politics⁽¹⁶⁾. The fight for menstrual dignity is therefore an active resistance to patriarchal structures that neglect the health and well-being of women and other people who menstruate⁽¹⁵⁾.

The international debate on menstrual dignity has intensified in recent years, highlighting the need for public policies that guarantee adequate access to menstrual products, menstrual health education and dignified conditions for all people who menstruate. This global movement pressures governments and institutions to treat menstrual dignity as an essential human right, integrating health, gender equality and social justice.

This study aims to analyze how the National Congress has responded to these demands, especially with regard to legislative formulations. The objective is to verify whether Brazilian

legislators recognize menstrual dignity as an interdisciplinary issue and show concern for the health of the menstruating population, aligning themselves with the practices and concerns discussed internationally on the subject.

Methodology

This research adopted a qualitative and quantitative approach, focusing on documentary analysis. Official documents, reports from human rights organizations, legislation and public policies related to menstrual dignity in Brazil were used.

The research focused on analyzing legislative proposals available on the official portals of the Chamber of Deputies and the Federal Senate. Initially, no time frame was established in order to identify the evolution of the issue over time.

During the survey, it was observed that the first bills related to menstrual dignity began to appear in 1993. However, these were isolated initiatives, with low incidence and little political force, which resulted in them being shelved without significant progress in the legislative process. From 2014 onwards, there was a slight increase in the number of proposals, but they continued to face the same obstacles and were once again shelved. It was only in 2019 that the bills began to show greater viability, culminating in 2021 with the enactment of Law 14.214/2021, which established the Menstrual Health Protection and Promotion Program. Following the enactment of this law, several previous bills were shelved due to loss of purpose or partial incorporation of their contents. Those that remained on the agenda, however, remained on the agenda and represented the active basis of recent legislative action on the subject.

Given this context, the decision was made to restrict the analysis to bills in progress in 2024, considering that these are proposals with real potential to impact the legal system, create public policies and promote social justice in areas such as health, education and human rights. In addition, this section makes it possible to analyze the continuity of legislative discussions on the subject after the enactment of the 2021 law, showing which projects are still active and which directions they have taken.

The legislative search initially covered different types of proposals: bills, proposed amendments to the constitution (PEC), complementary bills (PLP), provisional measures (MPV), conversion bills (PLV) and draft legislative decrees (PDL), which were being processed in the two legislative houses. However, after screening, it was found that only the bills had direct thematic relevance to menstrual dignity. Thus, the analysis focused exclusively on the Bills in progress in 2024.

Data was collected using the following search terms: "menstruation", "sanitary napkins", "menstrual dignity", "sanitary napkins" and "menstrual health".

In the Chamber of Deputies, the search was carried out in the "Legislative Activities" tab, "Legislative Proposals" section, using a simplified search with the "in progress" filter. With the term "menstrual dignity", 32 results were found, of which only 13 were bills. Of these, ten were actively being processed and three had been shelved. Of the ten bills in progress, seven are still pending independently and three have been joined to other proposals. As the research focused on proposals that were active in 2024, only the bills in progress were included in the final analysis.

In the Federal Senate, there were no bills in progress in 2024 that dealt directly with menstrual dignity. Seven archived proposals were located, of which only two originated in the Senate: one was excluded because it did not deal directly with the issue and the other, because it did not have relevant normative content, was considered outside the scope of the research.

Although other legislative modalities were identified (PEC, PLP, MPV, PLV and PDL), none were directly related to menstrual dignity, which justified their exclusion from this analysis.

Results and discussion

A total of 94 bills were identified in the searches carried out. Of these, 40 deal directly with the issue of menstrual dignity and fit the research criteria. After excluding duplicates - bills that appeared more than once due to variations in the descriptors used - 21 different bills were left in the House of Representatives. With regard to the profile of the proponents, there is no official standardized database that contains sufficient biographical information for a detailed analysis of the reasons that led to the bills being proposed. However, it was noted that parliamentarians linked to left-wing parties, whose speeches are aligned with human rights agendas, are the main authors of the proposals identified. It is worth noting that, due to party changes over time, the criterion adopted was to use the current party acronym of each parliamentarian at the time of analysis.

In order to analyze the stance of the National Congress on the issue, it was decided to briefly mention the bills that have been shelved, in order to identify whether the agenda has already been debated at other times and whether there are signs of concern on the part of legislators about this issue. In total, 59 archived proposals were found³. Of these, 19 were not directly related to menstrual dignity. The remaining 40 were analyzed, of which 18 were archived and 22 represented duplicate records or repeated returns⁴. They are: bill 1191/2022, bill 1547/2021, bill 1686/2021, bill 6340/2019, bill 428/2020, bill 672/2021, bill 1664/2021, bill 2653/2021, bill 2092/2021, bill 2780/2021, bill 1807/2021.

