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NAVIGATING MENSTRUATION WITH DISABILITIES: UNIQUE CHALLENGES AND EMPOWERMENT

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Abstract

This abstract discusses the unique challenges faced by individuals with disabilities while menstruating and highlights empowerment strategies to address these challenges. It also examines the concept of menstrual leave in India and its pros and cons, as well as the disability rights landscape in the country. The abstract emphasizes the importance of recognizing the diverse experiences of disabled individuals and fostering an inclusive environment that supports their well-being and needs.

Keywords: Menstrual leave, Disability, differently-abled persons.

INTRODUCTION

Navigating menstruation with disabilities brings forth unique hurdles that may elude those without disabilities. These challenges, contingent on the nature and intensity of the disability, often center around accessibility, communication, and physical comfort. Empowerment emerges through fostering awareness, advocating for all-encompassing solutions, and endorsing self-care strategies tailored to individual requisites.²¹⁷ The obstacles encompass physical constraints individuals grappling with mobility issues or chronic pain might encounter difficulties in managing menstrual hygiene products and upholding personal cleanliness during menstruation. Communication hurdles arise for those with speech impairments, potentially obstructing the articulation of menstrual needs or discomfort and resulting in inadequate care from caregivers and healthcare professionals. Sensory processing disorders can heighten

sensitivities to menstruation's sensory aspects, like the texture or scent of menstrual products. Cognitive disabilities can curtail one's comprehension of menstruation, hindering informed decisions about menstrual hygiene and reproductive health. Additionally, barriers to accessing accurate information on menstruation and reproductive health are encountered by those with visual or cognitive impairments.²¹⁸

Empowerment strategies encompass multiple fronts: initiating education and awareness campaigns to shed light on the tribulations confronted by individuals with disabilities during menstruation; advocating for inclusive design of menstrual hygiene products and facilities that take into account accessibility requirements; providing tailored support plans that cater to individual needs, including assistance with changing menstrual products and addressing sensory or comfort issues; rallying for policies guaranteeing equitable access to appropriate

²¹⁷ Elisabeth H Quint, 'Menstrual Issues in Adolescents with Physical and Developmental Disabilities' (2008) 1135 *Annals of the New York Academy of Sciences* 230.

²¹⁸ 'Managing Menstruation for Women and Girls with Disabilities | MHD Day' <<https://menstrualhygieneday.org/managing-menstruation-for-women-and-girls-with-disabilities/>> accessed 17 August 2023.



menstrual hygiene products, facilities, and education; encouraging the formulation of personalized self-care strategies, including using sensory-friendly products, adopting comfortable clothing, and practicing mindfulness techniques; fostering peer support networks to facilitate the sharing of experiences and mutual encouragement; fostering collaboration with healthcare professionals attuned to the specific needs of individuals with disabilities; utilizing technology such as reminder apps and communication tools to manage menstrual cycles and convey needs effectively.²¹⁹ Ultimately, empowerment emanates from a recognition of the distinct needs and challenges faced by individuals with disabilities during menstruation, and from working collectively to establish an environment that champions inclusivity, support, and respect for their rights and dignity.

MENSTRUAL LEAVE IN INDIA

In India, some companies and organizations have started to offer menstrual leave, allowing women to take time off from work during their menstrual periods. The idea behind this leave is to acknowledge and address the physical and emotional challenges that some women may face during their menstruation. However, as of my last update, there was no nationwide law or regulation mandating menstrual leave in India.²²⁰ The practice of offering menstrual leave varied from company to company and was not uniformly adopted.

