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VOL. 41 SYMPOSIUM ESSAY: SEX FOR SANITARY PADS

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The following is a part of an essay series for the Volume 41 Symposium, "Are You There Law? It's Me, Menstruation."

Sex for Sanitary Pads: Non-Consensual Trade, Menstrual Hygiene Politics & the Basic Education Amendment Bill

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"Period" and "menstruation" are words often whispered rather than spoken, due to the taboo against menstruation in Africa and the Western world. The physical, metabolic phenomenon of menstruation creates such shame and embarrassment that at least three out of ten girls in remote areas in Kenya miss school during their periods because of menstruation stigmatization or a lack of access to menstrual hygiene products.[1] Widespread prejudice against menstruation is reflected clearly in the cost of a pack of sanitary towels, priced at Ksh75, less than \$1 (USD).[2] Despite pressure from non-governmental organizations for governments to waive taxes on sanitary towels, the cost of sanitary towels continues to be one of the main issues affecting young girls across the globe. A tax waiver would significantly reduce the cost of sanitary towels and increase accessibility. The taboo of menstruation creates a culture of silence, which makes tax waivers on sanitary towels an issue leaders do not aggressively table in parliament. Menstruation taboo in Kenya also implicates issues affecting girls beyond access to menstrual hygiene products, ranging from early marriage and pregnancy to female genital mutilation.[3]

Period poverty is prevalent in parts of Africa. In Kenya, shame, stigma, and inadequate knowledge around menstrual hygiene have led to transactional sex in exchange for sanitary towels. This pervasive sexual abuse of young girls under the age of 15 highlights the barriers to accessing menstrual hygiene products, deeply entrenched societal stigma, and misinformation regarding menstruation. Politicians strategically leverage menstrual hygiene politics in election campaigns by highlighting the percentage of girls missing weeks of school each year, yet conveniently sweep

menstrual issues under the rug immediately after assuming office.

In 2017, President Uhuru Kenyatta signed the Basic Education Amendment Act Bill into law. The law provides schoolgirls who have reached puberty with free sanitary towels. Three years later, the Kenyan government has yet to honor its promise. How does the law address the complexities of a bill signed into law that has not yet been implemented?

[1] Molly Secor-Turner et al., Adolescent Experience of Menstruation in Rural Kenya, 4 Nursing Research 301, 301-305 (2016).

[2] J.J. Lanji Ouko-Awori, The Lady Grace; Enlightening and Empowering Even as You Generate Income, Nairobi Business Monthly (Jul. 1, 2016).

[3] Id.

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