Box 1 shows the bills currently before the Chamber of Deputies.

Box 1. Bills still pending in 2024

Chamber of Deputies						
Proposal	Amendment	Author	UF	Party	Presentation	Situation
BILL 1094/2024	Adds a provision to Decree-Law No. 5,452, of May 1, 1943, and Law No. 8,112, of December 11, 1990, to guarantee leave to women who prove serious symptoms associated with menstrual flow.	Josenildo	AP	PDT	04/04/2024	Joined to BILL 1249/2022
BILL 1621/2024	Amends Law No. 14.214, of October 6, 2021, to provide for the inclusion of women in the	Erika Hilton	SP	PSOL	05/07/2024	Awaiting referral

³ They occur if they are definitively rejected by the Chamber, if they are declared harmful or at the end of the legislature, after being processed without definitive consideration for three consecutive legislatures.

⁴ The same Bill numbers are repeated more than once in the list.

	context of extreme weather events, public calamity and climate displacement as beneficiaries of the Menstrual Health Protection and Promotion Program.					
BILL 1309/2024	Amends Law No. 14.214, of October 6, 2021, which "institutes the Menstrual Health Protection and Promotion Program; and amends Law No. 11.346, of September 15, 2006, to determine that basic food baskets delivered within the scope of the National Food and Nutritional Security System (Sisan) must contain female sanitary napkins as an essential item", to expand universal access to sanitary napkins.	Luiz Couto and Alexandre Lindenmeyer	SP	PT	04/17/2024	Awaiting Rapporteur's Opinion in the Commission for the Defense of Women's Rights (CMULHER)
BILL 59/2023	Includes §§ 1, 2 and 3 in art. 13 of Law no. 7.210, of July 11, 1984 - Penal Enforcement Law, to establish hygiene products as mandatory items in prisons.	Renata Abreu	SP	PODE MOS	02/02/2023	Ready for discussion in the Committee on Public Security and the Fight against Organized Crime (CSPCCO)
BILL 4214/2023	Provides for the inclusion of products aimed at people with food intolerances and allergies in food access and food basket distribution	Alexandre Lindenmeyer	RS	PT	08/30/2023	Ready for the Welfare, Social Assistance, Childhood, Adolescence and Family (CPASF)

	programs and amends Law No. 11.346, of September 15, 2006, and Law No. 14.628, of July 20, 2023.					Committee's agenda
BILL 1719/2023	Grants leave of two consecutive days each month to women who can prove serious symptoms associated with menstrual flow.	José Nelto	GO	PP	04/10/2023	Joined to BILL 1249/2022
BILL 2852/2023	Provides for the reduction to zero of the rates of the Contribution to PIS/Pasep and Cofins levied on imports and on gross sales revenue in the domestic market of essential products to meet the basic health needs of women.	Neto Carletto	BA	PP	05/30/2023	Joined to BILL 128/2021 - Awaiting the appointment of a rapporteur in the Finance and Taxation Committee (CFT)
BILL 1249/2022	Adds item XIII to art. 473 of DECREE-LAW No. 5.452, OF MAY 1, 1943, to guarantee leave of three consecutive days each month for women who can prove serious symptoms associated with menstrual flow.	Jandira Feghali	RJ	PCdoB	05/13/2022	Awaiting referral
BILL 1396/2022	Establishes May 28 as the National Day of Menstrual Dignity	Tabata Amaral	SP	PSB	05/27/2022	Awaiting Rapporteur in the Health Committee (CSAUDE)
BILL 1191/2022	Creates the "National Menstrual Dignity Seal", to be awarded to public and private establishments that	José Nelto	GO	PP	05/11/2022	Returned to author