In India, strides have been made to tackle menstrual health and hygiene through diverse approaches. The launch of the "Menstrual Hygiene Scheme" in 2011 exemplifies efforts to provide subsidized sanitary napkins to rural adolescent girls. In tandem, the "Swachh Bharat Abhiyan" or Clean India Campaign underscores the significance of constructing separate

sanitation facilities for girls and women, acknowledging the criticality of privacy and hygiene during menstruation. While the Maternity Benefit Act of 1961 furnishes benefits to women during pregnancy and childbirth, including paid maternity leave, its focus primarily centers on maternity-related concerns, not specifically addressing menstrual leave. Nonetheless, certain Indian companies and organizations have proactively adopted policies such as menstrual leave or flexible work arrangements, aiming to alleviate challenges women encounter during their menstrual cycles. Despite the absence of an explicit constitutional provision for menstrual leave, the overarching principles of gender equality and health rights enshrined in the Indian Constitution can be construed to endorse endeavors that safeguard women's welfare, encompassing menstrual health and essential support.²²¹

PROS OF MENSTRUAL LEAVE IN INDIA:

Acknowledgment of Biological Reality

Menstrual leave recognizes the biological differences between men and women, acknowledging that menstruation can lead to physical discomfort, pain, and other symptoms that may affect a woman's ability to work efficiently.

Health and Well-being

Menstrual leave allows women to prioritize their health and well-being. It can help reduce stress and anxiety related to trying to manage work responsibilities while dealing with menstrual symptoms.

Productivity and Performance

By providing menstrual leave, employers can ensure that female employees are not forced to work in suboptimal conditions, which can lead to decreased productivity and performance.

²¹⁹ Poornima Thapa and M Sivakami, 'Lost in Transition: Menstrual Experiences of Intellectually Disabled School-Going Adolescents in Delhi, India' (2017) 36 *Waterlines* 317.

²²⁰ Sayed Quadrat Hashimy, 'Emerging Paradigm of Disability Laws and Protecting Differently Abled Person: Flying Kites in the Indian Sky' (10 March 2023) <<https://papers.ssrn.com/abstract=4383911>> accessed 17 August 2023.

²²¹ 'Systematic Review of Menstrual Hygiene Management Requirements, Its Barriers and Strategies for Disabled People - PMC' <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6365059/>> accessed 17 August 2023.



Gender Equality

Menstrual leave promotes gender equality by addressing a specific issue that uniquely affects women. It sends a message that workplaces are sensitive to the needs of women and their bodily experiences.

Reduced Stigma and Open Dialogue

Offering menstrual leave can contribute to destigmatizing conversations about menstruation. It can encourage open discussions, leading to better workplace policies and understanding about women's health.

CONS OF MENSTRUAL LEAVE IN INDIA

Gender Stereotyping

Critics argue that offering menstrual leave could reinforce gender stereotypes by suggesting that women are less capable of working during their periods. This could potentially hinder women's career growth and opportunities.

Workplace Disruption

Employers might be concerned about the potential disruption caused by employees taking periodic menstrual leave, particularly if a significant number of female employees decide to take leave at the same time.

Workload Imbalance

The burden of work might shift to other employees when a colleague takes menstrual leave. This could lead to resentment or strain on the team dynamics.

Discrimination

There's a potential risk of discrimination against women during recruitment or promotion processes if employers fear higher absenteeism due to menstrual leave.

Administrative Complexity

Managing and tracking menstrual leave might add complexity to leave management systems,

requiring companies to develop clear policies and mechanisms to ensure fairness.

Privacy and Stigma

Some women might feel uncomfortable discussing their menstrual cycles openly or taking menstrual leave due to the stigma still associated with menstruation in some parts of society.

DISABILITY IN INDIA

The Rights of Persons with Disabilities Act, 2016 is a significant legislation in India that addresses various aspects of disability rights. The Act replaced the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act of 1995. This newer act expanded the definition of disability and increased the number of recognized disabilities from 7 to 21.²²² It also introduced provisions related to education, employment, accessibility, and non-discrimination. The Act aims to ensure that persons with disabilities have equal opportunities, protection of rights, and full participation in various aspects of life. It mandates that the government and other institutions take steps to provide accessible infrastructure and services for people with disabilities.

Employment-related provisions under the Act include promoting equal opportunities, non-discrimination, and reservation of vacancies for persons with disabilities in government establishments and other organizations. Private sector companies are also encouraged to provide equal opportunities to persons with disabilities.²²³

It is worth noting that enforcement and implementation of these laws and provisions can vary, and societal attitudes toward disability can also influence the practical outcomes for people with disabilities in India..