	promote measures that implement, ensure or encourage menstrual dignity.					
BILL 2683/2021	Provides for the guarantee of Menstrual Dignity for girls and women from the groups it mentions.	Tereza Nelma	AL	PSDB	08/03/2021	Appended to BILL 1702/2021 - Ready for the Health Committee (CSAUDE) agenda
BILL 217/2021	Reduces to zero the rates of the Contribution for the Financing of Social Security - Cofins and the Contribution for PIS/Pasep levied on absorbents, tampons and similar hygienic articles of any material.	Marília Arraes and Professor Rosa Neide	PE/ MT	PT	02/04/2021	Joined to BILL 128/2021 - Awaiting Rapporteur in the Finance Committee e Tributação (CFT)
BILL 128/2021	Amends Law No. 10,865, April 30, 2004, to reduce to zero the rates of the Contribution for the Financing of Social Security - COFINS and the Contribution for PIS/PASEP levied on sanitary pads and tampons; and establishes the obligation to supply these products free of charge to people from families enrolled in the Unified Registry.	Dagoberto Nogueira	MS	PDT	02/03/2021	Joined to BILL 5334/2020 - Awaiting the appointment of a rapporteur in the Finance and Taxation Committee (CFT)
BILL 2991/2021	Provides for the supply of sanitary pads in primary health care units.	Marília Arraes	PE	PT	08/26/2021	Joined to BILL 1702/2021 - Ready for discussion in the Health Committee (CSAUDE)

BILL 2946/2021	Provides for the reduction to zero of the PIS/Pasep and Cofins Contribution rates levied on imports and on gross sales revenue in the domestic market for sanitary pads and tampons.	Aline Gurgel	AP	REPUB LICAN OS	08/24/2021	Joined to BILL 217/2021 - Awaiting appointment of rapporteur in the Finance and Taxation Committee (CFT)
BILL 1702/2021	Establishes the Policy of Awareness about Menstruation and Universal Access to Hygienic Absorbents within the scope of the Unified Health System (Menstruation without Taboo).	José Guimarães	EC	PT	05/05/2021	Ready for discussion in the Health Committee (CSAUDE)
BILL 2683/2021	Provides for the guarantee of Menstrual Dignity for girls and women from the groups it mentions.	Tereza Nelma	AL	PSDB	08/03/2021	Appended to BILL 1702/2021 - Ready for discussion in the Health Committee (CSAUDE)
BILL 2779/2021	Creates the Week to Combat Menstrual Poverty.	Célio Studart	EC	PV	08/10/2021	Joined to BILL 1702/2021 - Ready for discussion in the Health Committee (CSAUDE)
BILL 3518/2021	Creates the Fund for the Promotion and Protection of Menstrual Health.	Alê Silva and Carla Zambelli	MG/ SP	PSL	10/13/2021	Joined to BILL 1702/2021 - Ready for discussion in the Health Committee (CSAUDE)
BILL 3085/2019	Stipulates the exemption of IPI - Tax on Industrialized Products levied on the feminine	André Fufuca	MA	PP	05/22/2019	Awaiting Rapporteur in the Finance and Taxation Committee (CFT)

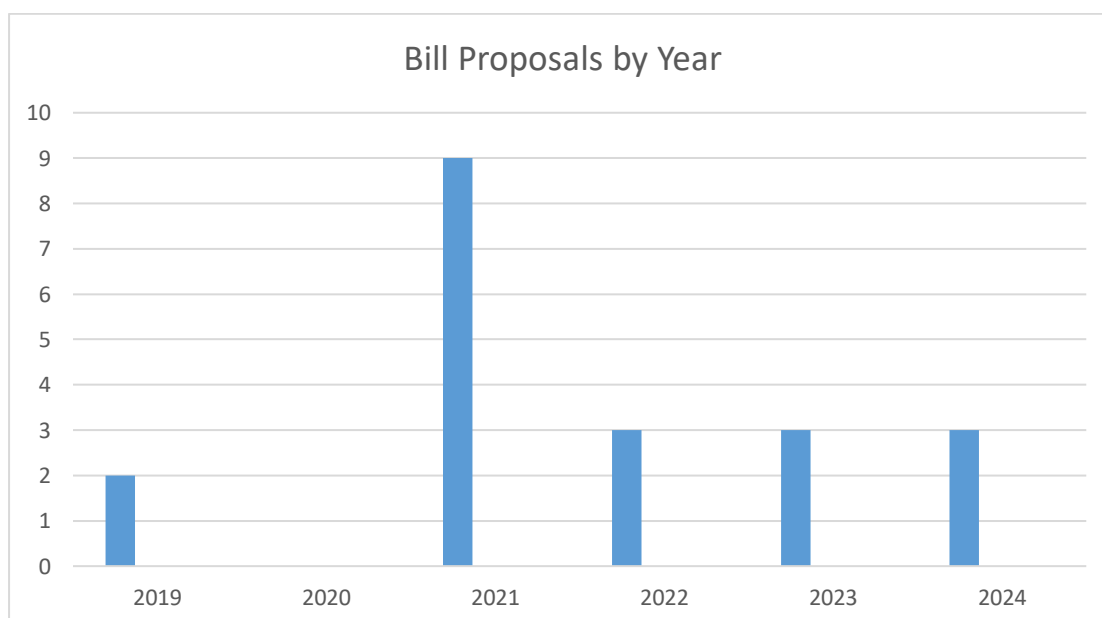
	hygiene products mentioned here.					
BILL 1143/2019	Adds article to the Consolidation of Labor Laws, approved by Decree-Law No. 5,452, of May 1, 1943, to provide for absence from work during the employee's menstrual period.	Carlos Bezerra	MT	MDB	02/26/2019	Awaiting the appointment of a rapporteur in the Labor Committee (CTRAB)

Source: own elaboration

Graph 1 shows the annual distribution of Bills in progress in the Chamber of Deputies that address the issue of menstrual dignity, from 2019 to 2024. The visualization allows us to identify peaks and falls in the proposition of parliamentary initiatives, highlighting not only legislative behavior over the years, but also possible external influences, such as social and health contexts.

This graphical representation contributes to understanding the degree of priority given to the issue by Parliament and makes it possible to infer moments of greater legislative mobilization. It also serves as a starting point for more in-depth analysis of the profiles of the authors of the proposals (such as gender, party and ideology), the predominant contents and the evolution of institutional sensitivity to the issue of menstrual health and dignity.

Graph 1. Proposals by year (2019-2024)



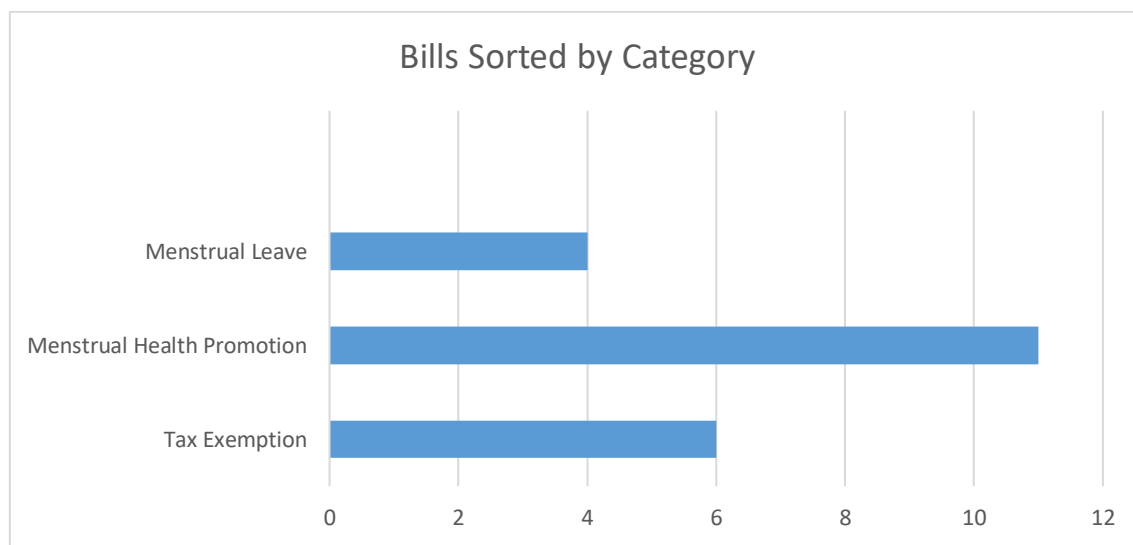
Source: Own elaboration

Between 2019 and 2024, 21 legislative proposals were presented on the subject of menstrual dignity. In 2019, two proposals were filed and are still being processed. In the following year, 2020, marked by the start of the Covid-19 pandemic, there were no new proposals, given the redirection of legislative agendas towards tackling the health and socio-economic crisis. In 2021, there was a significant increase in parliamentary interest with nine proposals submitted - possibly influenced by the strengthening of the public debate on menstrual poverty and the sanction of Law No. 14,214/2021, which established the Menstrual Health Protection and Promotion Program.

In subsequent years, there has been a drop in proposals: three in 2022, four in 2023 and again three in 2024 to date. This pattern could indicate either a dispersion of priorities on the legislative agenda⁽¹⁰⁾ or a possible stabilization of the issue as a secondary agenda.

When the bills were analyzed qualitatively, a recurrence of content and objectives was identified, which made it possible to categorize them into three main thematic axes: Menstrual Leave, Tax Exemption and Menstrual Health Promotion. This categorization not only makes it easier to understand the legislative strategies, but also reveals the degree of Parliament's commitment to different dimensions of the problem: the first (menstrual leave) refers to the impact of menstruation on productivity and well-being at work; the second (promotion of menstrual health) relates to a more comprehensive approach, involving education, free distribution of sanitary pads and combating menstrual poverty; and the third (tax exemption) refers to financial access to menstrual products.