²²² Hashimy, 'Emerging Paradigm of Disability Laws and Protecting Differently Abled Person' (n 4).

²²³ Sayed Qudrat Hashimy, 'Emerging Paradigm of Disability Laws and Protecting Differently Abled Person: Flying Kites in the Indian Sky' (2023) 3 1.



Disability refers to any physical or mental condition (impairment) that creates obstacles for an individual to engage in specific activities (activity limitation) and interact with their surroundings (participation restrictions).²²⁴

Various forms of disabilities exist, impacting aspects like:

- Eyesight
- Mobility
- Cognitive processes
- Memory
- Learning Abilities
- Communication skills
- Hearing capacity
- Emotional well-being
- Social connections

The World Health Organization outlines three aspects of disabilities

Dimensions of Disability	Examples
Impairment	Loss of limb, vision impairment, memory loss
Activity Limitation	Difficulty walking, hearing impairment, problem solving
Participation Restrictions	Inability to work, limited social activities, healthcare access

Disability can arise from conditions that are congenital and might impact functions later in life. These conditions encompass aspects like cognition (memory, learning, and comprehension), mobility (navigation within the surroundings), eyesight, hearing, behavior, and more. These conditions can result from:

1. Genetic disorders affecting individual genes (like Duchenne muscular dystrophy).
2. Chromosomal disorders (such as Down syndrome).

3. Maternal exposure during pregnancy to infections (like rubella) or substances like alcohol or cigarettes.

While the term "people with disabilities" is often used to describe a singular group, it actually encompasses a diverse spectrum of individuals with distinct requirements. Even when sharing the same type of disability, two people might experience it differently. Some disabilities may remain unseen or not readily apparent.

It is important to recognize that the challenges faced by differently-abled persons in India are deeply rooted in the broader context of armed conflicts, political instability, and socioeconomic disparities. Resolving the conundrum of differently abled persons necessitates a comprehensive and long-term approach that addresses not only the immediate needs but also the underlying causes of their marginalization and exclusion. By exploring the intricate conundrum surrounding their lives, it provides a comprehensive understanding of the unique struggles they endure, while emphasizing the importance of their empowerment and integration into society. I believe that by raising awareness through such publications, we can foster positive change and work towards building a society that embraces diversity, offers equal opportunities, and ensures the well-being of all its citizens.

THE CHALLENGES OF DISABLED PERSONS DURING MENSTRUATION

Disabled individuals can face unique challenges during menstruation due to the intersection of their disabilities with the physical and emotional demands of their menstrual cycles. Here are some challenges that disabled persons may experience during menstruation:

Physical Discomfort and Pain

Many disabled individuals already experience chronic pain or physical discomfort as part of their condition. Menstrual cramps and other menstrual-related symptoms can exacerbate

²²⁴ CDC, 'Disability and Health Disability Barriers | CDC' (Centers for Disease Control and Prevention, 4 September 2019) <<https://www.cdc.gov/ncbddd/disabilityandhealth/disability-barriers.html>> accessed 17 August 2023.



their existing discomfort, making it even more challenging to manage their daily activities.²²⁵

Limited Mobility

People with mobility impairments may find it difficult to access restrooms or change menstrual products independently. This can lead to a lack of privacy, discomfort, and challenges in maintaining hygiene.

Sensory Sensitivities

Some disabled individuals have sensory sensitivities that can be heightened during menstruation. Sensitivity to certain textures, smells, or sounds can make using menstrual products more uncomfortable or overwhelming.²²⁶

Assistance Requirements

Disabled individuals who require assistance with personal care tasks may face challenges in receiving the necessary support during menstruation. Assistance with changing menstrual products, maintaining hygiene, and managing pain may be crucial but could be compromised due to lack of support.²²⁷

Access to Menstrual Products

Access to appropriate and affordable menstrual products can be a challenge for disabled individuals, especially if their condition limits their ability to visit stores or access online shopping platforms.²²⁸

Communication Barriers

Those with communication disabilities may struggle to express their needs during menstruation, making it challenging for

caregivers, family members, or medical professionals to provide the necessary support.