Graph 2. Thematic axes



Source: own elaboration

Menstrual leave

The "Menstrual Leave" category groups together bills that propose creating legal mechanisms to guarantee time off work during the menstrual period, especially in cases where women experience severe or disabling symptoms⁽¹⁷⁾ severe or disabling symptoms. These proposals aim to recognize, in the legal and labor spheres, the biological specificities that directly impact the productivity and well-being of female workers, promoting equity in working conditions.

There are currently four bills in the pipeline that address this issue: Bill 1094/2024, Bill 1719/2023, Bill 1249/2022 and Bill 1143/2019. Although these bills vary in their proposals, they

converge in their intention to institutionalize the right to menstrual leave as a public policy for health and dignity at work. With regard to the proposals that have been shelved, only one bill - Bill 6784/2016 - is in this category, which indicates that the discussion on the subject is still recent and faces challenges in consolidating itself on the national legislative agenda.

Analyzing the justification for Bill 1094/2024⁽¹⁸⁾ the author, Deputy Josenildo PDT/AP, states that between 70% and 90% of women in Brazil suffer from menstrual pain, in line with the international average. In other words, around 33 million Brazilian women face primary menstrual cramps, which affects their productivity and causes absenteeism from work. The author also states that the implementation of menstrual leave is a low-cost measure that improves the well-being of female employees, ensures the necessary care during the menstrual cycle without affecting job stability or pay and promotes gender equity in the workplace. The author emphasizes the approval of menstrual leave by occupational medicine.

Bill 1719/2023 recognizes school absenteeism and the loss of content due to absences, but defends two days off each month - without prejudice to salary, for working women, including proposing the home office. Bill 1249/2022⁽¹⁷⁾ aims to guarantee three days off, just like Bill 1143/2019. Both justifications mention the United Kingdom, which already offers this right to female workers. In Japan, China and South Korea, menstrual leave has existed for decades. Spain adopted menstrual leave in 2023. In the Federal District, menstrual leave is already possible for female civil servants, but is not extended to the rest of the population⁽¹⁹⁾.

Recognition of the serious symptoms caused by menstruation led to the creation of these four projects aimed at ensuring respect for rest during the menstrual period, seeking to protect women's physical and mental health and ensure that they have adequate conditions to deal with the difficulties of this cycle, without detriment to their well-being and productivity. These bills propose measures that include the possibility of temporary leave from work during the days when symptoms are most intense, ensuring rights and promoting menstrual dignity. But the bills do not mention school leave, i.e. they do not extend the benefit to children and adolescents. Nor do they mention transgender people. And for proposals as important as these, which mention the term menstrual dignity, it is necessary to respect and bring visibility to all gender identities, not least to prevent exclusions from happening to these people⁽²⁰⁾.

Menstrual hygiene management is still a neglected dimension of sexual and reproductive health, especially in contexts of greater social vulnerability, such as low- and middle-income countries. This represents an additional challenge for adolescents and women, as well as other aspects such as teenage pregnancy, abortion and contraception, which have also historically been overlooked in these regions⁽²¹⁾.

Promotion of menstrual health and free distribution of sanitary pads

The second category brings together bills that address menstrual dignity in a broader way, including public policies for the free distribution of sanitary pads, educational campaigns, inclusion of the subject in the school curriculum, and measures to assist vulnerable populations - such as public school students, people in prison and homeless people. This approach is based on an intersectional perspective, considering how inequalities of gender, race, class and territory have a disproportionate impact on access to dignified menstruation. It is worth noting that no projects were found that target indigenous women.

The absence of specific bills on menstrual dignity aimed at indigenous women highlights an important gap in the formulation of inclusive public policies in Brazil. Although menstrual dignity is a human and reproductive health right, the reality of indigenous women is marked by additional barriers, such as difficult access to menstrual products, precarious health infrastructure in the villages, and the invisibility of their demands in the national political debate.

This category contains the largest number⁽²²⁾ of projects aimed at expanding free access to sanitary pads and projects that establish dates or programs aimed at raising awareness and combating menstrual poverty. There are 11 draft laws. They are: Bill 1621/2024, Bill 1309/2024, Bill 59/2023, Bill 4214/2023, Bill 1396/2022, Bill 1191/2022, Bill 2683/2021, Bill 2991/2021, Bill 1702/2021, Bill 2683/2021 and Bill 2779/2021. If you look at the archived bills in this category, you'll notice that there are 18 of them. They are (Bill 3461/2015, Bill 428/2020, Bill 6340/2019, Bill 5474/2019, Bill 4968/2019, Bill 1191/2022, Bill 1547/2021, Bill PL 1686/2021, Bill 672/2021, Bill 61/2021, Bill 2653/2021, Bill 2092/2021, Bill 2780/2021, Bill 1807/2021, Bill 1547/2021, Bill 1191/2022, Bill 2400/2021, Bill 2992/2021). These are the main bills that contributed to the creation of Law 14.214/2021.

When consulting the full content of the bills, one can see relevant references for the formulation of the proposals, such as the frequently mentioned UNICEF data⁽⁵⁾. These references indicate an in-depth understanding of the concept of menstrual dignity by the proponents of left-wing parties, as exemplified in Bill 1396/2022⁽²³⁾ authored by Tábata Amaral from PSB/SP, which addresses the importance of access to information about menstrual health, in order to raise awareness of diseases and generate early detection. The author also mentions the importance of access to basic sanitation.

The United Nations Fund report⁽¹⁾ presents alarming data on the lack of menstrual dignity in Brazil: 320,000 schoolgirls attend schools without proper toilets; 1.4 million girls do not have toilet paper in school toilets; and 3.5 million girls do not have soap in school toilets. In addition, the survey reveals that 900,000 girls live in homes without access to piped water, and 6.5 million live in places without a sewage connection. More than 713,000 Brazilian teenagers between the ages of 13 and 19 do not have a toilet at home. In situations of such scarcity, spending on sanitary pads is difficult.

Bill 4214/2023, proposed by Alexandre Lindemeyer of the PT/RS, establishes that basic food baskets distributed within the scope of the National Food and Nutritional Security System (SISAN) should include hygiene items such as sanitary pads. This initiative aims to promote menstrual dignity and expand access to basic hygiene items for people in vulnerable situations, integrating essential personal care products into food assistance in order to better meet the needs of women and people who menstruate.

Bill 1702/2021, proposed by José Guimarães PT/CE, has five related bills and is ready for the Health Committee's agenda. It is the most comprehensive bill covering and meeting the needs of menstrual dignity, with the following objectives: encouraging the production of sanitary pads and sustainable menstrual products, actively seeking out homeless people for health education and the provision of sanitary pads, expanding access to water and sewage, and developing research to identify regions with the highest concentration of vulnerable people. It should be noted that the project uses the term people who menstruate, which according to the literature on menstrual dignity⁽²⁴⁾ encompasses all gender identities.

Although some achievements have been made with the creation of Law 14.214/21, which guarantees the free distribution of sanitary pads to vulnerable populations, the implementation of these

policies faces structural challenges. Problems such as corruption, state bureaucracy and a lack of political will often prevent these initiatives from effectively reaching the people who most need these resources⁽¹³⁾.

Bill 1621/2024⁽²⁵⁾, authored by Congresswoman Erika Hilton of PSOL/SP, seeks to tackle the effects of the climate crisis by demanding recognition of gender inequalities in access to basic health and hygiene items. In the bill's justification, the author states that it is essential to recognize the disproportionate impact of climatic events on the menstrual dignity of women, girls and students, thus articulating the distribution of pads in regions affected by climate crises.

Bill 2683/2021 proposed by Congresswoman Tereza Nelma from PSDB/AL addresses this perspective by suggesting "sanitary pads, menstrual cups and the like in sufficient quantity for the necessary changes". The author mentions including women living on the streets and in prisons. Specific support policies in prisons and other institutions have also been implemented in countries such as the United States, England and Australia, guaranteeing free access to menstrual products for incarcerated women.

Social inequality also has a direct impact on menstrual dignity. Many people in vulnerable situations, such as those living on the streets or deprived of their liberty, do not have access to minimum hygiene conditions during their menstrual period. This scenario reflects a systemic neglect and indifference to the specific needs of people who menstruate. This precariousness is aggravated by the social stigma surrounding menstruation, generating constraints that affect, for example, the school performance of girls and adolescents who miss classes because they don't have adequate conditions to deal with their menstrual cycle⁽¹³⁾.

Bill 1191/2022 proposed by José Nelto of the PP/GO and Bill 59/2023 authored by Renata Abreu of the PODE/SP consider in their justifications that, especially among the poorest classes, such as homeless people, incarcerated women and others in extreme social and economic vulnerability, the process of menstruation becomes a problem. In these conditions, they lack the economic and financial resources to access basic hygiene items. These women are often exposed to situations of exploitation and violence, which further exacerbates menstrual injustice.