Emotional Well-being

Menstruation can already impact emotional well-being due to hormonal changes. For disabled individuals, who may already grapple with mental health challenges related to their disabilities, these emotional shifts can be particularly challenging to navigate.

Lack of Awareness and Accommodations

Many public spaces, workplaces, and educational institutions lack accommodations for individuals with disabilities during menstruation. This lack of awareness and consideration can contribute to feelings of isolation and frustration.

Medical Interactions

Some disabled individuals may have medical conditions or medications that interact with their menstrual cycle. This can lead to unique health concerns that require specialized medical attention and management.

Stigma and Social Isolation

Disabled individuals may already experience stigma and social isolation due to their disabilities.²²⁹ The stigma around menstruation in some societies can further exacerbate feelings of shame or exclusion.

Addressing these challenges requires a holistic approach that takes into account both the specific needs of disabled individuals and the broader societal attitudes towards menstruation and disability. This includes promoting awareness, advocating for inclusive policies, improving access to menstrual products and facilities, and fostering a supportive and empathetic environment for all individuals, regardless of their abilities.

²²⁵ Khalidha Nasiri and others, 'Disability Types, Determinants and Healthcare Utilisation amongst Afghan Adults: A Secondary Analysis of the Model Disability Survey of Afghanistan' (2023) 13 BMJ Open e062362.

²²⁶ *ibid*.

²²⁷ Jane Wilbur and others, 'Qualitative Study Exploring the Barriers to Menstrual Hygiene Management Faced by Adolescents and Young People with a Disability, and Their Carers in the Kavrepalanchok District, Nepal' (2021) 21 BMC Public Health 476.

²²⁸ "Disability Is Not Weakness": Discrimination and Barriers Facing Women and Girls with Disabilities in Afghanistan | HRW' <<https://www.hrw.org/report/2020/04/28/disability-not-weakness/discrimination-and-barriers-facing-women-and-girls>> accessed 11 June 2023.

²²⁹ 'Survivors and Disability of Armed Conflicts: The Conundrum of Differently Aabled Persons in Afghanistan Sayed Quadrat Hashimy' <https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAAAJ&cstart=20&pagesize=80&citation_for_view=_XhWcpEAAAAJ;zVd9Rc0DoukC> accessed 17 August 2023.



Menstruation can pose distinctive challenges for individuals with disabilities. These difficulties can stem from physical, cognitive, sensory, or emotional limitations. Nevertheless, it's crucial to underscore that each person's encounter is unique, demanding that their individual requirements and preferences be treated with respect and accommodation.

CHALLENGES

- i. Depending on the specific disability, individuals might encounter challenges performing tasks like changing menstrual products, upholding personal hygiene, and managing pain and discomfort.
- ii. Certain menstrual products might become uncomfortable or distressing due to sensory sensitivities. Additionally, sensory overload during menstruation could worsen stress or anxiety.
- iii. Communication disabilities can hinder individuals from effectively expressing their menstruation-related needs, preferences, and discomfort, leading to unaddressed concerns.
- iv. Cognitive disabilities may influence an individual's grasp of menstruation, its purpose, and effective management strategies.
- v. Emotional or mental health disabilities might complicate managing emotions influenced by hormonal changes during menstruation.

EMPOWERMENT STRATEGIES

- i. Personalized support tailored to each individual's unique circumstances is essential. Collaborating closely with caregivers, medical professionals, and support networks can yield customized strategies.
- ii. Exploring an array of menstrual products to discover those that are comfortable and manageable is pivotal. Adaptive options like reusable pads with Velcro

attachments or menstrual cups with applicators could offer assistance.