Tax exemption

The third category concerns tax exemptions and includes bills that seek to reduce or eliminate taxation on menstrual products, such as pads, menstrual cups and other intimate hygiene items. The discussion about these proposals is based on the recognition that menstruation is not a choice, but a physiological condition, and that access to menstrual products is a basic need - not a luxury. The high tax burden on these items compromises access, especially among women in situations of socio-economic vulnerability, widening structural gender and income inequalities.

When there is no adequate access to menstrual hygiene products, girls and women use improvised solutions to stop the bleeding, with used pieces of cloth, old clothes, newspaper and even breadcrumbs. Girls and women are unable to change their pads three to six times a day - as recommended by gynecologists - and remain with the same pad for many hours⁽¹⁾.

This category includes projects that propose reducing or exempting taxes on menstrual products such as pads. And the creation of a fund to guarantee the financial sustainability of sanitary napkin distribution programs. These proposals reflect a growing legislative awareness of the tax injustice

affecting menstrual care, which aligns the national debate with international movements fighting against the "pink tax" and for fair access to personal hygiene products.

The pink tax contributes to economic gender inequality, causing women to spend more throughout their lives on everyday products - adding to the wage gap that already exists. In the case of menstrual products, this is an inescapable biological condition, which makes this charge even more unfair and discriminatory. In some countries, such as France, Canada, the UK and Australia, there have already been initiatives to eliminate this practice by reducing taxes or banning gender-based price differentiation.

In this category are six bills: Bill 2852/2023, Bill 217/2021, Bill 128/2021, Bill 2946/2021, Bill 3518/2021 and Bill 3085/2019. When we look at the archived bills, only 1 bill is in this category, Bill 1664/2021.

No bills were found that correlated soap, toilet paper, paper towels, panties, cramp-reducing medicines, among others, with the needs of menstruation. This demonstrates the inability of the National Congress to perceive and be sensitive to menstruation. Guaranteeing only sanitary pads does not meet the demands of the menstrual dignity project that is widespread in other countries. The lack of other hygiene products, as well as the lack of education on the subject and the lack of basic sanitation undermine human dignity and expose the context of neglect and lack of political maturity towards menstruating people in Brazil.

The aim of the bills, in general, is to eliminate the rates of the Social Security Financing Contribution (COFINS) and the PIS/PASEP contribution levied on sanitary pads. When it comes to reducing or abolishing taxes on menstrual products, the United Kingdom, Canada, Kenya, Australia, India, Germany and France stand out as having adopted measures to facilitate access to these essential items.

In Brazil, sanitary napkins are still heavily taxed. Although they are exempt from the Industrialized Products Tax, they are still subject to federal taxes. Bill 217/2021, proposed by Marília Arraes and Professor Rosa Neide, both from PT/ PE and MT, aims to exempt sanitary napkins, tampons, menstrual cups and absorbent panties. Bill 3518/2021, authored by Alê Silva and Carla Zambelli Bill / MG and SP, aims to establish the Fund for the Promotion and Protection of Menstrual Health (FPPSM), with the aim of receiving donations for the acquisition and distribution of women's sanitary pads. In addition, the donor will be given the option of publicizing the amount donated, which goes against transparency laws in Brazil.

Studies such as that by Antunes et al.⁽²⁶⁾ show that the lack of access to menstrual hygiene products negatively affects the health and quality of life of many women. There is also a direct correlation between menstrual poverty and school absenteeism, as research by Loughnan et al.⁽²⁷⁾ highlights. Menstrual dignity, therefore, is not just a health and hygiene issue - it is a structural barrier that keeps millions of people away from full citizenship⁽²⁸⁾ and political participation.

Tax exemption for menstrual hygiene products is already adopted in countries such as Germany, Canada, Kenya and India. Others, such as France, England and Luxembourg, have opted to reduce these charges. In Scotland, the first country to offer free and universal access to these products, legislation requires local governments to make external, internal and cloth pads and items such as menstrual cups available in schools, colleges, public toilets, community centers and pharmacies, at no cost to the population, according to Agência Senado.

The approval of Law 14.214/2021 was achieved after intense debates in Congress, where the issue of menstrual dignity gained prominence through the articulation of parliamentarians and civil society organizations. This movement was driven by a broad mobilization of parliamentarians, especially from the women's caucus, who defended menstrual dignity as a public health and human rights issue.

The Program for the Protection and Promotion of Menstrual Health and Dignity, established by Decree No. 11.432/2023, regulated by Interministerial Ordinance⁽²⁹⁾ No. 729, of June 13, 2023, regulates Law No. 14.214/2021, which represents a significant step forward in this struggle, although Brazil has a long way to go. The program aims to benefit around 24 million people, prioritizing those who are socially vulnerable, such as public school students, homeless people and women deprived of their liberty^(21,30).

It should be noted, however, that Bill 59/2023, authored by deputy Renata Abreu PODE/SP, was rejected on November 5, 2024. On the 12th of the same month, the federal deputy and rapporteur of the bill, Sargento Fahur PSD/PR, presented the final vote in the Public Security Committee of the Federal Chamber. At the time, the majority of deputies - predominantly men - voted against the proposal, which provided for the compulsory distribution of sanitary pads and toilet paper in women's prisons.

Conclusion

Menstrual dignity is a fundamental right of every person who menstruates. However, this right is reserved only for those who can afford it. Black, indigenous, brown and transgender women have unequal access to this right compared to white women.

It is therefore essential that public policies promote access to adequate supplies for menstrual management, ensure water and sanitation infrastructure, and guarantee spaces that provide privacy, safety and hygiene. However, in the projects analyzed in the two legislative houses, the debate is still largely focused on the distribution of sanitary pads, without considering the complexity of the issues involved.

The discussions in the Chamber of Deputies lack the maturity to encompass the scope of the menstrual issue. Whether due to the early stage of the debates or the lack of understanding of the importance and implications of the issue, the proposals do not fully address the various factors that affect menstrual dignity.

The debate on menstrual dignity within health law must expand its understanding and scope, reinforcing the idea that health is not just the absence of disease, but full access to conditions that guarantee physical and mental well-being. The discussion on menstrual dignity brings to the center of health law an invitation to propose public policies that ensure not only access to medical treatment, but also to basic supplies and hygiene infrastructure, essential for the integral health of menstruating people.

Health law must contribute to this debate by establishing a normative and institutional basis that supports universal access to health. By recognizing menstrual health as a right, health law will create a framework for the inclusion of menstrual dignity on public agendas, ensuring that specific policies are created and implemented.

This exchange between menstrual dignity and health law should strengthen the health system by making it more inclusive and sensitive to the specific needs of people in situations of vulnerability, promoting a more holistic and egalitarian approach to health care.

With the regulation of the Program for the Protection and Promotion of Menstrual Health and Dignity and initiatives aimed at the free distribution of menstrual products, Brazil has taken a step forward in ensuring minimum conditions for menstruating people to exercise their citizenship. However, the construction of effective public policies on menstrual dignity needs to recognize that menstruation does not occur in the same way for all people and that the promotion of menstrual equity requires actions that take into account historical and structural inequalities.

This includes ensuring adequate products, access to drinking water, safe toilets, menstrual education campaigns and, above all, consulting women about their real needs. The absence of proposals focusing on indigenous women reflects a legislative agenda that still fails to recognize the plurality of women in Brazil, and reinforces the need to push for legislative actions that incorporate the country's ethnic and cultural diversity.

Bills proposing menstrual leave and support measures for women with severe symptoms signal a small awakening to the importance of menstrual health, but they are not enough to guarantee a dignified experience. The lack of integration between menstrual health, education, infrastructure and social protection reinforces the challenges, especially given the impact of menstrual poverty on school absenteeism and social exclusion. Social movements⁽³¹⁾ and activists have been essential in pushing the issue up the public agenda, promoting cultural changes and the perception of menstrual dignity as a human right.

However, with the vote to reject Bill 59/2023 on November 5, 2024, which provided for the mandatory distribution of pads and toilet paper in women's prisons, the country has taken a step backwards, demonstrating the process of violation of human rights by the Brazilian state, which continues to ignore the basic needs of this population. The denial of the right to minimum hygiene conditions for women in prison exposes the cruelty of parliamentarians who transfer the responsibility for providing these items to family members, ignoring the structural machismo that permeates the prison system, as many of these women do not receive visits or never have.

It should be noted that in the absence of the necessary items to contain menstruation, these people improvise, using pieces of towels, sheets, mattresses and even breadcrumbs. The rejection of this policy generates higher costs for the health system due to the illnesses caused by the lack of adequate materials for menstrual management. This process of progress and regression in Brazilian policies demonstrates the need for an ongoing commitment to tackling the complex demands of menstrual dignity and reducing the inequalities that limit access to health and fundamental rights for menstruating people made vulnerable by the state.

Conflict of interest

The authors declare that there is no conflict of interest.

Authors' contributions

Maciel GL contributed to the conception/design of the article, data analysis and interpretation, writing of the article, critical revision of its content. Pereira EL contributed to the critical review of its content and approval of the final version.

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