- iii. Visual aids and social stories can provide accessible and understandable explanations about menstruation for individuals with cognitive disabilities.
- iv. Establishing a safe and open environment for communication is paramount. Encouraging conversations about menstruation, pain management, and emotional well-being is vital.
- v. Empowerment workshops focused on enabling individuals with disabilities to manage menstruation can bolster confidence and alleviate anxiety.
- vi. Creating a robust support network comprising caregivers, friends, family, and professionals ensures the comprehension and fulfillment of the individual's needs.
- vii. Advocating for inclusivity in public spaces, restrooms, and workplaces is essential to guarantee accessible facilities and accommodations for menstruation management.
- viii. Acknowledging the potential emotional repercussions of menstruation for individuals with disabilities and facilitating access to mental health support when necessary.
- ix. Teaching self-care techniques that align with an individual's abilities, such as gentle exercises, breathing exercises, or activities that promote sensory calmness.

MENSTRUAL LEAVE AND WOMEN EMPOWERMENT

Menstrual leave refers to a workplace policy that allows individuals who experience menstruation to take paid time off during their menstrual cycle.²³⁰ The concept of menstrual leave is rooted in recognizing the physical and emotional challenges that some people may face during their periods and aiming to provide them with a supportive and inclusive work environment. The idea behind menstrual leave

²³⁰ Sayed Qudrat Hashimy, 'Legal Paradigm of Menstrual Paid Leaves Policy in India: A Jurisprudential Discourse' (2023) 1 Trinity Law Review.



intersects with women's empowerment in several ways:

Health and Well-being

Menstrual cycles can bring about various physical and emotional symptoms, including pain, fatigue, mood swings, and discomfort. Allowing individuals to take menstrual leave acknowledges the need for self-care and supports their overall well-being.

Equality and Equity

Menstrual leave can contribute to gender equality by recognizing the unique challenges faced by people who menstruate. It helps level the playing field by acknowledging the differences between people with regard to their biological experiences.

Reducing Stigma and Taboos

Menstruation has long been associated with stigma and cultural taboos. Implementing menstrual leave policies can help destigmatize the topic and promote open conversations about women's health, which in turn contributes to women's empowerment by challenging societal norms.

Workplace Inclusivity

Providing menstrual leave fosters a more inclusive workplace environment by accommodating the needs of all employees, regardless of their gender. This inclusivity can create a stronger sense of belonging and empowerment among employees.

Reducing Absenteeism

By providing menstrual leave, companies can potentially reduce absenteeism due to menstrual-related issues. This contributes to a more productive and efficient workforce.

Promoting Advocacy

Menstrual leave policies can serve as a starting point for broader discussions about gender equality and women's health rights. This can lead to advocacy for better healthcare,

menstrual hygiene education, and improved workplace conditions.

Changing Workplace Culture

Introducing menstrual leave can signal a shift in workplace culture that prioritizes employees' overall health and well-being. This change in perspective aligns with the principles of women's empowerment, as it acknowledges and values the contributions of individuals with diverse experiences.²³¹ For instance, some argue that such policies could inadvertently reinforce stereotypes or lead to discrimination in hiring decisions. Striking a balance between supporting women's health and avoiding unintended negative consequences is crucial.

CONCLUSION

In a nutshell, circumnavigating menstruation with disabilities unveils a realm of challenges that necessitate tailored solutions and empowerment strategies. Individuals with disabilities encounter hurdles ranging from physical limitations and sensory sensitivities to communication barriers and cognitive difficulties. Empowerment is derived from proactive measures such as education and awareness campaigns, advocating for inclusive design, offering personalized support plans, and fostering collaboration with healthcare providers. Encouraging self-care practices, creating peer support networks, and leveraging technology further amplify empowerment efforts. It is imperative to recognize that empowerment encompasses not only addressing the unique challenges but also creating an inclusive and supportive environment that respects the rights and dignity of individuals with disabilities. By embracing these strategies, we can work towards a society that ensures everyone's needs are met, regardless of their abilities, and

²³¹ Rachel B Levitt and Jessica L Barnack-Tavlaris, 'Addressing Menstruation in the Workplace: The Menstrual Leave Debate' in Chris Bobel and others (eds), *The Palgrave Handbook of Critical Menstruation Studies* (Palgrave Macmillan 2020) <<http://www.ncbi.nlm.nih.gov/books/NBK565643/>> accessed 17 August 2023.



where menstruation is not a barrier to personal well-being and empowerment.

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